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Dennis J. Smith

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PROCURING A RIGHT-OF-WAY:
JAMES J. HILL AND INDIAN RESERVATIONS
1886-1888

By
Dennis J. Smith
B.S., Montana State University, 1972

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Approved by:

[Signature]
Chairman, Board of Examiners

[Signature]
Dean, Graduate School

[Date]

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In the summer of 1887, James J. Hill extended the St. Paul, Minneapolis and Manitoba Railroad (or Manitoba Railroad) westward from Minot, Dakota Territory, to Helena, Montana Territory. He achieved this Montana extension, a staggering 643 miles, only by painstaking planning and execution. Of the multiple problems Hill faced, the Fort Berthold and Blackfeet Reservations proved to be among the most formidable. Hill achieved most of his goals concerning his Montana penetration, a fact all the more impressive considering the youth of the Manitoba Railway.

In 1881 the Manitoba Railroad was a small yet remarkably successful railway dominating the north-south axis between Minneapolis and Winnipeg. This railway owed its extraordinary success to two factors: its hegemony over transportation in the Red River Valley and extensive land grants in that valley.

James J. Hill, the leading force among the Manitoba’s directors, understood that a small branch railway, however successful, could not long survive without a transcontinental connection. Hill’s arch-rival railroad, the Northern Pacific, forced him to look northward to Canada for that linkage. Hill envisioned an alliance with the Canadian Pacific Railroad, a company reorganized in the late 1870’s and with plans to become Canada’s first
transcontinental railway. He wanted the Canadian Pacific to route south of Lake Superior, enter the United States at Sault St. Marie, cross Michigan and Wisconsin, and then proceed to Winnipeg via Hill's Manitoba Railroad. By 1880, however, the Canadian Pacific had chosen an all-Canadian route and Hill's plans evaporated. (3)

At that point, Hill probably determined that the Manitoba would have to build its own transcontinental road, sandwiched between the Canadian Pacific and the Northern Pacific Railroads. Hill's biographers, Joseph Gilpin Pyle and Albro Martin, maintain that Hill had for many years envisioned his own transcontinental railway, though neither can pinpoint an exact date when that vision translated into a concrete plan. (4)

As early as 1881, competition from large Chicago-based railroads, and particularly the formidable Chicago, Milwaukee and St. Paul Railroad (or Milwaukee Railroad), probably forced Hill to begin his westward expansion. (5) By 1883 Hill reached the north shore of Devil's Lake in Dakota Territory—eighty miles west of the Red River. In 1886 the Manitoba reached the small western Dakota town of Minot, named after the Manitoba's recently hired Vice-President, Henry D. Minot. (6) At Minot, however, the Manitoba stalled.

Obstructing the Manitoba were the Fort Berthold and
the Blackfeet Reservations. Indian lands had always posed
unique problems for railroads. Legally, Indian
reservations were not public lands and railroads needed
special permission from the federal government in order to
secure right-of-way easements. This contrasted with
easements across public lands which had been assured by
general statute in 1875. (7)

As can be seen from Figure 1, Fort Berthold proved to
be the immediate obstacle. The so-called "Three Affiliated
Tribes," composed of the Arikara, Mandan, and Gros Ventre,
resided on this reservation which President Grant had
established by executive order in 1870 (see Figure 3). Except for a tiny strip of land, this reservation
restricted the Affiliated Tribes to lands south of the
Missouri River in western Dakota and eastern Montana
Territories. (8)

In 1880, and again by executive order, President Hayes
substantially reduced the reservation. By this order Hayes
did two important things: First, he extinguished all
Berthold lands in Montana Territory and a significant
portion in Dakota Territory; Second, he extended the
reservation with a large strip of land north of the
Missouri. (9) (See Figure 1) This executive order was also
conspicuously favorable to the interests of the Northern
Pacific Railroad.

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The Northern Pacific crossed directly through the 1870 reservation and President Hayes clearly wanted to open to public domain all Berthold lands within the Northern Pacific’s forty mile land grant tier. In fact, his executive order specifically used the Northern Pacific’s land grant boundary in determining the Berthold lands to be extinguished.

More curious was the extension north of the Missouri River. Hayes had departed from the precedent of previous federal agreements with the Fort Berthold tribes. Except for one minor exception, the federal government had never formally acknowledged Fort Berthold Indian claims north of the Missouri River. The 1851 Fort Laramie Treaty restricted the Three Affiliated Tribes to lands south of the Missouri (10). President Grant’s 1870 Executive Order confined the Berthold tribes to the south side of the Missouri, except for a tiny strip north of the river which included the already existing Indian village of Berthold.(11)

This extension of the Fort Berthold Reservation north of the Missouri River lay directly in the path of the Manitoba Railroad were it to build toward the Pacific coast. Granted, at this time the Manitoba was confined to the Red River Valley and posed no explicit threat to the Northern Pacific. However, even at this early stage the
Northern Pacific carefully monitored any efforts by Hill to extend the Manitoba westward. (12) Evidence implicating Northern Pacific collusion in this Fort Berthold extension remains only circumstantial and may be investigated in greater detail by other inquirers.

For James J. Hill the Blackfeet Reservation—an enormous land tract—probably posed greater potential problems than the isolated strip of the Fort Berthold Reservation. Containing Piegan, Blood, Blackfeet, Gros Ventre, River Crow, Assiniboine and Yanktonai Sioux Indians, the massive Blackfeet Reservation extended across all of northern Montana from the Dakota line to the Rocky Mountain divide. (13) The 1855 Blackfeet Treaty created the reservation, although the boundaries had changed in the three decades prior to Hill’s 1886 arrival. As defined in the 1855 treaty, the western part of the reservation dipped southward to the Sun River, and the eastern limit extended to the mouth of the Milk River, near the present western boundary of the Fort Peck Reservation. President Grant in 1873 extended the eastern boundary to the Dakota border. (14) The following year, 1874, Congress extinguished the Blackfeet land title between the Sun and the Marias Rivers. (15)

Theoretically Hill could have bypassed the Blackfeet Reservation, perhaps veering southward between the Missouri
and Yellowstone Rivers and closer to the Northern Pacific Railroad—as the Milwaukee Railroad would later do. However, he determined that the northern route would be the most, if not the only, efficient route to the Pacific.

The advantages of a northern route had been forcefully pressed upon Hill by one of Montana Territory's most exuberant promoters: Paris Gibson. A recent arrival to the Territory, Gibson had operated one of the first flour mills in Minneapolis. Through his commercial interests he established a close personal friendship with Hill. The 1873 Depression bankrupted Gibson and in 1879 he moved to Fort Benton, Montana Territory. Often called the "Father of Great Falls"—and later to become one of Montana's early United States Senators—Gibson pioneered in the sheep ranching business. At the same time he became an influential Territorial politician. (16)

Gibson maintained voluminous correspondence with his friend Hill. Through this communication, Gibson kept abreast of the Manitoba's activities. He realized the enormous benefits a transcontinental railway across northern Montana would have for the Territory. Always of a gambling and speculative nature, he also understood how the Manitoba could substantially feather his own private nest. (17)

As early as 1881 Gibson had written to Hill that "no
road can ever be built into Montana as cheaply as by the Northern or Milk River route."(18) To a railroad builder acutely sensitive to track engineering—as Hill was—Gibson's inducements must have been particularly seductive.

Montana, however, represented to Hill more than vacant land to be crossed on the way to the Pacific. He had an interest, or more accurately, a potential interest, in Montana. He hoped to compete for the Butte railway market, for Butte was a mining area demonstrating fantastic opportunity.(19). He set his sights on an ambitious goal, for two transcontinental railways, the Union Pacific and the Northern Pacific, had already controlled that particular market..

Through a pooling agreement dating back to the early 1880's, these two railways extorted exhorbitant freight rates from the western Territory.(20) By offering the most competitive rates, Hill hoped to seize the lion's share of Marcus Daly and William A. Clark's freight service.

Writing to Daly in 1886, Hill promised that:

we hope to be able to furnish you all the transportation you want, at rates as will enable you to largely increase your business. What we want over our low grades is a heavy tonnage, and the heavier it is the lower we can make the rates.(21)

Hill formulated a detailed strategy to achieve this end.

His first priority was to secure a rail line between
Great Falls and Butte. Allying secretly with Charles A. Broadwater, President of the Montana National Bank of Helena, Hill established the Montana Central Railroad for this specific purpose. Chartered as an independent line, the Montana Central for all practical purposes was a wholly-owned subsidiary of Hill's Manitoba. Only after the Manitoba reached Great Falls in 1887, however, did the Montana Central officially integrate into the Manitoba.

Hill then forged ahead with the construction preliminaries. In 1886 he ordered grading to begin on the Great Falls–Helena line; at the same time he laid rail west from Devil’s Lake to Minot. These tasks prepared the way for the herculean westward drive planned for the summer of 1887. Hill understood that the Montana Central must connect with the Manitoba, for without that linkage the Montana Central would probably die on the vine and surely be "gobbled" by the Northern Pacific. (22)

While completing in 1886 the engineering preliminaries for his extension into Montana, Hill also commenced the prodigious legal task of procuring access through the Indian lands of western Dakota and northern Montana Territories. In some respects Indian land issues were different than public domain or state land issues. For almost a decade the Manitoba and the Northern Pacific had battled to control rail service in Minnesota and the
Territories of Montana and Dakota. During this period the issues remained generally local in focus and economic in nature. Lobbying was shifted from the territories to Washington, D.C.; new actors also emerged, changing from the "Copper Kings" to Congressmen, the Commissioner of Indian Affairs, the Secretary of the Interior and, eventually, to the President himself.

Hill seemed confident in spite of the new shift, for politicians during the Gilded Age had often proved pliant to the needs of private economic interests such as the Manitoba. To Hill's surprise, lobbying Congress on Indian issues proved to be an arduous task. Moreover, rival interests such as the Northern Pacific and Union Pacific Railroads often tried to frustrate Hill's efforts. Hill had chosen to crack a surprisingly hard political nut. To his credit, he chose an extraordinarily capable lieutenant to do his bidding.

Hill chose Martin Maginnis, a highly successful Montana Territorial Delegate to Congress. The son of Irish immigrants, Maginnis moved with his family from New York to Minnesota when he was ten years old. Maginnis attended college in his home town of Red Wing, Minnesota, but the Civil War interrupted his studies. He established a brilliant war record, and by the war's end had achieved the rank of Major. The title stayed with him, and throughout
his political career associates referred to him simply as "the Major." After the war he returned to his home in Minnesota, where he worked briefly for the local newspaper. Looking for new opportunities, he moved in 1866 to Montana Territory. After a year of occupational experimentation he returned to newspaper journalism. He edited the Daily Rocky Mountain Gazette (later to become the Helena Independent), which at the time was the leading Democratic newspaper in the Territory.  

Elected as Democratic Territorial Delegate in 1872, Maginnis matured into an invincible politician. He reigned uninterrupted as Delegate until 1885. According to Clark Spence, the leading student of Montana Territorial politics, Maginnis was one of Montana's most capable territorial delegates. Maginnis achieved success by protecting the special interests of the Territory's most powerful businessmen. Maginnis understood that political and economic stability went hand in hand. He cultivated the interests of powerful Democrats such as Samuel Hauser and Charles Broadwater, and Republicans like Thomas Power and Governor Benjamin Potts. In what Kenneth Owens has called "a no-party pattern of territorial politics," Maginnis crossed party loyalties and cooperated extensively with Montana's Republican governors. In fact, Maginnis contributed as much as, or more than, any other factor to
the stability of Montana’s politics in the late territorial period, particularly beginning with Governor Benjamin Potts’ administration of 1870. (27)

Hill, however, needed not so much Maginnis’ local skills as his influence in Washington, D.C. For twelve years Maginnis had ably represented his Territory’s interests in the nation’s Capitol. Typical of other western territories during the Gilded Age, Montana pursued policies which would attract outside investors and railroads, open up Indian reservations to white settlement, and gain independence from the federal government while at the same time procuring more federal military posts and other federal monies. (28)

Maginnis also believed that railroads controlled the destiny of the trans-Mississippi West. As a territorial delegate, he assisted in the passage of the 1875 general railroad right-of-way bill which facilitated the procurement of easements across public lands. (29)

Maginnis helped defeat Congressional efforts to reduce the size of the Army. He successfully secured a number of military forts for the Territory. These included Fort Missoula in the Bitterroot Valley, Fort Custer in the Big Horn Valley, Fort Keogh at the mouth of the Tongue River, Fort Assiniboine at the headwaters of the Milk River and Fort Maginnis in the Judith Basin. (30)
The Major's experience in extinguishing Indian lands probably also impressed Hill. Maginnis successfully opened former Flathead lands in the Bitteroot Valley to white settlement under the pre-emption and homestead laws. He reduced several Crow holdings, including those in the Gallatin Valley. He also secured passage of the 1874 Act severing the Blackfeet claim to lands south of the Marias River. (31)

After his dozen year tenure as Delegate, Maginnis in 1884 decided not to seek re-election. Instead, he threw his support to his virtually hand-picked successor, Joseph K. Toole. After serving the duration of the lame-duck session which ended in the spring of 1885, the Major remained in Washington to begin his duties with Hill.

Initial tasks included assignments in New York to meet with Northern Pacific executives and to ascertain their response to such activities as the Montana Central Railroad. In one meeting these Northern Pacific officials charged that James J. Hill and the Manitoba Railroad had intimate ties with the Montana Central Railroad. Maginnis denied these allegations, falsely stating that the Montana Central Railroad was "a purely local enterprise."
Moreover, Maginnis stated that Hill's interest in the affairs of the Montana Central was limited and that "only wantonly aggressive acts on their [Northern Pacific's] part
would cause any one to push it out for eastern connections." (32)

Maginnis knew that Hill had played a leading role in the incorporation of the Montana Central Railroad. Hill's interest in the Montana Central was not limited to servicing the lucrative Butte market, he also had a significant investment in the Great Falls area. Paris Gibson, the so-called "Father of Great Falls" who as previously noted had encouraged Hill to route his railroad across northern Montana Territory, also extolled the potential of Great Falls. In 1884 Hill visited the Great Falls site and was impressed by its prospects for coal and hydroelectric development. Hill became increasingly involved in coal and land speculation in the area. (33) Although Maginnis was assigned to meet occasionally with other railroad executives, his principal task was unquestionably to lobby Congress and to secure the legislation critical to Hill's westward expansion.

As a thorough and meticulous tactician, Hill formulated a clear strategy to secure the easement across the impeding Dakota and Montana Indian lands. Indian removal constituted the fundamental goal in dealing with each tribe. Hill defined removal as either away from the international boundary (as in the case of the Blackfeet) or completely out of the Territory (as suggested to the Fort
Peck Sioux). Failure to remove the Indians activated the second and fall-back objective: drastic reduction of reservation lands. Procurement of a right-of-way easement constituted the third and last objective. To cover all possibilities, and particularly the "worst-case" situation in which the Indians could be neither removed nor their lands reduced, the right-of-way would pertain to the reservations as they already existed. In spite of obstacles, Hill adhered doggedly to his plan.

Few documents demonstrate clearly the arguments Hill used to persuade federal officials to relocate the Berthold and Blackfeet Indians. The available evidence on this subject will be greatly expanded when James J. Hill's out-going correspondence, bound in fragile letterpress volumes, becomes available to the public. Reliable evidence does exist, however, which substantiates Hill's arguments to remove the Dakota Chippewa from their Turtle Mountain Reservation. Analysis of this latter case seems important for two reasons: First, both the Blackfeet and the Turtle Mountain Reservations bordered the Canadian international line. And second, Hill lobbied for removal from these three reservations (Blackfeet, Fort Berthold and Turtle Mountain) at exactly the same time. One could reasonably expect some overlapping of supporting arguments. Hill presented his Turtle Mountain case quite explicitly.
Between March and April, 1886, Hill wrote the Interior Department (it remains unclear to whom in the Interior Department he communicated) and stated that the Sioux had recently occupied the Turtle Mountains, invalidating Chippewa land claims to the area. (34) Hill recommended that the Turtle Mountain Chippewa be relocated away from the international border. He contended that United States reservations located near the Canadian border protected renegades and outlaws from both sides of the boundary. (35) Such reservations also encouraged Indian horse theft and other unnamed depredations. Hill cited Canadian complaints of Indian raids and mischief—activities allegedly initiating from bordering reservations in Minnesota (probably the Red Lake Reservation) and the Turtle Mountain Reservation in Dakota Territory. (36)

Hill also sent to the Interior Department maps he had secured from the Canadian Government which showed that every Canadian reservation was located away from the international border. Hill demonstrated that locations away from the boundary assured reliable rail service to the Indians. Relocating American Indian reservations away from the international boundary, he continued, would greatly reduce the number of Canadian Indians who were being fed by the United States Government, although he failed to elaborate. He further stated that augmenting the problem
were unscrupulous Indian traders who, protecting their own interests, encouraged the United States Indians to oppose removal from the boundary. (37)

In contrast to the Turtle Mountain case, scarce evidence exists demonstrating Hill's arguments concerning the Fort Berthold and Blackfeet Reservations. The only substantive evidence is a June 14, 1886 letter from Maginnis to Interior Secretary Lucius Quintus Cincinnatus Lamar (usually referred to as L.Q.C. Lamar). (38) Maginnis limited his discussion to the tribes of the Blackfeet Reservation. Contrary to Hill's case against the Turtle Mountain Chippewa, Maginnis speculated that the northern Montana tribes could be relocated to existing reservations of related tribes.

On relocating these Montana tribes, Maginnis stated:

I have no doubt that the Indians at the Fort Peck Agency, (sic) would be more than willing to rejoin their own nation the Sioux at one of the Sioux reservations. They were originally gathered at Fort Peck and cut off from the rest of their people, by parties who were interested in creating new agencies, and new fields for Government expenditure, if not for Government plunder.

The Assinaboines (sic) and Gros Ventres have natural affiliations with the Crow tribe and this tribe has ample room for them even if their reservation is reduced as it should be.

The Blackfeet will be more difficult to deal with. All their blood and kindred are in British America, where they really belong themselves, and they have been in antagonism to most of the Indians on our side of the line; but I have the belief that if
intelligently approached they would consent to a consolidation with some of the other tribes, or if they desired to be consolidated with their kindred, whom the Dominion authorities have now moved far north from the boundary line, with the best results (sic). Perhaps it might be made a matter of international arrangement. This is but a suggestion, although if it could be carried out it would afford the most satisfactory solution of the matters of this tribe. (39)

Maginnis felt confident that all these tribes, even the recalcitrant Blackfeet, could be displaced to other locations.

These tribes, however, shared different feelings about their homeland than those expressed in Maginnis' rather expedient and cavalier letter. Six months after Maginnis wrote this letter (as will be presented later), each tribe rejected federal offers to relocate.

In his letter to the Interior Secretary Lamar, Maginnis suggested that relocating the northern Montana Indians to existing reservations would also streamline the Indian Bureau's ability to deliver Indian services. Such a plan would decrease the number of Indian agencies and "greatly reduce" the Indian Bureau's budget. The Major warned the Secretary, however, that existing Indian agents would create a great deal of opposition. (40)

Using such arguments as international problems, Indian kinship bonds and governmental efficiency, Hill proceeded to translate his strategy into action. In late
March or early April, 1886, and "with a great deal of
trouble," Maginnis arranged a meeting in the Commissioner 
of Indian Affairs' office to discuss the northern Montana 
Indian situation. The leading Senate and House Indian 
Affairs Committee members and the Indian Commissioner, 
J.D.C. Atkins, attended. The meeting lasted four hours 
and no agreement was reached. However, Maginnis drafted a 
bill that he felt would "catch all the shades of opinion" 
and which he felt confident all these politicians would 
support. On April 3 he gave his draft bill to Indian 
Commissioner Atkins for consideration. (41)

Not surprisingly, Maginnis' bill would have removed 
the Indians of the Blackfeet and Fort Belknap agencies to 
the Crow Reservation and those at Fort Peck Agency to the 
Standing Rock Reservation, a Sioux reservation in Dakota 
Territory. Maginnis also included a section to provide a 
right-of-way through the Blackfeet Reservation. On April 
6, three days after Maginnis handed him the bill, Indian 
Commissioner Atkins recommended passage of the bill to 
Interior Secretary Lamar. (42)

In contrast to bills introduced in the early 1880's 
dealing with the Blackfeet Reservation, Maginnis' bill 
sought to relocate these Indians away from the northern 
part of the Territory. Between 1882 and 1886, 
Montanans--including Delegate Maginnis--ignored Indian
removal as a policy alternative for the northern tribes. In 1882 and in 1884, Delegate Maginnis introduced bills "to provide permanent reservations" for the varied tribes consolidated on the Blackfeet Reservation. In January, 1886, Montana Territorial Delegate Toole introduced a bill similar to those of his predecessor. Moreover, even Indian Commissioner Atkins supported Toole's 1886 bill. Each of these three bills would have greatly reduced the northern reservation, but none contemplated relocating the tribes away from the Missouri, Milk or Marias Rivers.

Within two weeks—or by mid-April, 1886—Maginnis changed his strategy slightly, deciding not to seek removal through a separate bill, but rather to do so by an amendment to the 1886 Indian Appropriations Act. This latter bill had already provided that a commission be appointed to negotiate with certain tribes in Minnesota and in the Idaho and Washington Territories. Maginnis' amendment simply added the Fort Berthold and northern Montana tribes to the commission's agenda. Consistent with Hill's strategem, this amendment empowered the commission to negotiate for removal and, if necessary, land reduction.

To assure control of the commission, commonly referred to as the Northwest Commission, Maginnis

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suggested to Hill that he—Maginnis—be appointed Commission chairman. He further advised Hill that the nomination should be initiated by someone other than himself. (46)


In May, 1886, Nelson reminded Hill that the Northwest Commission would be negotiating for land concessions from the Chippewa tribes of northern Minnesota. He emphasized that the status of these tribes, and particularly the bands on the Red Lake Reservation (located on the international boundary), directly affected Hill's interests. Nelson suggested that Hill recommend to Interior Secretary Lamar candidates sympathetic to the Manitoba Railroad's interests. (47)

Hill set immediately to the task. He wrote to Samuel Thorne, a New York businessman and member of the Manitoba's executive committee, and asked him to recommend Maginnis to President Cleveland. (48) Hill also solicited Representative William L. Scott, then a second-term
Democratic Congressman from Pennsylvania. An extremely wealthy railroad and coal magnate, Scott also maintained a close personal relationship with President Cleveland. Hill asked Scott to personally recommend Maginnis to Interior Secretary Lamar or to President Cleveland. (49)

The Commission selection dragged into July. Despite recommendations from the Manitoba's friends, and despite a letter from Maginnis to Interior Secretary Lamar in which Maginnis subtly lauded his own credentials (50), Cleveland refused to appoint Maginnis to the Commission. Despite this setback, Hill forged ahead confidently.

Having secured possible removal of the Berthold and Montana Indians through the Appropriations Bill, Maginnis then proceeded to pursue the right-of-way as a separate and distinct bill. Probably at the Major's request, Senator Henry Dawes on April 29, 1886, and Representative Nelson on May 10, introduced to their respective houses almost identical right-of-way bills. Technically, Nelson substituted his bill for Delegate Toole's then outdated Montana permanent reservations bill. (51)

The Senate acted first on the right-of-way issue. Senator Dawes' bill was referred to the Senate Indian Affairs Committee which halved the proposed right-of-way easement from 200 feet to 100 feet. Things progressed smoothly and by May 20 Senator Dawes reported the amended
bill out of committee and to the floor of the Senate. (52)

By late May, however, Hill faced his first major complication—the first in a series of obstacles which frustrated his Congressional lobbying campaign.

On June 1 Hill scribbled an urgent message to Maginnis. He ordered Maginnis to meet secretly with Indian Commissioner Atkins and find the best way to secure a right-of-way across the Fort Berthold Reservation. If Commissioner Atkins recommended a legislative solution—and Hill admitted that "the time seems late"—then the Montana right-of-way bill would have to be amended. (53)

Why the sudden change in strategy? Why had not Hill included the Fort Berthold right-of-way from the very beginning? Such a serious oversight would have been highly uncharacteristic of such a thorough strategist. Little evidence exists at this time to draw definitive conclusions. Probably Hill calculated that his extension from Devil's Lake to Minot would proceed far enough northward to bypass the Fort Berthold Reservation. Henry Minot, who directed the Manitoba's construction, might have encountered unexpected difficulties when building west from Devil's Lake and was forced southward. Whatever the complication may have been, Hill probably became cognizant of it in late May.
Apparently Indian Commissioner Atkins did not recommend a legislative solution. On June 14 Maginnis advised Hill to pursue executive action. Maginnis modified the objective, however, from a right-of-way easement to an Indian land cession. Hill immediately concurred.

Hill assigned one of his most trusted friends, William E. Smith, to lobby Cleveland for the Fort Berthold executive order. Smith served at the time as Assistant Secretary of the Treasury, but he soon resigned to become Solicitor for Hill’s Manitoba. Smith had maintained a close personal relationship with President Cleveland. Like Cleveland, Smith resided in New York and Smith had chaired the New York Central Democratic Committee during Cleveland’s successful presidential campaign. Like Representative William Scott, Smith provided an important link between Hill and President Cleveland.

Smith worked hard to procure the approval of Interior Secretary Lamar and the President Cleveland. Despite frequent consultations, the matter dragged on through late July. Cleveland agreed to open to public domain the northern eighteen miles of the Fort Berthold Reservation, but Interior Secretary Lamar balked. Smith applied even more pressure: "I am sending all our friends to Lamar." However, Secretary Lamar remained adamant.
Nelson, realized that their pet "local bills" needed to be passed. Maginnis pleaded that Hill secure Representative Scott’s assistance to expedite the bill. (60)

Acknowledging the gravity of the situation, Hill pulled out all the stops. He wrote Representative Scott and explained that Maginnis, while pursuing legislation beneficial to his home territory, had encountered some legislative obstacles. Scott’s assistance to Maginnis "will be a personal favor to me and to our friends, for which I will be glad any time to reciprocate." (61)

Scott responded. Hill’s right-of-way bill was brought before the full House and passed on June 22. On June 23 the House Speaker and Senate President Pro-Tempore signed the bill. (62) This Montana right-of-way bill needed only the President’s signature to become law.

To all observers, President Cleveland’s approval seemed assured. However, on July 1 certain unnamed friends tipped Hill that officials from the Northern Pacific and the Union Pacific Railroads were secretly pressuring the President to veto. (63) Hill labored during the next week to confirm the rumors and to ascertain the President’s posture on the matter. From a Montana source, whose reliability was "exceptional," and even directly from Northern Pacific executives, Hill verified the sabotage led by his chief railroad rivals. (64) Maginnis
then reported to Hill from Washington that President Cleveland might indeed veto the bill. (65)

Hill turned, once again, to his trusted confidant, William E. Smith. On July 7 Hill wired New York and ordered Smith to go to Washington and ascertain the President’s objections to the right-of-way bill. On the same day, Hill wired Cleveland and pleaded that even if he did entertain objections, that he delay action until Hill could clarify any misunderstandings. "It can be absolutely shown that no public interest can be injured, but only served." (66) However, Hill needed more time to rally his forces. On July 7, 1886, the same day Hill wired Smith and the President, Cleveland vetoed the bill. (67)

Cleveland apparently made his veto decision at the last minute, surprising his advisers and friends alike. Representative Scott confided to Hill that Interior Secretary Lamar recommended that the President sign the bill, but Cleveland vetoed it anyway. (68)

The veto shocked Hill. It coincided with other Executive disappointments, most notably Cleveland’s refusal to appoint Maginnis to the Northwest Commission. Cleveland’s betrayal of partisan politics particularly grated Hill. After all, Cleveland was the first Democratic president in a quarter-century, and Hill
considered himself to be a loyal Democrat.(69)

Cleveland's actions also exacerbated regional antagonisms. Representative Nelson expressed the frustration perfectly. Referring to Cleveland's veto and the Maginnis rebuff, Nelson grumbled:

On the whole we are in the hands of the Philistines--A Democratic administration is not as kind to our Northwest as were our Republican administrations--We are evidently regarded of no consequence.(70)

In spite of the disappointments, Hill remained optimistic. The day after the veto he wrote to his trusted friend and New York financier, John S. Kennedy, and confided to him that: "This matter will not necessarily delay any of our work, but gives some features of it an unpleasant publicity."(71)

The obvious question remains: why did Cleveland veto the right-of-way bill? Hill certainly suspected the invisible hand of his railroad rivals. Or, as Cleveland stated in his veto message, was the bill too general and did it threaten Indian welfare?(72)

Senator Dawes, speaking for the Senate Indian Affairs Committee, lambasted Cleveland's veto message. Dawes countered that the right-of-way bill served both the public and the Indian interest. Dawes' committee report also implied that President Cleveland vetoed the bill for reasons not publicly stated.(73) On cursory inspection,
Dawes appears to have had a stronger case. If Cleveland genuinely believed that the Manitoba Railroad did not meet "the exigencies of the public service and the interests of commerce,"(74) then he supported his argument inadequately. Senator Dawes' committee rebuttal needs to be examined in at least some detail.

In his veto message, President Cleveland objected to the bill's general, ambiguous nature and to its violation of Indian consent and tranquility. As evidence of the bill's general nature, Cleveland cited sections one and two. Section one concerned railroad incorporation, while section two prevented any right-of-way holder from denying another railroad access through any pass, canyon or defile. Neither section specified the Manitoba Railway by name.(75)

Senator Dawes demonstrated that both sections were copied almost verbatim from the 1875 general law granting railroad right-of-ways across public lands. Hill's right-of-way bill merely applied to the Blackfeet Reservation an already existing law. Dawes suggested that no one had yet criticized the 1875 law for its ambiguity.(76)

According to Cleveland's veto message, the Manitoba bill would encourage land speculation. Senator Dawes countered that the bill conferred no rights of resale upon the easement holder. Furthermore, the concept of
speculation proved illogical. Other railroads could route their lines anywhere that they desired within the Blackfeet reservation. Moreover, the 1875 public lands right-of-way bill protected competing railroads through narrowed passageways such as canyons. (77)

Senator Dawes closed this part of his argument using historical evidence. He pointed out that speculation of right-of-way easements on public lands simply had failed to materialize since 1875. Unfortunately, Dawes failed to follow his argument to its logical conclusion: Hill’s Manitoba, both in the present and in the reasonable future, faced no competitors in construction across northern Montana. In fact, Cleveland specifically stated as much in his veto message. When referring to the Blackfeet Reservation, Cleveland admitted that “No railroads are within immediate approach to its boundaries, and only one (the Manitoba), as shown on recent maps, is under construction in the neighborhood leading in its direction.” (78)

President Cleveland contended that the Manitoba Railway would not benefit the public because it would proceed through a “sparsely populated” territory. Cleveland stated that he had “been unable to ascertain that the necessities of commerce or any public exigencies” justified approval, particularly when such a right-of-way
"would affect so seriously the rights and interests of the Indians occupying the reservation." (79)

Senator Dawes responded only to Cleveland's charge that the projected railroad would injure the reservation Indian. Dawes contended that the railroad would facilitate exactly the opposite results. A railroad would eliminate the Blackfeet Reservation's isolation and enable the Government for the first time to provide service to those Indians during all seasons. Also the railroad would represent the harbinger of civilization, facilitating the Blackfeet's acculturation into the White society. (80)

Senator Dawes ignored Cleveland's statement that the construction of the Manitoba Railway through unsettled territory served no public interest. Dawes could have persuasively argued that railroad construction in the United States often preceded settlement, rather than followed it.

The thrust of Cleveland's other major objections related to Indian consent and welfare. He contended that the right-of-way bill provided no provisions for prior Indian consent--certainly a reasonable position. The President even admitted that he had grudgingly in the past approved similar bills which provided no means for Indian approval. These latter bills, he qualified, specified the name and routes of the particular railroads. He also
rationalized approval of these latter right-of-ways because they met "the exigencies of the public service and the interests of commerce." (81)

Senator Dawes concluded his rebuttal by devastating the President’s consent argument. The Senator demonstrated that on the same day that Cleveland presented his veto message, he also signed into law a bill providing a railroad right-of-way across Indian Territory—a bill forced upon the Indians without their consent. (82)

Although certainly not an unbiased observer, Hill summarized Cleveland’s veto message rather succinctly:

Nothing but absolute want of knowledge and experience in such matters could have driven the President into the position he has taken for the reason that he gives is ridiculous, and against the acts and actions of Congress for the past forty years. (83)

Hill and Senator Dawes understood the situation. Cleveland’s message was in all probability a smokescreen, and never intended to be logical or consistent. It simply fulfilled Cleveland’s Constitutional obligation to present a written message to Congress justifying his veto.

If Cleveland did not veto because of potential threats to public or Indian welfare, what then motivated him? As noted previously, Hill suspected—and in all likelihood correctly—that the Northern Pacific and Union Pacific Railroads had gained the President’s ear. How they convinced Cleveland is not known. Acutely aware that rival
railroads were stirring up trouble, Hill wrote to the President and tried to clarify the Manitoba position.

Technically, Hill wrote to William F. Vilas, the Postmaster General. Vilas, a friend of Cleveland, promptly forwarded the letter to the President. In his letter, dated July 15, 1886, Hill cited his evidence implicating his rival railroads. Hill then defended his railroad extension through Montana, stating that his "Bill was originated by the People of Montana in an effort to secure relief from very oppressive railway charges." (84)

On July 20 Vilas responded. He praised Hill for the "moderation" of his July 15 letter. He then informed Hill that the President had reversed his position. If the "obnoxious features resulting from the general legislation in the vetoed bill could be removed," then the President would approve it. (85)

Did Hill's letter of the fifteenth convince Cleveland of Hill's public interest? Or perhaps, had Hill's rivals so exaggerated the Manitoba's menace to the public that by the fifteenth Hill's plan appeared rather "moderate?" Or possibly, had Cleveland already realized that he erred in vetoing the bill and needed only an opportunity to inform Hill?

At this point, no absolute determinations can be made. The available evidence, however circumstantial,
suggests that Cleveland had already realized that he made a mistake. Representative Scott, after a lengthy discussion with the President, confided to Hill that Cleveland all but admitted that the veto was a mistake. Scott added sarcastically, "The only wonder to me is he does not make more mistakes than he does."(86)

At the same time that he corresponded with Vilas (July 15, 1886), Hill learned from Representative Nelson and William Smith that the veto could probably be overridden in the Senate, but not in the House. Moreover, the First Congressional Session neared completion and little time existed to take other action.(87) Probably encouraged by the favorable Vilas response, Hill concurred with his advisers to regroup and submit a new bill when the Second Congressional Session commenced in December. When that session of the Forty-Ninth Congress reconvened on December 6, 1886, Hill was ready to begin anew.

Hill's forces wasted no time. Montana Territorial Delegate Joseph K. Toole on December 7, 1886, introduced Hill's new right-of-way bill to the House. This bill referred specifically to the St. Paul, Minneapolis and Manitoba Railway Company and also specified a detailed description of the projected route from Minot to Great Falls. The 200' easement of the vetoed bill was narrowed to 150'.(88)
New provisions also appeared. Having failed to secure by executive order either an easement across, or a land cession from, the Fort Berthold Reservation, Hill interjected into this bill a clearly demarcated right-of-way across that Indian reservation. Also, responding to recent legal questions concerning access across the Fort Buford and Fort Assiniboine Military Reservations, Hill included a clause guaranteeing such an easement, contingent upon prior route approval by the Secretary of War. (89)

The House Speaker referred the bill to the House Indian Affairs Committee, who amended the bill so as to prohibit the transfer or mortgage of the right-of-way until the road was completed. On December 16 Representative Nelson submitted the amended bill and the committee report to the House floor. (90)

Representative Nelson's December 16 report evidenced a new committee vigor when compared to his report of the previous session. When Nelson had reported the vetoed bill out of committee the previous May, he submitted a mundane three paragraph report which hardly mentioned the Indians, and instilled little enthusiasm for the Manitoba. (91)

Nelson's report of December proved to be not only bolder, but also more ambitious. He scolded Congress for having not recognized long ago that the Fort Berthold and
Blackfeet Reservations represented serious obstacles to progress. He focused particular attention upon the northern Montana Reservation. In caustic terms he analyzed that reservation.

Upon it are located only three small Indian agencies, each hundreds of miles apart from the others, while all the intervening country is unoccupied. The game having been exterminated it is no longer even hunted over. This vast area of solitude seems to be maintained only as an impediment to civilization, preventing settlement, obstructing progress, forming a place of refuge for the lawless, and blockading the routes of trade and commerce so necessary to the welfare of the great mining towns and agricultural settlements of the Territory.(92)

Nelson used such polemics, however, not only to defend the Manitoba right-of-way, but also to serve an additional purpose.

Nelson used his diatribe to applaud the cause of Indian removal! In language strikingly similar to that used by Hill against the Turtle Mountain Chippewa, Nelson recited the litany of international border problems. He then specifically mentioned the Northwest Commission and their mission to negotiate for Indian relocation. Nelson supported removal of the northern Montana Indians from the international boundary to a "more hospitable valley, with a milder climate and more productive soil."(93)

Nelson knew that any agreements negotiated by the Northwest Commission had to be ratified by Congressional legislation. He sought to cultivate Congressional support
for any agreements secured by the Northwest Commission. Not coincidentally, the Commission’s agreements with the Fort Berthold and Blackfeet Reservations were soon expected to be submitted to Congress. On the day that Nelson forwarded his report to the full House, the Commission had concluded its negotiations with the Three Affiliated Tribes and was travelling to meet with the northern Montana Indians. (94)

Representative Nelson’s report included other unusual items. He childishly rebuked Congress for not having previously removed the northern Montana tribes. Had Congress already done so, his report contended, the Manitoba could have constructed across their homeland without special legislation. The Government, instead of obstructing railroads like the Manitoba, “should warmly encourage those who, desiring no subsidy and seeking no land grant, only ask permission, from their own resources, to give the Government and the People the benefit of other roads.” (95)

Concerning Indian consent for a right-of-way, Nelson’s House Indian Affairs Committee reasoned exactly as Senator Dawes had in his July veto rebuttal. The Executive needed no Indian approval for that part of the reservation encompassed within the 1855 Blackfeet Treaty boundaries. For that part of the reservation created later by executive
order, the Indians possessed no consent authority, for the Government had set aside the land only for occupancy and conferred no right to the soil. (96)

In contrast to Senator Dawes' previous and bitter rebuke of the President (concerning Cleveland's right-of-way veto), Nelson now explicitly wooed him. Nelson praised the Executive for seeking a legislative right-of-way that could have been established by executive order alone. (97)

Once out of the House Committee, the bill faced little opposition. On December 22, 1886, the bill passed the House as amended in Committee. On February 7, 1887, the Senate passed the bill with one amendment: that not only the surveys and construction, but also the operation of the railroad be conducted with due regard to the rights of Indians. (98) The Senate voted to insist on its amendments and the conference committee agreed. On February 15, 1887, President Cleveland, as he had promised Hill the previous July, signed the bill into law. (99)

Congressional legislation ratifying the agreements negotiated by the Northwest Commission remained the only element of Hill's campaign yet to be completed. The Commission concluded its Fort Berthold agreement on December 14, 1886, and its agreements with the northern Montana tribes between December 28, 1886, and February 11,
The February, 1887 right-of-way bill protected Hill in the event that Fort Berthold and northern Montana Indians refused to be relocated. Indeed, these tribes soon rejected Northwest Commission offers to be moved elsewhere.

Beginning in mid-December, 1886, and continuing for the next month, the Northwest Commission parleyed with the Fort Berthold and northern Montana tribes. In their final reports of the Berthold and Blackfeet councils, the Commission addressed the removal question only twice, and in only one of these two instances did it cite the Indian response. In that latter case, which concerned the Fort Peck Sioux, the Sioux were infuriated at the suggestion to move from their homeland. The commissioners had requested that the Fort Peck Sioux relocate to the Sioux reservation at Standing Rock. Concerning removal, the commissioners noted that the Montana Sioux "were decidedly opposed to such a change and manifested a good deal of surprise and uneasiness at the mere suggestion of the plan." (101)

The Sioux argued that in the quarter century since their migration to the Fort Peck area, they felt themselves to be permanent residents in good standing. They indicated that none of the northern Montana tribes objected to their presence. Moreover, they noted that some of their members...
had recently moved to the Standing Rock Reservation, but did not like it there. Considering the chilly reception to their proposal, the Commission concluded that it was "unadvisable" to attempt relocation. (102)

The Commission also reported its discussion of relocation with the Fort Belknap tribes. The commissioners suggested that the Fort Belknap Indians move to the Fort Peck Agency or to "any distant reservation," although they gave no specifics on the location of the latter. The commissioners failed to document the Indian response. (103)

Documentation of its negotiations seemed a low priority to the Commission. Of all the Fort Berthold and northern Montana councils, only the proceedings with the Fort Peck Sioux were recorded. For "lack of necessary conveniences"—which the commissioners failed to specify—the Commission did not record discussions with the Fort Peck Assiniboine. Regarding the Fort Belknap and Blackfeet tribes, severity of the weather and "lack of proper facilities"—also unspecified—explained the failure to record the tribal proceedings. (104) The Commission, in its final report, ignored altogether the issue of proceedings with the Fort Berthold tribes. Although the Commission failed to procure Indian removal, a primary interest of James J. Hill, it did secure another of Hill's objectives: enormous land cessions. The Fort Berthold
In their December, 14, 1886 agreement, ceded what the commissioners estimated to be 1,600,000 acres. Indian Commissioner Atkins later revised that figure to 1,950,000 acres—an area equalling nearly two-thirds of the former reservation. In return, the tribes received $800,000, dispersed in ten $80,000 annual payments. (105)

In negotiations between December, 1886 and February, 1887, the northern Montana tribes relinquished considerably more land holdings than those of the Fort Berthold tribes. These Montana tribes ceded 17,500,000 acres—over three-fifths of their existing reservation. These Indians also agreed to the formation of three smaller reservations. (106) (See Figure 2)

The new reservations were located near the three existing agencies. The new Blackfeet Reservation, which provided services to the Piegan, Blood and Blackfeet tribes, was created near the former Blackfeet Agency. The Fort Belknap Reservation included the Gros Ventre and Assiniboine tribes, who continued to receive services from the Fort Belknap Agency. However, because of poor Indian relations with the Army stationed at Fort Assiniboine, the Commission recommended that the agency be moved farther eastward. Last, the Assiniboine and Sioux of the Fort Peck Agency agreed to a reservation which included their existing agency on Poplar Creek. (107)
In return for their land cessions, the northern Montana tribes agreed to federal payments totalling $4,300,000. The tribes agreed to annual payments extending over a ten year period. The Blackfeet consented to $150,000 annually, the Fort Belknap tribes $115,000 and the Fort Peck tribes $165,000.\(^{(108)}\)

The northern Montana tribes further agreed to a provision that certainly safeguarded James J. Hill’s interests. These tribes permitted right-of-ways for railroads, highways and telegraph lines across any of the three reservations. Public need for such easements was to be determined by the President. The Secretary of Interior could, however, enjoin any conditions upon prospective easements in order to protect Indian interests.\(^{(109)}\)

The right-of-way clause seems to be an unusual development, because the commissioners were authorized by the 1886 Indian Appropriations Act only to seek removal and Indian land reduction. Also worth noting, the right-of-way stipulation appeared only in the Blackfeet agreement, not in the Fort Berthold agreement.

The omission in the Fort Berthold agreement may not have been coincidental. The Fort Berthold agreement ceded all lands north of the Forty-Eighth (48th) Parallel, North Latitude—that is, all lands lying in Hill’s probable route west of Minot.\(^{(110)}\) The Commissioners could have
Logically concluded that a right-of-way clause was unnecessary because the Berthold tribes had just agreed to relocate south of Hill’s probable route. No evidence at this time indicates any Hill intervention into the Northwest Commission’s negotiations. Regarding right-of-way easements, however, the Commission achieved ends curiously favorable to the Manitoba Railway.

The Northwest Commission knew that any agreements it negotiated with Indian tribes were not legally binding until approved by Congressional legislation. Hill’s involvement in the agreement ratification process, at least from available sources, remains incomplete. Unquestionably he intervened, as evidenced in a September, 1887 letter to his friend John S. Kennedy:

I took Senators Dawes, Morgan, and Davis of the Senate Committee on Indian Affairs to the end of track through the Reservation and have their assurance that they will do everything in their power to secure the early ratification of the treaty which will throw nearly all that country open to immediate settlement. (III)

These Senators seemed to have kept their word.

The Blackfeet agreement, negotiated between December, 1886 and January, 1887, was submitted to Congress in January, 1888. The agreement was approved by Congressional act on May 1, 1888. (I12) Congress responded much less promptly with the Fort Berthold agreement. Although submitted to Congress in January, 1887—almost immediately
after tribal negotiations—the bill did not pass Congress until four years later, finally becoming law on March 3, 1891. (113)

With ratification of the Fort Berthold agreement of 1891, Hill achieved the last goal of the campaign that he and Maginnis had initiated in 1886. In practical terms, however, Hill had obtained most of his goals by 1888, when Congress ratified the Blackfeet agreement. Because of its enormous size, the Blackfeet Reservation reduction must have constituted a more substantial victory than the shrinking of the Fort Berthold Reservation.

Between 1886 and 1888, James J. Hill had secured impressive economic and legislative victories. In February, 1887, he obtained his right-of-way easement through the Indian lands west of Minot. Had this right-of-way legislation been defeated, he was assured an easement by the terms of the Blackfeet agreement negotiated in 1887. In that same summer of 1887, Hill extended the Manitoba from Minot to Helena. The following year, 1888, the Montana Central completed its link between Butte and Helena. Also in 1888 Congress ratified the Blackfeet agreement negotiated the previous year and which opened northern Montana Territory to white settlement. In 1891, the northern part of the Fort Berthold Reservation passed into public domain.

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In spite of unexpected difficulties, Hill had achieved fantastic success. Maginnis had been a consummate lobbyist. Hill completed his Montana extension, tapped the Butte market, and helped open a vast territory to the public domain. Hill and Maginnis failed only in one goal: Indian removal. The Fort Berthold and northern Montana tribes proved to be more defiant to Hill and Maginnis than any other public or private party.
A Note on the Sources

The emphasis of this paper has been the lobbying campaign by James J. Hill and Martin Maginnis to secure both a right-of-way through northwestern Dakota and northern Montana Territories and the possible relocation of the northern Montana tribes. The James J. Hill Papers in St. Paul were crucial in reconstructing the lobbying campaign. Presently public use of Hill's personal papers is limited to incoming correspondence. A voluminous series of documents in the Hill Papers will soon be microfilmed and will then be made available to the public. This will include a thirty-one volume series of Hill's personal and private papers. This latter series probably contains information particularly relevant to the topic investigated in this research paper. As indicated in the footnotes, a sincere note of gratitude is extended to the extraordinary service provided by the staff of the Hill Papers.

Legislative source materials were found almost exclusively in the Montana Indian Reservations Historical Jurisdiction Study. This exhaustive and masterful collection is now available on microfiche in the Mansfield Library at the University of Montana. The Historical Research Associates in Missoula, Montana were most cooperative in permitting access to the Jurisdiction Study.

A last emphasis of this paper has been the role of the Northwest Commission in dealing with the Fort Berthold and Blackfeet Reservation tribes. The commission's final reports proved to be the best source materials on the topic. Indian Claims Commission Dockets and Indian Agent annual reports were not exceptional sources on the role of the commission. Correspondence between the agents and the Office of Indian Affairs, stored in the National Archives, could be more fruitful concerning the affairs with the commission.

A Note on the Maps

Figures One and Two are original maps drafted by Douglas Killerud, a graduate cartography student at the University of Montana. The two sources used were Indian Land Cessions in the United States, edited by Charles C. Royce (See the bibliography) and the official Great Northern map of 1891.
FOOTNOTES


7. Act granting to railroads the right of way through the public lands of the United States, Statutes at Large 18, 482 (1875).


9. Ibid., p. 883.

10. Ibid., pp. 594-595.

11. Ibid., pp. 881-883. Included here is a letter from Captain S. A. Wainwright explaining why the Three Affiliated Tribes insisted upon including the Indian village of Berthold which was located on the north bank of the Missouri River.


15. Ibid., pp. 149-150.


22. Ibid., 338-348.


27. Spence, Territorial Politics, p. 98.


32. Martin Maginnis to James J. Hill, April 3, 1886, General Correspondence, Box 19, James J. Hill Papers, James Jerome Hill Reference Library, St. Paul. (hereafter names as Hill Papers)


34. James J. Hill to George S. Engle, March 19, 1886, Index to James J. Hill Papers (hereafter cited as Index), Hill Papers.
35. James J. Hill to Martin Maginnis, April 6, 1886, Volume P-14, Hill Papers. This letter and others cited by volume number are transcripts from bound letterpress books which were not available to the public. These transcripts were generously provided by the staff of the Hill Papers upon special request.

36. James J. Hill to Martin Maginnis, April 17, 1886 (includes enclosure), Index, Hill Papers.

37. James J. Hill to Martin Maginnis, April 6, 1886, Volume P-14, Hill Papers.


39. Ibid.

40. Ibid.

41. Martin Maginnis to James J. Hill, April 3, 1886, General Correspondence, Box 19, Hill Papers.

42. Martin Maginnis to James J. Hill (enclosure), April 20, 1886, General Correspondence, Box 19, Hill Papers.

43. U.S., Congress, House, A Bill to Provide Permanent Reservations for the Piegan, Blood, Blackfeet, Assinaboine (sic), and Gros Ventre tribes of Indians, and for other purposes, H. R. 4159, 47th Cong., 1st sess., 1882; U.S. Congress, House, A bill to provide permanent reservations for the Indians in Northern Montana, and for other purposes, H.R. 5427, 48th Cong., 1st sess., 1884; U.S. Congress, House, A Bill to provide permanent reservations for the Indians in Northern Montana, and for other purposes, H.R. 2866, 49th Cong., 1st sess., 1886.

44. U.S. Congress, House, H.R. 5543, 49th Cong., 1st sess., 1886; Martin Maginnis to James J. Hill, April 20, 1886 (includes enclosure), General Correspondence, Box 19, Hill Papers.

45. Martin Maginnis to James J. Hill, April 26, 1886, General Correspondence, Box 19, Hill Papers.

46. Ibid.

47. Representative Knute Nelson to James J. Hill, May 11, 1886, General Correspondence, Box 19, Hill Papers.


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50. Martin Maginnis to L.Q.C. Lamar, June 14, 1886, Jurisdiction Study. This is the same letter in which Maginnis elaborated his Blackfeet Reservation removal plan.


52. U.S., Congress, Senate, A Bill Granting to railroads the right of way through the Indian Reservation of Northern Montana, S. 2281, 49th Cong., 1st sess., 1886; Legislative calendar, Microfiche number 53, Jurisdiction Study.

53. James J. Hill to Martin Maginnis, June 1, 1886, Index, Hill Papers.

54. Martin Maginnis to James J. Hill, June 14, 1886, General Correspondence, Box 20, Hill Papers.

55. James J. Hill to Martin Maginnis, June 17, 1886, Index, Hill Papers.


57. William E. Smith to James J. Hill, July 20, 1886, General Correspondence, Box 20, Hill Papers.

58. Legislative calendar, Microfiche number 52, Jurisdiction Study.


60. Martin Maginnis to James J. Hill, June 14, 1886, General Correspondence, Box 20, Hill Papers.


62. Legislative calendar, Microfiche number 52, Jurisdiction Study.

63. James J. Hill to John S. Kennedy, July 8, 1886, Volume P-14, Hill Papers.


65. James J. Hill to William E. Smith (telegram), July 7, 1886, Index, Hill Papers. This citation may seem confusing, but in this telegram Hill refers to a telegram he recently received from Maginnis confirming the potential veto.
66. James J. Hill to President Grover Cleveland (telegram), July 7, 1886, Index, Hill Papers.


68. Representative William L. Scott to James J. Hill, July 22, 1886, General Correspondence, Box 20, Hill Papers.

69. Martin, James J. Hill, pp. 299, 305-309.

70. Representative Knute Nelson to James J. Hill, July 15, 1886, General Correspondence, Box 20, Hill Papers.


72. U.S., Congress, Senate, Message from the President of the United States, S. Ex. Doc. 204, 49th Cong., 1st sess., 1886. (S.S. 2341)


74. U.S., Congress, Senate, Message from the President of the United States, S. Ex. Doc. 204, 49th Cong., 1st sess, 1886, P. 1. (S.S. 2341)

75. Ibid.

76. U.S. Congress, Senate, The Committee on Indian Affairs, S. Rept. 1494 to accompany vetoed bill S. 2281, 49th Cong., 1st sess., 1886, P. 1. (S.S. 2365)

77. Ibid., pp. 2-3.

78. U.S., Congress, Senate, Message from the President of the United States, S. Ex. Doc. 204, 49th Cong., 1st sess., 1886, P. 1. (S.S. 2341)

79. Ibid.


81. U.S., Congress, Senate, Message from the President of the United States, S. Ex. Doc. 204, 49th Cong., 1st sess., 1886. (S.S. 2341)


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83. James J. Hill to John S. Kennedy, July 8, 1886, Volume P-14, Hill Papers.


85. William F. Vilas to James J. Hill, July 20, 1886, General Correspondence, Box 20, Hill Papers.

86. Representative William L. Scott to James J. Hill, July 20, 1886, General Correspondence, Box 20, Hill Papers.

87. Representative Knute Nelson to James J. Hill, July 15, 1886, General Correspondence, Box 20, Hill Papers; William E. Smith to James J. Hill, July 20, 1886, General Correspondence, Box 20, Hill Papers.


89. Ibid., sec. 5.


93. Ibid.

94. U.S., Congress, Senate, Message from the President of the United States, S. Ex. Doc. 30, 49th Cong., 2nd sess., 1887, p. 5. (S.S. 2448)


96. Ibid.

97. Ibid.

98. Legislative calendar, Microfiche number 52, Jurisdiction Study.

99. An act granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota, Statutes at Large 24, 402 (February 15, 1887); Legislative calendar, Microfiche number 52, Jurisdiction Study.

51


102. Ibid.


104. Ibid., p. 25.


108. Ibid., p. 5.

109. Ibid., pp. 16-17.


111. James J. Hill to John S. Kennedy, September 7, 1887, Index, Hill Papers.

112. An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes. Statutes at Large 25, 113 (May 1, 1888).

113. An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes, Statutes at Large 26, 989 (March 3, 1891).
SELECTED BIBLIOGRAPHY

Secondary Sources:  Books and Articles


Dissertations and Theses


Manuscript Collections


Public Documents

An act granting to railroads the right of way through the public lands of the United States. Statutes at Large, vol. 18, (1875).


An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes. Statutes at Large, vol. 26, (1891).

An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes. Statutes at Large, vol. 25, (1888).


U.S. Congress. House. A Bill to provide permanent reservations for the Indians in Northern Montana, and for other purposes. H.R. 2886, 49th Cong., 1st sess., 1886.


U.S. Congress. Senate. A Bill Granting to railroads the right of way through the Indian Reservation of Northern Montana. S. 2281, 49th Cong., 1st sess., 1886.

U.S. Congress. Senate. The Committee on Indian Affairs... S. Rept. 1494 to Accompany vetoed bill S. 2281, 49th Cong., 1st sess., 1886. (S.S. 2365).


FIGURE I

BLACKFEET RES.
MILLS RES.
MISSOURI R.
BUFFORD MILITARY RES.
YELLOWSTONE R.
FT. BERTHOLD RES.
MINOT
GRAND FORKS

MANITOBA RAILROAD
in the
Montana and Dakota Territories
1886

MANITOBA RR.
NORTHERN PACIFIC RR.
INDIAN RESERVATION

50 0 100 200mi.
FIGURE 2

BLACKFEET RES.

FT PECK RES.

BELKNAP RES.

BUFORD MILITARY RES.

FT. BERTHOLD RES.

MANITOBA RR.

NORTHERN PACIFIC RR.

INDIAN RESERVATION

MANITOBA RAILROAD

in the

Montana and Dakota Territories

1888

50 0 100 200mi.
Figure 3

BLACKFEET RES

MILES RES.

BLACKFEET AND FORT BERTHOLD RESERVATIONS

1870

INDIAN RESERVATION

Missouri R.

Yellowstone R.

FT. BERTHOLD RES.

50 0 100 200mi.