

RIGHT OF WAY THROUGH INDIAN TERRITORY.

FEBRUARY 15, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PERKINS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3359.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3359) to grant to the Kansas City and Pacific Railroad Company the right of way through the Indian Territory, and for other purposes, have considered the same, and submit the following favorable report:

The railroad contemplated by this bill leads from a point near Coffeyville, in Kansas, and runs thence in an almost southerly direction to the point designated in the bill as its place of crossing Red River into the State of Texas. The railroad company is incorporated under the general laws of the State of Kansas, and has now in that State more than 100 miles of road built and in operation, and is rapidly building more, and the proposed line through the Indian Territory will make it an important road to the people of both Kansas and Texas. The company is responsible, and the committee was assured that if the right of way was granted the road would be built through the Territory without delay.

The committee have endeavored to guard in the best way possible the interests of all parties in the Indian Territory likely to be affected by the construction of this railway. The bill provides in case of failure to make amicable settlement with any occupant of lands through which the road may pass that the amount of damage shall be determined by three disinterested referees, to be appointed, one by the Commissioner of Indian Affairs, one by the tribe to whom such occupant belongs, and one by the railroad company, with an appeal to the United States district court at Fort Smith, Ark., Wichita, Kans., or to the court for the northern district of Texas by either party feeling aggrieved by the award of the referees.

The bill also provides for a stipulated sum of \$50 per mile to be paid to the tribe of Indians for the right of way through their land, and the right of appeal to the courts above mentioned by the tribe if they shall not be satisfied with this sum. The bill also provides for the payment of an additional sum of \$15 per annum for each mile of railway during the continuance of the railway, to be paid to the tribe in conformity with treaty stipulations on the part of the United States. There are provisions also in the bill for proper police regulations and the protection of the Indians of the Territory under the non-intercourse laws.

In the opinion of the committee the rights of the Indians and the public are as well guarded as it is possible to protect them by enactment, and the bill contains a provision that Congress may at any time amend, add to, alter, or repeal the provisions of the bill itself.

The committee therefore recommend the passage of the bill, with an amendment to the first section.