

MOORHEAD, LEECH LAKE AND NORTHERN RAILWAY COMPANY.

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

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

REPORT:

[To accompany bill H. R. 7261.]

The Committee on Indian Affairs, to whom was referred House bill granting the right of way through certain Indian lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company, submit the following report:

This railway company proposes and intends to construct a railway from the city of Moorhead, by the most convenient and practicable route, in a northeasterly direction through Clay County; thence in an easterly direction through a portion of Becker County; thence into and through the White Earth Indian Reservation, passing Flat Lake and through another portion of Becker County; thence through Hubbard, Cass, Aitkin, and Saint Louis counties to Duluth; thus connecting the navigable waters of the Red River of the North by a direct and easy route with the head of Lake Superior.

The White Earth Reservation is situate in the counties of Norman and Becker, in northwestern Minnesota, is 36 miles square, contains an acreage of 796,672 acres, and is inhabited by about 1,845 Indians, partially civilized.

This bill as introduced is conformable to laws giving rights of way through Indian lands in Montana. But, as the Indians on the White Earth Reservation are in a much higher state of civilization, and have to some extent had lands allotted to them in severalty, your committee feel constrained to offer a substitute bill, and recommend the passage of this substitute. The substitute is essentially the same as all laws heretofore passed for right of way through "the Indian Territory," and is based upon the same principles and conforms thereto as the laws of Minnesota, allowing railway companies to secure rights of way through private property by condemnation proceedings under the right of eminent domain. The rights of individual allottees are as carefully protected as the rights of any white citizens of Minnesota would or could be under similar circumstances.

Unless the company and the individual allottees agree, compensation is in the first instance to be awarded by three impartial appraisers, to be appointed, one by the President of the United States, one by the chief of the Indian tribe, and one by the railway company. Either party

may freely appeal from such award to the United States court in Minnesota, and thus have the benefit of a jury in assessing compensation.

The right of way that may be thus acquired is to be but 100 feet width, with station grounds at intervals of not less than 10 miles, such station grounds not to exceed 200 feet in width and 3,000 feet in length.

In addition to the full compensation to be awarded the individual allottees, \$50 per mile of road built within the reservation is to be paid the tribe, together with an annual tax or royalty of \$15 per mile so long as the reservation exists. The Indians on this reservation are engaged to a considerable extent in agriculture. They are now remote from any railroads, so that the construction of the proposed road would be of great advantage to them.