

RAILROADS ACROSS INDIAN TERRITORY.

MARCH 29, 1886.—Referred to the House Calendar and ordered to be printed:

Mr. CHARLES H. ALLEN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 7466.]

The Committee on Indian Affairs to whom was referred the bill (H. R. 5868) to authorize the construction and operation of railroads through the Indian Territory, have had the same under consideration, and respectfully report the same back with the recommendation that it lie on the table, and, as a substitute therefor, they direct the bill herewith submitted to be reported to the House for favorable action.

The purpose of the original bill (H. R. 5868) and of the bill herewith reported is identically the same, and both seek to provide by general legislation for the granting of rights of way across the Indian Territory that have heretofore been granted to special corporations, and by special acts.

The question of the right of way across this Territory has, by the decisions of the Supreme Court and by legislation previously had by Congress, been deemed to exist with the United States, and the vast growth in the development of the section of country immediately surrounding this Territory has been so remarkable during the last ten years as to make the need of additional means of communication and transportation apparent to all. The vast regions of the Southwest and the large area of the Middle States are now separated from each other, in a commercial sense, by the large country known as the Indian Territory, and the needs of commerce and the development of civilization are looking to the same directness and facility for transportation between themselves as exist in other more favored sections of the country.

Many well-informed people are of the opinion that the next five years are to witness great activity in railroad building between the West and Southwest, and if their expectations are well founded, we must look for vigorous and exciting demands upon Congress for the granting of special acts to railroad corporations to cross such portions of public lands or Indian reservations now without the advantages of State or Territorial laws.

To this end the Committee on Indian Affairs of the Senate have already had presented for their consideration at this session ten bills, seeking by special act to enable railroad companies to obtain rights of way across the Indian Territory, while the House Committee on Indian Affairs, in pursuance of their duties, have already reported four special acts to railroad companies for such purposes which are now upon the Calendar of the House awaiting action, and have others pending in committee.

This granting of special acts to railroad companies is fraught with danger which wise legislators will diligently seek to avert. Where great labor is necessary to secure the passage of a special act, when in the crowd of matters pending delay is certain, there attaches a speculative value to such franchises which should not obtain. In such cases the corporation having the greatest number of friends and the largest influence is sure to succeed as against corporations seeking the same privileges in equal good faith with abundant pecuniary responsibility, but less favored by prevailing influences.

To thus legislate for special corporators, to monopolize legislation for the favored few, is to prostitute and pervert the true intent of all legislation. The purpose, then, of this general bill is to allow all companies who come duly incorporated, seeking in good faith and with satisfactory and well secured pecuniary responsibility to cross the Indian Territory, to secure that right, if they are entitled to it, under general terms instead of by special act.

It will operate to take away all speculative value from such rights, to relieve legislators from the pressure of local influences in favor of any one company over any other. It imposes no hardship upon any company seeking this privilege in good faith and backed by proper pecuniary responsibility, and it will absolutely prevent any merely "paper company" from securing a franchise which from the difficulty in passing it through Congress immediately upon its enactment attains a great pecuniary value. This general act will protect the property of individuals and tribal organizations by requiring, before a foot of the railroad is constructed or even the right to construct is permitted, the bona fide paying in of an amount of actual cash large enough to amply indemnify all property owners or occupants for damage. It provides for no land grant; it simply gives the right to use for railroad purposes only (and when no longer used for such purposes to revert to the original owners) a strip of land 100 feet wide, except at intervals not less than 10 miles an additional 200 feet in width, with length of 3,000 feet for depots, stations, and sidings.

Such is the purpose of this general act, and, in the judgment of the committee, in the interest of property, in the development of commerce, indirectly in extending the benefits of a wider civilization through the agencies which follow along the line of growing industries, and in the direction of wise and conservative legislation, this bill commends itself.

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