

RIGHT OF WAY FOR RAILROAD PURPOSES.

MARCH 17, 1886.—Referred to the House Calendar and ordered to be printed:

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

REPORT:

[To accompany bill S. 91.]

The Committee on Indian Affairs, to whom was referred Senate bill 91, to amend an act entitled "An act to grant a right of way for a railway and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes," have had the same under consideration and report it back to the House without amendment, and recommend its passage. The Senate Committee on Railroads made the following report to the Senate on said bill, to wit:

This bill simply extends for a period of two years the time allowed by "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes," approved August 2, 1882, which requires that—"Within one year from the date of the acceptance of this act by said company, as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of road and telegraph as designated in the first section of this act, and shall complete the said road and telegraph through the lands of said nations within the further period of one year."

The committee have not discovered any evidence of a lack of good faith upon the part of said Saint Louis and San Francisco Railway Company, but, upon the contrary, it appears that said company has done all that it was possible to do toward a fair and honest compliance with its obligations.

There are various causes to be assigned, for it appears to have been a necessary and unavoidable delay, rendering it impossible for the said railway company to complete its work within the time fixed by the said act of 1882. There was an unexpected and long delay occasioned by the difficulty of securing the approval of the War Department of the location of the bridge over the Arkansas River, located at Van Buren. Until this approval of the said bridge location was secured, it clearly was not in the power of the railway company either to furnish a map showing the definite location of its line, or to proceed with the construction of the road.

Unexpected and unavoidable conditions of embarrassment in the placing of their bonds in foreign markets increased the complications of the situation. The railway corporation promptly caused to be introduced in the houses of the last Congress bills granting the extension herein provided for, which bills were favorably reported by the committees to which they were referred by both houses of the last Congress, but were not reached in their places upon their respective calendars.

The bridge over the Arkansas River, finally located at Van Buren, has now been completed, at a cost of about \$450,000. The completion of this, the most expensive feature of the work, demonstrates to the satisfaction of the committee the good faith with which this company is seeking to comply with all the requirements of the act of 1882.

For a more detailed statement of the facts the committee ask to file herewith, and make a part of this report, letters from Edward F. Winslow, president of the said railway company, to the President of the United States, and to the Secretary of the Interior, under date of February 9, 1886.

Upon the facts as stated, and for the reasons assigned, your committee are of the opinion that it was not because of any fault of the said railway company, but because of conditions beyond its control, that the act of 1882 was not fully complied with within the time allowed by said act, and therefore recommend the passage of this bill.