

DULUTH, RAINY LAKE RIVER AND SOUTHWESTERN
RAILWAY COMPANY.

JANUARY 17, 1888.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 1584.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota, beg leave to report as follows:

This railway company proposes to build a railroad extending from the city of Duluth, Minn., to a point on the international boundary where the Rainy Lake River empties into the Lake of the Woods, and thence in a southwesterly direction to the Red River of the North, on the boundary line between Minnesota and Dakota.

The course of the road is mainly through a vast and unsettled wilderness, valuable chiefly for its timber and minerals, both of which for want of such a road are now wholly inaccessible, especially from the American side of the boundary line. The most valuable part of the timber is on the southern slopes of the Rainy Lake River and its tributaries rising in Minnesota. This timber can now be floated by water down the Rainy Lake River into and through the Lake of the Woods, and thence down the Winnepeg River to Rat Portage, on the Canada Pacific Railroad, in the province of Manitoba, and this is undoubtedly the course this timber will take unless proper railroad facilities are soon furnished.

The western terminus of the proposed road is in the center of the upper part of the fertile Red River Valley, an almost boundless prairie, thickly settled and rich in agricultural resources, but practically void of timber.

The chief minerals along the proposed line of road are rich and highly productive iron ores, which are not available for industrial purposes till brought to the lake shore at Duluth.

The main purpose and occasion for the proposed road is to carry easterly to the lake shore at Duluth the great wheat crop of the upper Red River Valley and the valuable iron ores referred to above, and to carry the wood, lumber, and fuel, so abundant along the line of the road, to the people of the Red River Valley, who are greatly in need of the same, thereby supplying their wants, and preventing the timber from being diverted to Canada.

The proposed road will run through the "Boisé Fort" Indian Reservation, in the northeastern part of Minnesota. This is a small reservation of 107,509 acres in area, and supposed to be occupied by some

700 Indians, who have but 14 dwelling-houses, and 25 acres under cultivation on the reservation. In fact the reservation is of little or no value for agricultural purposes, and the Indians live chiefly by hunting, fishing, and the gathering of berries, and roam all over the vast uninhabited expanse in northeastern Minnesota.

The course of the road will also run through the northern half of the Red Lake Reservation in northwestern Minnesota. This "reservation" is unceded Indian territory, covers an area of 3,200,000 acres, and is occupied by about 1,100 semi-civilized Indians who live around the shores of Red Lake in the southern half of the reservation, and who do a little farming, but live mainly by hunting, fishing, logging, and the gathering of berries.

The object of this bill is to give the right of way through said reservations and through adjacent unsurveyed public lands to said railway company.

So far as the granting of right of way through the public lands is concerned, the provisions of the bill may be considered as surplusage, as this right exists and is conferred by chapter 152, volume 18, Statutes at Large, page 482, to as full an extent as in the bill.

In respect to the right of way through the Indian reservations the bill, when amended as hereinafter stated, is in all its details substantially like chapter 130, page 402, and chapter 336, page 545, volume 24, Statutes at Large—acts passed by the Forty-ninth Congress giving rights of way to certain railway companies through certain Indian reservations in the Territory of Montana.

These acts met the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, and were carefully and deliberately considered by Congress. There is nothing in the condition of these Indians and the country affected by this bill that could require or would suggest a fairer or juster mode of procedure. Those acts of the Forty-ninth Congress to which reference has been made have in practice been found to work well and satisfactorily to the Indians, as in both instances the rights of way have been long since secured and the roads are already built.

In order that the company may not speculate in this right of way, and may be required to speedily construct the proposed road, and in order that this bill may conform to the two acts cited above, your committee recommend that section 5 be amended so as to read as follows:

"SEC. 5. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act."

And that the bill when so amended do pass.