

FORT SMITH, PARIS AND DARDANELLE RAILWAY COMPANY.

JANUARY 25, 1889.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 11777.]

The Committee on Indian Affairs, having had under consideration House bill 11777, "a bill granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas," make the following report:

The Fort Smith, Paris and Dardanelle Railway Company is a corporation organized under the laws of the State of Arkansas for the purpose of constructing and operating a railroad from the town of Dardanelle, on the south side of the Arkansas River, about 90 miles east of Fort Smith, Ark., via Paris, Ark., to Fort Smith, Ark., thence across the Arkansas River at that point and through the Indian Territory to Baxter Springs, in the State of Kansas, where it makes its northern and eastern connections with other roads.

The company has already procured the right of way for the entire line in Arkansas, it being through a fertile valley, thickly settled, and a portion of it through coal fields, and has constructed a portion of the line. It has procured the necessary bridge charter across the Arkansas River, and awaits this right of way that it may be safe in going forward and constructing the road, in the assurance of this northern and eastern connection.

The bill has been carefully drawn, conforming to the precedents established by the committee and both houses of Congress, and containing all the safe-guards deemed necessary for the protection of the property rights of the Indians. In June, 1886, Congress granted a right of way to the Kansas City, Fort Scott and Gulf Railway Company, running almost parallel with this line, and connecting the points named in this bill, but it compelled said company to construct said road in part through the State of Arkansas. On the surveys being made the route proved impracticable, because of the Ozark Mountains, and the enterprise was abandoned.

This bill repeals the act granting that right of way, which would expire by the terms of the act itself next June, and said company makes no opposition thereto, nor has any opposition been made by the Indians along the contemplated route, and through whose territory the right of way is proposed to be granted by this bill.

The bill compels the construction of the entire road within four years, and contains a self-forfeiture clause if the company fails therein. It contains no grant of lands and no rights whatever except those essential to the construction and operation of the road, telephone and telegraph lines, determined by numerous precedents of both houses of Congress.

The committee recommend the passage of the bill.

