

5-1-1882

Cherokee Central Railroad and Telegraph Co.

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Recommended Citation

S. Rep. No. 502, 47th Cong., 1st Sess. (1882)

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IN THE SENATE OF THE UNITED STATES.

MAY 1, 1882.—Ordered to be printed.

Mr. WILLIAMS, from the Committee on Railroads, submitted the following

REPORT:

[To accompany bill S. 1573.]

The Committee on Railroads, to whom was referred the bill (S. 1573) providing for the incorporation of the Cherokee Central Railroad and Telegraph Company, and for other purposes, having had the same under consideration, respectfully report:

That said bill contemplates the construction of a railroad and telegraph line along the general course of the Arkansas River, through the Indian Territory, from Fort Smith in the State of Arkansas to Arkansas City in the State of Kansas, with two branches, one to Coffeyville in the State of Kansas, and one, via Tahlequah in the Cherokee Nation, to Fayetteville in the State of Arkansas.

The franchise or corporate powers asked for in said bill are such as are usually asked for in similar cases, not asking any subsidy, land grant, or government aid whatever, and in the opinion of the committee are such as ought to be granted in all cases, when it can be lawfully done by Congress of the United States.

The committee find that this line of railroad and its branches would connect the State of Kansas, and the States north and west of that State, over the Fort Smith and Little Rock Railroad, and others connecting with it at Little Rock, with the Mississippi River at Memphis, and other points below there on that river, thereby reaching the most profitable and natural market for the grain products of the grain-producing sections north and west of the Indian Territory; besides it will furnish a market in these same States for the surplus timber of Arkansas. The rapid growth of the agricultural interests of the State of Kansas, Southwestern Missouri, and the State of Arkansas, make it necessary, to protect that interest, as well as to facilitate the commercial transactions between these sections, that the line of railroad contemplated by this bill should be constructed.

The citizens of Kansas at present find their best market for their grain in the Lower Mississippi Valley, and to reach it have to go around by way of a long all-rail route; whereas should this line be constructed the distance will be shortened fully one-half, being now nearly 1,000 miles, but by this proposed line would be less than 500 miles.

This bill amply provides for the protection of the property and rights of the Indians of each nation through whose country said railroad may pass, by authorizing their own local authorities to have jurisdiction for

the proper protection of their nations or citizens from loss or damage sustained by them in consequence of any unauthorized action or doings of said company. Their rights are so completely protected that the committee are of opinion that the authorities of none of the several nations of Indians, through whose country said railroad may pass, can reasonably withhold, or will withhold, their approval of the right of way granted by the bill to said company. To do so, their action could be regarded in no other light, in view of the great necessity of this contemplated line of commercial communication, than an unreasonable obstruction to the imperative demands of the commerce of the country.

The committee are of opinion, and so report, that the granting of this franchise and the construction of the contemplated railroad will not only be of great public benefit to the sections connected thereby, but will also be of great benefit to the Indians themselves, by furnishing an efficient and speedy method for the pursuit and arrest of criminals taking refuge in their territory, and also by a cheaper and speedier method of delivering their supplies, mails, &c., as well as giving them a market for their products, and thus stimulating their productive capacity, which is the surest and best incentive to civilization.

For these reasons the committee recommend the passage of the bill with the amendments proposed, as follows:

Amend section 8 by striking out all after the word "*Provided*" in line 18, to and including the word "corporation" in line 23, and in lieu thereof inserting the following: "That if said corporation shall not be able to agree with any nation of Indians through whose country said railroad may pass upon the price to be paid for the public Indian lands needed for said railroad, the said corporation may apply in writing to the judge of the district court of the district in which said lands may lie, and the course shall be pursued as hereinafter provided in the case of similar disagreements with private parties."

Amend section 9, in line 5, by striking out the word "to" and inserting the word "shall."