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## Right of way through Indian Territory

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## RIGHT OF WAY THROUGH INDIAN TERRITORY.

MARCH 21, 1890.—Referred to the House Calendar and ordered to be printed.

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

### REPORT:

[To accompany H. R. 344.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 344) granting to the Pittsburgh, Columbus and Fort Smith Railway Company the right of way through the Indian Territory, and for other purposes, have considered the same and submit the following favorable report:

The railroad contemplated by this bill leads from a point near the center of the southern boundary of the county of Cherokee, in the State of Kansas, and runs thence by the most practicable route through the Indian Territory, by way of Afton and Tallequah, to a point on the Arkansas River near Fort Smith, Ark.

The railroad company is incorporated under the general laws of the State of Kansas, and the contemplated road is important to the people of Kansas, as well as to the people of the Indian Territory and the proposed Territory of Oklahoma.

The company is responsible, and the committee was assured that if the right of way was granted the road would be built through the Territory without delay.

The committee have endeavored to guard in the best way possible the interests of all parties in the Indian Territory likely to be affected by the construction of this railway. The bill provides in case of failure to make amicable settlement with any occupant of lands through which the road may pass that the amount of damage shall be determined by three disinterested referees, to be appointed, one by the Commissioner of Indian Affairs, one by the tribe to whom such occupant belongs, and one by the railroad company, with an appeal to the United States district court, at Muscogee, in the Indian Territory.

The bill also provides for a stipulated sum of \$50 per mile to be paid to the tribe of Indians for the right of way through their land, and the right of appeal to the courts above mentioned by the tribe if they shall not be satisfied with this sum. There are provisions also in the bill for proper police regulations and the protection of the Indians of the Territory under the non-intercourse laws.

In the opinion of the committee the rights of the Indians and the public are as well guarded as it is possible to protect them by enactment, and the bill contains a provision that Congress may at any time amend, add to, alter, or repeal the provisions of the bill itself.

The committee therefore recommend the passage of the bill with some slight amendments.