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### Choctaw, Oklahoma, and Gulf Railway Company.

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H.R. Rep. No. 450, 54th Cong., 1st Sess. (1896)

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## CHOCTAW, OKLAHOMA, AND GULF RAILWAY COMPANY.

FEBRUARY 20, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT:

[To accompany H. R. 5975.]

The Committee on Indian Affairs, to whom was referred House bill 5975, having considered the same, recommend its passage.

Section 1 of this bill gives the Choctaw, Oklahoma and Gulf Railway Company power to construct and operate branches in Indian Territory, after maps showing the location of the branches shall have been filed with and approved by the Secretary of the Interior. The act of August 24, 1894, gave the company power to construct these branches, but the act did not in terms require the filing and approval by the Secretary of the Interior of maps showing the lines and locations. Before the President would sign the bill passed August 24, 1894, he required Mr. Gowen, the president of the company, to agree that he would not construct nor attempt to construct any of the branches contemplated by the act until the bill had been so amended by another Congress as to require maps to be filed with and approved by the Secretary of the Interior. This section is intended to meet that objection, and to keep that promise made to the President.

Section 2 of the bill provides that this company may build branches to aid in the development of any coal or timber territory contiguous to its lines. These branches, or spurs, are not to exceed 5 miles in length, they being intended simply to market the coal and timber contiguous to the main right of way.

Section 3 provides that the line of railroad which has heretofore been built shall be treated as a full compliance with the requirements of law, which were that the main line of said company should be completed prior to February 18, 1896. The main line, as originally surveyed, ran from a point on Red River, on the Texas line, to a point in Arkansas, a distance of something over 100 miles. The company has constructed 50 miles of this main line, but in addition to this 50 miles has constructed about 170 miles of branch line, running from Hartshorn, in Indian Territory, to Elreno, in Oklahoma, making about 220 miles in all that the company has constructed and now has in operation. It will be seen, therefore, that the company has constructed more miles of railroad than the law required it to construct prior to February 18, 1896. The law requiring the main line to be built within a certain time was simply to guarantee good faith. It would seem that faith has been kept in this instance, because, although the letter of the law requiring the main line to be built within a given time had not been kept, yet the spirit of the

law has been, in view of the fact that a greater number of miles of railway has been constructed than actually required by the previous act.

Section 2, which has already been partially explained, permits the company to build and operate a branch from any point on its existing line to the northern line of the State of Texas. The company, under existing law, has the right to build a main line from Hartshorn, located on the east and west line of the company to a point on northern line of the State of Texas. The company asks that it be permitted to build the remainder of this main line from any point on its east and west line to a point on the northern line of Texas, it being understood, however, that only one branch from its east and west line to Texas is to be built. This does not give the company any additional territory not heretofore granted, but simply permits the location of the line to be changed, as the interests of the company and the people of the Territory may demand.

