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St. Louis and Oklahoma City Railroad Company.

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ST. LOUIS AND OKLAHOMA CITY RAILROAD COMPANY.

JANUARY 31, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 1691.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, has had the same under consideration, and make the following report:

A bill similar to this was passed by the Fifty-third Congress, but was vetoed by the President. The grounds for his refusal to approve the bill were:

(1) The bill did not provide for the procurement of the consent of the Indians; (2) the grant was too liberal as to side tracks, turn-outs, and branches, sidings, and extensions, and as to station privileges in general; and (3) the bill should have provided for the filing and approval of a map of definite location of the entire line of the road before any part thereof was constructed.

Your committee is of the opinion that the second and third reasons given by the President in his veto were sound, but do not agree with the first one.

Your committee is satisfied that the exercise of eminent domain over the country occupied by the five tribes of Indians does not violate the legal rights of the Indians, provided they are given a reasonable price for the land taken and no more land than is actually necessary is taken.

In this view your committee is but following the decision of the Supreme Court of the United States in the case of the Cherokee Nation *v.* The Southern Kansas (135 U. S.).

Your committee therefore recommend the passage of the bill with the following amendments:

On page 2, line 5, strike out the word "two" and insert the word "one;" on the same page, in line 6, strike out the word "three" and insert the word "two;" on same page, in line 10, strike out the words "one hundred" and insert the word "fifty."

One page 4, line 34, after the word "mile," add the words "actually traveled."

In section 6, page 8, line 8, strike out all after the word "provided" and add the following: "That a map showing the entire line of the road in the Indian Territory shall be filed and approved before the work of construction shall commence."

On page 9, section 9, strike out all of line 1 after the word "said" and insert "Saint Louis and Oklahoma City Railroad Company."

Your committee also desires to call attention to the fact that 1,000 taxpayers of Lincoln County, Okla., ask for the passage of this bill and give as their reasons the following:

- (1) We have in Lincoln County 990 square miles of territory without a foot of railroad.
- (2) We have a population of 18,000 industrious, enterprising American citizens who are practically cut off from the outside world.
- (3) In the year 1895 we produced over 3,000 bales of cotton, 40,000 hogs, 35,000 cattle, 50,000 tons of hay, and 1,000,000 bushels of corn, besides other farm products, and have no way of putting it into the world's market, distance from 30 to 45 miles, except by farm wagons, and which is a great burden to the people.

