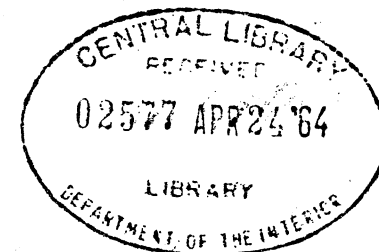


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History of Legislation
Relating to
The National Park System
Through the 82d Congress

Compiled by
Edmund B. Rogers



UNITED STATES DEPARTMENT OF THE INTERIOR
Fred A. Seaton, Secretary
U.S. NATIONAL PARK SERVICE, Conrad L. Wirth, Director



1958

9229

ANTIQUITIES ACT

HISTORY of LEGISLATION
through the
82nd CONGRESS

PART	I	HISTORY of BILLS and RESOLUTIONS INTRODUCED in CONGRESS
PART	II	STATUTES, ORDERS and PROCLAMATIONS
PART	III	APPROPRIATION ACTS (None)
PART	IV	STATE LAWS
APPENDIX	A	BILLS and RESOLUTIONS INTRODUCED in CONGRESS
APPENDIX	B	PUBLIC DOCUMENTS RELATING to LEGISLATION
APPENDIX	C	EXECUTIVE and DEPARTMENT ORDERS (None)

PART I

HISTORY of BILLS and RESOLUTIONS
Introduced in Congress

Key to abbreviations:

S Senate

H House

PART I

HISTORY of BILLS and RESOLUTIONS INTRODUCED in CONGRESS

47th CONGRESS

S 5-10-82 13 3777 Memorial of the New England
Historic Genealogical Society
praying that at least some of the ex-
tinct cities and pueblos, carefully selected,
with land reservations to be withheld from
public sale and their antiquities and ruins
be preserved. (printed in full and
discussed.) Public Lands.

50th CONGRESS

S 2-4-89 20 1454 Memorial of Oliver Ames, John
G. Whittier, Mary Hemenway, and others
praying for legislation for the protection
from destruction, of the ancient ruin of
the Temple Casa Grande, situated in Pinal
County, near Florence, Arizona.
Public Lands. S Misc. Doc. 60.

56th CONGRESS

HR 8066, For the preservation of prehistoric monu-
ments, ruins, and objects, and to prevent
their counterfeiting.

H 2-5-00 33 1529 Dolliver (Iowa) Public Lands.

HR 8195, To preserve the aboriginal antiquities and
prehistoric ruins on the public lands.

H 2-6-00 33 1596 Shafroth (Colo.) Public Lands.

HR 9245, To segregate from public lands certain
tracts on which are situated ancient houses
and ruins and to provide protection for these.

H 3-7-00 33 2637 Shafroth (Colo.) Public Lands.

PART I

56th CONGRESS, Cont'd.

HR 10451, For the preservation of prehistoric monuments, ruins, and objects on public lands.

H	4-5-00	33	3823	Shafroth (Colo.) Public Lands
H	4-21-00		4534	Reported w/amendment
				H Rept. 1104.

HR 11021, To establish and administer national parks, and for other purposes.

H	4-26-00	33	4738	Lacey (Iowa) Public Lands.
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HR 14227, To protect ancient ruins on the public domain.

H	2-18-01	34	2615	Perea (N.M.) Public Lands.
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58th CONGRESS

S 4127, For the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes.

S	2-5-04	38	1651	Cullom (Ill.) Public Lands.
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HR 12141, To protect ancient ruins on the public domain.

H	2-10-04	38	1872	Rodey (N.M.) Public Lands
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HR 12447, For the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes.

H	2-16-04	38	2000	Hitt (Ill.) Public Lands.
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PART I

58th CONGRESS, Cont'd.

HR 13349, For the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

H 3-2-04 38 2712 Rodenberg (Ill.) Public Lands.

HR 13478, To establish and administer national parks, and for other purposes.

H 3-4-04 38 2843 Lacey (Iowa) Public Lands.

S 5603, For the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

S 4-20-04 38 5160 Lodge (Mass.) Public Lands

S 4-25-04 38 5501 Reported w/out amendment
S Rept. 2430

S 4-26-04 38 5601 Teller submitted amendment -
laid on table.

S 4-26-04 5627 Debated, amended, passed Senate

H 4-27-04 5778 Referred to House Public Lands

H 1-19-05 39 1110 Reported w/amendment
H Rept. 3704.

* * * *

S 4-28-04 38 5816 Senate Public Lands Hearing
on S 4124 and S 560, 4-22-04.
S Doc. 314.

PART I

59th CONGRESS

HR 11016, For the preservation of American
antiquities.

H	1-9-06	40	883	Lacey (Iowa) Public Lands
H	3-12-06		3709	Reported w/amendment
				H Rept. 2224.

S 4698, For the preservation of American
antiquities.

S	2-26-06	40	2972	Patterson (Colo.) Public Lands
S	5-24-06		7331	Reported w/out amendment and passed House S Rept. 3797.
H	5-25-06		7434	Referred in House to Public Lands
H	6-5-06		7888	Reported w/out amendment and passed House
S	6-11-06		8240	Approved by President. (6-8-06)

63rd CONGRESS

H	12-20-13	51	1323	Supplemental estimate for preservation, development and protection of national monuments. Appropriations H Doc. 506.
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PART I

68th CONGRESS

S 3840, Authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order.

S	1-5-25	66	1196	Ladd (N.D.) Public Lands and Surveys
S	1-8-25		1436	Reported w/out amendment S Rept. 849
S	1-31-25		2780	Passed Senate
H	2-3-25		2974	Referred in House to Public Lands.

HR 11357, Authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive Order.

H	1-6-25	66	1360	Sinnott (Ore.) Public Lands
H	1-9-25		1587	Reported w/out amendment H Rept. 1119
H	1-16-25		1993	Passed House
S	1-17-25		2008	Referred in Senate to Public Lands and Surveys.

75th CONGRESS

HR 8912, To extend the provisions of the Act of June 8, 1906 (34 Stat. 225), entitled, "An Act for the preservation of American antiquities.

H	1-11-38	83	360	Wilcox (Fla.) Public Lands.
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PART I

75th CONGRESS, Cont'd.

S 3890, To extend the provisions of the Act of June 8, 1906 (34 Stat. 225), entitled, "An Act for the preservation of American antiquities", and for other purposes.

S	4-25-38	83	5684	Andrews (Fla.) Public Lands and Surveys
S	5-5-38		6260	Reported w/amendment
S	5-19-38		7038	Amended and passed Senate, reconsidered and restored to calendar
S	5-19-38		7123	Motion to reconsider withdrawn and passed Senate
H	5-20-38		7212	Referred in House to Public Lands
H	6-10-38		8838	Reported w/amendment H Rept.2691

76th CONGRESS

S 1399, To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

S	2-16-39	84	1461	King (Utah) Public Lands and Surveys
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HR 9220, To prohibit the acquisition of land for creation or extension of national parks, parkways, monuments, or recreation areas except by an Act of Congress.

H	4-3-40	86	3972	Horton (Wyo.) Public Lands.
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PART I

76th CONGRESS, Cont'd.

HR 9351, To amend the Act for the preservation of American antiquities, approved June 8, 1906, (34 Stat. 225), and for other purposes.

H 4-11-40 86 4400 De Rouen (La.) Public Lands.

S 3827, To amend the Act for the preservation of American antiquities, approved June 8, 1906 (34 Stat. 225), and for other purposes.

S 4-22-40 86 4809 Adams (Colo.) Public Lands and Surveys.

78th CONGRESS

S Res. 134, Authorizing the committee on Public Lands and Surveys to study and investigate the establishment of and the fixing or alteration of the boundaries of national monuments, national forests, Indian reservations, and national parks.

S 4-12-43 89 3265 O'Mahoney (Wyo.) Public Lands and Surveys

S 4-29-43 3765 Reported w/amendment and referred to Audit and Control

S 7-8-43 7468 Reported with additional amendment and agreed to.

S 1046, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

S 4-29-43 89 3765 O'Mahoney (Wyo.) Public Lands and Surveys

S 6-9-43 5532 Reported w/out amendment S Rept. 296.

PART I

78th CONGRESS, Cont'd.

S 1056, To amend section 2 of the Act entitled,
"An Act for the preservation of American
antiquities", approved June 8, 1906, with respect
to the creation of national monuments.

S 5-3-43 89 3805 Robertson (Wyo.) Public
Lands and Surveys.

HR 2591, To amend section 2 of the Act entitled,
"An Act for the preservation of American
antiquities", approved June 8, 1906, with respect to
the creation of national monuments.

H 5-3-43 89 3876 Barrett (Wyo.) Public Lands.

HR 3864, To repeal section 2 of the Act entitled,
"An Act for the preservation of American
antiquities."

H 12-17-43 89 10861 Dimond (Alaska) Public Lands.

HR 3884, To repeal section 2 of the Act entitled,
"An Act for the preservation of American
antiquities."

H 12-20-43 89 10927 Chenoweth (Colo.) Public Lands.

HR 4575, To amend section 2 of the Act entitled,
"An Act for the preservation of American
antiquities.", approved June 8, 1906.

H 4-13-44 90 3472 Fernandez (N.M.) Public Lands.

PART I

79th CONGRESS

HR 409, To amend section 2 of the Act entitled,
"An Act for the preservation of
American antiquities.

H 1-3-45 91 25 Fernandez (N.M.) Public Lands.

HR 1112, To repeal the Act entitled, "An Act for
the preservation of American antiquities",
approved June 8, 1906.

H 1-6-45 91 98 O'Connor (Mont.) Public Lands.

HR 1507, To repeal section 2 of the Act entitled,
"An Act for the preservation of American
antiquities".

H 1-16-45 91 290 Chenoweth (Colo.) Public Lands.

HR 2110, To repeal section 2 of the Act entitled,
"An Act for the preservation of American
antiquities", approved June 8, 1906.

H 2-12-45 91 1043 Barrett (Wyo.) Public Lands.

S 664, To amend the Act entitled "An Act for the
preservation of American antiquities",
approved June 8, 1906.

S 3-1-45 91 1599 Robertson (Wyo.) Public
Lands and Surveys.

HR 5859, To amend section 2 of the Act entitled,
"An Act for the preservation of American
antiquities", approved June 8, 1906.

H 3-25-46 92 2597 Fernandez (N.M.) Public Lands.

PART I

80th CONGRESS

S 91, To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

S 1-8-47 93 166 Robertson (Wyo.) Public Lands.

HR 1676, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

H 2-5-47 93 816 Fernandez (N.M.) Public Lands.

HR 2438, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

H 3-10-47 93 1904 Barrett (Wyo.) Public Lands.

PART II

STATUTES, ORDERS and PROCLAMATIONS

Key to abbreviations:

Dept.	Department of the Interior
FR	Federal Register
LNP	Laws Relating to the National Park Service, the National Parks and Monuments, compiled by Hillory A. Tolson. GPO 1933.
LNP-1	Laws Relating to the National Park Service, Supplement 1, July 1933 through April 1944. Compiled by Thomas Alan Sullivan. GPO 1944.
P & O	Proclamations and Orders Relating to the National Park Service up January 1, 1945, compiled by Thomas Alan Sullivan. GPO 1947.

PART II

STATUTES, ORDERS and PROCLAMATIONS

50th CONGRESS

An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

3-2-89
25 Stat. 96
(HR 12008)

Repair of the Ruins of Casa Grande, Arizona, to enable the Secretary of the Interior to repair and protect the ruins of Casa Grande, situated in Pinal County, near Florence, Arizona, \$2000, and the President is authorized to preserve from settlement and sale, the land on which said ruin is situated and so much of the public land adjacent thereto as in his judgment may be necessary for the protection of said ruin and the ancient city of which it is a part.

58th CONGRESS

An Act For the protection of the public forest reserves and national parks of the United States.

2-6-05
33 Stat. 700
(HR 7296)
LNP 4

59th CONGRESS

An Act For the preservation of American antiquities.

6-8-06
34 Stat. 225
(S 4698)
LNP 296

Uniform Rules and Regulations Prescribed by the Secretaries of the Interior, Agriculture and War to Carry out the Provisions of the "Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225).

12-28-06
Regulations
LNP 298

PART II

60th CONGRESS

An Act To codify, revise and amend the
penal laws of the United States.

3-4-09
45 Stat. 1098
(S 2982)
LNP 5

61st CONGRESS

An Act To provide for determining the
heirs of deceased Indians, for the disposition
and sale of allotments, and for other purposes,
approved June 25, 1910, (36 Stat. 857).

6-25-10
36 Stat. 857
(HR 24992)
LNP 7

64th CONGRESS

An Act To establish a National Park Service
and for other purposes.

8-25-16
39 Stat. 535
(HR 15522)
LNP 9

66th CONGRESS

An Act To amend an act entitled, "An
Act To create a Federal Power Commission;
to provide for the improvement of navi-
gation; the development of water power, the
use of the public lands in relation thereto,
and to repeal section 18 of the River and
Harbor Act, approved August 8, 1917, and for
other purposes, " approved June 10, 1920.

3-3-21
41 Stat. 1351
(S 4554)
LNP 4

PART II

70th CONGRESS

An Act To provide for the cooperation by the Smithsonian Institution with State, educational and scientific organizations in the United States for continuing ethnological researches among the American Indian.

4-10-28
45 Stat. 413
LNP 18

81st CONGRESS

An Act To provide for the cooperation of the Smithsonian Institution with State, educational and scientific organizations in the United States for continuing paleontological investigations in areas which will be flooded by the consolidation of Government dams.

8-15-49
63 Stat. 606
(HR 2290)

PART IV

STATE LAWS

Laws of

New Mexico

House Memorial #1, Memorializing
the Secretaries of War, Agriculture,
and the Interior to Make Necessary Regu-
lations to Protect the Interests of This
State in Prehistoric Places Excavated on
Government Lands in this State.

1929 - 439

Approved March 9, 1929.

APPENDIX A

BILLS and RESOLUTIONS INTRODUCED in CONGRESS

56th CONGRESS

- HR 8066, For the preservation of prehistoric monuments, ruins, and objects, and to prevent their counterfeiting.
- HR 8195, To preserve the aboriginal antiquities and prehistoric ruins on the public lands.
- HR 9245, To segregate from public lands certain tracts on which are situated ancient houses and ruins and to provide protection for these.
- HR 10451, For the preservation of prehistoric monuments, ruins, and objects on public lands.
- HR 11021, To establish and administer national parks, and for other purposes.
- HR 14227, To protect ancient ruins on the public domain.

58th CONGRESS

- HR 12141, To protect ancient ruins on the public domain.
- S 4127, For the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes.
- HR 12447, For the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes.
- HR 13349, For the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

APPENDIX A

58th CONGRESS, Cont'd.

HR 13478, To establish and administer national parks,
and for other purposes.

S 5603, For the preservation of historic and pre-
historic ruins, monuments, archaeological
objects, and other antiquities, and to prevent their
counterfeiting.

59th CONGRESS

HR 11016, For the preservation of American antiquities.

S 4698, For the preservation of American antiquities.

68th CONGRESS

S 3840, Authorizing the President of the United
States to restore to the public domain lands
reserved by public proclamation as national monuments,
and validating any such restorations heretofore so
made by Executive Order.

HR 11357, Authorizing the President of the United
States to restore to the public domain lands
reserved by public proclamation as national monuments,
and validating any such restorations heretofore so
made by Executive Order.

75th CONGRESS

HR 8912, To extend the provisions of the Act of
June 8, 1906 (34 Stat. 225), entitled,
"An Act for the preservation of American antiquities.

S 3890, To extend the provisions of the Act of
June 8, 1906 (34 Stat. 225), entitled,
"An Act for the preservation of American antiquities,"
and for other purposes.

APPENDIX A

76th CONGRESS

S 1399, To amend the Act entitled, "An Act for the preservation of American antiquities", approved, June 8, 1906.

HR 9220, To prohibit the acquisition of land for creation or extension of national parks, parkways, monuments, or recreation areas except by an Act of Congress.

HR 9351, To amend the Act for the preservation of American antiquities, approved June 8, 1906 (34 Stat. 225), and for other purposes.

S 3827, To amend the Act for the preservation of American antiquities, approved June 8, 1906 (34 Stat. 225), and for other purposes.

78th CONGRESS

S Res. 134, Authorizing the committee on Public Lands and Surveys to study and investigate the establishment of and the fixing or alteration of the boundaries of national monuments, national forests, Indian reservations, and national parks.

S 1046, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906:

S 1056, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906, with respect to the creation of national monuments.

HR 2591, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906, with respect to the creation of national monuments.

APPENDIX A

78th CONGRESS, Cont'd.

HR 3864, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities."

HR 3884, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities."

HR 4575, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities," approved June 8, 1906.

79th CONGRESS

HR 409, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities."

HR 1112, To repeal the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

HR 1507, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities."

HR 2110, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

S 664, To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

HR 5859, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

APPENDIX A

80th CONGRESS

S 91, To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

HR 1676, To amend section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

HR 2438, To repeal section 2 of the Act entitled, "An Act for the preservation of American antiquities", approved June 8, 1906.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 5, 1900.

Mr. DOLLIVER introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

For the preservation of prehistoric monuments, ruins, and objects,
and to prevent their counterfeiting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That for the purpose of protecting from wanton destruction
4 monuments, ruins, buildings, cemeteries, graves, habitations,
5 mines, workshops, or other objects, the work of prehis-
6 toric or primitive man, on the public domain of the
7 United States, all such monuments, ruins, buildings, ceme-
8 teries, graves, habitations, mines, workshops, and other
9 objects, whether on, above, or beneath the surface of the
10 ground, are hereby placed in the care and custody of the
11 Secretary of the Interior, with authority to permit examina-
12 tions, excavations, or the gathering of such objects by any
13 persons whom he may deem properly qualified to conduct
14 such examinations, excavations, or gatherings. *Provided*

1 *always*, That these are undertaken for the benefit of some
2 reputable museum, university, college, or other recognized
3 educational institution with a view to increasing the knowledge
4 of such objects and aiding the general advancement of archæ-
5 ological science.

6 SEC. 2. That all reservations of whatsoever name, nature,
7 character, or location, belonging to or becoming the property
8 of the United States Government, shall be subject to the pro-
9 visions of this Act; and the officers or persons charged with
10 the immediate care or custody of said reservations are hereby
11 empowered and directed to prevent and prohibit all unau-
12 thorized or unlawful examinations, excavations, or gatherings,
13 as defined in section one, within the limits of the respective
14 reservations in their charge, and they are hereby authorized
15 and directed to employ all proper and lawful means for pre-
16 venting such examinations, excavations, or gatherings, and for
17 capturing and sequestrating any objects the result thereof,
18 whether in the possession of any person or persons or other-
19 wise; and the said officers or caretakers are further author-
20 ized and directed to arrest or cause the arrest of any
21 person found violating this Act for arraignment before such
22 officials of the United States as have cognizance of such
23 matters.

24 SEC. 3. That any person who shall willfully destroy,
25 alter, deface, mutilate, or injure or carry away without

1 authority from the Secretary of the Interior, any aboriginal
2 antiquity on the public lands of the United States, shall be
3 deemed guilty of a misdemeanor, and upon conviction shall
4 be punished by a fine not exceeding one hundred dollars, or
5 by imprisonment of not more than ninety days.

6 SEC. 4. That any person who knowingly and inten-
7 tionally conducts, enters into, aids, abets, or participates in
8 any manner whatsoever, in any examinations, excavations, or
9 gatherings, as prescribed in section one of this Act, without
10 express authority from the Secretary of the Interior, shall be
11 punished by a fine of not more than one hundred dollars for
12 each and every offense, or by imprisonment for thirty days,
13 or by both such fine and imprisonment.

14 SEC. 5. That the forgery or counterfeiting of any archaeo-
15 logical object or any object which derives value from its antiq-
16 uity, or the making of any such object, whether copied from
17 an original or not, representing the same to be original and gen-
18 uine with intent to deceive, or the uttering of any such
19 objects by sale or exchange or otherwise, or the having
20 possession of any such objects with intent to utter the same
21 as original and genuine, is hereby declared to be a misde-
22 meanor, and any person convicted of this offense or any of
23 these offenses shall be punished by imprisonment not to
24 exceed one year, or by fine not to exceed ten thousand dollars,
25 or both fine and imprisonment at the discretion of the court.

1 SEC. 6. That all monuments, ruins, buildings, cemeteries,
2 graves, habitations, mines, workshops, or other objects, the
3 work of prehistoric or primitive man, whether above, on, or
4 beneath the surface of the ground, located on the public
5 domain or within any public reservation, are hereby declared
6 to be the property of the United States, whether attached to
7 the freehold or not; and no severing of them or any portion of
8 them from the realty, and no assuming possession and carrying
9 them away to whatsoever distance, shall be construed to transfer
10 the possession or ownership to the finders, holders, or alleged
11 owners acquiring by sale, transfer, or otherwise; and any and
12 all of such property may be recovered by any lawful proced-
13 ure and returned to the United States, to be placed in the
14 custody of the United States National Museum.

15 SEC. 7. That the President of the United States [or the
16 Secretary of the Interior, or the Commissioner of the General
17 Land Office, under his direction] shall have the right, power,
18 and authority to withdraw from sale and set aside for use as
19 a public park or reservation, in the same manner and form as
20 now provided by law and regulation for forestry reservations,
21 any prehistoric or primitive works, monuments, cliff dwellings,
22 cave dwellings, cemeteries, graves, mounds, forts, or any other
23 work of prehistoric or primitive man, and also any natural
24 formation of scientific or scenic value or interest, or natural
25 wonder or curiosity on the public domain, together with such

1 area of land surrounding or adjoining the same, as he may
2 deem necessary for the proper preservation or suitable enjoy-
3 ment of said reservation. Any and all such reservations
4 shall be regarded as public parks of the United States, and
5 shall be subject to such rules and regulations as shall be formu-
6 lated by the Secretary of the Interior for their preservation
7 and maintenance.

8 SEC. 8. That if within the area of such reservations as de-
9 scribed in this Act there shall exist any private claim or right of
10 possession of ownership in any individual or organization which
11 it shall, in the opinion of the Secretary of the Interior, be deemed
12 advisable to be acquired for the United States, the Secretary of
13 the Interior, or the Commissioner of the General Land Office,
14 under his direction, is hereby empowered and authorized to
15 vacate said claim or claims or interest and incorporate the
16 said land as a part of such reservation, granting to the owner
17 of such claim or claims the choice of an equivalent area in
18 size or value on another portion of the public lands of the
19 United States subject to entry.

20 SEC. 9. That any person who shall give information
21 leading to the arrest and conviction of a person or persons or
22 organizations violating any or all of the provisions of this Act
23 shall be entitled to and shall receive one-half of the penalties
24 levied thereunder, and any person charged with violating any
25 or all of the provisions of this Act who shall give information

1 leading to the arrest and conviction of his accomplices or of
2 any other person or persons or organizations violating the
3 same, shall be relieved from any imprisonment and be entitled
4 to recover one-half of any fine which may be assessed against
5 him.

6 SEC. 10. That all laws and parts of laws in conflict with
7 the provisions of this Act are hereby repealed.

A BILL
For the preservation of prehistoric monuments,
ruins, and objects, and to prevent their
counterfeiting.

By Mr. DOLLIVER.

FEBRUARY 5, 1900.—Referred to the Committee on the
Public Lands and ordered to be printed.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 6, 1900.

Mr. SHAFROTH introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

To preserve the aboriginal antiquities and prehistoric ruins on the public lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That any person who shall destroy, injure, or carry away,
4 without authority from the Secretary of the Interior, any
5 aboriginal antiquity or prehistoric ruin on the public lands of
6 the United States shall be deemed guilty of a misdemeanor,
7 and upon conviction be fined a sum not exceeding one hun-
8 dred dollars, or imprisonment for a period not exceeding
9 ninety days, or both.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 7, 1900.

Mr. SHAFROTH introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

To segregate from public lands certain tracts on which are situated
ancient houses and ruins and to provide protection for these.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior be, and is hereby, au-
4 thorized and directed to cause surveys and examinations to be
5 made by the Director of the Geological Survey of certain
6 tracts of land situate in the States of Colorado and Utah and
7 in the Territories of Arizona and New Mexico upon which
8 are known to exist ruins of temples, houses, or other structures
9 built by the former inhabitants of the country. These surveys
10 shall be of such character as to show the definite location of
11 these ruins, with reference to natural monument and land-
12 office subdivisions, and the maps resulting from these surveys
13 shall show these, with the smallest legal subdivision.
14 The said Director of the Geological Survey shall make

1 a report showing the results of these surveys and state
2 whether, in his opinion, the ruins are of sufficient value and
3 importance to be worthy of protection as permanent objects
4 of interest and of scientific value to the people of the United
5 States.

6 The Secretary of the Interior may, in his discretion, set
7 aside the lands upon which these ruins exist to the extent of
8 not exceeding three hundred and twenty acres to each ruin,
9 and all tracts thus designated or selected shall be from that
10 date henceforth reserved from sale as the property of the
11 United States, and shall not be subject to entry, settlement,
12 or occupation until further provided by law.

13 The lands thus set aside shall be placed in the custody
14 of the Bureau of American Ethnology of the Smithsonian
15 Institution and under the care of a custodian.

[Report No. 1104.]

IN THE HOUSE OF REPRESENTATIVES.

APRIL 5, 1900.

Mr. SHAFBOTH introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

APRIL 21, 1900.

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

[Insert the part printed in italics.]

A BILL

For the preservation of prehistoric monuments, ruins, and objects on public lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior may, from time to time,
4 set apart and reserve from sale, entry, and settlement any
5 public lands *in the States of Colorado and Wyoming and*
6 *in the Territories of Arizona and New Mexico* upon which
7 are monuments, cliff dwellings, cemeteries, graves, mounds,
8 forts, or any other work of prehistoric, primitive, or aboriginal
9 man, to the extent of not exceeding three hundred and
10 twenty acres of land for each reservation. That if any such
11 objects shall be situate on any unsurveyed lands of the United

1 States, the Secretary of the Interior shall cause the same to
2 be surveyed.

3 SEC. 2. That said reservations shall be under the con-
4 trol of the Secretary of the Interior, who shall have au-
5 thority to care for, protect, preserve, and manage the same,
6 and whose duty it shall be to make and publish, as soon as
7 practicable, such rules and regulations relative to the same as
8 he may deem necessary and proper; and he may permit the
9 investigation and excavation of such ruins, and the gathering
10 or collection of such prehistoric or aboriginal objects by the
11 Smithsonian Institution and its dependencies, and by reputable
12 museums, universities, colleges, or other recognized scientific
13 educational institutions in the United States, for the advance-
14 ment of archaeological science.

15 SEC. 3. That any person who shall destroy, injure, or carry
16 away, without authority from the Secretary of the Interior,
17 any aboriginal antiquity, monument, ruin, or other work of
18 prehistoric or primitive or aboriginal man found on any such
19 reservation, shall be deemed guilty of a misdemeanor, and
20 upon conviction shall be fined a sum of not exceeding five
21 hundred dollars, or imprisoned for a period not exceeding six
22 months, or both.

23 SEC. 4. That the unauthorized severing of any prehistoric
24 or scientific object herein mentioned from the realty, or the
25 unauthorized possession of any of them, or the carrying away

1 of any of them without authority from the Secretary of the
2 Interior, shall not be construed to give to the finders, hold-
3 ers, or alleged owners any lawful right or title thereto; and
4 any and all of such property taken without proper authority
5 may be recovered by the United States; and the Secretary of
6 the Interior is hereby authorized to cause the proper legal
7 proceedings to be instituted and prosecuted therefor.

8 SEC. 5. That if any person shall have a lawful right of
9 possession or ownership to any piece or parcel of land within
10 the area of any reservation set apart *or sought to be set apart*
11 under the provisions hereof, and which, in the opinion of the
12 Secretary of the Interior, should be acquired and held as a
13 part of such reservation, he is hereby authorized and em-
14 powered to purchase the same at a price not exceeding two
15 dollars and a half per acre.

Amend the title so as to read: "A bill for the preserva-
tion of prehistoric monuments, ruins, and objects on public
lands in the States of Colorado and Wyoming and in the
Territories of Arizona and New Mexico."

IN THE HOUSE OF REPRESENTATIVES.

APRIL 26, 1900.

Mr. LACEY introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

To establish and administer national parks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States may, from time to
4 time, set apart and reserve tracts of public land, which for
5 their scenic beauty, natural wonders or curiosities, ancient
6 ruins or relics, or other objects of scientific or historic interest,
7 or springs of medicinal or other properties it is desirable to
8 protect and utilize in the interest of the public; and the Presi-
9 dent shall, by public proclamation, declare the establishment
10 of such reservations and the limits thereof.

11 SEC. 2. That such reservations shall be known as na-
12 tional parks and shall be under the exclusive control of the
13 Secretary of the Interior, who is hereby empowered to pre-
14 scribe such rules and regulations and establish such service as
15 he shall deem necessary for the care and management of the

1 same. Such regulations shall provide specially for the pres-
2 ervation from injury or spoliation of any and all objects
3 therein of interest or value to science or history.

4 SEC. 3. That the Secretary of the Interior be, and is
5 hereby, authorized to permit examinations, excavations, and
6 the gathering of objects of interest within such parks by any
7 person or persons whom he may deem properly qualified to
8 conduct such examinations, excavations, or gatherings; sub-
9 ject to such rules and regulations as he may prescribe: *Pro-*
10 *vided, always,* That the examinations, excavations, and gath-
11 erings are undertaken for the benefit of the Smithsonian
12 Institution or of some reputable museum, university, college,
13 or other recognized scientific or educational institution, with
14 a view to increasing the knowledge of such objects and aid-
15 ing the general advancement of archæological science.

16 SEC. 4. That the Secretary of the Interior be, and is
17 hereby, authorized, in the exercise of his discretion, to rent
18 or lease, under rules and regulations to be made by him,
19 pieces or parcels of ground within such parks for the erection
20 of such buildings as may be required for the accommodation
21 of visitors.

22 SEC. 5. That all funds arising from the privileges granted
23 hereunder shall be covered into the Treasury of the United
24 States as a special fund to be expended in the care of such
25 parks.

1 SEC. 6. That all persons who shall unlawfully intrude
2 upon such parks, or who shall without permission appro-
3 priate, injure, or destroy any game, fish, timber, or
4 other public property therein, or injure or destroy any
5 caves, ruins, or other works or relics therein, or com-
6 mit unauthorized injury or waste, in any form whatsoever,
7 upon the lands or other public property therein, or who
8 shall violate any of the rules and regulations prescribed here-
9 under, shall, upon conviction, be fined in a sum not less than
10 fifty dollars nor more than five thousand dollars, or be im-
11 prisoned for a period not less than fifteen days nor more than
12 twelve months, or shall suffer both fine and imprisonment, in
13 the discretion of the court.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 18, 1901.

Mr. PERRA introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

To protect ancient ruins on the public domain.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it shall be unlawful for any person to excavate in, tear
4 down, mutilate, disturb, or remove anything whatever from
5 any ancient ruin of any kind, or remains of the habitations,
6 places of worship, or burial places of aboriginal man on any
7 of the public lands of the United States without first obtain-
8 ing a permit as hereinafter provided from the Bureau of
9 American Ethnology of the Smithsonian Institution; but no
10 such permit shall be issued without the recommendation of
11 the university of the State or Territory in which the ruins
12 or remains are situate.

13 SEC. 2. That any person desiring a permit to examine,
14 explore, or excavate in any such ruins or remains shall present
15 to the president of the university of the State or Territory in

1 to the Director of the Bureau of American Ethnology, which
2 shall contain as full a description as possible of the ruins as
3 to which the permit is desired and a statement of what is pro-
4 posed to be done, and shall be accompanied by a survey and
5 map of such ruins made by a United States deputy surveyor
6 or other competent surveyor approved by the president of the
7 university, together with photographs of the same as they
8 appear at the time of such application. The application, sur-
9 vey, map, and photographs shall be in duplicate, one set to
10 be retained by the university and the other to be forwarded
11 to the Director of the Bureau of American Ethnology, with
12 the recommendation or disapproval of the university; but no
13 permit shall be issued unless said Director is fully satisfied of
14 its propriety and desirability, and no such permit shall be
15 transferable.

16 SEC. 3. That whenever any such permit is issued it
17 shall be unlawful to begin or continue operations thereunder
18 without employing and retaining a suitable and competent
19 person, to be selected by the president of the university of the
20 State or Territory within which the operations are to be carried
21 on, whose duties shall be to be present during all of the time
22 that anything is done under such permit, to keep a record,
23 under instructions to be given by the Director of the Bureau
24 of American Ethnology, of all that is to be done, and to see
25 that the provisions of this Act are strictly complied with, and

1 who shall be paid a proper compensation, not to exceed ten
2 dollars per day, by the person to whom the permit is issued.
3 One copy of the record so kept shall be forwarded to the said
4 Director at Washington and another shall be deposited in the
5 university of the State or Territory where the work is done.

6 SEC. 4. That every person operating under such permit
7 shall, before removing any article found, note its exact loca-
8 tion upon a map prepared for the purpose, in duplicate, and
9 shall cause photographs of the same to be made, both before
10 and after removal from the sites where found, one copy of
11 such map and photographs to be deposited in the Smithsonian
12 Institution and another in the university of the State or Ter-
13 ritory within which the article is found, and a full report shall
14 accompany such map and photographs as to the disposition
15 of all such articles.

16 SEC. 5. That of articles having archaeological or other
17 value, provided duplicates are discovered, at least one speci-
18 men of each kind or variety of implement or object shall be-
19 long to both the Smithsonian Institution and the university
20 of the State or Territory within which the discoveries are
21 made. Unique specimens, of which no duplicates can be
22 furnished, must be photographed and accurately described,
23 and copies of such photographs and descriptions deposited
24 with both the Smithsonian Institution and said State uni-

1 SEC. 6. That all specimens of archaeological value de-
2 posited with the university and the Smithsonian Institution
3 shall be forever accessible to the general public, and to
4 students under such necessary restrictions as may be ordered,
5 and whenever the collections so deposited with any univer-
6 sity of a State or Territory cease to be so accessible, or when-
7 ever proper care ceases to be exercised in the preservation of
8 such material and data accompanying, it shall be the duty of
9 the Director of the Smithsonian Institution, upon lodgment
10 of information to such effect, to withdraw the collections from
11 the said university till such time as provision shall be made
12 for the proper care and exhibition of such collections.

13 SEC. 7. That any person violating any of the provisions
14 of this Act shall be deemed guilty of a misdemeanor, and
15 upon conviction thereof shall be punished by fine not exceeding
16 five thousand dollars or by imprisonment not exceeding two
17 years, or by both such fine and imprisonment. And all articles
18 discovered or removed by any person in violation of this Act
19 shall be forfeited, and shall be equally divided between the
20 Smithsonian Institution and the university of the State or
21 Territory within which they may have been found, or, in
22 the case of unique specimens, division shall be made as equi-
23 tably as possible by mutual agreement, and specimens not
24 deposited in either one of said institutions shall be represented

S. 4127.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 5, 1904.

Mr. CULLOM introduced the following bill; which was read twice and referred to the Committee on Public Lands.

A BILL

For the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the President of the United States may, from time to
4 time, set apart and reserve from sale, entry, settlement, or
5 occupancy so much of any of the public lands on which are
6 located aboriginal monuments, ruins, or other antiquities as he
7 may consider necessary for the purposes of this Act, when in
8 his opinion said aboriginal monuments, ruins, and other
9 antiquities are of sufficient public interest to make their pres-
10 ervation desirable; and the President shall by public procla-
11 mation declare the establishment of such reservations and the
12 limits thereof.

13 SEC. 2. That all aboriginal monuments, ruins, and other
14 antiquities on any of the said reservations from the public

1 lands belonging to the Government of the United States
2 America, now existent or hereafter created, are the property
3 of the United States, and it shall be unlawful for any person
4 to enter on said reservations and collect on or in them any
5 archaeological specimens without first obtaining a permit
6 therefor from the Secretary of the Interior, as hereinafter
7 provided.

8 . SEC. 3. That the provisions of this Act mean by "abo-
9 riginal monuments, ruins, and other antiquities," all abandoned
10 sites, structures, and other ancient remains which serve to
11 illustrate the early history of the aborigines, including
12 mounds, pyramids, cemeteries, graves, tombs, and burial places
13 and their contents, including human remains; workshops,
14 cliff dwellings, cavate lodges, caves, and rock shelters con-
15 taining evidences of former occupancy; communal houses,
16 towers, shrines, and other places of worship, including
17 abandoned mission houses or other church edifices; stone
18 heaps, shell heaps, ash heaps, cairns, stones artificially placed,
19 solitary or in groups, with or without regularity; pictographs,
20 and all ancient or artificial inscriptions; also fortifications and
21 inclosures, terraced gardens, walls standing or fallen down,
22 and implements, utensils, and other objects of wood, stone,
23 bone, shell, metal, and pottery, or textiles, statues and statu-
24 ettes, and other artificial objects.

25 SEC. 4. That such reservations shall be under the con-

1 trol of the Secretary of the Interior, who is hereby empow-
2 ered to prescribe such rules and regulations and to establish
3 such service as he shall deem necessary for the care and man-
4 agement of the same; and that all laws applicable to places
5 under the sole and exclusive jurisdiction of the United States
6 of America shall have full force and effect in any of the said
7 reservations so far as the same may be applicable, and the
8 United States district and circuit courts in and for the district
9 in which said reservations are located shall have jurisdiction
10 of all offenses committed on said reservations, but nothing
11 herein contained shall alter any rights of grazing, mining, or
12 quarrying, providing the same do not conflict with the pur-
13 poses of this Act.

14 SEC. 5. That the Secretary of the Interior shall make such
15 rules and regulations governing explorations, excavations, and
16 the collection of aboriginal implements, utensils, and other
17 objects of antiquity on said reservations as he deems best to
18 further the study of American archaeology and ethnology.
19 Such regulations shall provide especially for the preservation
20 from injury or spoliation of any and all objects of interest
21 or value to science or history and shall apply alike to all
22 of said reservations and to all persons having permits to ex-
23 plore or excavate therein or to collect thereon: *Provided,*
24 That such explorations, excavations, and collections shall be
25 made only by the Smithsonian Institution or some of its

1 bureaus, or by some State, Territorial, municipal, or other
2 duly incorporated museum, or by some foreign museum of
3 national character, or by museums attached to some incorpo-
4 rated educational college or university in the United States
5 which teaches archæological science.

6 SEC. 6. That the Secretary of the Interior be, and he is
7 hereby, authorized to rent or lease for terms not exceeding
8 ten years, under rules and regulations to be made by him,
9 small parcels of ground at such places on said reservations as
10 may be required for the accommodation of visitors. All the
11 proceeds of such leases shall be expended under his discretion
12 in the management or improvement of said reservations.

13 SEC. 7. That whenever any foreign museum of national
14 character, under the permit herein provided for, shall have
15 caused excavations or collections of aboriginal antiquities to
16 be made on any of the said reservations, and before any of
17 the objects collected shall be removed from the jurisdiction of
18 the United States they shall first be taken to the United
19 States National Museum, in Washington City, at the cost of
20 persons holding said permit, for inspection, and the Secretary
21 of the Smithsonian Institution shall be entitled to retain
22 therefrom any unique object or objects for deposit in the
23 United States National Museum.

24 SEC. 8. That before any person or persons shall receive
25 a permit to explore, excavate, or collect specimens on any of

1 said reservations they shall first give satisfactory proof to the
2 Secretary of the Smithsonian Institution that they are duly
3 qualified to conduct the same in conformity to this law and
4 the rules established hereunder; and all permits granted by
5 the Secretary of the Interior shall be issued on the recommen-
6 dation of the Secretary of the Smithsonian Institution.

7 SEC. 9. That no permit to explore, excavate, or collect
8 specimens in or from any of the aboriginal monuments, ruins,
9 or other ancient remains or antiquities on any of the said
10 reservations shall be for a period longer than two years; but
11 nothing herein contained shall prevent the extension of said
12 period for a further term of two years when circumstances
13 make it desirable. No permit shall be transferable, and the
14 failure of any person or persons exploring, excavating, or col-
15 lecting in, on, or among said aboriginal monuments, ruins, or
16 other aboriginal remains on any of said reservations to com-
17 ply with this law, and the rules established by the Secretary
18 of the Interior shall constitute a forfeiture of all rights under
19 said permit: *Provided*, That no second permit to ex-
20 plore, excavate, or to collect specimens on or in any of the
21 said reservations shall be issued during the period covered
22 by a prior permit for excavation thereon, unless the same
23 shall first be formally surrendered or annulled by due process
24 of law.

25 SEC. 10. That any person who shall unlawfully enter on

1 any of the said reservations and willfully or maliciously de-
2 stroy, tear down, mutilate, alter, or deface, injure, or carry
3 away any aboriginal monument, ruin, or other antiquity, or
4 who shall willfully or maliciously violate any of the rules and
5 regulations prescribed by the Secretary of the Interior here-
6 under, shall, on conviction thereof, be deemed guilty of a mis-
7 demeanor, and shall be fined not more than five hundred dol-
8 lars or be imprisoned not more than six months, or be both
9 fined and imprisoned, in the discretion of the court, and shall
10 forfeit to the United States all antiquities found in his posses-
11 sion taken in violation of this law, and the said antiquities
12 shall thereupon be deposited in the United States National
13 Museum; and possession within said reservation of objects of
14 ancient aboriginal origin shall be prima facie evidence that
15 the person in possession of the same is guilty of violating
16 this Act.

17 SEC. 11. That any individual who shall give informa-
18 tion leading to the conviction of any person for the violation
19 of this Act or any of its provisions, or a violation of any
20 rule or regulation established hereunder by the Secretary of
21 the Interior, shall receive one-half of any fine imposed here-
22 under; but nothing herein contained shall be construed as
23 entitling him to receive any of the articles or objects of
24 antiquity, which shall be forfeited to the United States.

25 SEC. 12. That the Secretary of the Smithsonian Institu-

1 tion shall have supervision, subject to the said rules and reg-
2 ulations of the Secretary of the Interior, of all aboriginal
3 monuments, ruins, and other antiquities on any of the said
4 reservations heretofore made or hereafter created. He shall
5 require records to be kept of all permits issued by the Secre-
6 tary of the Interior affecting aboriginal monuments, ruins, and
7 other antiquities on any of the said reservations, and he shall
8 further cause to be kept a record of all aboriginal monuments,
9 ruins, and other antiquities on any of the lands belonging to
10 the Government of the United States. The Secretary of the
11 Smithsonian Institution may in order to encourage the study
12 of American archæology and ethnology, when in his opinion
13 it may be done without injury to the national collections, ex-
14 change with other museums, domestic or foreign, duplicate
15 specimens of antiquities from any of said reservations. Pref-
16 erence should be given in all cases of exchange to the acquire-
17 ment of objects adapted to aid in the study of American
18 archæology and ethnology.

19 SEC. 13. That all persons holding permits or having
20 charge of explorations, excavations, or collections in or among
21 any of the aboriginal monuments, ruins, and other antiquities
22 in or on any of the said reservations shall, on the first of each
23 month, furnish a list to the Secretary of the Smithsonian In-
24 stitution of the number and character of the objects collected
25 on said reservations, found either above or under ground, and

1 said return shall be made on blanks to be furnished by the
2 Smithsonian Institution, and a failure to comply with said
3 requirement for a period of ten days after the end of a month
4 shall be construed as a forfeiture of said permit, provided ex-
5 cavations or collections have been made during the month
6 preceding.

7 SEC. 14. That all reservations from public lands of every
8 character and description belonging to or hereafter becoming
9 the property of the United States of America shall be subject
10 to the provisions of this Act so far as the same applies to
11 aboriginal monuments, ruins, and other antiquities. And that
12 all Acts or parts of Acts now in force which are inconsistent
13 with this Act or any part of its provisions be, and the same
14 are hereby, repealed.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 10, 1904.

Mr. RODEY (by request) introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

To protect ancient ruins on the public domain.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it shall be unlawful for any person to excavate in, tear
4 down, mutilate, disturb, or remove anything whatever from
5 any ancient ruin of any kind, or remains of the habitations,
6 places of worship, or burial places, of aboriginal man, on any
7 of the public lands of the United States, without first obtain-
8 ing a permit as hereinafter provided from the Bureau of
9 American Ethnology of the Smithsonian Institution, but no
10 such permit shall be issued without the recommendation of
11 the university of the State or Territory in which the ruins or
12 remains are situate.

13 SEC. 2. That any person desiring a permit to examine,
14 explore, or excavate in any such ruins or remains shall pre-
15 sent to the president of the university of the State or Territory

1 tory in which the ruins are situate an application therefor
2 addressed to the Director of the Bureau of American Ethnol-
3 ogy, which shall contain as full a description as possible of
4 the ruins as to which the permit is desired and a statement
5 of what is proposed to be done, and shall be accompanied by
6 a survey and map of such ruins made by a United States
7 deputy surveyor, or other competent surveyor, approved by
8 the president of the university, together with photographs
9 of the same as they appear at the time of such application.
10 The application, survey, map, and photographs shall be in
11 duplicate, one set to be retained by the university and the
12 other to be forwarded to the Director of the Bureau of
13 American Ethnology, with the recommendation or disap-
14 proval of the university, but no permit shall be issued unless
15 said director is fully satisfied of its propriety and desirability,
16 and no such permit shall be transferable.

17 SEC. 3. That whenever any such permit is issued it shall
18 be unlawful to begin or continue operations thereunder without
19 employing and retaining a suitable and competent person to
20 be selected by the president of the university of the State or
21 Territory within which the operations are to be carried on,
22 whose duties shall be to be present during all of the time that
23 anything is done under such permit, to keep a record, under
24 instructions to be given by the Director of the Bureau of
25 American Ethnology, of all that is to be done, and to see that

1 the provisions of this Act are strictly complied with, and who
2 shall be paid a proper compensation, not to exceed ten dollars
3 per day, by the person to whom the permit is issued. One
4 copy of the record so kept shall be forwarded to the said
5 director at Washington, and another shall be deposited in the
6 university of the State or Territory where the work is done.

7 SEC. 4. That every person operating under such permit
8 shall, before removing any article found, note its exact location
9 upon a map prepared for the purpose, in duplicate, and shall
10 cause photographs of the same to be made, both before and
11 after removal from the situs where found, one copy of such
12 map and photographs to be deposited in the Smithsonian
13 Institution and another in the university of the State or Ter-
14 ritory within which the article is found, and a full report shall
15 accompany such map and photographs as to the disposition
16 of all such articles.

17 SEC. 5. That of articles having archaeological or other
18 value, provided duplicates are discovered, at least one specimen
19 of each kind or variety of implement or object shall belong
20 to both the Smithsonian Institution and the university of the
21 State or Territory within which the discoveries are made.
22 Unique specimens of which no duplicates can be furnished
23 must be photographed and accurately described and copies of
24 such photographs and descriptions deposited with both the
25 Smithsonian Institution and said State university.

1 SEC. 6. That all specimens of archaeological value de-
2 posited with the university and the Smithsonian Institution
3 shall be forever accessible to the general public and to stu-
4 dents, under such necessary restrictions as may be ordered,
5 and whenever the collections so deposited with any univer-
6 sity of a State or Territory cease to be so accessible, or when-
7 ever proper care ceases to be exercised in the preservation of
8 such material and data accompanying, it shall be the duty of
9 the Director of the Smithsonian Institution, upon lodgment of
10 information to such effect, to withdraw the collections from
11 the said university till such time as provision shall be made
12 for the proper care and exhibition of such collections.

13 SEC. 7. That any person violating any of the provisions
14 of this Act shall be deemed guilty of a misdemeanor, and
15 upon conviction thereof shall be punished by fine not exceed-
16 ing five thousand dollars or by imprisonment not exceeding
17 two years, or by both such fine and imprisonment; and all
18 articles discovered or removed by any person in violation of
19 this Act shall be forfeited and shall be equally divided be-
20 tween the Smithsonian Institution and the university of the
21 State or Territory within which they may have been found,
22 or in the case of unique specimens, division shall be made as
23 equitably as possible by mutual agreement, and specimens not
24 deposited in either one of said institutions shall be represented
25 by photographs and accurate descriptions in lieu thereof.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 16, 1904.

Mr. HITT introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

For the preservation of aboriginal monuments, ruins, and other antiquities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States may, from time to
4 time, set apart and reserve from sale, entry, settlement, or
5 occupancy so much of any of the public lands on which are
6 located aboriginal monuments, ruins, or other antiquities as he
7 may consider necessary for the purposes of this Act, when in
8 his opinion said aboriginal monuments, ruins, and other
9 antiquities are of sufficient public interest to make their pres-
10 ervation desirable; and the President shall by public procla-
11 mation declare the establishment of such reservations and the
12 limits thereof.

13 SEC. 2. That all aboriginal monuments, ruins, and other
14 antiquities on any of the said reservations from the public

1 lands belonging to the Government of the United States of
2 America, now existent or hereafter created, are the property
3 of the United States, and it shall be unlawful for any person
4 to enter on said reservations and collect on or in them any
5 archaeological specimens without first obtaining a permit
6 therefor from the Secretary of the Interior, as hereinafter
7 provided.

8 SEC. 3. That the provisions of this Act mean by "abo-
9 riginal monuments, ruins, and other antiquities," all abandoned
10 sites, structures, and other ancient remains which serve to
11 illustrate the early history of the aborigines, including
12 mounds, pyramids, cemeteries, graves, tombs, and burial places
13 and their contents, including human remains; workshops,
14 cliff dwellings, cavate lodges, caves, and rock shelters con-
15 taining evidences of former occupancy; communal houses,
16 towers, shrines, and other places of worship, including
17 abandoned mission houses or other church edifices; stone
18 heaps, shell heaps, ash heaps, cairns, stones artificially placed,
19 solitary or in groups, with or without regularity; pictographs,
20 and all ancient or artificial inscriptions; also fortifications and
21 inclosures, terraced gardens, walls standing or fallen down,
22 and implements, utensils, and other objects of wood, stone,
23 bone, shell, metal, and pottery, or textiles, statues and statu-
24 ettes, and other artificial objects.

25 SEC. 4. That such reservations shall be under the con-

1 trol of the Secretary of the Interior, who is hereby empow-
2 ered to prescribe such rules and regulations and to establish
3 such service as he shall deem necessary for the care and man-
4 agement of the same; and that all laws applicable to places
5 under the sole and exclusive jurisdiction of the United States
6 of America shall have full force and effect in any of the said
7 reservations so far as the same may be applicable, and the
8 United States district and circuit courts in and for the district
9 in which said reservations are located shall have jurisdiction
10 of all offenses committed on said reservations, but nothing
11 herein contained shall alter any rights of grazing, mining, or
12 quarrying, providing the same do not conflict with the pur-
13 poses of this Act.

14 SEC. 5. That the Secretary of the Interior shall make such
15 rules and regulations governing explorations, excavations, and
16 the collection of aboriginal implements, utensils, and other
17 objects of antiquity on said reservations as he deems best to
18 further the study of American archaeology and ethnology.
19 Such regulations shall provide especially for the preservation
20 from injury or spoliation of any and all objects of interest
21 or value to science or history and shall apply alike to all
22 of said reservations and to all persons having permits to ex-
23 plore or excavate therein or to collect thereon: *Provided,*
24 That such explorations, excavations, and collections shall be
25 made only by the Smithsonian Institution or some of its

1 bureaus, or by some State, Territorial, municipal, or other
2 duly incorporated museum, or by some foreign museum of
3 national character, or by museums attached to some incorpo-
4 rated educational college or university in the United States
5 which teaches archaeological science.

6 SEC. 6. That the Secretary of the Interior be, and he is
7 hereby, authorized to rent or lease for terms not exceeding
8 ten years, under rules and regulations to be made by him,
9 small parcels of ground at such places on said reservations as
10 may be required for the accommodation of visitors. All the
11 proceeds of such leases shall be expended under his discretion
12 in the management or improvement of said reservations.

13 SEC. 7. That whenever any foreign museum of national
14 character, under the permit herein provided for, shall have
15 caused excavations or collections of aboriginal antiquities to
16 be made on any of the said reservations, and before any of
17 the objects collected shall be removed from the jurisdiction of
18 the United States they shall first be taken to the United
19 States National Museum, in Washington City, at the cost of
20 persons holding said permit, for inspection, and the Secretary
21 of the Smithsonian Institution shall be entitled to retain
22 therefrom any unique object or objects for deposit in the
23 United States National Museum.

24 SEC. 8. That before any person or persons shall receive
25 a permit to explore, excavate, or collect specimens on any of

1 said reservations they shall first give satisfactory proof to the
2 Secretary of the Smithsonian Institution that they are duly
3 qualified to conduct the same in conformity to this law and
4 the rules established hereunder; and all permits granted by
5 the Secretary of the Interior shall be issued on the recommen-
6 dation of the Secretary of the Smithsonian Institution.

7 SEC. 9. That no permit to explore, excavate, or collect
8 specimens in or from any of the aboriginal monuments, ruins,
9 or other ancient remains or antiquities on any of the said
10 reservations shall be for a period longer than two years; but
11 nothing herein contained shall prevent the extension of said
12 period for a further term of two years when circumstances
13 make it desirable. No permit shall be transferable, and the
14 failure of any person or persons exploring, excavating, or col-
15 lecting in, on, or among said aboriginal monuments, ruins, or
16 other aboriginal remains on any of said reservations to com-
17 ply with this law and the rules established by the Secretary
18 of the Interior shall constitute a forfeiture of all rights under
19 said permit: *Provided*, That no second permit to ex-
20 plore, excavate, or to collect specimens on or in any of the
21 said reservations shall be issued during the period covered
22 by a prior permit for excavation thereon, unless the same
23 shall first be formally surrendered or annulled by due process
24 of law.

25 SEC. 10. That any person who shall unlawfully enter on

1 any of the said reservations and willfully or maliciously de-
2 stroy, tear down, mutilate, alter, or deface, injure, or carry
3 away any aboriginal monument, ruin, or other antiquity, or
4 who shall willfully or maliciously violate any of the rules and
5 regulations prescribed by the Secretary of the Interior here-
6 under, shall, on conviction thereof, be deemed guilty of a mis-
7 demeanor, and shall be fined not more than five hundred dol-
8 lars or be imprisoned not more than six months, or be both
9 fined and imprisoned, in the discretion of the court, and shall
10 forfeit to the United States all antiquities found in his posses-
11 sion taken in violation of this law, and the said antiquities
12 shall thereupon be deposited in the United States National
13 Museum; and possession within said reservation of objects of
14 ancient aboriginal origin shall be prima facie evidence that
15 the person in possession of the same is guilty of violating
16 this Act.

17 SEC. 11. That any individual who shall give informa-
18 tion leading to the conviction of any person for the violation
19 of this Act or any of its provisions, or a violation of any
20 rule or regulation established hereunder by the Secretary of
21 the Interior, shall receive one-half of any fine imposed here-
22 under; but nothing herein contained shall be construed as
23 entitling him to receive any of the articles or objects of
24 antiquity which shall be forfeited to the United States.

25 SEC. 12. That the Secretary of the Smithsonian Institu-

tion shall have supervision, subject to the said rules and regulations of the Secretary of the Interior, of all aboriginal monuments, ruins, and other antiquities on any of the said reservations heretofore made or hereafter created. He shall require records to be kept of all permits issued by the Secretary of the Interior affecting aboriginal monuments, ruins, and other antiquities on any of the said reservations, and he shall further cause to be kept a record of all aboriginal monuments, ruins, and other antiquities on any of the lands belonging to the Government of the United States. The Secretary of the Smithsonian Institution may, in order to encourage the study of American archaeology and ethnology, when in his opinion it may be done without injury to the national collections, exchange with other museums, domestic or foreign, duplicate specimens of antiquities from any of said reservations. Preference should be given in all cases of exchange to the acquirement of objects adapted to aid in the study of American archaeology and ethnology.

SEC. 13. That all persons holding permits or having charge of explorations, excavations, or collections in or among any of the aboriginal monuments, ruins, and other antiquities in or on any of the said reservations shall, on the first of each month, furnish a list to the Secretary of the Smithsonian Institution of the number and character of the objects collected on said reservations, found either above or under ground, and

1 said return shall be made on blanks to be furnished by the
2 Smithsonian Institution, and a failure to comply with said
3 requirement for a period of ten days after the end of a month
4 shall be construed as a forfeiture of said permit, provided ex-
5 cavations or collections have been made during the month
6 preceding.

7 SEC. 14. That all reservations from public lands of every
8 character and description belonging to or hereafter becoming
9 the property of the United States of America shall be subject
10 to the provisions of this Act so far as the same applies to
11 aboriginal monuments, ruins, and other antiquities. And that
12 all Acts or parts of Acts now in force which are inconsistent
13 with this Act or any part of its provisions be, and the same
14 are hereby, repealed.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 2, 1904.

Mr. RODENBERG introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

For the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That for the purpose of preserving and protecting from wan-
4 ton despoliation the historic and prehistoric ruins, monuments,
5 archaeological objects and other antiquities, and the work of
6 the American aborigines on the public lands of the United
7 States, all said historic and prehistoric ruins, monuments,
8 archaeological objects, and other antiquities are hereby placed
9 in the care and custody of the Secretary of the Interior with
10 authority to grant permits to persons, whom he may deem
11 properly qualified, to examine, excavate, and collect antiqui-
12 ties in the same: *Provided, however,* That the work of such
13 persons to whom permits may be granted by the Secretary

1 of the Interior is undertaken for the benefit of some incor-
2 rated public museum, university, college, scientific society, or
3 educational institution, either foreign or domestic, for the pur-
4 pose of increasing and advancing the knowledge of historical,
5 archæological, anthropological, or ethnological science.

6 SEC. 2. That it shall be the duty of the Secretary of the
7 Interior to recommend to Congress from time to time such ruins
8 or groups of ruins as in his judgment should be made national
9 reservations. The Secretary of the Interior shall appoint
10 custodians, and provide for their compensation, of such ruins
11 or groups of ruins, with the view to their protection and pres-
12 ervation, and it shall be the duty of such custodians to pro-
13 hibit and prevent unauthorized and unlawful excavations
14 thereof or the removing therefrom of antiquities until such
15 time as Congress shall provide for their reservation.

16 SEC. 3. That isolated ruins shall be withheld from home-
17 stead preemption until they have been excavated by some
18 institution named in section one of this Act in accordance
19 with the rules promulgated by the Secretary of the Interior
20 hereinafter provided for.

21 SEC. 4. That it shall be the duty of the Secretary of the
22 Interior to grant to any State or Territorial museum or uni-
23 versity having connected therewith a public museum per-
24 mits to excavate and explore any ruin or site located within
25 its territorial limits on the public lands upon application for

1 such permit being indorsed by the governor of the State or
2 Territory wherein the applicant is domiciled.

3 SEC. 5. That the Secretary of the Interior is hereby au-
4 thorized to grant permits for the purposes set forth in the
5 foregoing sections to foreign national museums, universities,
6 or scientific societies engaged in advancing the knowledge
7 of historical, archæological, anthropological, or ethnological
8 science under such regulations as he may deem advisable, and
9 shall make such division of the antiquities recovered as in his
10 judgment seems equitable, and the antiquities retained in this
11 country shall be deposited in the United States National
12 Museum, in the first instance, or in some public museum of
13 the State or Territory within which explorations are made.

14 SEC. 6. That permits granted to any institution or soci-
15 ety shall state the site or locality in which excavations or
16 investigations are to be conducted, and shall require that the
17 work begin within a reasonable time after the permit has
18 been granted, and that the work shall be continuous until
19 such excavations have been satisfactorily completed in the
20 judgment of the Secretary of the Interior. And that any
21 failure to comply with such requirements shall be deemed a
22 forfeiture of the permit, and all antiquities gathered from such
23 ruin or site shall revert to the United States National
24 Museum, or to such State or Territorial institution as the
25 Secretary of the Interior shall designate.

1 SEC. 7. That of all excavations and explorations made
2 under a permit granted by the Secretary of the Interior a
3 complete photographic record shall be made of the progress
4 of the said excavations and of all objects of archaeological or
5 historical value found therein, and duplicate photographs, to-
6 gether with a full report on the excavations thereof, shall be
7 deposited in the United States National Museum.

8 SEC. 8. That the forgery or counterfeiting of any archæ-
9 ological object which derives value from its antiquity, or
10 making of any such object, whether copied from an original or
11 not, representing the same to be original and genuine with
12 intent to deceive, or uttering of any such objects by sale or
13 exchange or otherwise, or having possession of any such
14 objects with intent to utter the same as original and genuine
15 is hereby declared to be a misdemeanor.

16 SEC. 9. That it shall be the duty of the Secretary of the
17 Interior to make and publish from time to time such rules
18 and regulations as he shall deem expedient and necessary for
19 the purpose of carrying out the provisions of this Act.

20 SEC. 10. That any person who shall excavate, disturb,
21 willfully destroy, alter, deface, mutilate, injure, or carry away,
22 without authority from the Secretary of the Interior as afore-
23 said, any aboriginal antiquity on the public lands of the
24 United States, or who knowingly and intentionally conducts,
25 enters into, aids, abets, or participates in any manner what

1 ever, in any excavations or gatherings of archaeological
2 objects or other antiquities on the public lands of the United
3 States, or shall violate any of the provisions of this Act, shall
4 be deemed guilty of a misdemeanor, and upon conviction
5 thereof shall be punished by fine not exceeding one thousand
6 dollars or by imprisonment not exceeding one year, or both.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 4, 1904.

Mr. LACEY introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

A BILL

To establish and administer national parks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States may, from time to
4 time, set apart and reserve tracts of public land, which for
5 their scenic beauty, natural wonders or curiosities, ancient
6 ruins or relics, or other objects of scientific or historic interest,
7 or springs of medicinal or other properties it is desirable to
8 protect and utilize in the interest of the public; and the Presi-
9 dent shall, by public proclamation, declare the establishment
10 of such reservations and the limits thereof.

11 SEC. 2. That such reservations shall be known as na-
12 tional parks and shall be under the exclusive control of the
13 Secretary of the Interior, who is hereby empowered to pre-
14 scribe such rules and regulations and establish such service as

1 same. Such regulations shall provide specially for the pres-
2 ervation from injury or spoliation of any and all objects
3 therein of interest or value to science or history.

4 SEC. 3. That the Secretary of the Interior be, and is
5 hereby, authorized to permit examinations, excavations, and
6 the gathering of objects of interest within such parks by any
7 person or persons whom he may deem properly qualified to
8 conduct such examinations, excavations, or gatherings, sub-
9 ject to such rules and regulations as he may prescribe: *Pro-*
10 *vided always*, That the examinations, excavations, and gath-
11 erings are undertaken for the benefit of the Smithsonian
12 Institution or of some reputable museum, university, college,
13 or other recognized scientific or educational institution, with
14 a view to increasing the knowledge of such objects and aid-
15 ing the general advancement of archaeological science.

16 SEC. 4. That the Secretary of the Interior be, and is
17 hereby, authorized, in the exercise of his discretion, to rent
18 or lease, under rules and regulations to be made by him,
19 pieces or parcels of ground within such parks for the erection
20 of such buildings as may be required for the accommodation
21 of visitors.

22 SEC. 5. That all funds arising from the privileges granted
23 hereunder shall be covered into the Treasury of the United
24 States as a special fund to be expended in the care of such
25 parks.

1 SEC. 6. That all persons who shall unlawfully intrude
2 upon such parks, or who shall without permission appro-
3 priate, injure, or destroy any game, fish, timber, or other
4 public property therein, or injure or destroy any caves, ruins,
5 or other works or relics therein, or commit unauthorized
6 injury or waste, in any form whatsoever, upon the lands or
7 other public property therein, or who shall violate any of the
8 rules and regulations prescribed hereunder, shall, upon con-
9 viction, be fined in a sum not less than fifty dollars nor more
10 than five thousand dollars, or be imprisoned for a period not
11 less than fifteen days nor more than twelve months, or shall
12 suffer both fine and imprisonment, in the discretion of the
13 court.

58TH CONGRESS,
2D SESSION.

[Calendar No., 2339.
S. 5603.

[Report No. 2430.]

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1904.

Mr. LODGE introduced the following bill; which was read twice and referred to the Committee on Public Lands.

APRIL 25, 1904.

Reported by Mr. FULTON, with amendments.

[Omit the part struck through and insert the part printed in italics.]

A BILL

For the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That for the purpose of preserving and protecting from wan-
4 ~~ten~~ despoliation the historic and prehistoric ruins, monuments,
5 archaeological objects, and other antiquities, and the work of
6 the American aborigines on the public lands of the United
7 States, all said historic and prehistoric ruins, monuments,
8 archaeological objects, and other antiquities are hereby placed
9 in the care and custody of the Secretary of the Interior, with
10 authority to grant permits to persons whom he may deem
11 properly qualified to examine, excavate, and collect antiqui-

1 ties in the same: *Provided, however,* That the work of such
2 persons to whom permits may be granted by the Secretary
3 of the Interior is undertaken for the benefit of some incorpo-
4 rated public museum, university, college, scientific society, or
5 educational institution, either foreign or domestic, for the pur-
6 pose of increasing and advancing the knowledge of historical,
7 archaeological, anthropological, or ethnological science.

8 SEC. 2. That it shall be the duty of the Secretary of the
9 Interior to recommend to Congress from time to time such
10 ruins or groups of ruins as in his judgment should be made
11 national reservations. The Secretary of the Interior shall ap-
12 point *or detail* custodians, and ~~provide for~~ *fix* their compensa-
13 tion, of such ruins or groups of ruins, with the view to their
14 protection and preservation; and it shall be the duty of such
15 custodians to prohibit and prevent unauthorized and unlawful
16 excavations thereof, or the removing therefrom of antiquities,
17 until such time as Congress shall provide for their reservation.

18 SEC. 3. That isolated ruins shall be withheld from home-
19 stead ~~preemption entry~~ *or other disposal except under the*
20 *provisions of the mineral laws* until they have been excavated
21 by some institution named in section one of this Act in
22 accordance with the rules promulgated by the Secretary of
23 the Interior hereinafter provided for.

24 SEC. 4. That it shall be the duty of the Secretary of the
25 Interior to grant to any State or Territorial museum or uni-

1 versity, having connected therewith a public museum, permits
2 to excavate and explore any ruin or site located within its
3 territorial limits on the public lands, upon application for such
4 permit being indorsed by the governor of the State or Terri-
5 tory wherein the applicant is domiciled.

6 SEC. 5. That the Secretary of the Interior is hereby au-
7 thorized to grant permits for the purposes set forth in the
8 foregoing sections to foreign national museums, universities,
9 or scientific societies engaged in advancing the knowledge of
10 historical, archaeological, anthropological, or ethnological sci-
11 ence under such regulations as he may deem advisable, and
12 shall make such division of the antiquities recovered as in his
13 judgment seems equitable, and the antiquities retained in this
14 country shall be deposited in the United States National
15 Museum in the first instance or in some public museum in
16 the State or Territory within which explorations are made.

17 SEC. 6. That permits granted to any institution or society
18 shall state the site or locality in which excavations or inves-
19 tigations are to be conducted, and shall require that the work
20 begin within a reasonable time after the permit has been
21 granted, and that the work shall be continuous until such ex-
22 cavations have been satisfactorily completed, in the judgment
23 of the Secretary of the Interior; and that any failure to comply
24 with such requirements shall be deemed a forfeiture of the
25 permit, and *in case of such forfeiture* all antiquities gathered

1 from such ruin or site shall revert to the United States National
2 Museum or to such State or Territorial institution as the Sec-
3 retary of the Interior shall designate.

4 SEC. 7. That of all excavations and explorations made
5 under a permit granted by the Secretary of the Interior a
6 complete photographic record shall be made of the progress
7 of the said excavations and of all objects of archaeological or
8 historical value found therein, and duplicate photographs,
9 together with a full report of the excavations thereof, shall
10 be deposited in the United States National Museum.

11 SEC. 8. That the forgery or counterfeiting of any archæ-
12 ological object *found on any of the public lands of the United*
13 *States* which derives value from its antiquity, or making of
14 any such object, whether copied from an original or not,
15 representing the same to be original and genuine with intent
16 to deceive, or *knowingly* uttering of any such objects by
17 sale or exchange or otherwise, or *knowingly* having posses-
18 sion of any such objects with intent to utter the same as
19 original and genuine is hereby declared to be a misdemeanor.

20 SEC. 9. That it shall be the duty of the Secretary of the
21 Interior to make and publish from time to time such rules and
22 regulations as he shall deem expedient and necessary for
23 the purpose of carrying out the provisions of this Act.

24 SEC. 10. That any person who shall excavate, disturb,
25 willfully destroy, alter, deface, mutilate, or injure, or carry

1 away, without authority from the Secretary of the Interior as
2 aforesaid, any *prehistoric* aboriginal ~~antiquity~~ *structure or*
3 *grave* on the public lands of the United States, or who know-
4 ingly and intentionally conducts, enters into, aids, abets, or par-
5 ticipates in any manner whatever in any excavations or gath-
6 erings of archaeological objects or ~~other antiquities~~ *any grave*
7 *or prehistoric structure* on the public lands of the United
8 States, or shall violate any of the provisions of this Act, shall
9 be deemed guilty of a misdemeanor, and upon conviction
10 thereof shall be punished by fine not exceeding one thousand
11 dollars, or by imprisonment not exceeding one year, or both.

IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1904.

Ordered to be printed.

AMENDMENT

Intended to be proposed by Mr. TELLER to the bill (S. 5603) for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting, viz: Insert the following:

1 That for the purpose of preserving and protecting from
2 despoliation the historic and prehistoric ruins, monuments,
3 archaeological objects, and other antiquities, and the work of
4 the American aborigines on the public lands of the United
5 States, all said historic and prehistoric ruins, monuments,
6 archaeological objects, and other antiquities are hereby placed
7 in the care and custody of the Secretary of the Interior, with
8 authority to grant permits to persons whom he may deem
9 properly qualified to examine, excavate, and collect antiqui-
10 ties in the same: *Provided, however,* That the work of such
11 persons to whom permits may be granted by the Secretary
12 of the Interior is undertaken for the benefit of some incorpo-
13 rated public museum, university, college, scientific society, or

1 educational institution, either foreign or domestic, for the pur-
2 pose of increasing and advancing the knowledge of historical,
3 archaeological, anthropological, or ethnological science.

4 SEC. 2. That the Secretary of the Interior may make
5 temporary withdrawals of the land on which such prehistoric
6 ruins, monuments, archaeological objects, and other antiquities
7 are located, including only the land necessary for such preserva-
8 tion and not exceeding in one place one section of land. The
9 Secretary of the Interior may detail custodians of such ruins
10 or groups of ruins, with the view to their protection and
11 preservation; and it shall be the duty of such custodians to
12 prohibit and prevent unauthorized and unlawful excavations
13 thereof, or the removing therefrom of antiquities.

14 SEC. 3. That it shall be the duty of the Secretary of the
15 Interior to grant to any State or Territorial museum or uni-
16 versity, having connected therewith a public museum, permits
17 to excavate and explore any ruin or site located within its
18 Territorial limits on the public lands, upon application for such
19 permit being indorsed by the governor of the State or Terri-
20 tory wherein the ruins are situated.

21 SEC. 4. That the Secretary of the Interior is hereby
22 authorized to grant permits for the purposes set forth in the
23 foregoing sections to foreign national museums, universities,
24 or scientific societies engaged in advancing the knowledge of
25 historical, archaeological, anthropological, or ethnological sci-

1. once under such regulations as he may deem advisable, and
2. to make such division of the antiquities recovered as in his
3. judgment seems equitable, and the antiquities retained in this
4. country shall be deposited in the United States National
5. Museum or in some public museum in the State or Territory
6. within which explorations are made.

7. SEC. 5. That permits granted to any institution or
8. society shall state the site or locality in which excava-
9. tions or investigations are to be conducted, and shall require
10. that the work begin within a stated time, and that the
11. work shall be continuous until such excavations have
12. been satisfactorily completed, in the judgment of the Sec-
13. retary of the Interior; and that any failure to comply with
14. such requirements shall be deemed a forfeiture of the per-
15. mit, and in case of such forfeiture all antiquities gathered
16. from such ruin or site shall revert to the United States National
17. Museum or to such State or Territorial institution as the Sec-
18. retary of the Interior shall designate.

19. SEC. 6. That of all excavations and explorations made
20. under a permit granted by the Secretary of the Interior a
21. complete photographic record shall be made showing the
22. progress of the said excavations, and of all objects of archæo-
23. logical or historical value found therein, and duplicate photo-
24. graphs thereof, together with a full report of the excavations,
25. shall be deposited in the United States National Museum.

1 SEC. 7. That it shall be the duty of the Secretary of the
2 Interior to make and publish from time to time such rules and
3 regulations as he shall deem expedient and necessary for
4 the purpose of carrying out the provisions of this Act.

5 SEC. 8. That any person who shall excavate, disturb,
6 willfully destroy, alter, deface, mutilate, or injure, without
7 authority from the Secretary of the Interior as aforesaid, any
8 prehistoric aboriginal structure or grave on the public lands
9 of the United States, or who knowingly and intentionally
10 conducts, enters into, aids, abets, or participates in any man-
11 ner whatever in any excavations or gatherings of archaeo-
12 logical objects or the destruction or injury to any grave or
13 prehistoric structure on the public lands of the United States,
14 or shall violate any of the provisions of this Act, shall be
15 deemed guilty of a misdemeanor, and upon conviction thereof
16 shall be punished by fine not exceeding five hundred dollars,
17 or by imprisonment not exceeding one year, or both.

IN THE HOUSE OF REPRESENTATIVES.

APRIL 26, 1904.

Referred to the Committee on the Public Lands.

JANUARY 19, 1905.

Reported with amendments, referred to the House Calendar, and ordered to be printed.

[Strike out all after the enacting clause and insert the part printed in italics.]

AN ACT

For the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That for the purpose of preserving and protecting from~~
4 ~~despoliation the historic and prehistoric ruins, monuments,~~
5 ~~archaeological objects, and other antiquities, and the work of~~
6 ~~the American aborigines on the public lands of the United~~
7 ~~States, all said historic and prehistoric ruins, monuments,~~
8 ~~archaeological objects, and other antiquities are hereby placed~~
9 ~~in the care and custody of the Secretary of the Interior, with~~
10 ~~authority to grant permits to persons whom he may deem~~
11 ~~properly qualified to examine, excavate, and collect antiqui-~~
12 ~~ties in the same: *Provided, however, That the work of such*~~
13 ~~persons to whom permits may be granted by the Secretary~~

1 of the Interior is undertaken for the benefit of some incorpo-
2 rated public museum, university, college, scientific society, or
3 educational institution, either foreign or domestic, for the pur-
4 pose of increasing and advancing the knowledge of historical,
5 archaeological, anthropological, or ethnological science.

6 SEC. 2. That the Secretary of the Interior may make
7 temporary withdrawals of the land on which such prehistoric
8 ruins, monuments, archaeological objects, and other antiquities
9 are located, including only the land necessary for such preserva-
10 tion and not exceeding in one place one section of land. The
11 Secretary of the Interior may detail custodians of such ruins
12 or groups of ruins, with the view to their protection and
13 preservation; and it shall be the duty of such custodians to
14 prohibit and prevent unauthorized and unlawful excavations
15 thereof, or the removing therefrom of antiquities.

16 SEC. 3. That it shall be the duty of the Secretary of the
17 Interior to grant to any State or Territorial museum or uni-
18 versity, having connected therewith a public museum, per-
19 mits to excavate and explore any ruin or site located within
20 its Territorial limits on the public lands, upon application for
21 such permit being indorsed by the governor of the State or
22 Territory wherein the ruins are situated.

23 SEC. 4. That the Secretary of the Interior is hereby
24 authorized to grant permits for the purposes set forth in the
25 foregoing sections to foreign national museums, universities,

~~1 or scientific societies engaged in advancing the knowledge of
2 historical, archaeological, anthropological, or ethnological sci-
3 ence under such regulations as he may deem advisable, and
4 to make such division of the antiquities recovered as in his
5 judgment seems equitable, and the antiquities retained in this
6 country shall be deposited in the United States National
7 Museum or in some public museum in the State or Territory
8 within which explorations are made.~~

~~9 SEC. 5. That permits granted to any institution or
10 society shall state the site or locality in which excava-
11 tions or investigations are to be conducted, and shall require
12 that the work begin within a stated time, and that the
13 work shall be continuous until such excavations have
14 been satisfactorily completed, in the judgment of the Sec-
15 retary of the Interior; and that any failure to comply with
16 such requirements shall be deemed a forfeiture of the permit,
17 and in case of such forfeiture all antiquities gathered from
18 such ruin or site shall revert to the United States National
19 Museum or to such State or Territorial institution as the Sec-
20 retary of the Interior shall designate.~~

~~21 SEC. 6. That of all excavations and explorations made
22 under a permit granted by the Secretary of the Interior a
23 complete photographic record shall be made showing the
24 progress of the said excavations, and of all objects of archæo-
25 logical or historical value found therein, and duplicate photo~~

1 ~~graphs thereof, together with a full report of the excavations,~~
2 ~~shall be deposited in the United States National Museum.~~

3 ~~SEC. 7. That it shall be the duty of the Secretary of the~~
4 ~~Interior to make and publish from time to time such rules and~~
5 ~~regulations as he shall deem expedient and necessary for the~~
6 ~~purpose of carrying out the provisions of this Act.~~

7 ~~SEC. 8. That any person who shall excavate, disturb,~~
8 ~~willfully destroy, alter, deface, mutilate, or injure, without~~
9 ~~authority from the Secretary of the Interior as aforesaid, any~~
10 ~~prehistoric aboriginal structure or grave on the public lands~~
11 ~~of the United States, or who knowingly and intentionally~~
12 ~~conducts, enters into, aids, abets, or participates in any man-~~
13 ~~ner whatever in any excavations or gatherings of archaeo-~~
14 ~~logical objects or the destruction or injury to any grave or~~
15 ~~prehistoric structure on the public lands of the United States,~~
16 ~~or shall violate any of the provisions of this Act, shall be~~
17 ~~deemed guilty of a misdemeanor, and upon conviction thereof~~
18 ~~shall be punished by fine not exceeding five hundred dollars,~~
19 ~~or by imprisonment not exceeding one year, or both.~~

20 *That for the purpose of preserving and protecting from*
21 *despoliation the historic and prehistoric ruins, monuments,*
22 *archaeological objects, and other antiquities, on the public*
23 *lands of the United States, all said historic and prehistoric*
24 *ruins, monuments, and other objects of antiquity are hereby*

1 placed under the care and custody of the Secretary of the
2 Interior.

3 SEC. 2. That the Secretary of the Interior may make
4 temporary withdrawals of the land on which such historic
5 or prehistoric ruins, monuments, archaeological objects, and
6 other antiquities are located, including only the land neces-
7 sary for the preservation of such ruins and antiquities, and
8 may make permanent withdrawals of tracts of land on
9 which are ruins and antiquities of special importance, not
10 exceeding six hundred and forty acres in any one place.

11 SEC. 3. That the Secretary of the Interior be, and he
12 is hereby, authorized to permit examinations, excavations,
13 and the gathering of objects of interest within such reserva-
14 tions by any institution, either domestic or foreign, which he
15 may deem properly qualified to conduct such examinations,
16 excavations, or gatherings, subject to such rules and regula-
17 tions as he may prescribe: Provided, That the examinations,
18 excavations, and gatherings are undertaken for the benefit of
19 some reputable museum, university, college, or other recog-
20 nized scientific or educational institution for permanent
21 preservation and with a view to increasing the knowledge of
22 such objects, and that the gatherings shall be made for per-
23 manent preservation and not for commercial purposes.

24 SEC. 4. That of all excavations and explorations made
25 under a permit granted by the Secretary of the Interior, a

1 *proper written and photographic record, with plans, shall be*
2 *made at stated periods, and transmitted for preservation to*
3 *the United States National Museum.*

4 *SEC. 5. That the Secretary of the Interior shall make*
5 *and publish from time to time such rules and regulations as*
6 *he shall deem expedient and necessary for the purpose of*
7 *carrying out the provisions of this Act.*

8 *SEC. 6. That all persons who shall, without permission,*
9 *appropriate, injure, or destroy any public property therein,*
10 *or injure or destroy any caves, ruins, or other works or ob-*
11 *jects of antiquity therein, or commit unauthorized injury or*
12 *waste, in any form whatsoever, upon the lands or other pub-*
13 *lic property therein, or upon any of the lands or objects re-*
14 *ferred to in this Act, or who shall violate any of the rules*
15 *or regulations prescribed hereunder, shall, upon conviction,*
16 *be fined in a sum not more than five thousand dollars, or be*
17 *imprisoned for a period not more than twelve months, or*
18 *shall suffer both fine and imprisonment, in the discretion of*
19 *the court.*

Amend the title so as to read: "An Act for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities."

Passed the Senate April 26, 1904.

Attest:

CHARLES G. BENNETT,

Secretary,

H. R. 11016.

[Report No. 2224.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 9, 1906.

Mr. LACEY introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.

MARCH 12, 1906.

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

[Insert the part printed in italics.]

A BILL

For the preservation of American antiquities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That any person who shall *willfully or wantonly* appropriate,
4 excavate, injure, or destroy any historic or prehistoric ruin or
5 monument, or any object of antiquity situated on lands owned
6 or controlled by the Government of the United States, with-
7 out the permission of the Secretary of the Department of Gov-
8 ernment having jurisdiction over the lands on which said an-
9 tiquities are situated, shall *be guilty of a misdemeanor and,*
10 upon conviction, be fined in a sum not more than five hundred
11 dollars or be imprisoned for a period of not more than ninety
12 days, or shall suffer both fine and imprisonment in the discre-
13 tion of the court.

1 SEC. 2. That the President is authorized,
2 authorized, in his discretion, to declare by procla-
3 mation historic landmarks, historic and prehistoric structures,
4 other objects of historic or scientific interest that are situated
5 upon the lands owned or controlled by the Government of
6 the United States to be national monuments, and may reserve
7 as a part thereof parcels of land, the limits of which in all
8 cases shall be confined to the smallest area compatible with
9 the proper care and management of the objects to be pro-
10 tected: *Provided*, That when such objects are situated upon
11 a tract covered by a bona fide unperfected claim or held in
12 private ownership, the tract, or so much thereof as may be
13 necessary for the proper care and management of the object,
14 may be relinquished to the Government, and the Secretary of
15 the Interior is hereby authorized to accept the relinquishment
16 of such tracts in behalf of the Government of the United
17 States: *Provided further*, That no expense shall be incurred
18 for special custodians under this Act.

19 SEC. 3. That permits for the examination of ruins, the
20 excavation of archaeological sites, and the gathering of objects
21 of antiquity upon the lands under their respective jurisdic-
22 tions, may be granted by the Secretaries of the Interior,
23 Agriculture, and War, to institutions which they may deem
24 properly qualified to conduct such examination, excavation,
25 or gathering, subject to such rules and regulations as they

...the benefit of the
...colleges, or other recognized
...institutions with a view to increasing
...of such objects, and that the gatherings shall
...be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments afore-
said shall make and publish from time to time uniform rules
and regulations for the purpose of carrying out the provisions
of this Act.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1906.

Mr. PATTERSON introduced the following bill; which was read twice and referred to the Committee on Public Lands.

A BILL

For the preservation of American antiquities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That any person who shall appropriate, excavate, injure, or
4 destroy any historic or prehistoric ruin or monument, or any
5 object of antiquity, situated on lands owned or controlled by
6 the Government of the United States, without the permission
7 of the Secretary of the Department of the Government having
8 jurisdiction over the lands on which said antiquities are situ-
9 ated, shall, upon conviction, be fined in a sum of not more than
10 five hundred dollars or be imprisoned for a period of not
11 more than ninety days, or shall suffer both fine and impris-
12 onment, in the discretion of the court.

13 SEC. 2. That the President of the United States is hereby
14 authorized, in his discretion, to declare by public proclama-
15 tion historic landmarks, historic and prehistoric structures, and

1 other objects of historic or scientific interest that are situated
2 upon the lands owned or controlled by the Government of
3 the United States to be national monuments, and may reserve
4 as a part thereof parcels of land, the limits of which in all
5 cases shall be confined to the smallest area compatible with
6 the proper care and management of the objects to be pro-
7 tected: *Provided*, That when such objects are situated upon
8 a tract covered by a bona fide unperfected claim or held in
9 private ownership, the tract, or so much thereof as may be
10 necessary for the proper care and management of the object,
11 may be relinquished to the Government, and the Secretary of
12 the Interior is hereby authorized to accept the relinquishment
13 of such tracts in behalf of the Government of the United
14 States.

15 SEC. 3. That permits for the examination of ruins, the
16 excavation of archaeological sites, and the gathering of objects
17 of antiquity upon the lands under their respective jurisdic-
18 tions may be granted by the Secretaries of the Interior,
19 Agriculture, and War to institutions which they may deem
20 properly qualified to conduct such examination, excavation,
21 or gathering, subject to such rules and regulations as they
22 may prescribe: *Provided*, That the examinations, excava-
23 tions, and gatherings are undertaken for the benefit of repu-
24 table museums, universities, colleges, or other recognized
25 scientific or educational institutions, with a view to increasing

1 the knowledge of such objects, and that the specimens
2 be made for permanent preservation in public museums.

3 SEC. 4. That the Secretaries of the Departments afore-
4 said shall make and publish from time to time uniform rules
5 and regulations for the purpose of carrying out the provisions
6 of this Act.

IN THE HOUSE OF REPRESENTATIVES.

MAY 25, 1906.

Referred to the Committee on the Public Lands.

AN ACT

For the preservation of American antiquities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That any person who shall appropriate, excavate, injure, or
4 destroy any historic or prehistoric ruin or monument, or any
5 object of antiquity, situated on lands owned or controlled by
6 the Government of the United States, without the permission
7 of the Secretary of the Department of the Government having
8 jurisdiction over the lands on which said antiquities are situ-
9 ated, shall, upon conviction, be fined in a sum of not more than
10 five hundred dollars or be imprisoned for a period of not
11 more than ninety days, or shall suffer both fine and impris-
12 onment, in the discretion of the court.

13 SEC. 2. That the President of the United States is hereby
14 authorized, in his discretion, to declare by public proclama-
15 tion historic landmarks, historic and prehistoric structures, and

1 other objects of historic or scientific interest that are situated
2 upon the lands owned or controlled by the Government of
3 the United States to be national monuments, and may reserve
4 as a part thereof parcels of land, the limits of which in all
5 cases shall be confined to the smallest area compatible with
6 the proper care and management of the objects to be pro-
7 tected: *Provided*, That when such objects are situated upon
8 a tract covered by a bona fide unperfected claim or held in
9 private ownership, the tract, or so much thereof as may be
10 necessary for the proper care and management of the object,
11 may be relinquished to the Government, and the Secretary of
12 the Interior is hereby authorized to accept the relinquishment
13 of such tracts in behalf of the Government of the United
14 States.

15 SEC. 3. That permits for the examination of ruins, the
16 excavation of archaeological sites, and the gathering of objects
17 of antiquity upon the lands under their respective jurisdic-
18 tions may be granted by the Secretaries of the Interior,
19 Agriculture, and War to institutions which they may deem
20 properly qualified to conduct such examination, excavation,
21 or gathering, subject to such rules and regulations as they
22 may prescribe: *Provided*, That the examinations, excava-
23 tions, and gatherings are undertaken for the benefit of repu-
24 table museums, universities, colleges, or other recognized
25 scientific or educational institutions, with a view to increasing

1 the knowledge of such objects, and that the gatherings shall
2 be made for permanent preservation in public museums.

3 SEC. 4. That the Secretaries of the Departments afore-
4 said shall make and publish from time to time uniform rules
5 and regulations for the purpose of carrying out the provisions
6 of this Act.

Passed the Senate May 24, 1906.

Attest:

CHARLES G. BENNETT,

Secretary.

68TH CONGRESS
2D SESSION

Calendar No. 918
S. 3840

[Report No. 849]

IN THE SENATE OF THE UNITED STATES

JANUARY 5, 1925

Mr. LADD introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

JANUARY 5 (calendar day, JANUARY 8), 1925

Reported by Mr. LADD, without amendment

A BILL

Authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever, in the opinion of the President of the United
4 States, any lands heretofore or hereafter reserved as national
5 monuments by public proclamation as provided by the Act
6 of June 8, 1906 (Thirty-four Statutes at Large, page 225),
7 are not needed for such purpose, he is authorized to restore
8 same to the public domain by Executive order: *Provided,*
9 That any such restorations heretofore so made are hereby
10 validated and confirmed.

FEBRUARY 3, 1925

Referred to the Committee on the Public Lands

AN ACT

Authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restoration heretofore so made by Executive order

1 *Be it enacted by the Senate and House of Representa*
2 *tives of the United States of America in Congress assembled*
3 That whenever, in the opinion of the President of the United
4 States, any lands heretofore or hereafter reserved as national
5 monuments by public proclamation as provided by the Act
6 of June 8, 1906 (Thirty-four Statutes at Large, page 225)
7 are not needed for such purpose, he is authorized to restore
8 same to the public domain by Executive order: *Provided*
9 That any such restorations heretofore so made are hereby
10 validated and confirmed.

Passed the Senate January 31, 1925.

Attest : GEORGE A. SANDERSON,
Secretary.

68TH CONGRESS
2D SESSION

Union Calendar No. 436
H. R. 11357

[Report No. 1119]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1925

Mr. SINNOTT introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed

JANUARY 9, 1925

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A BILL

Authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, whenever, in the opinion of the President of the
4 United States, any lands heretofore or hereafter reserved
5 as national monuments by public proclamation as provided
6 by the Act of June 8, 1906 (Thirty-fourth Statutes at Large,
7 page 225), are not needed for such purpose, he is authorized
8 to restore same to the public domain by Executive order:
9 *Provided, That any such restorations heretofore so made*

(1) *and hereby validated and confirmed*

IN THE SENATE OF THE UNITED STATES

JANUARY 15 (calendar day, JANUARY 17), 1925

Read twice and referred to the Committee on Public Lands and Surveys

AN ACT

Authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, whenever, in the opinion of the President of the
4 United States, any lands heretofore or hereafter reserved
5 as national monuments by public proclamation as provided
6 by the Act of June 8, 1906 (Thirty-fourth Statutes at Large,
7 page 225), are not needed for such purpose, he is authorized
8 to restore same to the public domain by Executive order:
9 *Provided,* That any such restorations heretofore so made
10 are hereby validated and confirmed.

Passed the House of Representatives January 16, 1925.

Attest:

WM. TYLER PAGE,

Clerk.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1936

Mr. WILCOX introduced the following bill; which was read twice and committed to the Committee on the Public Lands and ordered to be printed

A BILL

To extend the provisions of the Act of June 8, 1906 (34 Stat. 225), entitled "An Act for the preservation of American antiquities."

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 That the provisions of the Act of June 8, 1906 (34 Stat.
4 225), entitled "An Act for the preservation of American
5 antiquities", are hereby extended so as to authorize the Presi-
6 dent of the United States, in his discretion and upon the rec-
7 ommendation of the Secretary of the Interior, to declare, by
8 public proclamation, lands owned or controlled by the United
9 States, which are determined by said Secretary to be of out-
10 standing scientific value, as national monuments, for the
11 purpose of protecting the plant and animal life native thereto

75TH CONGRESS
3D SESSION

S. 3890

IN THE SENATE OF THE UNITED STATES

APRIL 20 (calendar day, APRIL 25), 1938

Mr. ANDREWS introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

APRIL 20 (calendar day, MAY 5), 1938

Reported by Mr. ADAMS, with amendments

[Insert the part printed in italics]

A BILL

To extend the provisions of the Act of June 8, 1906 (34 Stat. 225), entitled "An Act for the preservation of American antiquities", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the provisions of the Act of June 8, 1906 (34 Stat.
4 225), entitled "An Act for the preservation of American
5 antiquities", are hereby extended so as to authorize the
6 President of the United States, in his discretion, to declare,
7 by public proclamation, lands owned or controlled by the
8 United States *in the vicinity of Fort Jefferson National*
9 *Monument and Key West, Florida*, which are of outstand-
10 ing scientific value, as national monuments, for the purpose

- 1 of protecting the great *White Heron*, the plant and animal
- 2 life native thereto, and to vest the jurisdiction thereof in such
- 3 department or agency of the Government as he may
- 4 designate.

A BILL

To extend the provisions of the Act of June 8, 1906 (34 Stat. 225), entitled "An Act for the preservation of American antiquities", and for other purposes.

By Mr. ANDREWS

APRIL 20 (calendar day, APRIL 25), 1938

Read twice and referred to the Committee on Public
Lands and Surveys

APRIL 20 (calendar day, MAY 5), 1938

Reported with amendments

75TH CONGRESS
3D SESSION

S. 3890

[Report No. 2691]

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1938

Referred to the Committee on the Public Lands

JUNE 10, 1938

Reported with amendments, committed to the Committee of the Whole House
on the state of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

AN ACT

To extend the provisions of the Act of June 8, 1906 (34 Stat. 225), entitled "An Act for the preservation of American antiquities", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the provisions of the Act of June 8, 1906 (34 Stat.
4 225), entitled "An Act for the preservation of American
5 antiquities", are hereby extended so as to authorize the
6 President of the United States, in his discretion, to declare,
7 by public proclamation, lands owned or controlled by the
8 United States ~~in the vicinity of Fort Jefferson National~~
9 ~~Monument and Key West, Florida,~~ *which are east of the*
10 *one hundred and fifth meridian west of Greenwich, and*

1 which are of outstanding scientific value, as national monu-
2 ments, for the purpose of protecting the great White Heron,
3 the plant and animal life native thereto, and to vest the
4 jurisdiction thereof in such department or agency of the
5 Government as he may designate.

Passed the Senate April 20 (calendar day, May 19),
1938.

Attest:

EDWIN A. HALSEY,
Secretary.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 1939

Mr. KING introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

A BILL

To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (34
5 Stat. 225), is amended to read as follows:

6 "SEC. 2. The Secretary of the Interior is authorized to
7 accept on behalf of the United States any historic land-
8 marks, historic and prehistoric structures, and other objects
9 of historic and scientific interest, together with the lands on
10 which such objects are situated, which may be relinquished
11 by private owners to the United States without cost. The
12 President may, in his discretion, by public proclamation,
13 declare such objects to be national monuments."

76TH CONGRESS
3D SESSION

H. R. 9220

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 1940

Mr. HORROX introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To prohibit the acquisition of land for creation or extension of national parks, parkways, monuments, or recreation areas except by an Act of Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That hereafter no land shall be acquired on behalf of the
4 United States for the creation or the extension of any na-
5 tional park, parkway, monument, or recreation area except
6 by an Act of Congress.

76TH CONGRESS
3D SESSION

H. R. 9351

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 1940

Mr. DEROUEN introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To amend the Act for the preservation of American antiquities, approved June 8, 1906 (34 Stat. 225), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 2 of the Act of June 8, 1906 (34 Stat. 225),
4 under which national monuments are established, is hereby
5 repealed and the following is substituted in lieu thereof:

6 “SEC. 2. (a) Subject to valid existing rights, the Pres-
7 ident in his discretion may by public proclamation create
8 national recreational areas on unreserved and unappropri-
9 ated lands owned by the United States, when in his opinion
10 such property contains outstanding scenic or other natural

1 features of national significance and is of value to the Nation
2 for recreational, educational, or inspirational purposes.

3 "Upon submission of title satisfactory to him, the Sec-
4 retary of the Interior on behalf of the United States may
5 accept lands and interests in lands which are within such
6 recreational areas but are not in Federal ownership and
7 which are offered to the United States without cost.

8 "(b) The Secretary of the Interior through the Na-
9 tional Park Service shall administer such areas for purposes
10 of public recreation. Insofar as applicable and not in con-
11 flict with this section, the Act of August 25, 1916 (39 Stat.
12 535), as amended and supplemented, shall govern the pro-
13 motion and regulation of recreational areas and the uses of
14 such recreational areas shall be coordinated under regula-
15 tions to be prescribed by the Secretary of the Interior.

16 "The Secretary of the Interior may permit hunting in
17 recreational areas, but he shall not permit the taking of
18 migratory game birds in such areas contrary to the pro-
19 visions of the Migratory Bird Treaty Act of July 3, 1918
20 (40 Stat. 755), nor the taking of upland game therein con-
21 trary to the game laws of the State or States in which any
22 such recreational area is situated.

23 "The Secretary of the Interior may permit prospecting
24 and mining in recreational areas when not inconsistent
25 with the use of such areas for public water conservation

1 projects, including Federal reclamation, flood control, and
2 power projects. Rights to minerals in recreational area lands
3 shall not extend to the lands containing such minerals, but
4 the Secretary of the Interior may grant rights to occupy
5 and use only so much of the surface of the lands as may be
6 required for all purposes reasonably incident to the mining
7 and removal of the minerals.

8 “(c) This Act shall not be construed to prevent the
9 establishment, development, and maintenance of public water
10 conservation projects, including Federal reclamation, flood
11 control, and power projects, on lands included within recre-
12 ational areas pursuant to this Act.

13 “(d) Nothing in this Act shall deprive any State, or
14 any political subdivision thereof, of its civil and criminal
15 jurisdiction over the lands included within any recreational
16 area, or of its rights to tax persons, corporations, franchises,
17 or property, on the lands included in a recreational area,
18 except as the consent of the States involved may be given.
19 The legislative authority of any State over lands included
20 within a recreational area shall not be diminished or affected
21 by the provisions of this Act.”

22 SEC. 2. Section 4 of the Act of June 8, 1906 (34 Stat.
23 225), is hereby repealed.

76TH CONGRESS
3D SESSION

S. 3827

IN THE SENATE OF THE UNITED STATES

APRIL 22, 1940

Mr. ADAMS introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

A BILL

To amend the Act for the preservation of American antiquities, approved June 8, 1906 (34 Stat. 225), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 2 of the Act of June 8, 1906 (34 Stat. 225),
4 under which national monuments are established, is hereby
5 repealed and the following is substituted in lieu thereof:

6 "Sec. 2. (a) Subject to valid existing rights, the Presi-
7 dent in his discretion may by public proclamation create
8 national recreational areas on unreserved and unappropriated
9 lands owned by the United States, when in his opinion
10 such property contains outstanding scenic or other natural

1 features of national significance and is of value to the Nation
2 for recreational, educational, or inspirational purposes.

3 "Upon submission of title satisfactory to him, the Secre-
4 tary of the Interior on behalf of the United States may
5 accept lands and interests in lands which are within such
6 recreational areas but are not in Federal ownership and
7 which are offered to the United States without cost.

8 "(b) The Secretary of the Interior, through the
9 National Park Service, shall administer such areas for pur-
10 poses of public recreation. Insofar as applicable and not
11 in conflict with this section, the Act of August 25, 1916
12 (39 Stat. 535), as amended and supplemented, shall gov-
13 ern the promotion and regulation of recreational areas and
14 the uses of such recreational areas shall be coordinated under
15 regulations to be prescribed by the Secretary of the Interior.

16 "The Secretary of the Interior may permit hunting in
17 recreational areas, but he shall not permit the taking of
18 migratory game birds in such areas contrary to the pro-
19 visions of the Migratory Bird Treaty Act of July 3, 1918
20 (40 Stat. 755), nor the taking of upland game therein
21 contrary to the game laws of the State or States in which
22 any such recreational area is situated.

23 "The Secretary of the Interior shall permit prospecting
24 and mining in recreational areas when not inconsistent with
25 the use of such areas for public water conservation projects,

1 including Federal reclamation, flood-control, and power
2 projects. Rights to minerals in recreational area lands shall
3 not extend to the lands containing such minerals, but the
4 Secretary of the Interior may grant rights to occupy and use
5 only so much of the surface of the lands as may be required
6 for all purposes reasonably incident to the mining and re-
7 moval of the minerals.

8 “(c) This Act shall not be construed to prevent the
9 establishment, development, and maintenance of public water
10 conservation projects, including Federal reclamation, flood-
11 control, and power projects, on lands included within recrea-
12 tional areas pursuant to this Act.

13 “(d) Nothing in this Act shall deprive any State, or any
14 political subdivision thereof, of its civil and criminal juris-
15 diction over the lands included within any recreational area,
16 or of its rights to tax persons, corporations, franchises, or
17 property, on the lands included in a recreational area, except
18 as the consent of the States involved may be given. The
19 legislative authority of any State over lands included within
20 a recreational area shall not be diminished or affected by the
21 provisions of this Act.”

22 SEC. 2. Section 4 of the Act of June 8, 1906 (34 Stat.
23 225), is hereby repealed.

78TH CONGRESS
1ST SESSION

S. RES. 134

IN THE SENATE OF THE UNITED STATES

APRIL 12, 1943

Mr. O'MAHONEY submitted the following resolution; which was referred to the Committee on Public Lands and Surveys

APRIL 29, 1943

Reported by Mr. O'MAHONEY, with amendments, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate

[Omit the part struck through and insert the part printed in *italic*]

RESOLUTION

1 *Resolved*, That the Committee on Public Lands and
2 Surveys, or any duly authorized subcommittee thereof, is
3 hereby authorized to make a full and complete study and
4 investigation with respect to the methods and purposes of,
5 and the administration of the laws relating to, the establish-
6 ment of and the fixing or alteration of the boundaries of,
7 national monuments, national forests, Indian reservations, and
8 national parks. The committee shall report to the Senate at
9 the earliest practicable date the results of such investigation
10 and study, together with its recommendations for necessary
11 legislation.

12 For the purposes of this resolution, the committee, or

1 any duly authorized subcommittee thereof, is authorized to
2 hold such hearings, to sit and act at such times and places
3 during the sessions, recesses, and adjourned periods of the
4 remainder of the Seventy-eighth Congress, to employ such
5 clerical and other assistants, to require by subpoena or other-
6 wise the attendance of such witnesses and the production
7 of such correspondence, books, papers, and documents, to
8 administer such oaths, to take such testimony, and to make
9 such expenditures, as it deems advisable. The cost of steno-
10 graphic services to report such hearings shall not be in
11 excess of 25 cents per hundred words. The expenses of
12 the committee, *which shall not exceed \$5,000* shall be paid
13 from the contingent fund of the Senate upon vouchers ap-
14 proved by the chairman, ~~and shall be subject to the limit on~~
15 ~~expenditures contained in and be deemed to be a part of the~~
16 ~~expenditures authorized by S. Res. 11, Seventy-eighth Con-~~
17 ~~gress (authorizing such committee to sit and hold hearings~~
18 ~~during the Seventy-eighth Congress).~~

78TH CONGRESS
1st Session

S. RES. 134

IN THE SENATE OF THE UNITED STATES

APRIL 12, 1943

Mr. O'MAHONEY submitted the following resolution; which was referred to the Committee on Public Lands and Surveys

APRIL 29, 1943

Reported by Mr. O'MAHONEY, with amendments, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate

[Omit the part struck through and insert the part printed in *italic*]

JULY 8 (legislative day, MAY 24), 1943

Reported by Mr. LUCAS, with an additional amendment; considered, amended, and agreed to

RESOLUTION

1 *Resolved*, That the Committee on Public Lands and
2 Surveys, or any duly authorized subcommittee thereof, is
3 hereby authorized to make a full and complete study and
4 investigation with respect to the methods and purposes of,
5 and the administration of the laws relating to, the establish-
6 ment of and the fixing or alteration of the boundaries of,
7 national monuments, national forests, Indian reservations, and
8 national parks. The committee shall report to the Senate at
9 the earliest practicable date the results of such investigation
10 and study, together with its recommendations for necessary
11 legislation.

12 For the purposes of this resolution, the committee, or

1 any duly authorized subcommittee thereof, is authorized to
2 hold such hearings, to sit and act at such times and places
3 during the sessions, recesses, and adjourned periods of the
4 remainder of the Seventy-eighth Congress, to employ such
5 clerical and other assistants, to require by subpoena or other-
6 wise the attendance of such witnesses and the production
7 of such correspondence, books, papers, and documents, to
8 administer such oaths, to take such testimony, and to make
9 such expenditures, as it deems advisable. The cost of steno-
10 graphic services to report such hearings shall not be in
11 excess of 25 cents per hundred words. The expenses of
12 the committee, which shall not exceed \$3,000, shall be paid
13 from the contingent fund of the Senate upon vouchers ap-
14 proved by the chairman.

Calendar No. 304

78TH CONGRESS
1ST SESSION

S. 1046

[Report No. 296]

IN THE SENATE OF THE UNITED STATES

APRIL 29, 1943

Mr. O'MAHONEY (for himself and Mr. McCARRAN) introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

JUNE 9 (legislative day, MAY 24), 1943

Reported by Mr. McCARRAN, without amendment

A BILL

To repeal section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 2 of the Act entitled "An Act for the preserva-
- 4 tion of American antiquities", approved June 8, 1906 (34
- 5 Stat. 225; U. S. C., title 16, sec. 431), is hereby repealed.

78TH CONGRESS
1ST SESSION

S. 1056

IN THE SENATE OF THE UNITED STATES

MAY 3, 1943

Mr. ROBERTSON introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

A BILL

To amend section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906, with respect to the creation of national monuments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906
5 (U. S. C., 1940 edition, title 16, sec. 431), is amended by
6 adding at the end thereof the following: "No proclamation
7 issued under this section after the date of enactment of this
8 sentence shall become effective with respect to any lands
9 described in such proclamation until the legislature of the
10 State in which such lands are located shall have enacted a
11 statute approving such proclamation."

78TH CONGRESS
1ST SESSION

H. R. 2591

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1943

Mr. BARRETT introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To amend section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906, with respect to the creation of national monuments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (U. S.
5 C., 1940 edition, title 16, sec. 431), is amended by adding at
6 the end thereof the following: "No proclamation issued under
7 this section after the date of enactment of this sentence shall
8 become effective with respect to any lands described in such
9 proclamation until the legislature of the State in which such
10 lands are located shall have enacted a statute approving such
11 proclamation."

78TH CONGRESS
1ST SESSION

H. R. 3864

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 1943

Mr. DIMOND introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To repeal section 2 of the Act entitled "An Act for the preservation of American antiquities".

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 2 of the Act entitled "An Act for the preserva-
- 4 tion of American antiquities", approved June 8, 1906 (34
- 5 Stat. 225), is repealed.

78TH CONGRESS
1ST SESSION

H. R. 3884

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 1943

Mr. CHENOWETH introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To repeal section 2 of the Act entitled "An Act for the preservation of American antiquities".

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 2 of the Act entitled "An Act for the preser-
- 4 vation of American antiquities", approved June 8, 1906
- 5 (U. S. C., 1940 edition, title 16, sec. 431), be, and the
- 6 same hereby is, repealed.

78TH CONGRESS
2D SESSION

H. R. 4575

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1944

Mr. FERNANDEZ introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To amend section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (34
5 Stat. 225; U. S. C., title 16, sec. 431), be, and the same
6 is hereby, amended by adding at the end of said section
7 the following words: "*Provided, however,* That any proc-
8 lamation hereafter made under authority of this Act shall
9 not become effective until approved by Act of Congress,
10 if lands embraced within, or reserved as a part of, the
11 national monument created thereby exceed ten thousand
12 acres in area."

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1945

Mr. FERNANDEZ introduced the following bill: which was referred to the Committee on the Public Lands

A BILL

To amend section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (34
5 Stat. 225; U. S. C., title 16, sec. 431), be, and the same
6 is hereby, amended by adding at the end of said section the
7 following words: "*Provided, however,* That any proclama-
8 tion hereafter made under authority of this Act shall not
9 become effective until approved by Act of Congress, if
10 lands embraced within, or reserved as a part of, the national
11 monument created thereby exceed ten thousand acres in
12 area."

79TH CONGRESS
1st Session

H. R. 1112

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1945

Mr. O'CONNOR introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To repeal the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Act entitled "An Act for the preservation of Ameri-
- 4 can antiquities", approved June 8, 1906 (U. S. C., 1940
- 5 edition, title 16, secs. 431-433, inclusive), is hereby repealed.

79TH CONGRESS
1ST SESSION

H. R. 1507

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1945

Mr. CHENOWETH introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To repeal section 2 of the Act entitled "An Act for the preservation of American antiquities".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preser-
4 vation of American antiquities", approved June 8, 1906
5 (U. S. C., 1940 edition, title 16, sec. 431), be, and the
6 same hereby is, repealed.

79TH CONGRESS
1ST SESSION

H. R. 2110

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1945

Mr. BARRETT of Wyoming introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To repeal section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (34
5 Stat. 225; U. S. C., title 16, sec. 431), is hereby repealed.

79TH CONGRESS
1ST SESSION

S. 664

IN THE SENATE OF THE UNITED STATES

MARCH 1 (legislative day, FEBRUARY 26), 1945

Mr. ROBERTSON introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

A BILL

To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906, is
5 amended by inserting "(a)" after the section number and
6 by adding at the end thereof the following new subsections:
7 "(b) At least six months prior to the making of any
8 proclamation under the provisions of this section notice of
9 intention to make such proclamation shall be sent to the
10 Governor of the State or States in which the monument or
11 any part thereof is to be located, each of the two Senators

1 from such State or States, each Representative at Large from
2 such State or States, and the Representative from each con-
3 gressional district in which the monument or any part
4 thereof is to be located; and such notice shall be published
5 for four consecutive weeks in a newspaper of general cir-
6 culation in the county seat of each county in which any part
7 of the monument is to be located.

8 “(c) Effective as of December 7, 1941, no proclama-
9 tion declaring a national monument shall be made unless
10 such monument has the approval in writing of a majority of
11 the persons to whom notice of intention to make proclama-
12 tion is required to be sent under the provisions of subsec-
13 tion (b); and no monument shall be considered to have
14 been lawfully established since that date and prior to the
15 date of enactment of this Act.”

79TH CONGRESS
2D SESSION

H. R. 5859

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1946

Mr. FERNANDEZ introduced the following bill; which was referred to the Committee on the Public Lands

A BILL

To amend section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (34
5 Stat. 225; U. S. C., title 16, sec. 431), be, and the same
6 is hereby, amended by adding at the end of said section the
7 following: "*Provided, however, That any proclamation here-*
8 after made under authority of this Act shall not become
9 effective until approved by Act of Congress."



IN THE SENATE OF THE UNITED STATES

JANUARY 8, 1947

Mr. ROBERTSON of Wyoming introduced the following bill; which was read twice and referred to the Committee on Public Lands

A BILL

To amend the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906, is
5 amended by inserting "(a)" after the section number and
6 by adding at the end thereof the following new subsections:

7 " (b) At least six months prior to the making of any
8 proclamation under the provisions of this section notice of
9 intention to make such proclamation shall be sent to the
10 Governor of the State or States in which the monument or
11 any part thereof is to be located, each of the two Senators

1 from such State or States, each Representative at Large
2 from such State or States, and the Representative from each
3 congressional district in which the monument or any part
4 thereof is to be located; and such notice shall be published
5 for four consecutive weeks in a newspaper of general circula-
6 tion in the county seat of each county in which any part of
7 the monument is to be located.

8 “(c) Effective as of December 7, 1941, no proclamation
9 declaring a national monument shall be made unless such
10 monument has the approval in writing of a majority of the
11 persons to whom notice of intention to make proclamation
12 is required to be sent under the provisions of subsection (b) ;
13 and no monument shall be considered to have been lawfully
14 established since that date and prior to the date of enactment
15 of this Act.”

80TH CONGRESS
1ST SESSION

H. R. 1676

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1947

Mr. FERNANDEZ introduced the following bill; which was referred to the Committee on Public Lands

A BILL

To amend section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act entitled "An Act for the preserva-
4 tion of American antiquities", approved June 8, 1906 (34
5 Stat. 225; U. S. C., title 16, sec. 431), be, and the same
6 is hereby, amended by adding at the end of said section the
7 following words: "*Provided, however,* That any proclamation
8 hereafter made under authority of this Act shall not become
9 effective until approved by Act of Congress, if lands embraced
10 within, or reserved as a part of, the national monument
11 created thereby exceed ten thousand acres in area."

80TH CONGRESS
1st Session

H. R. 2438

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1947

Mr. BARRETT introduced the following bill; which was referred to the Committee on Public Lands

A BILL

To repeal section 2 of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 2 of the Act entitled "An Act for the preser-
- 4 vation of American antiquities", approved June 8, 1906
- 5 (34 Stat. 225; U. S. C., title 16, sec. 431), is hereby
- 6 repealed.

APPENDIX B

50th CONGRESS

S. Misc. Doc. 60 50-2 2-4-89 1 2615-20
 Memorial of Oliver Ames et al for the protection of the ancient ruin of the Temple Casa Grande, Arizona. Public Lands.

56th CONGRESS

H Report 1104 56-1 4-21-00 2 4025-5-0
 Public Lands on HR 10451.

58th CONGRESS

S Report 2430 58-2 4-25-04 2 4576-7-0
 Public Lands on S 5603.

S Doc. 314 58-2 4-28-04 30 4592-7-0
 Senate Public Lands Hearing on S 4127 and S 5603.

H Report 3704 58-3 1-19-05 10 4761-7-0
 Public Lands on S 5603.

59th CONGRESS

H Report 2224 59-1 3-12-06 8 4906-1-0
 Public Lands on HR 11016.

S Report 3797 59-1 5-24-06 1 4905-2-0
 Public Lands on S 4698.

APPENDIX B

63rd CONGRESS

H Doc. 506 63-2 12-20-13 2 6757-160-0
Estimate for national monuments.

68th CONGRESS

S Report 849 68-2 1-8-25 2 8388-1-0
Public Lands and Surveys on S 3840.

H Report 1119 68-2 1-9-25 2 8390-1-0
Public Lands on HR 11357.

75th CONGRESS

H Report 2691 75-3 6-10-38 4 10235-3-0
Public Lands on S 3890.

78th CONGRESS

S Report 296 78-1 6-9-43 2 10756-2-0
Public Lands and Surveys on S 1046.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1889.—Presented by Mr. Hoar, referred to the Committee on Public Lands, and ordered to be printed.

MEMORIAL OF OLIVER AMES, JOHN G. WHITTIER, MARY HEMENWAY, AND OTHERS, PRAYING LEGISLATION FOR THE PROTECTION FROM DESTRUCTION OF THE ANCIENT RUIN OF THE TEMPLE CASA GRANDE, SITUATED IN PINAL COUNTY, NEAR FLORENCE, ARIZ.

To the Congress of the United States :

The undersigned respectfully represent that the ancient and celebrated ruin of Casa Grande, an ancient temple of the prehistoric age of the greatest ethnological and scientific interest, situated in Pinal County, near Florence, Arizona Territory, upon section 16 of township 5 south, range 8 east, immediately to the north of the first standard south, Gila and Salt River base, and about two miles south of the Gila River, is at present entirely unprotected from the depredations of visitors ; and that it has suffered more in eleven years from this source than in the three hundred and fifty years preceding ; and,

Your petitioners, believing that this ruin is worthy of the care of Government, respectfully pray that it may be protected by proper legislation from destruction or injury.

BOSTON, *January* 30, 1889.

OLIVER AMES.
MARY HEMENWAY.
MARY B. CLAFLIN.
WILLIAM CLAFLIN.
R. CHARLOTTE DANA.
ANNA CABOT LODGE.
FRANCIS PARKMAN.
EDWARD E. HALE.
O. W. HOLMES.
SAMUEL DALTON.
JOHN FISKE.
JOHN G. WHITTIER.
WM. T. HARRIS.
W. E. BARRETT.

PRESERVATION OF PREHISTORIC MONUMENTS, ETC.

APRIL 21, 1900.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SHAFROTH, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10451.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 10451) for the preservation of the prehistoric monuments, ruins, and objects on public lands, beg leave to report that there is situated in the States of Colorado and Utah and in the Territories of Arizona and New Mexico a large number of monuments and cliff dwellings, which are the work of prehistoric man.

These monuments and cliff dwellings indicate that a highly civilized race hundreds of years before the discovery of America occupied this portion of the United States, and built pretentious dwellings, castles, forts, and palaces in that region of the United States.

The character of the buildings and of the pottery and utensils used by them indicate that they were a much superior race to the Indians, who afterwards inhabited that country.

These ruins are of the greatest interest to the students of archaeological science. A great many books have been published with reference to the ruins in that portion of the United States, and the subject is not only one of interest to students here, but also to scientists of the entire world.

These ruins are located a considerable distance from the railroad, and up to this time have not been ruined or destroyed, but they are being visited each year by more people, and consequently the destruction of them is taking place more and more each year.

The various archaeological societies are very much interested in the preservation of these ruins, and the only practical way they can be preserved is by creating reservations of the land surrounding each ruin, and providing a penalty for any destruction of the same.

The bill referred to has been drawn by the committee, after obtaining suggestions from the Ethnological Bureau of the Smithsonian Institution and from the Interior Department of the Government.

The bill proposes to set apart and reserve from sale reservations upon which monuments, cliff dwellings, cemeteries, mounds, forts, or any other work of prehistoric or aboriginal man to the extent of not exceeding 320 acres to each reservation, and provides that each reservation shall be surveyed. It places these reservations under the care of the Secretary of the Interior, who shall make rules and regulations relative to the same.

It permits the excavation and investigation of the ruins by the Smithsonian Institution, and by reputable museums, universities, and colleges. It provides a penalty for any injury, destruction, or carrying away of any aboriginal antiquity, monument, or ruin.

It provides that the severing of any prehistoric object from the reservation and carrying it away shall not give to the holder any lawful right or title thereto, but the Secretary of the Interior, with his discretion, is given the authority to recover the same.

It provides that the Secretary of the Interior may acquire such parts of reservations as may be owned by any person for a sum of not exceeding \$2.50 per acre.

The committee is of the opinion that the bill will preserve the prehistoric ruins and that the excavation and investigation of the same by archaeological students will be of great benefit to that branch of knowledge.

Your committee recommend that the following amendments shall be made:

After the word "lands" in the title of said bill insert the words "in the States of Colorado and Utah and in the Territories of Arizona and New Mexico."

Also, after the word "lands" in the fifth line of the first page of said bill, insert the words "in the States of Colorado and Utah and in the Territories of Arizona and New Mexico."

After the word "apart" in the fifth line of the third page of said bill, insert the words "or sought to be set apart."

For the foregoing reasons your committee recommend the passage of said bill as amended herein.

O

PRESERVATION OF HISTORIC AND PREHISTORIC RUINS,
MONUMENTS, ETC.

APRIL 25, 1904.—Ordered to be printed.

Mr. FULTON, from the Committee on Public Lands, submitted the
following

REPORT.

[To accompany S. 5603.]

The Committee on Public Lands, to which was referred the bill (S. 5603) for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting, having had the same under consideration, respectfully reports the same back to the Senate, and recommends that it do pass with the following amendments:

First. In lines 3 and 4, page 1, printed bill, strike out the word "wanton."

Second. In line 10, page 2, printed bill, immediately following the word "appoint," insert the words "or detail."

Third. In line 10, page 2, printed bill, strike out the words "provide for," and insert in lieu thereof the word "fix."

Fourth. In line 17, page 2, printed bill, strike out the word "pre-emption," and in lieu thereof insert the words "entry or other disposal except under the provisions of the mineral laws."

Fifth. In line 22, page 3, printed bill, immediately following the word "and" insert the words "in case of such forfeiture."

Sixth. In line 9, page 4, printed bill, immediately following the word "object" insert the words "found on any of the public lands of the United States."

Seventh. In line 12, page 4, printed bill, immediately following the words "deceive or" insert the word "knowingly."

Eighth. In line 13, page 4, printed bill, immediately following the word "or" insert the word "knowingly."

Ninth. In line 21, page 4, printed bill, immediately following the word "mutilate" insert the word "or," and in same line strike out the words "or carry away."

2 HISTORIC AND PREHISTORIC RUINS, MONUMENTS, ETC.

Tenth. In line 23, page 4, printed bill, immediately following the word "any" insert the word "prehistoric," and strike out the word "antiquity," and insert in lieu thereof the words "structure or grave."

Eleventh. In lines 1 and 2, page 5, printed bill, strike out the word "or other antiquities," and in lieu thereof insert the words "from any grave or prehistoric aboriginal structure."

O

58TH CONGRESS, }
2d Session.

SENATE.

} DOCUMENT
No. 314.

PRESERVATION OF HISTORIC AND PREHISTORIC RUINS, ETC.

HEARING

BEFORE THE

SUBCOMMITTEE

OF THE

COMMITTEE ON PUBLIC LANDS

OF THE

UNITED STATES SENATE,

CONSISTING OF

SENATORS FULTON (CHAIRMAN), BARD, AND NEWLANDS,

ON THE

Bill (S. 4127) for the preservation of aboriginal monuments, ruins, and other antiquities,
and for other purposes, introduced by Senator Cullom February 5, 1904, and
the bill (S. 5608) for the preservation of historic and prehistoric
ruins, monuments, archaeological objects, and other an-
tiquities, and to prevent their counterfeiting,
introduced by Senator Lodge
April 20, 1904.

APRIL 28, 1904.—Ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1904.

PRESERVATION OF HISTORIC AND PREHISTORIC RUINS, ETC.

FRIDAY, April 22, 1904.

The subcommittee met at 10 o'clock a. m.

Present: Senators Fulton (chairman), Bard, and Newlands.

Also Rev. Henry Mason Baum, D. C. L., president of Records of the Past Exploration Society, of the City of Washington; Dr. Francis W. Kelsey, professor in the University of Michigan and secretary of the Archaeological Institute of America; Hon. William A. Jones, Commissioner of Indian Affairs; Mgr. Dennis J. O'Connell, rector of the Catholic University of America; Dr. Charles W. Needham, president of the Columbian University; Prof. Mitchell Carroll, of the Columbian University, associate secretary of the Archaeological Institute of America and Frederick B. Wright, secretary of Records of the Past Exploration Society.

The CHAIRMAN (Senator Fulton). There are two bills before the committee, Senate bill 4127, introduced by Senator Cullom, and Senate bill 5608, introduced by Senator Lodge, and there are also House bills.

Reverend Doctor BAUM. Senator Lodge's bill is the same as House bill 18349, introduced by Representative Rodenberg.

Senator FULTON. Are there any other bills?

Reverend Doctor BAUM. Yes; March 4 Major Lacey, chairman of the Public Lands Committee, introduced House bill 13458. There is also another bill, House bill 12447, introduced by Mr. Hitt. That is the Cullom bill introduced in the House. It is identical with the Cullom bill. The next bill is by Mr. Rodey, the Delegate from New Mexico, House bill 12141.

Senator FULTON. Very well, gentlemen, we will proceed with the hearing.

Senator BARD. Doctor Baum might go on and explain the differences in the various bills.

Reverend Doctor BAUM. It is our wish that Doctor Kelsey shall first present the matter to the committee.

STATEMENT OF DR. FRANCIS W. KELSEY.

Senator FULTON. Doctor Kelsey, you have been already comparing the several measures, and I think it may be well if you will point out the features on which you all agree, as I understand there are many features on which you all agree and some on which you differ.

Doctor KELSEY. I have much pleasure, Mr. Chairman, in acting upon the suggestion. Without taking up the bills in detail I ought perhaps to explain to the members of the committee the reason why I happen to be here.

I come as secretary of the Archaeological Institute of America. This is an organization which has branch societies in different parts of the country--in Boston, New York, Philadelphia, Baltimore, and Washington. The president of the Washington society is Hon. John W. Foster; the secretary is Prof. Mitchell Carroll, of Columbian University, and prominent among the councilors of the institute are gentlemen whose names will be given you by Professor Carroll. It is unnecessary to name them here. We are very fortunate in having with us this morning two representatives of the Washington society, Monsignor O'Connell, the rector of the Catholic University, and President Needham, of Columbian University, to speak for the society.

There are other societies of the Archaeological Institute of America in Pittsburg, Cleveland, Detroit, Chicago; in Wisconsin, Iowa, Missouri, with a branch organization in Kansas City, in Colorado, Utah, San Francisco, and Los Angeles. The society at Los Angeles is the last we organized. It is called the Society of Southern California and has for its special object the guardianship of the scientific interests of archaeology in that region.

I have had occasion as secretary of this organization, in constant relation with the societies, to know the sentiment of the country with reference to the subject before your committee. I have found that while there exist differences of opinion in regard to certain things, there are, as the chairman remarked, certain lines on which all are absolutely agreed, without any difference of opinion whatever. As these bills have been brought before Congress I felt that it was the duty of all men who are interested in the subject to unite upon the essential things, leaving the unessential things for later consideration.

Senator FULTON. I imagine every one agrees that it is important we should have some legislation to protect these monuments and relics.

Doctor KELSEY. The first point is, as stated by the chairman, that it is important to have legislation to protect the monuments upon the national domain. The second is that that legislation should be immediate. The third is that that legislation should be at this time preservative rather than administrative. It should not attempt to deal with the things that may arise in the future, but should meet immediate contingencies in order to preserve what we have.

As an instance to illustrate the importance of immediate legislation, in Denver a short time ago, when I was present at a public meeting, a gentleman of the city who presided at the meeting, said that very recently two carloads of boxes containing objects of archaeological interest from the southwest had recently passed through the city. Other information of that sort, which is familiar to everyone interested in the work, has been coming in constantly.

Senator FULTON. Do you know to what place they were being taken?

Doctor KELSEY. Part of them were to be shipped abroad, according to my information. I did not follow the matter up. We are all aware of the facts. Catalogues of collectors suggest the conclusion that parties are constantly at work upon the public lands extracting all available objects of value; and these objects of value are not merely extracted, but the environment of them is so completely disfigured in the process that the remains become valueless for scientific purposes, either for exhibition or for any other purpose.

The United States is at a great disadvantage in dealing with this question when compared with the countries of Europe. As Monsignor

O'Connell will inform you, from his long residence in Rome, the European authorities have long since attached the question with much greater advantage than we, because the countries are much more densely settled, and it is much easier to deal with such problems. Our complications lie in the fact that the Government domain is so extensive that no system of policing has yet been devised which will meet the case or guard the country's property without specific legislation.

Senator FULTON. Has there been any attempt made on the part of the Interior Department to protect these localities against depredations?

Reverend Doctor BAUM. We will explain that when we come to speak of the action of the Interior Department.

Doctor KELSEY. The Interior Department has been deeply interested in the matter, but I am informed that they need special legislation to give adequate provision for matters of this kind. Am I correct, Senator BARD?

Senator BARD. Yes, sir.

Doctor KELSEY. If there are no further questions, let me sum up briefly the points to which I am coming. First, it is extremely desirable, inasmuch as this matter is now before the Senate and House committees, that action be taken, because the country expects it.

The constituency of those interested in the matter is not confined to a small circle of scientific men. It is not confined to those interested in educational institutions. The general public has awakened to a realization of the importance of preserving in America these remains of the past, not simply for present interest, but for the future. They are being obliterated every day. Unless I am very much misinformed, on account of the fact that this legislation is before Congress, as commercial speculators and excavators understand the danger of the business being taken away from them, the present summer will witness a larger campaign for the destruction of these priceless memorials of the past than was ever witnessed before. That is a result of the publicity given to the fact that this legislation has been offered to the consideration of the Houses of Congress. If possible it is for the committee, by conference, to tell us the proper way; but if, as a matter of common sense and direct dealing in respect to the interests involved, the magnitude of which is apparent to all, we endeavor to agree upon legislation you gentlemen of the committee will be able to indicate to us how that may be best done which will accomplish the purposes on which all are agreed.

The first purpose is legislation for the preservation of monuments on general lines, without taking into account the future questions that may arise and that are all out of sight. The second is immediate action—if possible, to pass, by general consent perhaps, some kind of bill that will make it possible instantly to stop these depredations and maintain the monuments in statu quo until such time as Congress shall be at liberty to deal with the matter in detail and enact laws similar to those which have so long been in force on the continent of Europe. Have I properly represented the first?

Professor CARROLL. Yes.

Doctor KELSEY. Then I beg of the committee to devote some time to the subject, for it is for the committee to take the lead in a matter of this sort.

Senator FULTON. I would be pleased to have you indicate, taking

up, for instance, the Cullom bill, what, if any, of the features of that bill are objectionable to you.

Doctor KELSEY. May I look at a copy of the bill? I have not one with me.

Senator FULTON. It is Senate bill 4127 [handing bill].

Doctor KELSEY. There are important differences of opinion with reference to two points in this bill. The first difference of opinion has reference to the division of administration between the Secretary of the Interior and the Smithsonian Institution.

Senator FULTON. This bill places the matter under the Smithsonian Institution.

Doctor KELSEY. Instead of the Secretary of the Interior?

Senator FULTON. I speak of the Cullom bill.

Doctor KELSEY. Yes. I am not an attorney. This is a question for an attorney to pass upon. I enter a disclaimer against offering any opinion upon legal points; but the objection has been raised by men in whose opinion I have confidence that the arrangement proposed in this bill would lead to constant friction and to a clashing of authority, which would be apt to neutralize the beneficial results of the legislation.

With reference to the proper ground of that objection I beg not to express an opinion. That objection has been raised, and on account of that apparent difficulty, which may not be real, there are men who stand high who seriously object to the bill in its present form; but that is a point of administration which may be eliminated from any immediate legislation. I understand that all the public lands at the present time are under the control of the Secretary of the Interior.

If in the future it should be thought best to offer for the guidance of the Secretary of the Interior a body of advisers such as the Smithsonian Institution or any other organization, that is for the future to determine. All that you would have to do at the present time is to instruct or authorize the Secretary of the Interior to take steps for the preservation of these remains until the matter of administration may be settled. Have I correctly represented the gentlemen on this point?

Doctor NEEDHAM. Yes, sir.

Senator FULTON. I do not understand that the reserves which the bill provides the President may set apart and create are to be placed by the Cullom bill under the Smithsonian Institution absolutely.

Senator BARD. The work of exploration is placed by the bill under the Smithsonian.

Senator FULTON. But I understand that the Institution is subordinated to the general control of the Secretary of the Interior. Section 2 provides—

That all aboriginal monuments, ruins, and other antiquities on any of the said reservations from the public lands belonging to the Government of the United States of America, now existent or hereafter created, are the property of the United States, and it shall be unlawful for any person to enter on said reservations and collect on or in them any archaeological specimens without first obtaining a permit therefor from the Secretary of the Interior, as hereinafter provided.

Then the bill provides as I recall it—I have not read it for several days—that these permits shall be issued on the recommendation of the Secretary of the Smithsonian Institution.

Senator BARD. You will observe that the proviso in section 5 is that all the results of the explorations shall really go into the control of the Smithsonian Institution.

Doctor KELSEY. That is a question of administration, and in the question of administration there are two elements in dealing with the archaeological problem that have to be taken into account. The first is the right to explore and excavate, and the second is the control of the results. This leads me to my second point. May I commence that before going back to discuss the first?

Senator FULTON. Certainly; proceed in your own way. I only wish to get a clear understanding of your position as you go on.

Doctor KELSEY. I feel that your time is valuable and that I ought not to trespass upon it at too great a length.

The second consideration which has been urged against this bill is that it gives the Smithsonian Institution an unfair advantage, an advantage which can not be justified from either a practical or a scientific point of view over any other institution—such as the Peabody Museum at Cambridge, the Natural History Museum of New York, and other large museums—in respect to excavating and in respect to the guardianship of remains that may be recovered by the process of excavation.

Into the detail of this I do not wish to enter, but if you desire my opinion I am ready to give it. This is a point on which I feel qualified to give an opinion.

Senator FULTON. We shall be glad to have your opinion. That is what we want.

Doctor KELSEY. My opinion is that the point is well sustained, and that the sentiment of the country, if you wish to have evidence in the matter, would not sustain any action of Congress in carrying through the provisions indicated in the sections that have been noted in this bill.

Inasmuch as these are points of difference and inasmuch as I am positive, from my opportunity to test the sentiment of the country that my statement is within the bounds of conservative and reasonable expression, I feel that we ought not to enter upon the discussion of that point, but leave it for future consideration. All that sort of thing tends to take us away from the fundamental point. The fundamental point is the necessity of immediate legislation to protect these remains until the Government can see its way clear to devise legislation to take care of them.

Senator FULTON. I assume from what you say that you would prefer the provisions of the Lodge bill in the respect you have mentioned.

Doctor KELSEY. I have not a copy of that before me.

Reverend Doctor BAUM. Professor Kelsey, before we take up the Lodge bill, if you will make your points I will then submit a statement leading up to the Lodge bill.

Doctor KELSEY. I am at the service of the committee. I have no speech to make. I simply wish to follow whatever course is most desirable.

Senator FULTON. All right; we will hear Doctor Baum, then.

STATEMENT OF REV. DR. HENRY MASON BAUM.

Reverend Doctor BAUM. Senators and gentlemen, the question of legislation for American antiquities has been under consideration for many years, and movements to secure their protection have been made by various societies, notably the American Association for the Advancement of Science. The late Doctor Wilson, of the Smithsonian Institu-

tion, worked very hard in this direction. I had an interview yesterday with Mr. Proudfit, one of the Assistant Attorneys-General of the Interior Department, who had assisted Doctor Wilson in his efforts and helped to frame some of the bills introduced by him.

Senator FULTON. Some of the pending bills?

Reverend Doctor BAUM. They are bills that were introduced during the past six or seven years. Those bills only reached the committees to which they were referred. None of them were ever put on the Calendar for passage. I think, as is probably generally well known, that the failure to bring those bills before the Senate and House of Representatives was because there never was any concerted action.

Every civilized government on the face of the earth has legislation for the protection of its antiquities. I had imported a short time ago the Greek laws and had them translated for the benefit of the Committee on Public Lands of the House, where they are now on file. After the European governments enacted laws for the protection of their antiquities Mexico followed, and some of the smaller republics of the south, leaving the United States as the only Government without any protection for its antiquities.

It was not until perhaps twenty-five years ago that excavations began in the ruins of the Southwest. Among the first to excavate for commercial purposes were three brothers in Colorado, who saw the commercial value of the Pueblo and Cliff ruins. They began with the Cliff Palace, in southern Colorado, which is one of the most interesting ruins in the world. They went through it thoroughly. I suppose the antiquities they sold from that ruin ran up in amount anywhere between five and ten thousand dollars. They then proceeded to work in other ruins.

Doctor KELSEY. It should perhaps be noted that at that time the prices were much smaller than now, so that ruins to the value of \$5,000 or \$10,000 represented very much more than now.

Reverend Doctor BAUM. I suppose the present value would be double that amount.

Doctor KELSEY. Or more than double. The single pieces sell for how much?

Reverend Doctor BAUM. There is one piece owned by Mrs. McClurg for which an offer of \$3,000 has been made by the Smithsonian Institution. They excavated other ruins of the Mesa Verde region. They went through many of the ruins of the San Juan watershed, in which there are over 1,600. Then they went through the Chaco Canyon, where one of them has now a large trading station.

Here the American Museum of Natural History of New York has expended over \$50,000, and the ruins are still far from being excavated. That one ruin contained over 2,000 rooms and was once 7 stories in height. About 50,000 pieces of turquoise have been taken from this ruin.

For 10 miles up Chaco Canyon there are extensive ruins on both sides of it. The canyon is about a mile wide. Pueblo ruins are scattered along the ridges of the canyon.

I venture to say, from a somewhat careful examination of the ruins in and adjacent to the Chaco Canyon, that there was a population of 150,000 people, all within a section of 5 miles wide and 15 miles long.

These brothers, after going through these ruins, or many of them, went down into the Rio Grande Valley. Then they went over into Arizona. They even went into the canyons De Chelly and Del Muerto.

which for scenic beauty are without a rival in all the world, and contain over 300 pueblo and cliff ruins.

After I returned from the Southwest two years ago I learned that parties were going into these canyons to excavate for commercial purposes. I went to Secretary Hitchcock and told him what I thought ought to be done for their protection. He readily indorsed the plan to protect them, and within a month he had a custodian in charge of the ruins, and they are now protected from the vandalism of the tourist and commercial excavator. These canyons certainly ought to be made a national park. These brothers have, I suppose, realized over \$100,000 in cash from the sale of antiquities excavated on the Government domains.

Now, the antiquities in these ruins are extremely valuable, and are as a rule isolated. I have talked the matter of reservations over with Major Lacey and other prominent men in this country. There are three or four localities embracing extensive ruins that could well be made national reservations or parks. You may travel for 10 miles, as I have done day after day in the Southwest, and only find isolated ruins, and to show how important some of them are I will give an illustration. On the Little Colorado River, near the Black Falls in Arizona, there is a ruin which Doctor Fewkes, of the Smithsonian Institution and one of the most expert excavators we have in the American work, visited. After he had been spending the summer in the Southwest, he visited this ruin, on learning that it was an old village site, to see whether it would pay him to excavate it; but after looking it over he thought he would not undertake it at that time. However, the Indians whom he had employed during the summer and discharged that night returned the following night with some pottery, and asked him to go over the next morning to the ruin, which he did, and he began excavating the ruin.

The magnificent collection we have in the pueblo section of the National Museum was taken largely from that ruin. It is worth, probably, over \$50,000. The next summer Doctor Dorsey, of the Field-Columbia Museum, went there and got a still larger collection. The following summer the commercial excavators began work in the ruin and they sold \$7,000 worth of antiquities.

Now, such isolated ruins do not attract the attention of the tourist, but they do the enterprising commercial excavator; hence you see the great importance of them from a scientific standpoint. I venture to say that there are hundreds of them. There are probably over 10,000 ruins in southern Utah, Colorado, Arizona, and New Mexico.

No legislation for the creation of national parks only will serve the purpose. I have no personal interest in this matter other than that of an archæologist. The society of which I am the president deals purely with all the work of historical research and exploration throughout the world, from the literary standpoint. My own department in this great work is that of biblical archæology. But I found that, as an editor, it was necessary for me to have a practical knowledge of American antiquities. Therefore, two years ago I visited the mounds of the Mississippi Valley and the more important pueblo and cliff ruins of the Southwest.

One of the objects I had in view was to ascertain how the antiquities on the Government domain could best be protected. My expedition led to the drafting of House bill 13349, which is identical with the bill introduced in the Senate by Senator Lodge.

Now, as to the merits of the bill. It is the only one now before the Senate and House of Representatives that deals with the entire subject of American antiquities on Government lands. The other bills deal entirely with reservations which have not been created.

Whether the President of the United States should be empowered to set aside public lands for reservations is a matter entirely for you gentlemen to decide. I think it is a matter of so much importance that when it comes to setting aside from 50,000 to 200,000 acres of land it would have to go before Congress. Therefore, the other bills do not grant the relief that the people of this country ask for.

The Smithsonian bill places, I think very unjustly and against the almost unanimous sentiment of the country, the antiquities under the control of the Secretary of the Smithsonian Institution; that is, the Secretary of the Interior would not be permitted to grant permits to any institution without the consent of the Secretary of the Smithsonian, which is very unjust. The Rodey bill puts them under the control of the Chief of the Bureau of Ethnology, which is still worse.

Now, in drafting this bill (S. 5603) it was designed to meet the wants of the people—the scientific and educational institutions of our country—and grant them equal privileges.

Senator FULTON. Of which bill do you speak?

Reverend Doctor BAUM. The one introduced by Senator Lodge, and the Rodenberg bill in the House. It was the result of conferences time and again during the last two years with men who are interested in this work throughout the country, as well as my personal observations in the Southwest.

I saw at once that it would not be fair to ask Congress to enact any legislation unless it had been submitted to the educational institutions of the country. Therefore, I asked Mr. Rodenberg to introduce the bill in the House in order to make that test before it was introduced in the Senate. Five hundred copies of the bill were printed and copies were sent to every university, college, museum, historical society, and archaeological society in the United States.

Here we have the verdict of those who are entitled to speak on this subject. The president of the Archaeological Institute of America, of which we have the honorable secretary here, has warmly indorsed this bill. Every institution that we have heard from, from Yale University down, is in favor of this bill.

Here is a letter from Doctor Wheeler, the president of the University of California, and from Professor Putnam, of Harvard University. Doctor Wheeler, as Professor Kelsey knows, is one of the greatest living authorities on classical archaeology. He was for many years in charge of the American work in Athens; for how long, I will ask Professor Kelsey.

Doctor KELSEY. He was there for some time. The exact period I can not state.

Reverend Doctor BAUM. But he stands very high, does he not, as a classical archaeologist?

Doctor KELSEY. He ranks very high as a classical scholar in general.

Reverend Doctor BAUM. Professor Putnam the curator of the Peabody Museum, Cambridge, has been the Nestor of American archaeology. For twenty-five years he has been trying to get legislation for the protection of our antiquities. His work in Ohio, where he got the State to set aside lands embracing the Serpent Mound and Fort Ancient, is known to everyone. He has educated most of the American

archaeologists at Cambridge. The Peabody Museum is a part of Harvard University, and Professor Putnam is one of the professors of Harvard University. He is entitled to speak with authority regarding the protection of American antiquities, I think, more than any other man in the United States, and his word should go further than that of any other man, because he has been in the very forefront of all this work during all these years and has been trying to secure the needed legislation for the protection of our antiquities; but he raises a question here that I think is injudicious at the present time—that of an archaeological commission. Let me read their indorsement of the bill.

UNIVERSITY OF CALIFORNIA,
OFFICE OF THE PRESIDENT,
March 18, 1904.

MY DEAR SIR: The bill which you have introduced for the preservation of ancient monuments on the public lands of the United States, together with your circular letter relating thereto, has been examined with much interest by the members of the department of anthropology of the University of California.

As this department of the university is carrying on archaeological and ethnological explorations in various parts of this continent and also in several foreign lands, its officers are necessarily interested in all laws, both domestic and foreign, which relate to the preservation and exploration of ancient monuments and prehistoric sites. It is essential that the United States should have a law which, while protecting its ancient monuments, should at the same time permit scientific exploration under proper direction. The bill which you have introduced is conceived in the proper spirit and to a great extent covers the ground. Of the several bills now before the Senate and the House of Representatives yours is surely the most satisfactory.

We would, however, suggest that your bill be so amended as to provide for a commission of at least five persons, to be appointed by the President. This commission should be made up from among the most competent archaeologists of this country and should have control of the ancient monuments and remains on public lands.

It should be the duty of such a commission to report to the honorable Secretary of the Interior in relation to the preservation of certain monuments and ancient sites on the public lands, and the Secretary of the Interior should have the authority and power to reserve such monuments and sites from settlement and to have them protected.

It should also be in the power of such a commission to control the explorations of such ancient sites by responsible institutions of learning under the consent of the Secretary of the Interior. This provision should apply as well to foreign institutions of a similar character.

We would suggest also that the condition in section 6 concerning "continuous excavations" might, in some instances, be very hard to satisfy. Also the complete photographic record required by section 7, though desirable, would not be possible in every case where satisfactory work is nevertheless accomplished.

Very sincerely, yours,

BENJ. I. WHEELER,
President of the University.
F. W. PUTNAM,
*Professor of Anthropology and
Director of the Museum of Anthropology.*

In regard to these two suggestions I wish to say that there is hardly an institution in this country that has not been guilty of the charge of going to the Southwest and excavating the most promising part of a ruin and taking what they wanted to fill up their museums and then leaving it and going to another.

Senator BARD. The Smithsonian Institution itself has been doing that?

Reverend Doctor BAUM. The Smithsonian has done that. It is not the least among the guilty parties.

It is not because they have not competent men to excavate. All their men have been able to conduct scientific explorations. But the great desire to go into a ruin and get the best there has led to an utter neglect of the scientific excavation of our ruins, which would not be tolerated for one moment, as Professor Kelsey knows, in Italy or Greece.

So, in drawing up this bill I had in mind hundreds of ruins that I saw in the Southwest that had been rendered useless by desultory excavations for scientific investigation, and I thought that the Smithsonian and all the other institutions when they began work ought to be made to keep at it until there could be placed in some museum the continuity of life that was lived then. There is nothing unfair in that. If we want to have our antiquities preserved for scientific exploration, then, as the writer of one of these letters says, let us hold them strictly to scientific work.

Regarding the photographic record, Washington is now, we may say, the scientific center of the United States. It is becoming more and more so every year, and we ought to have here a record of everything that is taken out of the ruins on Government property, where men who come from abroad to study our antiquities can go. That can be done by such a photographic record. There is nothing that is hard or harsh in that measure. Remember that every ruin that is despoiled is lost forever, and if we can have a good scientific record made of ruins excavated, then future generations can come here to Washington and study the prehistoric life of our country.

Senator BARD. Where would they be placed here?

Reverend Doctor BAUM. They should be placed in the National Museum. A man who is prominent in the work objects to placing them in the National Museum because it would seem to give the National Museum some advantage over other institutions. That is not so. The National Museum is the natural repository for all the antiquities that would revert to the Government by virtue of disobeying the laws or the rules the Secretary of the Interior might promulgate for the carrying on of this work. Therefore, of all ruins excavated by Government permits, photographic records should be made and deposited in the National Museum.

We might place them in the Congressional Library; but Mr. Putnam would at once send them over to the National Museum, as under his system of classification he sends to the various Departments of the Government everything pertaining to their respective Departments.

Doctor KELSEY. May I interrupt Doctor Baum for just a moment?

Mr. Chairman, would it be proper to remind you at this time that as far as the country at large is concerned all scientific men will agree with the statement that has been made; that the National Museum in Washington should be the central depository, because it is the Government taking care of its own property. Therefore, the Government property, as represented in these ruins and by a reproduction under

rules that may seem equitable, should be deposited at a central point, and that point might well be the National Museum. In this point the sentiment of the country will sustain the purpose of the Lodge bill.

Reverend Doctor BAUM. There is no doubt about that. Now, I wish to read one more letter.

Senator FULTON. I wish to ask a question for my personal information. How long can these photographic records be preserved?

Reverend Doctor BAUM. For the next two or three hundred years. We can request them to make duplicate plates. It would depend altogether upon the expertness of the photographer; but if the photographs are properly toned and properly treated they will last as long as the volumes over there in the Congressional Library. That is a very easy and simple matter. Of course the Secretary of the Interior would provide in some way for dealing with the matter. Here in the bill the whole question of administration is left to him, and he would leave this matter to experts. But the record could be made permanent.

I wish to read a letter from Doctor Hilprecht, of the University of Pennsylvania, who has been in charge of the Babylonian expedition at Nippur.

[University of Pennsylvania, department of archaeology, free museum of science and art. Babylonian and general semitic section. H. V. Hilprecht, curator; A. T. Clay, assistant.]

PHILADELPHIA, *March 28, 1904.*

HONORABLE AND DEAR SIR: Having just heard of the bill introduced by Hon. William A. Rodenberg for the preservation of antiquities, etc., on Government lands, and having been informed of the fact that a committee having that bill in charge has been appointed, of which you are the chairman, I beg leave to express to you my great satisfaction as to this first energetic measure proposed to secure the preservation of antiquities, which are of inestimable value for the final solution of great historical and ethnological problems.

I call it the first step because the bill refers only to the preservation of antiquities on Government land. In Turkey, Egypt, Greece, and Italy the law provides for the Government permit for all excavations having in view the examination of ancient sites by pick and shovel in the whole Empire. I am particularly glad to see that while the national cause has been fully upheld foreign scientific institutions are encouraged to do similar work with a prospect of obtaining representative collections from their excavations in this great country.

The generous treatment of the Babylonian expedition of the University of Pennsylvania, with which I have been connected for sixteen years, by the Ottoman Government, which not only granted us the necessary permit for excavations on Turkish territory, but to encourage American scientific institutions in their archaeological work presented us with the remarkable collection of ancient Babylonian antiquities at the end of each campaign, illustrates how scientific research is best promoted by strict laws interpreted in a general spirit after these laws have been obeyed in every way by the excavators first. I therefore indorse the bill heartily and hope to see the day when California's ancient trees—the only living witnesses of a hoary past—will be protected by the same law. The bill, if carried, will form a sound basis for a new development of American archaeology in this country and will benefit science in general in no small degree.

Very respectfully,

H. V. HILPRECHT.

I wish to read one more letter and I am done.

Senator FULTON. Doctor, excuse me. You had better summarize them, because we have not much time and we are approaching the end of the session. We can not have many meetings of the committee.

Senator BARD. Are you going to leave those papers with the committee?

Reverend Doctor BAUM. I have printed all these letters and a copy will be in the hands of every Senator and Member of the House on Monday morning. They give the verdict of the scientific men throughout the country who are interested in this subject. So perhaps I may just as well rest the matter here.

The only thing I ask is what we agreed upon with Professors Kelsey and Carroll last night—first, that the antiquities be placed under the control of the Secretary of the Interior; second, that the institutions of the country shall have an equal right to excavate the ruins, and, third, that all excavations shall be prohibited without a permit from the Secretary of the Interior. This is what I am and have been working for.

Senator BARD. Why could not all the letters be printed in the hearing?

Reverend Doctor BAUM. The originals are on file in the Public Lands Committee of the House.

Senator BARD. I suggest that they might as well be printed in the hearing.

Senator FULTON. Have they been printed in the House?

Reverend Doctor BAUM. No; they have not been printed there, but I will have a printed copy here by Monday morning.

The letters referred to are as follows:

[From Prof. Thomas Day Seymour, president of the Archaeological Institute of America.]

ARCHÆOLOGICAL INSTITUTE OF AMERICA,
Yale College, March 26, 1904.

MY DEAR SIR: The Archaeological Institute of America feels very strongly the importance—almost the necessity—of speedy action for the preservation of prehistoric and early historic antiquities in our country. That the people who dwell in regions where most of them are found should care little for them is not strange. The next generation will wonder at the neglect. The bill H. R. 13349, introduced by Mr. Rodenberg, seems to me very judicious, and as president of the American Institute of Archaeology I express my strong hope that this bill may pass.

I am, very truly, yours,

THOMAS DAY SEYMOUR.

[From Hon. Stephen Salisbury, president of the American Antiquarian Society.]

AMERICAN ANTIQUARIAN SOCIETY,
Worcester, Mass., April 2, 1904.

DEAR SIR: I write in behalf of the council of the American Antiquarian Society to inform you that at a meeting held in the rooms of the American Antiquarian Society in Worcester, Mass., April 1, 1904, the council voted that in their opinion the bill H. R. 13349, introduced by Hon. William A. Rodenberg, entitled "A bill for the preservation of his historic and prehistoric ruins, monuments, archaeological objects, and

other antiquities, and to prevent their counterfeiting," meets with their approval; that it is a measure for the protection of historic and archaeological objects belonging to the Government which is in accord with the purposes for which this society was created; and the council of said society would urge upon the Committee on Public Lands, to whom we understand it has been referred, that the bill be reported for enactment.

Very respectfully, yours,

STEPHEN SALSURY, *President.*

[From the Governor of Utah.]

STATE OF UTAH, EXECUTIVE OFFICE,
Salt Lake City, April 12, 1904.

Dr. HENRY MASON BAUM,
215 Third street SE., Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 2d ultimo, with inclosure as stated, and to inform you that the bill introduced by Mr. Rodenberg in the House of Representatives, "for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting," meets with my cordial approval. I have also communicated with the president of the University of Utah, and am pleased to transmit to you his indorsement of the bill also.

Trusting that your society will be successful in procuring the passage of this law,

I am, very truly, yours,

HEBER M. WELLS, *Governor.*

[From the president of the University of Utah.]

UNIVERSITY OF UTAH, PRESIDENT'S OFFICE,
Salt Lake City, March 9, 1904.

Governor HEBER M. WELLS, *Salt Lake City, Utah.*

MY DEAR GOVERNOR WELLS: I have examined the bill 13349, of the House of Representatives, providing for the protection of antiquities within the domains of the United States. This bill is a step in the right direction, and many regret that such a step was not taken long ago. Every person interested in scientific research, sociology, and race development will no doubt heartily approve a measure such as contemplated in this bill. My colleagues, mostly interested in archaeological studies, and myself heartily recommend that the bill be passed without delay and that the law then be strictly enforced.

Yours, truly,

J. T. KINGSBURY.

[From the President of the Buffalo Historical Society.]

[Buffalo Historical Society, Andrew Langdon, president; George A. Stringer, vice-president; Frank A. Beverance, secretary; Charles J. North, treasurer.]

MARCH 21, 1904.

GENTLEMEN: I desire personally and in behalf of the Buffalo Historical Society to express my unqualified approval of Mr. Rodenberg's bill for the preservation of historic ruins and antiquities. Students

of our history and archaeology have long felt the need of some such protective measure as is here proposed. The proper care and regulation of the matter must rest in the Federal Government. So far as I am aware, the bill now before you is adequate and judiciously drawn.

Yours, truly,

ANDREW LANGDON, *President*.
FRANK H. SEVERANCE, *Secretary*.

[From the curator of the Ohio State Archaeological Society.]

OHIO STATE ARCHAEOLOGICAL SOCIETY,
Columbus, Ohio, March 8, 1904.

MY DEAR SIR: I wish to call your attention to the House bill 13349, introduced by Mr. Rodenberg. This bill provides "for the preservation of historic and prehistoric ruins, monuments, and archaeological objects, and other antiquities, and to prevent their counterfeiting." I wish to say on behalf of the society that the bill meets with our approval, and I hope you will urge upon the committee the advisability of this bill becoming a law.

Very truly, yours, WILLIAM C. MILLS, *Curator*.

[From the president of the Southern California Historical Society.]

LOS ANGELES, CAL., *April 11, 1904.*

DEAR SIR: I have been requested, as president of the Southern California Historical Society, to examine the bill introduced by Mr. Rodenberg on March 2, 1904, and referred to your committee being H. R. 13349.

I have made a careful examination of the provisions of this bill. In view of the necessities of the case which it attempts to remedy, such legislation as is here proposed is very necessary and should be enacted as soon as possible if the end in view is to be subserved. I have had considerable experience with the subject treated in this bill and say advisedly that if the objects sought to be preserved by this bill are to be saved at all immediate action must be taken. It would seem to me that there could be no objection whatever to the enactment of the legislation here proposed. I have discussed the matter with numerous persons competent to judge thereof in this vicinity and Arizona, all of whom are of the opinion that the bill should be passed. I desire to express in this manner my hearty commendation of the bill and earnest wish that it be passed as soon as possible if compatible with the public policy of the Congress.

Yours, respectfully,

W. R. BACON,
President Southern California Historical Society.

[From Prof. G. Frederick Wright, D. D., LL.D.]

OBERLIN COLLEGE, *April 16, 1904.*

DEAR SIR: My long interest in the preservation and exploration of the Mounds of Ohio in connection with the State Historical and Archaeological Society has greatly deepened in my mind the impression of the necessity for immediate and energetic action throughout the country in order to preserve our many relics of antiquity and secure their investigation through the most appropriate and promising agencies.

The importance of this was greatly enhanced in my recent extended journey through Siberia and Turkestan by observing the great interest in such things manifested by the Russian settlers as well as by Government authorities. It will be a great pity if, with our superior intelligence and opportunities, we fail to secure like results. The proper understanding of such antiquities is an important element in the education of our people, and a rich contribution to their mental development. I trust, therefore, that the bill (H. R. 13349) will be favorably received by Congress and its important object accomplished.

Very respectfully, yours,

G. FREDERICK WRIGHT.

[From the editor of the American Archaeologist.]

(The American Archaeologist, Dr. J. F. Snyder, editor, Virginia, Ill.; Prof. A. F. Berlin, associate editor, Allentown, Pa.)

VIRGINIA, ILL., *March 18, 1904.*

SIR: House bill No. 13349, introduced by Hon. William A. Rodenberg, of this State, for preservation of aboriginal antiquities of our country and to suppress counterfeiting of the same, should have been made a law by Congress thirty years ago and should by all means be adopted now.

The only amendment I would suggest is to make the penalty for counterfeiting prehistoric relics more explicit by adding to line 15, page 4, of the bill as printed the same penalty prescribed in lines 4, 5, and 6 of page 5, to wit, "and upon conviction thereof shall be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both." Urge your committee to recommend passage of this bill and you will discharge a duty that will meet the approval of every intelligent person in our country.

With respect, I am, yours, etc.,

J. F. SNYDER.

[From the president of Union College.]

UNION COLLEGE,
Schenectady, N. Y., March 11, 1904.

GENTLEMEN: I am in favor of bill No. 13349, for the preservation of historic and prehistoric ruins, etc. It seems to me of great importance that Congress should take some action at once in this direction. This is not a matter that appeals very strongly to the general public, but that does not affect its real importance, which is evident to all who are interested in ethnological studies and archaeological investigation.

Yours, very truly,

ANDREW V. V. RAYMOND.

[From the curator of the museum of the Leland Stanford University, California.]

LELAND STANFORD JUNIOR MUSEUM,
Stanford University, Cal., April 5, 1904.

GENTLEMEN: My attention has been called to the bill (H. R. 13349) introduced by Congressman William A. Rodenburg.

As a citizen and as an executive officer of a public museum I am very much interested in the successful passage of this bill, and my reasons for same are based on several facts.

The bill is perfectly just to all concerned.

Each and every society or museum has the same privileges.

It causes no hardship to any person. It preserves what is left on the public domain for the use of such institutions as shall be of greatest benefit to future generations.

It puts a check upon the promiscuous issuance of spurious "relics," by which the traveling public is continually deceived. It is a safeguard thrown around the public; it will inspire more people to take an interest in these matters if they know there is some protection against fraud. More assistance will be given scientific bodies by men of means when they know that the money spent will bring returns in genuine material.

The passage of this bill means but little, if any, extra expense to the Government, and is a protection against theft and destruction by the curiosity vandal.

I have submitted the bill to many prominent men in this part of the State, and without exception all indorse it.

Hoping that your committee will report favorably on the matter, I am,

Very sincerely, yours,

H. C. PETERSON,
Curator.

[From the president of the Colorado State Historical and Natural History Society.]

DENVER, COLO., *March 30, 1904.*

GENTLEMEN: Our society has read with much interest the House bill (13349) introduced by Mr. Rodenberg, for the purpose of preserving historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and desire to convey to you its hearty and enthusiastic approval of the bill. Our society is a State institution, supported by the State, and composed of a large number of such representative citizens as are interested in historical and scientific matters. Among its collections, which are installed in the State capitol building in this city, is a very fine one of the cliff dwellers and other prehistoric ruins in the southern part of the State. We have for many years viewed with regret and alarm the despoliation of many of these antiquities, not only in Colorado, but in New Mexico and Arizona.

Vandals are not alone responsible for this destruction, but scientists working in the interest of collections and museums, not only in the United States but in several foreign countries, have in the past carried away, without order or restraint, hundreds of car loads of objects which should have been preserved, as far as possible, in the condition in which they are found, or which at least have been retained in this country. We have always urged the necessity of some Government control such as is now proposed in Mr. Rodenberg's very excellent bill, and hail with great satisfaction the prospect of having preserved what little is left of what, to scientists, are among the most interesting archaeological remains in this continent.

Respectfully submitted.

COLORADO STATE HISTORICAL AND NATURAL HISTORY SOCIETY.
E. B. MORGAN, *President.*

[From the president of the State University of North Dakota.]

MARCH 9, 1904.

GENTLEMEN: I most respectfully urge your hearty support of H. R. 13349, introduced by Representative William A. Rodenberg. I have made several visits to European countries and know from observation what attention is paid in almost all the countries of Europe to the collection and preservation of all antiquities, such as prehistoric ruins, monuments, and other archaeological objects bearing upon the early historic and prehistoric records of the past of those countries. Indeed, it is largely such collections as this bill contemplates that have made Europe so interesting to the American traveler. It seems to me that not only is the time amply ripe for such a movement in this country but that we have been grossly derelict in not before starting such a movement as this bill provides for.

Trusting your honorable committee will see its way clear to give the bill, with such modifications as may seem desirable, its hearty support, I am, very respectfully,

WEBSTER MERRIFIELD,
President.

[From the president of Lafayette College.]

LAFAYETTE COLLEGE,
Easton, Pa., March 18, 1904.

MY DEAR SIR: Permit me, on behalf of Lafayette College, to express the very strong hope that the Committee on Public Lands may find it possible to report favorably on House bill 13349, for the preservation of historic ruins, etc. I have had considerable experience in this matter and I note how many of the historic monuments of this country have already been destroyed by reckless vandalism.

It seems very important that all such memorials of the past should be carefully preserved.

Very truly, yours,

E. D. WARFIELD.

[From the President of the University of Oregon.]

UNIVERSITY OF OREGON, OFFICE OF THE PRESIDENT,
Eugene, March 16, 1904.

DEAR SIR: I am recently in receipt of a copy of a bill introduced by Hon. William A. Rodenberg, providing for the preservation of historic and prehistoric ruins and other antiquities. I understand that the bill has been referred to the Committee on Public Lands, of which you are chairman. Permit me to say that we in the West, who are in a position more to appreciate the need of such protection of prehistoric ruins as this bill provides, are all greatly interested in its passage. The preservation of these ruins is a matter of great importance to educational institutions, and especially to those institutions which are adjacent to the territory in which these ruins are found. I sincerely hope that the bill may be favorably considered by your committee.

Very truly, yours,

P. L. CAMPBELL, *President.*

[From the Director of the Detroit Museum of Art.]

DETROIT MUSEUM OF ART,
Detroit, Mich., April 13, 1904.

DEAR SIR: Having my attention called to bill 13349, now in the House for the preservation of historic and prehistoric ruins of America, I beg to say that speaking as director of the Detroit Museum of Art, that this institution in common with every other of a similar character, together with every student of archaeology and the American people, are in the most hearty sympathy with this movement. It should be carried forward now at the earliest possible moment, before the destruction by vandals has been carried so far as to utterly obliterate that vast amount of valuable material which can never be restored. I hope the bill and your efforts will receive every possible support.

With best wishes to you for success in this commendable movement, I beg to remain, yours, very truly,

A. H. GRIFFITH, *Director.*

[From the President of Lawrence University.]

LAWRENCE UNIVERSITY,
PRESIDENT'S OFFICE,
Appleton, Wis., March 14, 1904.

DEAR SIR: I notice a bill has been introduced into the House concerning the preservation of historic and prehistoric ruins, etc., H. R. 13349.

I am much interested in the passage of the bill. In Wisconsin we have recently organized an archaeological society for the purpose of preserving historic monuments in various parts of the State. These remains of a prehistoric race are rapidly being obliterated, and if the Government can take any steps to preserve in a measure our antiquities it will be a matter of increasing historical interest.

Very truly,

SAMUEL PLANTZ, *President.*

[From the president of West Virginia University.]

WEST VIRGINIA UNIVERSITY,
OFFICE OF THE PRESIDENT,
Morgantown, March 7, 1904.

GENTLEMEN: For myself and on behalf of the West Virginia University, I would respectfully urge the passage of H. R. 13349, introduced by Mr. Rodenberg, for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting.

The interests of science require that something be done to prevent the destruction and misuse of these antiquities, and this bill seems to offer the protection needed.

Hoping that you will be able to report favorably on the bill, I am,
Very respectfully,

R. B. REYNOLDS, *President.*

[From the President of Vanderbilt University.]

CHANCELIOR'S OFFICE,
VANDERBILT UNIVERSITY,
Nashville, Tenn., March 8, 1904.

DEAR SIR: I am pleased to see a copy of the bill which has been recently introduced by you looking to the preservation of American antiquities, etc. I beg to express my approval of this bill and trust you may have no difficulty in securing favorable action. I am not able to suggest any amendments. It seems to meet the case very fully.

Yours, very truly,

J. H. KIRKLAND.

[From the president of Adelphi College.]

ADELPHI COLLEGE, PRESIDENT'S ROOM,
Brooklyn, N. Y., March 7, 1904.

DEAR SIR: I write to express the hope that your committee will take favorable action upon H. R. 13349, "For the preservation of historic and prehistoric ruins, monuments, etc."

In expressing this opinion, I represent the unanimous feeling of the trustees and faculty of this institution.

We believe that Congressional action of this kind is absolutely necessary in order to preserve from destruction the prehistoric remains in this country, especially the mounds and the relics of the cliff dwellers and early pueblos.

The bill as now drawn meets with our unqualified approval, excepting, perhaps, in section 5, in which it seems to me that it would be better merely to authorize, if necessary, the Secretary of the Interior to permit exchanges of antiquities between the United States National Museum or the Smithsonian Institution and foreign museums and universities or scientific societies.

I remain, yours, very truly,

C. H. LEVERMORE.

[From the president of the Western Reserve University.]

PRESIDENT'S ROOM,
WESTERN RESERVE UNIVERSITY, ADELBERT COLLEGE,
Cleveland, March 7, 1904.

MY DEAR SIR: I beg to say to you that the bill 13349, introduced by Mr. Rodenberg, for the preservation of historic memorials, seems to me thoroughly worthy. Its passage would represent a distinct enlargement of the higher relations of American life.

Very truly, yours,

CHARLES F. THWING.

[From the president of the St. Louis University.]

ST. LOUIS UNIVERSITY,
March 19, 1904.

GENTLEMEN: The St. Louis University is much interested, from scientific and patriotic motives, in the passage of the bill (H. R. 13349) introduced by Mr. Rodenberg, "For the preservation of historic and prehistoric ruins, etc."

May I ask, in the name of our faculty, for the passage of this bill?

Very respectfully,

W. R. ROGERS S. I. President

[From the secretary of the Milwaukee Public Museum.]

MILWAUKEE PUBLIC MUSEUM,
Milwaukee, Wis., March 21, 1904.

GENTLEMEN: I have received copy of "A bill for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting," No. H. R. 13349. I have looked this over carefully, and upon due consideration can suggest no way in which it could be improved.

On the face of it some of the provisions appear rather stringent, but I believe in the long run they will all be found advisable. I therefore am in hearty sympathy with this bill as printed, and hope that it will be enacted as a law.

Respectfully,

HENRY L. WARD,
Custodian and Secretary.

[From the president of the Detroit Society of the Society of the Archaeological Institute of America.]

THE DETROIT SOCIETY,
March 21, 1904.

DEAR SIR: The bill introduced at the request of Records of the Past Exploration Society, of Washington, D. C., being H. R. 13349, meets with my fullest approval. As president of the Detroit Archaeological Society, I have had some experience in getting our legislature to pass measures for the protection of the antiquities of Michigan. I deem it a matter of the greatest importance that when Congress passes the necessary legislation all the museums and institutions of the country should be treated fairly and placed on the same basis in reference to making excavations for the antiquities on Government lands. I believe this bill answers that purpose, and think that it should be passed in preference to any other bill.

Trusting that it may receive your favorable consideration,

I am, yours, very truly,

GEORGE W. BATES.

Reverend Doctor BAUM. Many other letters have already been received of the same tenor.

STATEMENT OF HON. WILLIAM A. JONES, COMMISSIONER OF INDIAN AFFAIRS.

Doctor KELSEY. Mr. Chairman, we have the pleasure of having with us this morning a gentleman whose opinion on this subject ought to be of great weight throughout the country. It is not necessary for me to indulge in compliments in the matter; but these bills were placed in the hands of the Commissioner of Indian Affairs without any comment with reference to their character, with the request that he should at his convenience favor those of us who are interested with his opinion. We have had no opportunity to talk with Mr. Jones on the subject. I feel that it would be a contribution to the illumination of the men who stand for the scientific side if we might hear from a man who is thoroughly familiar with the situation from the governmental point of view and learn his opinion upon the merits of the separate bills.

Senator FULTON. We shall be glad to hear Mr. Jones.

Commissioner JONES. Mr. Chairman and gentlemen, I could not expect to differ from Professor Kelsey as to my knowledge of archaeology. I am not posted on that at all. I must defer to his judgment on such a matter. But I have looked over the bills as carefully as possible from an administrative standpoint, and it seemed to me, after giving the subject due consideration and consulting with others associated with me in the Indian Office that, on the whole, we prefer what is called the Lodge bill.

Senator FULTON. The Lodge bill in the Senate and the Rodenberg bill in the House?

Commissioner JONES. Yes; the Lodge bill in the Senate. Gentlemen, you may get into trouble or you may get the Interior Department into trouble if you have a divided responsibility, as provided in Senator Cullom's bill. We have had some experience in those lines in the Indian Office and in the General Land Office. It has not been satisfactory and it has been very embarrassing in very many instances where there is a divided responsibility. It ought to be lodged in the Secretary of the Interior entirely and let him promulgate such rules and regulations as he thinks proper for the protection of these relics.

There is one feature that I should like to emphasize. I do not know whether the bill guards the relics that are already partly exploited on Indian reservations or not.

Reverend Doctor BAUM. I beg your pardon, Mr. Jones. It does not, because a notable case is that of the cliff palace, in southern Colorado. A part of it is on the Ute Reservation and a part of it on the Government domain.

Commissioner JONES. That very case was brought to my attention this winter by Mrs. McClurg, of Colorado, and I was unable to give her much help in the matter, except to appoint a custodian for that portion of the country known as the Southern Ute Reservation.

Reverend Doctor BAUM. The same as you did in the case of the canyons De Chelly and Del Muerto.

Commissioner JONES. Exactly.

I was impressed with the remarks the gentleman made as to the despoliation, you might call it, of the relics of the Navajo Reservation. They have been overturned and dug up for twenty years, and private parties have sold collections they have made there for as high as \$10,000.

Senator FULTON. Can not your Bureau control those depredations?

Commissioner JONES. We can not, from the fact that the Navajo Reservation is a very large reservation and we have not the facilities necessary to take proper care of the relics. We are doing the best we can.

Senator FULTON. Will the Lodge bill cover that?

Commissioner JONES. I do not think it does. That is my impression.

Reverend Doctor BAUM. It gives the Secretary of the Interior power to appoint custodians.

Commissioner JONES. To control the reservation. That will do it all right.

Reverend Doctor BAUM. It empowers him to appoint custodians and when necessary Indian police.

Commissioner JONES. We have a fund and we could control that

part if there was authority in the Secretary of the Interior to do it. Congress has been kind to us this winter and has given us a fund that we could use for that purpose. They will not be called custodians, but they will be called additional farmers, and we can make them do anything we ask them to do.

Reverend Doctor BAUM. So this bill would not require any further provision for that purpose?

Commissioner JONES. No; not if the authority is placed in the hands of the Secretary of the Interior; but I say if the authority is divided and a part of it given to the Smithsonian we would not be able to control the situation.

Reverend Doctor BAUM. Of course not. That is out of the question.

Senator FULTON. I suppose the public lands would include these Indian reservations?

Commissioner JONES. No; I think not.

Senator FULTON. They are public lands, although the Indians have possession.

Commissioner JONES. Take the Southern Ute Reservation in the case cited——

Senator FULTON. Still the Government has control absolutely. The policy is to pay for the Indian lands, but it is a mere matter of policy. The ultimate title is in the Government.

Reverend Doctor BAUM. Senator, may I ask Mr. Jones the effect of the rule he issued to the Indian agents, I think two years ago, regarding their looking out for antiquities?

Commissioner JONES. We can control the situation, but we have no power except by treaty with the Indians on a certain reservation to have land set aside as a Government reserve.

The Navaho Reservation is what we call an Executive-order reservation, and you can set aside any portion you want as a reserve for this purpose. The Southern Ute Reservation is a treaty reservation, and it will be necessary to negotiate with the Indians to cede or sell that portion of the reservation which contains these prehistoric relics. You authorized us, I think, two years ago to negotiate with the Southern Ute Indians for that purpose. I have been trying to do so. We have not succeeded so far, but we think that this summer we will succeed. They have an extravagant idea of the value of that portion of the reservation, but I think that with a little patience we can get them to cede from the reservation such portions as contain the relics.

Senator FULTON. You are not speaking of the Navaho Reservation?

Commissioner JONES. No; the Southern Ute Reservation, in Colorado. The Navaho Reservation is an Executive-order reservation, and we can control it until it is thrown open to the public, and in that event it will become public domain anyway, and it will be under the control of the Secretary. He can reserve from settlement any portion he sees fit, with the approval of the President.

Reverend Doctor BAUM. Mr. Jones, would it not be well for you to describe in what way the Lodge bill or any other bill should be amended so as to make such provisions? You are the only one who would be able to determine that.

Commissioner JONES. I think this bill will cover it, Doctor, if Congress will pass the bill granting the Secretary of the Interior this power specifically. As I stated before, the trouble we have with the Navaho Reservation is just the lack of help--lack of funds, rather--to

employ people to take care of those relics. I think we are succeeding now fairly well. People do get in there, because it is a very large reservaton, and dig up things they ought not.

Reverend Doctor BAUM. But a penal clause would perhaps frighten a great many away.

Commissioner JONES. We have a perfect right to prevent anybody from going on the reservation now and doing that. We can take him to the bounds of the reservation and turn him loose.

Reverend Doctor BAUM. You can not punish him?

Commissioner JONES. No, sir; we have no means of punishing him. He can then turn around and come back again.

Senator FULTON. Where the land has been allotted you would practically have no further control of it?

Commissioner JONES. No; we could not do that then. But out there there has not been much land allotted. The allotment of the Southern Utes is on the eastern portion entirely, and on the Navaho Reservation there has been no allotment of any kind.

Senator FULTON. Would you suggest any amendment to the Lodge bill?

Commissioner JONES. Senator, I am not familiar with the scientific portion of it. I could not throw any light on that.

Senator FULTON. I do not refer to that portion; I refer to the administrative features.

Commissioner JONES. No; I think it is all right. I do not think it would be wise to amplify it. It seemed to me last night in going over it, and in talking it over in the office this morning, that it is clear, and I think it will cover the ground entirely.

Reverend Doctor BAUM. The legal advisers, Mr. Campbell and Mr. Proudfit, have also said the same thing.

Commissioner JONES. I have not consulted the Secretary's Office.

Senator NEWLANDS. What about the power to fix a penalty?

Senator FULTON. The bill does not give the Secretary of the Interior power to fix a penalty.

Senator NEWLANDS. No; but what about the power of the United States to make it a misdemeanor to remove these antiquities without authority of the Secretary of the Interior, except in the Indian Territory?

Commissioner JONES. I am not a lawyer, but it seems here that it shall be deemed a misdemeanor.

Senator FULTON. It is on public land. Why can it not be made a crime to remove antiquities from public land as well as to remove timber from public land, wherever it may be situated?

Commissioner JONES. It seems to me that the Assistant Attorney-General would be the authority to prosecute.

Reverend Doctor BAUM. Certainly; Senator Newlands, that matter was gone into by Mr. Bacon, a prominent lawyer of southern California, president of the Southern California Historical Society. It was placed before him for that purpose and his letter will be filed here with the rest of the indorsements.

Senator FULTON. I do not think there is any question about the power of the Government to make it a crime.

Commissioner JONES. There is no question, I think, about it.

Senator FULTON. The Government could make it a crime to go on the land.

STATEMENT OF MONSIGNOR O'CONNELL, RECTOR OF THE CATHOLIC UNIVERSITY OF AMERICA.

Senator FULTON. Monsignor O'Connell, have you any suggestions that you wish to submit?

Monsignor O'CONNELL. Mr. Chairman, I have no very definite suggestions to submit, nor have I any very technical knowledge on the subject. I will merely say that I do not see why, in the first place, all these objects should not be declared the property of the Government; secondly, that the Government then ought to protect them; and thirdly, that these articles of archaeology, etc., are not simply the property of the United States Government, but in a certain sense the property of the scientific world.

Reverend Doctor BAUM. Exactly.

Monsignor O'CONNELL. So the United States Government should keep the custody of them. It seems to me that, belonging to the United States Government, they should be protected. It would simplify, too, as much as possible I suppose the measure to leave the execution of it, as gentlemen might think, to the Secretary of the Interior, but first to protect these objects that belong to the Government.

Reverend Doctor BAUM. I am sure that you, speaking as a representative of a great university, believe the educational value of our antiquities is very great, is it not?

Monsignor O'CONNELL. It seems, Mr. Chairman, that there are before the scientific world to-day very serious questions about philology and ethnology and the data to solve them are very few. They are contained mostly in these ruins. They are the libraries the people of the past have left us. We should preserve these sacred libraries as much as possible in the places where they are. These libraries furnish the only data we have to solve questions of the migration of these people, their origin, the character of their language, and it would be almost vandalism to allow the tiniest portion of them to be destroyed.

Reverend Doctor BAUM. That is the great point I think, Monsignor.

Monsignor O'CONNELL. See all the depredations which were committed in Rome; the rifling of the tombs of the valley of the Nile, of the catacombs, and of the Etruscan tombs, where objects of great historic value were sold for a trifling financial consideration, leaving in some instances important points of history in doubt. The scientific world has some claim to these relics; they belong to the American people.

STATEMENT OF DR. CHARLES W. NEEDHAM, PRESIDENT OF COLUMBIAN UNIVERSITY.

Reverend Doctor BAUM. I should like to have President Needham, of Columbian University, speak a few words on the subject.

Doctor NEEDHAM. Mr. Chairman, I can not add anything to what has been already said. I concur in all that has been suggested. As has been suggested, this is the only book of history that is not defective, because all other knowledge of history depends upon human memory and the coloring that comes from the human mind.

I want just to emphasize, or at least second, what has been said by Doctor Baum with reference to allowing institutions and searchers to

go in and excavate parts of these ruins. It is like tearing leaves out of the center of a book and leaving it absolutely valueless.

Senator FULTON. That is guarded against in the bill, I think.

Reverend Doctor BAUM. Very amply.

Senator FULTON. I remember some provisions to that effect.

Reverend Doctor BAUM. It is section 6 of the Lodge bill.

Senator NEWLANDS. Some time ago a gentleman appeared before the committee urging the passage of a bill recommended by the Smithsonian Institution.

Senator FULTON. He was a representative of the Smithsonian Institution.

Senator NEWLANDS. That bill is not commended by these gentlemen.

Senator FULTON. No; I think they universally line up against it.

Reverend Doctor BAUM. It has been withdrawn.

STATEMENT OF PROF. MITCHELL CARROLL.

Senator FULTON. Professor Carroll, have you anything that you would like to submit to the committee?

Professor CARROLL. Mr. Chairman, just a word—since the matter of the two bills has come up. In this whole matter, Senators, my opinion has been determined by the expressions of others, who are authorities on the subject, because, while I am a classical archaeologist, my knowledge of American archaeology is limited. In the Washington Society of the Archaeological Institute of America, three members of our executive board are important officials of the Smithsonian. Of these, Professor Holmes, Chief of the Bureau of American Ethnology, is one of the councillors, and he was invited to be present with us this morning. So, naturally, it is a matter in which a thoroughly impartial judgment should be given.

We see, however, that here is a bill which gentlemen throughout the country have considered and of which they have expressed their opinions in writing. We have on the one hand the opinion of American archaeologists, such gentlemen as Professor Putnam and others who are interested and who indorse it as meeting the scientific requirements. We have heard this morning favorable judgments from the administrative side. Hence I am forced to the conclusion that the Lodge bill more nearly meets the situation than any other that has come up for consideration.

The important point at present is not the question of administration, but the question of preserving the antiquities, and of immediately preserving them. Consequently I most heartily accord with what Professor Kelsey has said, that it is better to leave the question of administration for future adjustment and for all parties immediately to agree on some bill which will preserve the antiquities. If the Lodge bill meets the approval of the committee as adequate to accomplish this end, I trust it may be passed at this session of Congress.

STATEMENT OF FREDERICK B. WRIGHT.

Senator FULTON. Mr. Wright, do you wish to be heard?

Mr. WRIGHT. I have nothing specially to add. I realize, as all the gentlemen present do, the necessity for protecting our antiquities. A few years ago I went down through Turkestan and that section, and there the Russian Government was protecting the antiquities. One

could not carry off the tiniest part of a tomb belonging to the time of Tamerlane without having officers request him to leave it. It seems that from the way they are protecting those relics we ought certainly in this country to protect everything of the kind here.

DISCUSSION OF THE LODGE-RODENBERG BILL.

Doctor KELSEY. Mr. Chairman, would it be a proper mode of procedure to glance over each section of the bill to see that there is no misunderstanding among ourselves? If you felt inclined to that as a proper procedure, perhaps each section should be read aloud or glanced over, and if any objection is made on the part of any one it can be noted. This is a very representative gathering this morning, and I think it would be well to take up the objections to the bill. I am not here as the advocate of any bill, but if it should be shown by reading the bill section by section that it is the best measure from both the scientific and the administrative point of view, it would save difficulty and save confusion in case the committee should desire to bring the bill before the Senate.

Senator FULTON. I doubt if we would have time to go through with it in that way.

Doctor NEEDHAM. I was going to suggest, if I might, that most of us have read the bill, I think, and it seems to me to cover the subject so well in a general way, that you leave out details over which you might have considerable difference of opinion, and we are quite satisfied with it.

Senator FULTON. The fact is to be taken into consideration that we can always correct any defects hereafter. The important thing, I imagine, is to get something on the statute book.

Reverend Doctor BAUM. That is it.

Senator FULTON. An act that will afford some measure of protection, and then as experience shows the importance of changes they can be secured.

Reverend Doctor BAUM. That is exactly what Mr. Proudfit told me yesterday in a conversation I had with him in discussing the question. He said: "Get the bill on the statute book and then let experience enlarge it or add to it as is necessary."

Doctor KELSEY. There are two sections with reference to which I should wish to call for an expression of opinion, if such is necessary. There is discussion with reference to section 7. However, I believe that the scientific men of the country, as a whole, would sustain the position taken by this bill.

Senator FULTON. That is the section requiring a photographic record to be made?

Doctor KELSEY. Yes. In taking photographs in the museum at Naples, under a governmental permit, I was required by the statute and in the terms of the permit to deposit a duplicate of every photograph taken. A particular time was not specified. It was left with me as a question of honor. There was no penalty added, but the fairness of the requirement was so apparent that not only I, but I suppose every person who has found it necessary for scientific purposes to take photographs there has willingly complied with it.

In view of that experience and the necessity of keeping somewhere a record of the matters that are contemplated by this section, I feel that I ought to express approval of the section, notwithstanding the fact that there has been some difference of opinion in regard to it.

I believe, Mr. Chairman, I am able to assure you that, taking the scientific opinion of the country over, the section would be approved, and that, therefore, this may be taken out of the general category of disputed points. If the Senate should see fit to pass the bill I believe the sentiment of the country would sustain the conclusion.

The second is section 8. The expediency of attempting to cover the question of forgery in a bill has been questioned. But here, again, I feel that I am within the bounds of moderate statement in saying that the sentiment of the country, as I understand it, would heartily approve of section 8, if it can be carried into this bill, in addition to the point which I made in the beginning, the point being simply that without waiting for another summer's campaign, which may destroy for all time material of incalculable scientific value, the Government ought at once, immediately, at this very time, to make provision for guarding these monuments, leaving all questions of administration and future control to be settled later, as the wisdom of Congress may direct.

Senator FULTON. I think that section 8 should be changed in some respects. It provides "that the forgery or counterfeiting of any archaeological object which derives value from its antiquity, or making of any such object, whether copied from an original or not, representing the same to be original and genuine with intent to deceive, or uttering of any such objects by sale or exchange or otherwise, or having possession of any such objects with intent to utter the same as original and genuine is hereby declared to be a misdemeanor."

I should think it should read "knowingly uttering of any such objects" and "knowingly having possession of any such objects."

Reverend Doctor BAUM. I think your point is well taken, Senator.

Senator FULTON. The language as it stands might make criminal the act of a perfectly innocent party.

Reverend Doctor BAUM. You will make a note of that, Senator.

Senator FULTON. Yes.

Reverend Doctor BAUM. I wish to emphasize what Professor Kelsey has said about the great need now of action in this matter. The St. Louis exposition is going to bring a large number of people here, who, while they are there, will go to the Southwest and carry on their work of despoliation. Major Lacey, at the hearing before the House committee the other day called attention to one factory he knew of down in Mexico where they are turning out 10,000 forgeries a year, and Professor Saville, who is the great Mexicanist in the American Museum of Natural History, has examples of forgeries there, and there are probably not half a dozen men in this country who could detect the forgeries from the originals. These forgeries are being sold to museums.

A lady came from Egypt the other day to the museum in Philadelphia. She had spent \$2,000 in antiquities. She submitted them to the museum and there was not one of them that was not a forgery. With tears she went out of the room and said she had lost \$2,000. That is going on all over the country. Up in Wisconsin and in different parts of the West there are factories now turning out spurious antiquities which they are selling.

Doctor KELSEY. I wish simply to emphasize the fact that this is an urgent matter. If this bill should be passed at the present session it would prevent carrying thousands of objects to Europe as representatives of American antiquities that are wholly spurious.

Reverend Doctor BAUM. In addition to that, if it could be passed at this session there would be thousands of dollars saved in St. Louis, for the manufacturers of spurious antiquities are going there to sell their wares.

Doctor KELSEY. It is a practical consideration. This is not pure theory.

Senator FULTON. There is one thing about it; I suppose if the ordinary person does not know whether they are genuine he is just as happy, and the scientific institutions will doubtless detect those that are fraudulent. However, I do not see any objection to the provision, as far as I am concerned.

Commissioner JONES. I should like to refer to section 2 from an administrative standpoint. It says that the Secretary of the Interior shall appoint custodians of such ruins or groups of ruins and provide for their compensation. Now, the Secretary is not going to pay these men out of his own pocket. I am not sure that he has a fund out of which he could defray their expenses. I have not consulted with him on the subject. As I said before, we can take care of the portion that applies to Indian reservations. I will undertake to do that. But there are matters which have been brought to the attention of the Secretary of the Interior; as an instance there is the custodian of the Sulphur Springs in the Indian Territory.

Last year he appointed a custodian and found that he had no funds out of which he could be paid. The Auditor for the Interior Department and all Auditors, I presume, are very critical as to the expenditure of money, and there is a great deal of governmental red tape that sometimes embarrasses the Secretary. Now, whether or not you ought to have an appropriation there, or what appropriation will be necessary, I do not know. I do not know anything about the extent of these relics on the public land.

Senator FULTON. The custodians would receive a salary of probably \$60 a month?

Commissioner JONES. Yes; we pay from \$60 to \$75 for those we have on Indian reservations.

Senator FULTON. Forest reserve rangers are allowed \$60, I think.

Commissioner JONES. I do not know anything about that.

Reverend Doctor BAUM. That section gave me more concern than any other in the bill, because I was entirely at sea as to how to provide for the payment of custodians. Would it not be possible to strike it out and let the Secretary of the Interior control the matter through your own bureau, and then outside of the Indian reservations have the forest reserve superintendents and other officials look after it? Could not those employees be utilized without any additional expense to the Government?

Commissioner JONES. Doctor, if you will give me a little time to consult with the Secretary of the Interior I will report to you to-morrow morning as to whether he has funds available or not, and if not, I think it would be advisable to put in a small appropriation. I do not know whether that would jeopardize the bill or not.

Senator NEWLANDS. It would jeopardize the bill.

Senator BARD. Yes; at this stage of the session.

Commissioner JONES. Then I will see the Secretary and try to ascertain whether he has any fund that he can employ for this purpose.

The hearing was thereupon closed.

PREHISTORIC RUINS ON PUBLIC LANDS.

JANUARY 19, 1905.—Referred to the House Calendar and ordered to be printed.

Mr. LACEY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 5603.]

Your committee, to whom was referred Senate bill 5603, having had the same under consideration, report it back with an amendment to strike out all after the enacting clause and insert the following:

SECTION 1. That for the purpose of preserving and protecting from despoliation the historic and prehistoric ruins, monuments, archaeological objects, and other antiquities on the public lands of the United States, all said historic and prehistoric ruins, monuments, and other objects of antiquity are hereby placed under the care and custody of the Secretary of the Interior.

SEC. 2. That the Secretary of the Interior may make temporary withdrawals of the land on which such historic or prehistoric ruins, monuments, archaeological objects, and other antiquities are located, including only the land necessary for the preservation of such ruins and antiquities, and may make permanent withdrawals of tracts of land on which are ruins and antiquities of special importance, not exceeding six hundred and forty acres in any one place.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and the gathering of objects of interest within such reservations by any institution, either domestic or foreign, which he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation and not for commercial purposes.

SEC. 4. That of all excavations and explorations made under a permit granted by the Secretary of the Interior a proper written and photographic record, with plans, shall be made at stated periods and transmitted for preservation to the United States National Museum.

SEC. 5. That the Secretary of the Interior shall make and publish from time to time such rules and regulations as he shall deem expedient and necessary for the purpose of carrying out the provisions of this act.

SEC. 6. That all persons who shall without permission appropriate, injure, or destroy any public property therein, or injure or destroy any caves, ruins, or other works or objects of antiquity therein, or commit unauthorized injury or waste, in any form whatsoever, upon the lands or objects referred to in this act, or who shall violate any of the rules or regulations prescribed hereunder, shall, upon conviction,

be fined in a sum of not more than one thousand dollars or be imprisoned for a period of not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

Your committee are of the opinion that the law providing for the preservation of aboriginal and prehistoric ruins on the public domain is necessary. These ruins have been frequently mutilated by people seeking the relics for the purpose of selling them. Such excavations destroy the valuable evidence contained in the ruins themselves, and prevent a careful and scientific investigation by representatives of public institutions interested in archaeology. Your committee are of the opinion that in some respects the bill as it passed the Senate is not adequate for the purpose intended, and a full hearing of persons representing various archaeological institutions has been had before your committee, resulting in the preparation of an amendment in the form of a substitute which your committee here presents.

Your committee report that the title should be amended by striking out the following: "and to prevent their counterfeiting."

Your committee also attach as an appendix a report from Prof. Edgar L. Hewett to the Commissioner of the General Land Office.

APPENDIX.

WASHINGTON, D. C., September 3, 1904.

DEAR SIR: I beg leave to hand you herewith a memorandum relative to the historic and prehistoric ruins of Arizona, New Mexico, Colorado, and Utah.

In line with our correspondence in recent years concerning the archaeology of the proposed Pajarito Cliff Dwellers' National Park, I have endeavored to secure like information of all the districts of the Southwest that are rich in prehistoric remains. These data have been compiled on the authority of our most reliable investigators, who have spent much time in the scientific study of these ruins. I refer especially to Dr. J. Walter Fewkes, of the Bureau of American Ethnology; Dr. Walter Hough, of the National Museum, and Mr. A. F. Bandelier, of the American Museum of Natural History. I have traversed a great part of this ground myself, but above my own observations I place the authority of these experts. I have also availed myself of the excellent reports of Mr. S. J. Holsinger, who has given much thought to this question.

I believe that in what is said relative to the necessity for speedy action looking toward the preservation of these ruins I reflect the sentiment of all who have seriously thought of this subject. I can testify to the general appreciation of the excellent work of your Office in this matter in recent years.

I beg leave to remain, with sincere respect,

Very truly, yours,

EDGAR L. HEWETT.

The COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

Memorandum concerning the historic and prehistoric ruins of Arizona, New Mexico, Colorado, and Utah, and their preservation.

The importance of the large number of historic and prehistoric ruins scattered over the semiarid region of the southwestern part of the United States has gradually come to be recognized. Every cliff dwelling, every prehistoric tower, communal house, shrine, and burial mound is an object which can contribute something to the advancement of knowledge, and hence is worthy of preservation. Knowledge of the extent, location, and nature of these ruins has been accumulating for many years. We now know them to be very numerous and of great value.

The preservation of this vast treasury of information relative to our

prehistoric tribes has come to be a matter of much concern to the American people. Fortunately there seems to be no barrier to the speedy accomplishment of this. By the prompt exercise of the authority lodged in various branches of the Interior Department the preservation of the ruins is assured. I shall endeavor to show that there is urgent need for the immediate exercise of this authority. This done, the work of legislation to the end that these regions may be made a perpetual source of education and enjoyment for the American people, as well as for travelers from foreign lands, may proceed with the careful deliberation which the subject demands.

Unquestionably some of these regions are sufficiently rich in historic and scientific interest and scenic beauty to warrant their organization into permanent national parks. Many others should be temporarily withdrawn and allowed to revert to the public domain after the ruins thereon have been examined by competent authority, the collections therefrom properly cared for, and all data that can be secured made a matter of permanent record.

General legislation providing for the creation and administration of such parks and providing for the excavation of ruins in the interests of science only is urgently needed. It is well known that during recent years an extensive traffic has arisen in relics from these ruins. In securing these, buildings, mounds, etc., have been destroyed. These relics are priceless when secured by proper scientific methods and of comparatively little value when scattered about either in museums or private collections without accompanying records. No scientific man is true to the highest ideals of science who does not protest against this outrageous traffic, and it will be a lasting reproach upon our Government if it does not use its power to restrain it.

With a view to furnishing concise information upon which preservative measures may be based, I have compiled the accompanying map, showing by geographical districts the location of the most important ruins in the pueblo region. My sources of information have been both official and unofficial, and the work is based upon the highest authority obtainable. However, the map is not intended to be mathematically correct. It will show approximately the location of important ruins. Some may have entirely disappeared since the maps were made from which this compilation is made, and more recent surveys might require important modifications. It may serve as a beginning for something more exact and more complete. I have prepared to accompany this a memorandum concerning the ruins located on each district, and have taken the liberty to point out how adequate protection may be afforded such as are on the public domain.

Reference to the accompanying map will show at a glance that the distribution of the prehistoric tribes of the Southwest was determined by the drainage system. The great basins of the Rio Grande, the San Juan, the Little Colorado, and the Gila constitute the four great seats of prehistoric culture of the so-called pueblo region. The remains of this ancient culture are scattered extensively over these four areas, and it is not to be hoped nor would it be a service to science to attempt to preserve all these remains. They are of the three great types, pueblo ruins, cliff houses, and cavate dwellings, with their accompanying burial mounds, kivas, shrines, etc., and are practically innumerable. All measures for their preservation should look toward the encouragement of research and the advancement of knowledge and not toward its restriction. I am of the opinion that if the principal groups or districts of ruins of each great culture area can be protected by the Department of the Interior, and no excavation permitted thereon except by responsible parties bearing proper permission from the Department, the highest interests of the people will be held.

I have shown on the accompanying map that the majority of the ruins of the four great basins are embraced in twenty districts. The circles on the map are not intended to fix absolutely the boundaries of these districts. They are merely intended to show approximately how the ruins may be grouped for convenience and reference.

The districts are grouped as follows:

- I. The Rio Grande basin.
 1. The Pajarito Park district.
 2. The Pecos Pueblo district.
 3. The Gran Quivira district.
 4. The Jemez district.
 5. The Acoma district.
- II. The San Juan basin.
 1. The Aztec district.
 2. The Mesa Verde district.
 3. The Chaco Canyon district.
 4. The Canyon de Chelly district.
 5. The Bluff district.

III. The Little Colorado basin.

1. The Tusayan district.
2. The Flagstaff district.
3. The Holbrook district.
4. The Zuñi district.

IV. The Gila basin.

1. The Rio Verde district.
2. The San Carlos district.
3. The Lower Gila district.
4. The Middle Gila district.
5. The Upper Gila district.
6. The San Francisco River district.

Following is a brief memorandum showing the nature, extent, and condition of the ruins on each district:

I. THE RIO GRANDE BASIN.

This culture area, lying wholly in New Mexico, embraces the Rio Grande Valley with its tributaries from Ojo Caliente on the north to Socorro on the south and from Acoma on the west to the plains east of the Manzano Mountains.

1. *The Pajarito Park district.*—This district lies between the Rio Grande on the east and the Jemez Mountains on the west and extends from Ojo Caliente on the north to Cochiti on the south. In the northern part are the ruins of Homayo, Houiri (Ho we re) and Pose on Ojo Caliente Creek. Ten miles west, below El Rito, is the large ruin of Sepawi (Se paw we). Near the village of Abiquiu on the Rio Chama is the important ruin of Tsiwari (Tsi wa re). These are all pueblo ruins and not well preserved.

The central portion of the district is the Pajarito Park proper, the region that has for some years been under withdrawal by the General Land Office and favorably reported on for a national park, for which it has many advantages, being of great scenic beauty, accessible, and one of the richest in the Southwest in well-preserved prehistoric remains. It contains innumerable cavate houses, a vast number of small pueblo ruins, and the ruins of the great communal dwellings of Puye, Otowi, Tsankiwi (Tsan ke we), Nayakwi (Nav a kwe), and Pajarito or Tehrega. Vandalism has greatly diminished among these ruins since the park has been under withdrawal.

In the southern part of this district, between the Rito de los Frijoles and Cochiti, are the ruins of six pueblos, and a considerable number of cavate houses, the interesting Cueva Pintada (painted cave), and the famous shrines known as the Stone Lions of Potrero de las Vacas and Potrero de los Idolos.

2. *The Pecos district.*—The principal ruins of this district are those of the old pueblo of Pecos on the abandoned Pecos pueblo grant. These are very important ruins, consisting of the two large communal houses and the remains of the old mission church, the first mission founded on the soil of the United States. These are the only ones of the numerous ruins in the upper Pecos Valley that can be preserved. All others are well-nigh obliterated.

3. *The Gran Quivira district.*—These interesting ruins lie on the plains east of the Manzano Mountains. The principal ones are those of Tabira (Gran Quivira), Abo, and Cuaray. All are pueblo ruins of the historic epoch, and at each place are the ruins of interesting mission churches. The ruins of this district should be officially investigated.

4. *The Jemez district.*—The ruins of 17 ancient pueblos are recorded as being located in the Jemez Valley north of Jemez pueblo. Most of them have not been accurately located. Such of them as are still preserved and on public lands are within the limits of the proposed Jemez Forest Reserve, now temporarily withdrawn. The most important ruins in the district are those of the old pueblo of Ginsewa. They lie 12 miles north of Jemez pueblo and include the ruins of the stately old mission church of San Diego de Jemez, built early in the seventeenth century, the second oldest mission church on the soil of the United States. An investigation of this district is needed.

5. *The Acoma district.*—A large number of valuable pueblo ruins are scattered over this district to the south and southwest of the pueblo of Acoma and southeast to the neighborhood of Magdalena. Many others of lesser importance are to the north and west. It is a region of great interest, the pueblo of Acoma itself being one of the most interesting objects in the southwest. Near by it is the famous Mesa Encantada. Unfortunately there has been but little investigation of this district, so that we have no important accounts of its ruins. It is a district that is greatly in need of official examination.

II. THE SAN JUAN BASIN.

The ruins of the San Juan basin consist of both large and small communal houses and true cliff dwellings in great numbers. They are scattered in numerous irregular groups over the contiguous portions of New Mexico, Colorado, Utah, and Arizona. All the ruins of the San Juan and its tributaries have suffered much from destructive collectors.

1. *The Aztec district.*—The most important ruins on this district are the group of large communal dwellings near Aztec, N. Mex. They are on private lands and well cared for, their owner apparently appreciating their value. Numerous other pueblo ruins exist in the district, but it is doubtful if any are so situated as to permit of their protection by the Government.

2. *The Mesa Verde district.*—In this district are the finest specimens of true cliff dwellings. They are very numerous in the canyons of Mesa Verde and along the Mancos River. Cliff Palace is justly one of the most famous works of prehistoric man in existence. Numerous pueblo and cliff ruins are distributed along the McElmo, the Yellowjacket, and the Hovenweep. On the whole, this is one of the most interesting of all prehistoric districts. A portion of it is under withdrawal by the General Land Office pending the creation of the Colorado Cliff Dwellings National Park. The intelligent interest of the people of Colorado has done much toward the preservation of these ruins. However, the entire district has suffered much from vandalism, a majority of the burial mounds having been destroyed. A national park in this region would be of great educational value.

3. *The Chaco Canyon district.*—This district embraces the great ruins of Pueblo Bonito, Pueblo Alto, Chetro Kettle, Hungo Pavié, Kin Kale, Una Vida, Wejegi, Kinbineola, Tuba Kin, Penasco Blanco, Kin Klizhin, Tala Kin, Kin Ya Ah, and Kin Ah Zin.

Nowhere else is there such a splendid group of prehistoric buildings in a fair state of preservation. They have been made the subject of special investigation by the Hyde exploring expedition of New York, under Dr. George H. Pepper. A splendid collection from this district is installed in the American Museum of Natural History in New York City. In due time we shall doubtless have a full report of this excellent piece of work. This district has also been made the subject of a special investigation by Mr. S. J. Holsinger, whose comprehensive manuscript report, with accompanying photographs in the office of the Commissioner of the General Land Office, affords much valuable information.

4. *Canyon de Chelly district.*—The ruins of this district are mostly in Canyon de Chelly and its tributary, Canyon del Muerto, although many others are scattered along the lower Chinlee Valley. They are, for the most part, pueblo and cave ruins. They have been specially studied and reported on by Mr. Cosmos Mindeleff. A large collection of pottery from here has recently been acquired by the Brooklyn Institute of Science and Art. The preservation of these ruins has been made a matter of special care by the Secretary of the Interior.

5. *The Bluff district.*—Comparatively little is known of the numerous ruins in southeastern Utah. They have been explored and the district mapped by Dr. T. Mitchell Prudden, of New York City, but as yet no close investigations have been undertaken. Ruins are very numerous along Montezuma Creek, Recapture Creek, Cottonwood Creek, Butler Wash, Comb Wash, and Grand Gulch. The caves of the Cottonwood and its tributaries have been investigated by the Hyde exploring expedition, and the collections therefrom placed in the American Museum of Natural History. These are important relics of ancient "basket makers."

III. THE LITTLE COLORADO BASIN.

This extensive region, embraced in the valley of the Little Colorado and its tributaries, is preeminently a region of pueblo ruins, though some cave dwellings are found. It is especially rich in prehistoric pottery. Because of its wealth of relics this region has suffered more than any other from the traffic in prehistoric wares. However, we are fortunate in that Dr. J. Walter Fewkes, of the Bureau of American Ethnology, has made the districts of the Little Colorado a subject of research for many years. His voluminous reports on this region have put us in possession of a vast amount of information on the archaeology and ethnology of the Southwest. His collections from Sikyatki for the National Museum, made in 1895 with the assistance of Mr. F. W. Hodge, of the Smithsonian Institution, together with the collections made from the Holbrook district by Doctors Fewkes and Hough, form probably the most valuable collection of prehistoric pottery in existence.

Another extensive collection of pottery from this region may be seen in the Field Columbian Museum, in Chicago.

1. *The Tusayan district.*—The Hopi Plateau is a region of pueblo ruins. The buildings are not well preserved, and there are probably no ruins in the district that demand permanent preservation. It is, however, exceedingly important that they should be protected from further unauthorized excavation. There are many ruins on the northern part of this reservation that have not been explored.

2. *The Flagstaff district.*—The important group of ruins in Walnut Canyon are good types of cliff dwellings. These have received special attention from the Secretary of the Interior. The group of pueblo ruins which lie from 5 to 15 miles northwest of Black Falls have been examined and reported on by Doctor Fewkes. He pronounces them among the most important in the Southwest. They are entirely without protection.

3. *The Holbrook district.*—This is a region of numerous pueblo ruins, some of which have been examined and reported on by Doctors Fewkes and Hough. The Museum-Gates expedition of 1901, Doctor Hough's report of which we now have, has advanced our knowledge of portions of this region very much. Doctor Hough has published particularly interesting information concerning the ruins in the Petrified Forest. The traffic in prehistoric wares from the Holbrook district has been deplorably active. Many thousands of pieces of excavated pottery have been shipped from Holbrook alone, and collections embracing several thousands of pieces are now in the hands of dealers at various towns in the district, and are offered for sale. These collections have been made, for the most part, by Indians and native Mexicans in the employ of traders, and are devoid of authentic records. The district is not rich in ruins that demand permanent protection, but it is in great need of temporary protection pending further serious investigation by competent parties.

4. *The Zuñi district.*—This region is rich in both historic and prehistoric ruins. On Zuñi Reservation are the ruins of the historic Seven Cities of Cibola. El Moro, or Inscription Rock, is an interesting historic monument east of Zuñi, which is under temporary withdrawal by the General Land Office. The region south of Zuñi to Quemado is known to be full of ruins, and traders are securing large collections of pottery therefrom at the present time. The ruins of Zuñi have been thoroughly made known to us through the work of the Hemenway expedition, under the direction of the late Frank Hamilton Cushing, assisted by Mr. F. W. Hodge. The collections of this expedition are now in the Peabody Museum at Harvard University. Other important researches have been made in the Zuñi district by Doctor Fewkes.

IV. THE GILA BASIN.

This is another region that embraces practically every species of prehistoric ruins. It is of vast extent and comprises, besides the valley of the Gila proper, the large valleys of the Salt and Verde rivers. As a seat of prehistoric culture it was one of the most extensive and populous. Many ruins of these three great valleys are on irrigable lands, and accordingly have disappeared with the advancement of agriculture.

1. *The Rio Verde district.*—On the northern tributaries of the Rio Verde are many cliff ruins. Of these Honanki and Palatki are the most important. They are within the limits of the San Francisco Mountains Forest Reserve. There are numerous cliff ruins along Oak Creek and Beaver Creek and their tributaries. Near Camp Verde is the ruin known as Montezuma Castle, and a little further up Beaver Creek, on the Black Mesa Forest Reserve, is the interesting Montezuma Well. Mr. Mindeleff and Doctor Fewkes have made important studies and reports on the ruins of this district.

2. *The San Carlos district.*—Of the ruins on this district we have very little information beyond that obtained by Mr. A. F. Bandelier, to whose indefatigable exploration we owe so much of our knowledge of the Southwest. Both pueblo and cliff ruins are known to exist in various parts of the district, almost all of which are situated within the limits of the San Carlos Apache Reservation. Ruins are reported from near San Carlos, from various points along the Upper Salt River, on White Mountain Creek, the Carrizzo, the Cibicu, and the Pinal.

3. *The lower Gila district.*—Many ruins of this district have disappeared during recent years because situated upon agricultural land. Our archaeological knowledge of the district is due, for the most part, to the Hemenway expedition under the late Mr. Cushing, to Mr. Mindeleff, and Doctor Fewkes. The famous Casa Grande ruin has for several years been under the care of the Government. The best collection from the district is that obtained by the Hemenway expedition. It is in the Peabody Museum at Harvard University.

4. *The middle Gila district.*—The ruins of this part of the Gila Valley are mostly on agricultural lands, though many cliff ruins are known to exist in outlying districts.

Pueblo ruins are very plentiful about Solomonville, but are not well preserved. The largest is that of Pueblo Viejo. Ruins are also numerous about Clifton and along the Blue River. We have some reports on ruins of this district by Mr. Bandelier and Doctor Fewkes. There is need for further investigation and report as to the present condition of these ruins.

5. *The Upper Gila district.*—It is known that there are many ruins on the Upper Gila and its tributaries near Fort Bayard, the Mimbres, and near Silver City. They are almost entirely within the Gila Forest Reserve. These ruins should be officially investigated and reported on as we have very meager information concerning them.

6. *The San Francisco River district.*—The upper San Francisco valley and its tributaries, especially the Tularosa, is full of cliff and pueblo ruins. It is almost entirely within the Gila Forest Reserve. Much of it is almost unknown country. It is in great need of further exploration. While we know of its almost innumerable ruins, we have no reports on them. The first archaeological work to be done here was that of Doctor Hough, of the National Museum, who made an expedition into this district during the past summer. Dr. Hough's report will doubtless give us much interesting information concerning the archaeology of this little-known district.

With the generous assistance of Dr. Walter Hough I have prepared a brief bibliography relative to the ruins in these various districts. No attempt has been made to make this complete. Many valuable works are omitted. The purpose of it is to direct anyone seeking information on this subject to some literature thereon. Reference to this bibliography, hereto attached, will enable anyone to secure considerable information concerning ruins or groups of ruins that have been examined and reported on.

In conclusion, I would respectfully submit the following recommendations:

1. That the authority of the Department of the Interior should be immediately exercised to protect all ruins on the public domain.

2. That the Interior Department should prohibit the collecting of prehistoric objects from public lands and Indian reservations by any person not duly furnished with a permit from the Secretary of the Interior.

3. That custodians or inspectors under the direction of the General Land Office are needed to protect the ruins in the following districts:

- (a) The Pajarito Park district, New Mexico.
- (b) The Chaco Canyon district, New Mexico.
- (c) The Mesa Verde district, Colorado.
- (d) The Bluff district, Utah.
- (e) The Holbrook district, Arizona.
- (f) The Zuni district, New Mexico.
- (g) The Rio Verde district, Arizona.
- (h) The Casa Grande district, Arizona.
- (i) The Acoma district, New Mexico.
- (j) The Middle Gila district, Arizona.
- (k) The Gran Quivira district, New Mexico.
- (l) The Jemez district, New Mexico.

With the first seven districts there is urgent need for immediate action. The eighth is already provided for. The next four are important in the order named. It would appear from general report and from the literature thereon that they are all of sufficient importance to warrant protection by the Government. At any rate, they should be examined as early as possible by competent authority and reported upon with reference to the present condition, character, and extent of the ruins.

4. That the Forestry Department, if furnished with adequate forces, could protect the ruins in the following districts which lie within forest reserves, and that provision should be made for the same as early as possible.

(a) The Flagstaff district, Arizona, including the important Black Falls group of ruins lying just above the northern boundary of the San Francisco Mountains Forest Reserve; also the ruins on the northern tributaries of the Rio Verde, lying within the same reserve, and also those of the Black Mesa Forest Reserve.

(b) The San Francisco River district, New Mexico.

(c) The Upper Gila district, New Mexico.

5. That the cooperation of the Department of Indian Affairs is needed for the protection of all ruins in the following districts:

(a) The Pecos Pueblo district, New Mexico.

(b) The Canyon de Chelly district, Arizona.

(c) The Tusayan district, Arizona.

(d) The San Carlos district, Arizona.

(e) That part of the Zuni district, New Mexico, which lies within the Zuni Indian Reservation.

6. That there is neither economy nor efficiency in the policy of employing a custodian for a single ruin. All the ruins of any district described herein can be efficiently protected by one or two custodians or inspectors of the grade of forest rangers, who should make it known by posted notices that the excavation of ruins without the permission of the Secretary of the Interior is forbidden, and who might also examine and report from time to time upon ruins within their districts which are in need of special attention.

7. That the permanent withdrawal of tracts of land from the public domain for the purpose of protecting ruins thereon would seem to be unnecessary except where the ruins are of such character and extent as to warrant the creation of permanent national parks.

8. That there is need for general legislation authorizing the creation of such national parks and providing for the excavation of prehistoric ruins in the interests of science only.

I respectfully submit the above as a comprehensive plan for the preservation of all historic and prehistoric ruins upon the public domain and upon Indian reservations, and invite your consideration of the same. As a working plan I have no doubt it is open to much criticism, but I believe it might be made the basis for an economical and efficient method of performing this public service.

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20. THE SAN FRANCISCO RIVER DISTRICT.

Forthcoming report, by Dr. Walter Hough, National Museum.

PRESERVATION OF AMERICAN ANTIQUITIES.

MARCH 12, 1906. — Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LACEY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 11016.]

Your committee to whom was referred the bill (H. R. 11016) for the preservation of American antiquities, report the same back with the following amendments:

In line 3, page 1, after the word "shall," insert the words "willfully or wantonly."

In line 9, page 1, after the word "shall," insert "be guilty of a misdemeanor and."

On page 2, at the end of line 14, insert the following proviso: "*Provided further*, That no expense shall be incurred for special custodians under this act."

The various archaeological societies of the United States in the Fifty-eighth Congress presented the subject of the enactment of a bill along the lines proposed in the present bill. A full hearing was had on the matter by the Committee on the Public Lands, and a bill was reported to carry out the purpose proposed, but the bill did not receive action in the House in the last Congress.

The bill as above amended will, in the opinion of your committee, accomplish the purpose desired. There are scattered throughout the Southwest quite a large number of very interesting ruins. Many of these ruins are upon the public lands, and the most of them are upon lands of but little present value. The bill proposes to create small reservations reserving only so much land as may be absolutely necessary for the preservation of these interesting relics of prehistoric times.

Practically every civilized government in the world has enacted laws for the preservation of the remains of the historic past, and has provided that excavations and explorations shall be conducted in some systematic and practical way so as not to needlessly destroy buildings and other objects of interest.

The United States should adopt some method of protecting these

remains that are still upon the public domain or in Indian reservations. The following-named persons, during the Fifty-eighth Congress, communicated with or appeared before your committee in behalf of this legislation: Prof. Thomas D. Seymour, of Yale University; Charles P. Bowditch, esq., of Boston, Mass.; Prof. Francis W. Kelsey, of the University of Michigan; Prof. Mitchell Carroll, of George Washington University; Dr. A. L. Kroeber, of the University of California; Dr. G. B. Gordon, of the University of Pennsylvania; Prof. M. H. Saville, of Columbia University; Hon. John W. Foster, of Washington, D. C.; Prof. William Henry Holmes, of the Smithsonian Institution; Dr. Henry Mason Baum, president Institute of Historical Research, of Washington, D. C.; Prof. F. W. Putnam, of Harvard University; Prof. Edgar L. Hewett, formerly president of the Normal University of New Mexico; Mgr. Dennis J. O'Connell, rector of the Catholic University of America, and others.

Professor Seymour, of Yale University, president of the Archaeological Institute of America; Mr. Charles P. Bowditch, of the Boston society; Prof. Franz Boas, of the New York society; Miss Alice Fletcher, of the Baltimore society; Mrs. Sara Y. Stevenson, of the Pennsylvania society; Dr. George A. Dorsey, of the Chicago society; Mr. George William Bates, of the Detroit society; Prof. M. S. Slaughter, of the Wisconsin society; Prof. H. N. Fowler, of the Cleveland society; Dr. George Grant MacCurdy, of the Connecticut society; Dr. W. J. McGee, of the Missouri society; Prof. M. Carroll, of the Washington society; Dr. Duren J. H. Ward, of the Iowa society; Hon. H. K. Porter, M. C., of the Pittsburg society; Mr. Charles F. Lummis, of the Southwest society; Dr. A. L. Kroeber, of the San Francisco society; Mrs. W. S. Peabody, of the Colorado society; Prof. F. W. Putnam, of the Peabody Museum; Mr. W. H. Holmes and Dr. J. W. Fewkes, of the Smithsonian Institution; Hon. J. W. Foster and Dr. Henry Mason Baum, of Washington, D. C., and Hon. L. Bradford Prince, of Santa Fe, N. Mex.

These gentlemen are men of high character who have given the subject much consideration and their opinions are entitled to most serious consideration.

Prof. Edgar L. Hewett prepared and presented your committee with a very interesting memorandum on the ruins in Arizona, New Mexico, Colorado, and Utah, which is here incorporated as a part of this report:

Memorandum concerning the historic and prehistoric ruins of Arizona, New Mexico, Colorado, and Utah, and their preservation.

The importance of the large number of historic and prehistoric ruins scattered over the semiarid region of the southwestern part of the United States has gradually come to be recognized. Every cliff dwelling, every prehistoric tower, communal house, shrine, and burial mound is an object which can contribute something to the advancement of knowledge, and hence is worthy of preservation. Knowledge of the extent, location, and nature of these ruins has been accumulating for many years. We now know them to be very numerous and of great value.

The question of the preservation of this vast treasury of information relative to our prehistoric tribes has come to be a matter of much concern to the American people. Fortunately there seems to be no barrier to the speedy accomplishment of this. By the prompt exercise of the authority lodged in various branches of the Interior Department the preservation of the ruins is assured. I shall endeavor to show that there is urgent need for the immediate exercise of this authority. This done, the work of legislation to the end that these regions may be made a perpetual source of education

and enjoyment for the American people, as well as for travelers from foreign lands, may proceed with the careful deliberation which the subject demands.

Unquestionably some of these regions are sufficiently rich in historic and scientific interest and scenic beauty to warrant their organization into permanent national parks. Many others should be temporarily withdrawn and allowed to revert to the public domain after the ruins thereon have been examined by competent authority, the collections therefrom properly cared for, and all data that can be secured made a matter of permanent record.

General legislation providing for the creation and administration of such parks and providing for the excavation of ruins in the interest of science only is urgently needed. It is well known that during recent years an extensive traffic has arisen in relics from these ruins. In securing these, buildings, mounds, etc., have been destroyed. These relics are priceless when secured by proper scientific methods, and of comparatively little value when scattered about either in museums or private collections without accompanying records. No scientific man is true to the highest ideals of science who does not protest against this outrageous traffic, and it will be a lasting reproach upon our Government if it does not use its power to restrain it.

With a view to furnishing concise information upon which preservative measures may be based, I have compiled the accompanying map, showing by geographical districts the location of the most important ruins in the pueblo region. My sources of information have been both official and unofficial, and the work is based upon the highest authority obtainable. However, the map is not intended to be mathematically correct. It will show approximately the location of important ruins. Some may have entirely disappeared since the maps were made from which this compilation is made, and more recent surveys might require important modifications. It may serve as a beginning for something more exact and more complete. I have prepared to accompany this a memorandum concerning the ruins located on each district, and have taken the liberty to point out how adequate protection may be afforded such as are on the public domain.

Reference to the accompanying map will show at a glance that the distribution of the prehistoric tribes of the Southwest was determined by the drainage system. The great basins of the Rio Grande, the San Juan, the Little Colorado, and the Gila constitute the four great seats of prehistoric culture of the so-called pueblo region. The remains of this ancient culture are scattered extensively over these four areas, and it is not to be hoped nor would it be a service to science to attempt to preserve all these remains. They are of the three great types, pueblo ruins, cliff houses, and cavate dwellings, with their accompanying burial mounds, kivas, shrines, etc., and are practically innumerable. All measures for their preservation should look toward the encouragement of research and the advancement of knowledge and not toward its restriction. I am of the opinion that if the principal groups or districts of ruins of each great culture area can be protected by the Department of the Interior, and no excavation permitted thereon except by responsible parties bearing proper permission from the Department, the highest interests of the people will be held.

I have shown on the accompanying map that the majority of the ruins of the four great basins are embraced in twenty districts. The circles on the map are not intended to fix absolutely the boundaries of these districts. They are merely intended to show approximately how the ruins may be grouped for convenience and reference.

The districts are grouped as follows:

- I. The Rio Grande basin.
 1. The Pajarito Park district.
 2. The Pecos Pueblo district.
 3. The Gran Quivira district.
 4. The Jemez district.
 5. The Acoma district.
- II. The San Juan basin.
 1. The Aztec district.
 2. The Mesa Verde district.
 3. The Chaco Canyon district.
 4. The Canyon de Chelly district.
 5. The Bluff district.
- III. The Little Colorado basin.
 1. The Tusayan district.
 2. The Flagstaff district.
 3. The Holbrook district.
 4. The Zuni district.

IV. The Gila basin.

1. The Rio Verde district.
2. The San Carlos district.
3. The Lower Gila district.
4. The Middle Gila district.
5. The Upper Gila district.
6. The San Francisco River district.

Following is a brief memorandum showing the nature, extent, and condition of the ruins on each district:

1. THE RIO GRANDE BASIN.

This culture area, lying wholly in New Mexico, embraces the Rio Grande Valley, with its tributaries, from Ojo Caliente on the north to Socorro on the south and from Acoma on the west to the plains east of the Manzano Mountains.

1. *The Pajarito Park district.*—This district lies between the Rio Grande on the east and the Jemez Mountains on the west and extends from Ojo Caliente on the north to Cochiti on the south. In the northern part are the ruins of Homayo, Houiri (Ho we re) and Pose, on Ojo Caliente Creek. Ten miles west, below El Rito, is the large ruin of Sepawi (Se paw we). Near the village of Abiquiu, on the Rio Chama, is the important ruin of Tsiwari (Tsi wa re). These are all pueblo ruins and not well preserved.

The central portion of the district is the Pajarito Park proper, the region that has for some years been under withdrawal by the General Land Office and favorably reported on for a national park, for which it has many advantages, being of great scenic beauty, accessible, and one of the richest in the Southwest in well-preserved prehistoric remains. It contains innumerable cavate houses, a vast number of small pueblo ruins, and the ruins of the great communal dwellings of Puye, Otowi, Tsankwi (Tsan ko we), Navakwi (Nav a kwe), and Pajarito or Tehrega. Vandalism has greatly diminished among these ruins since the park has been under withdrawal.

In the southern part of this district, between the Rito de los Frijoles and Cochiti, are the ruins of six pueblos, and a considerable number of cavate houses, the interesting Cueva Pintada (painted cave), and the famous shrines known as the Stone Lions of Potrero de las Vacas and Potrero de los Idolos.

2. *The Pecos district.*—The principal ruins of this district are those of the old pueblo of Pecos on the abandoned Pecos pueblo grant. These are very important ruins, consisting of the two large communal houses and the remains of the old mission church, the first mission founded on the soil of the United States. These are the only ones of the numerous ruins in the upper Pecos Valley that can be preserved. All others are well-nigh obliterated.

3. *The Gran Quivira district.*—These interesting ruins lie on the plains east of the Manzano Mountains. The principal ones are those of Tabira (Gran Quivira), Abo, and Cuaray. All are pueblo ruins of the historic epoch, and at each place are the ruins of interesting mission churches. The ruins of this district should be officially investigated.

4. *The Jemez district.*—The ruins of 17 ancient pueblos are recorded as being located in the Jemez Valley north of Jemez pueblo. Most of them have not been accurately located. Such of them are still preserved and on public lands are within the limits of the proposed Jemez Forest Reserve, now temporarily withdrawn. The most important ruins in the district are those of the old pueblo of Ginsewa. They lie 12 miles north of Jemez pueblo and include the ruins of the stately old mission church of San Diego de Jemez, built early in the seventeenth century, the second oldest mission church on the soil of the United States. An investigation of this district is needed.

5. *The Acoma district.*—A large number of valuable pueblo ruins are scattered over this district to the south and southwest of the pueblo of Acoma and southeast to the neighborhood of Magdalena. Many other of lesser importance are to the north and west. It is a region of great interest, the pueblo of Acoma itself being one of the most interesting objects in the Southwest. Near by it is the famous Mesa Encantada. Unfortunately there has been but little investigation of this district, so that we have no important accounts of its ruins. It is a district that is greatly in need of official examination.

The ruins of the San Juan basin consists of both large and small communal houses and true cliff dwellings in great numbers. They are scattered in numerous irregular groups over the contiguous portions of New Mexico, Colorado, Utah, and Arizona. All the ruins of the San Juan and its tributaries have suffered much from destructive collectors.

1. *The Aztec district.*—The most important ruins on this district are the group of

large communal dwellings near Aztec, N. Mex. They are on private lands and well cared for, their owner apparently appreciating their value. Numerous other pueblo ruins exist in the district, but it is doubtful if any are so situated as to permit of their protection by the Government.

2. *The Mesa Verde district.*—In this district are the finest specimens of true cliff dwellings. They are very numerous in the canyons of Mesa Verde and along the Mancos River. Cliff Palace is justly one of the most famous works of prehistoric man in existence. Numerous pueblo and cliff ruins are distributed along the McElmo, the Yellowjacket, and the Hovenweep. On the whole, this is one of the most interesting of all prehistoric districts. A portion of it is under withdrawal by the General Land Office pending the creation of the Colorado Cliff Dwellings National Park. The intelligent interest of the people of Colorado has done much toward the preservation of these ruins. However, the entire district has suffered much from vandalism, a majority of the burial mounds having been destroyed. A national park in this region would be of great educational value.

3. *The Chaco Canyon district.*—This district embraces the great ruins of Pueblo Bonito, Pueblo Alto, Chetro Kettle, Hongo Pavié, Kin Kale, Una Vida, Wejegi, Kinbineola, Tuba Kin, Penasco Blanco, Kin Klizhin, Tala Kin, Kin Ya Ah, and Kin Ah Zin.

Nowhere else is there such a splendid group of prehistoric buildings in a fair state of preservation. They have been made the subject of special investigation by the Hyde exploring expedition of New York, under Dr. George H. Pepper. A splendid collection from this district is installed in the American Museum of Natural History in New York City. In due time we shall doubtless have a full report of this excellent piece of work. This district has also been made the subject of a special investigation by Mr. S. J. Holsinger, whose comprehensive manuscript report, with accompanying photographs, in the office of the Commissioner of the General Land Office, affords much valuable information.

4. *Canyon de Chelly district.*—The ruins of this district are mostly in Canyon de Chelly and its tributary, Canyon del Muerto, although many others are scattered along the lower Chinle Valley. They are, for the most part, pueblo and cave ruins. They have been specially studied and reported on by Mr. Cosmos Mindeleff. A large collection of pottery from here has recently been acquired by the Brooklyn Institute of Science and Art. The preservation of these ruins has been made a matter of special care by the Secretary of the Interior.

5. *The Bluff district.*—Comparatively little is known of the numerous ruins in southeastern Utah. They have been explored and the district mapped by Dr. T. Mitchell Prudden, of New York City, but as yet no close investigations have been undertaken. Ruins are very numerous along Montezuma Creek, Recapture Creek, Cottonwood Creek, Butler Wash, Comb Wash, and Grand Gulch. The caves of the Cottonwood and its tributaries have been investigated by the Hyde exploring expedition, and the collections therefrom placed in the American Museum of Natural History. These are important relics of ancient "basket makers."

III. THE LITTLE COLORADO BASIN.

This extensive region, embraced in the valley of the Little Colorado and its tributaries, is preeminently a region of pueblo ruins, though some cave dwellings are found. It is especially rich in prehistoric pottery. Because of its wealth of relics this region has suffered more than any other from the traffic in prehistoric wares. However, we are fortunate in that Dr. J. Walter Fewkes, of the Bureau of American Ethnology, has made the districts of the Little Colorado a subject of research for many years. His voluminous reports on this region have put us in possession of a vast amount of information on the archaeology and ethnology of the Southwest. His collections from Sikyatki for the National Museum, made in 1895 with the assistance of Mr. F. W. Hodge, of the Smithsonian Institution, together with the collections made from the Holbrook district by Doctors Fewkes and Hough, form probably the most valuable collection of prehistoric pottery in existence.

Another extensive collection of pottery from this region may be seen in the Field Columbian Museum, in Chicago.

1. *The Tusayan district.*—The Hopi Plateau is a region of pueblo ruins. The buildings are not well preserved, and there are probably no ruins in the district that demand permanent preservation. It is, however, exceedingly important that they should be protected from further unauthorized excavation. There are many ruins on the northern part of this reservation that have not been explored.

2. *The Flagstaff district.*—The important group of ruins in Walnut Canyon are

tary of the Interior. The group of pueblo ruins which lie from 5 to 15 miles northwest of Black Falls have been examined and reported on by Doctor Fewkes. He pronounces them among the most important in the Southwest. They are entirely without protection.

3. *The Holbrook district.*—This is a region of numerous pueblo ruins, some of which have been examined and reported on by Doctors Fewkes and Hough. The Museum-Gates expedition of 1901, Doctor Hough's report of which we now have, has advanced our knowledge of portions of this region very much. Doctor Hough has published particularly interesting information concerning the ruins in the Petrified Forest. The traffic in prehistoric wares from the Holbrook district has been deplorably active. Many thousands of pieces of excavated pottery have been shipped from Holbrook alone, and collections embracing several thousands of pieces are now in the hands of dealers at various towns in the district and are offered for sale. These collections have been made, for the most part, by Indians and native Mexicans in the employ of traders, and are devoid of authentic records. The district is not rich in ruins that demand permanent protection, but it is in great need of temporary protection pending further serious investigation by competent parties.

4. *The Zuñi district.*—This region is rich in both historic and prehistoric ruins. On Zuñi Reservation are the ruins of the historic Seven Cities of Cibola. El Moro, or Inscription Rock, is an interesting historic monument east of Zuñi, which is under temporary withdrawal by the General Land Office. The region south of Zuñi to Quemado is known to be full of ruins, and traders are securing large collections of pottery therefrom at the present time. The ruins of Zuñi have been thoroughly made known to us through the work of the Hemenway expedition, under the direction of the late Frank Hamilton Cushing, assisted by Mr. F. W. Hodge. The collections of this expedition are now in the Peabody Museum at Harvard University. Other important researches have been made in the Zuñi district by Doctor Fewkes.

IV. THE GILA BASIN.

This is another region that embraces practically every species of prehistoric ruins. It is of vast extent and comprises, besides the valley of the Gila proper, the large valleys of the Salt and Verde rivers. As a seat of prehistoric culture it was one of the most extensive and populous. Many ruins of these three great valleys are on irrigable lands, and accordingly have disappeared with the advancement of agriculture.

1. *The Rio Verde district.*—On the northern tributaries of the Rio Verde are many cliff ruins. Of these Honanki and Palatki are the most important. They are within the limits of the San Francisco Mountains Forest Reserve. There are numerous cliff ruins along Oak Creek and Beaver Creek and their tributaries. Near Camp Verde is the ruin known as Montezuma Castle, and a little farther up Beaver Creek, on the Black Mesa Forest Reserve, is the interesting Montezuma Well. Mr. Mindeleff and Doctor Fewkes have made important studies and reports on the ruins of this district.

2. *The San Carlos district.*—Of the ruins on this district we have very little information beyond that obtained by Mr. A. F. Bandelier, to whose indefatigable exploration we owe so much of our knowledge of the Southwest. Both pueblo and cliff ruins are known to exist in various parts of the district, almost all of which are situated within the limits of the San Carlos Apache Reservation. Ruins are reported from near San Carlos, from various points along the Upper Salt River, on White Mountain Creek, the Carrizzo, the Cibicu, and the Pinal.

3. *The Lower Gila district.*—Many ruins of this district have disappeared during recent years because situated upon agricultural land. Our archaeological knowledge of the district is due, for the most part, to the Hemenway expedition under the late Mr. Cushing, to Mr. Mindeleff, and Doctor Fewkes. The famous Casa Grande ruin has for several years been under the care of the Government. The best collection from the district is that obtained by the Hemenway expedition. It is in the Peabody Museum at Harvard University.

4. *The middle Gila district.*—The ruins of this part of the Gila Valley are mostly on agricultural lands, though many cliff ruins are known to exist in outlying districts. Pueblo ruins are very plentiful about Solomonville, but are not well preserved. The largest is that of Pueblo Viejo. Ruins are also numerous about Clifton and along the Blue River. We have some reports on ruins of this district by Mr. Bandelier and Doctor Fewkes. There is need for further investigation and report as to the present condition of these ruins.

5. *The Upper Gila district.*—It is known that there are many ruins on the Upper Gila and its tributaries near Fort Bayard, the Mimbres, and near Silver City. They are almost entirely within the Gila Forest Reserve. These ruins should be officially investigated and reported on, as we have very meager information concerning them.

6. *The San Francisco River district.*—The upper San Francisco Valley and its tributaries, especially the Tularosa, is full of cliff and pueblo ruins. It is almost entirely within the Gila Forest Reserve. Much of it is almost unknown country. It is in great need of further exploration. While we know of its almost innumerable ruins, we have no reports on them. The first archaeological work to be done here was that of Doctor Hough, of the National Museum, who made an expedition into this district during the past summer. Doctor Hough's report will doubtless give us much interesting information concerning the archaeology of this little-known district.

With the generous assistance of Dr. Walter Hough I have prepared a brief bibliography relative to the ruins in these various districts. No attempt has been made to make this complete. Many valuable works are omitted. The purpose of it is to direct anyone seeking information on this subject to some literature thereon. Reference to this bibliography, hereto attached, will enable anyone to secure considerable information concerning ruins or groups of ruins that have been examined and reported on.

In conclusion, I would respectfully submit the following recommendations:

1. That the authority of the Department of the Interior should be immediately exercised to protect all ruins on the public domain.

2. That the Interior Department should prohibit the collecting of prehistoric objects from public lands and Indian reservations by any person not duly furnished with a permit from the Secretary of the Interior.

3. That custodians or inspectors under the direction of the General Land Office are needed to protect the ruins in the following districts:

- (a) The Pajarito Park district, New Mexico.
- (b) The Chaco Canyon district, New Mexico.
- (c) The Mesa Verde district, Colorado.
- (d) The Bluff district, Utah.
- (e) The Holbrook district, Arizona.
- (f) The Zuni district, New Mexico.
- (g) The Rio Verde district, Arizona.
- (h) The Casa Grande district, Arizona.
- (i) The Acoma district, New Mexico.
- (j) The Middle Gila district, Arizona.
- (k) The Gran Quivira district, New Mexico.
- (l) The Jemez district, New Mexico.

With the first seven districts there is urgent need for immediate action. The eighth is already provided for. The next four are important in the order named. It would appear from general report and from the literature thereon that they are all of sufficient importance to warrant protection by the Government. At any rate they should be examined as early as possible by competent authority and reported upon with reference to the present condition, character, and extent of the ruins.

4. That the forestry department, if furnished with adequate forces, could protect the ruins in the following districts which lie within forest reserves, and that provision should be made for the same as early as possible.

(a) The Flagstaff district, Arizona, including the important Black Falls group of ruins lying just above the northern boundary of the San Francisco Mountains Forest Reserve; also the ruins on the northern tributaries of the Rio Verde, lying within the same reserve, and also those of the Black Mesa Forest Reserve.

(b) The San Francisco River district, New Mexico.

(c) The Upper Gila district, New Mexico.

5. That the cooperation of the Department of Indian Affairs is needed for the protection of all ruins in the following districts:

(a) The Pecos Pueblo district, New Mexico.

(b) The Canyon de Chelly district, Arizona.

(c) The Tusayan district, Arizona.

(d) The San Carlos district, Arizona.

(e) That part of the Zuni district, New Mexico, which lies within the Zuni Indian Reservation.

6. That there is neither economy nor efficiency in the policy of employing a custodian for a single ruin. All the ruins of any district described herein can be efficiently protected by one or two custodians or inspectors of the grade of forest rangers, who should make it known by posted notices that the excavation of ruins without the permission of the Secretary of the Interior is forbidden, and who might also examine and report from time to time upon ruins within their districts which are in need of special attention.

7. That the permanent withdrawal of tracts of land from the public domain for the purpose of protecting ruins thereon would seem to be unnecessary except where the

ruins are of such character and extent as to warrant the creation of permanent national parks.

8. That there is need for general legislation authorizing the creation of such national parks and providing for the excavation of prehistoric ruins in the interests of science only.

I respectfully submit the above as a comprehensive plan for the preservation of all historic and prehistoric ruins upon the public domain and upon Indian reservations, and invite your consideration of the same. As a working plan I have no doubt it is open to much criticism, but I believe it might be made the basis for an economical and efficient method of performing this public service.

O

PRESERVATION OF AMERICAN ANTIQUITIES.

MAY 24, 1906.—Ordered to be printed.

Mr. PATTERSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4698.]

The Committee on Public Lands, to whom was referred the bill (S. 4698) for the preservation of American antiquities, having had the same under consideration, beg leave to report it back with the recommendation that the bill do pass.

This measure has the hearty support of the Archæological Institute of America, the American Anthropological Association, the Smithsonian Institution, and numerous museums throughout the country, and in view of the fact that the historic and prehistoric ruins and monuments on the public lands of the United States are rapidly being destroyed by parties who are gathering them as relics and for the use of museums and colleges, etc., your committee are of the opinion that their preservation is of great importance.

The bill is carefully drawn, and the committee are unanimously in favor of its passage.

O

PRESERVATION OF AMERICAN ANTIQUITIES.

L E T T E R

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

COPY OF A COMMUNICATION OF THE SECRETARY OF THE INTERIOR OF THE 15TH INSTANT, SUBMITTING A SUPPLEMENTAL ESTIMATE OF APPROPRIATION IN THE SUM OF \$5,000, FOR THE PRESERVATION, DEVELOPMENT, ADMINISTRATION AND PROTECTION OF THE NATIONAL MONUMENTS CREATED UNDER THE PROVISIONS OF THE ACT OF JUNE 8, 1906 (34 STAT., 225), ENTITLED "AN ACT FOR THE PRESERVATION OF AMERICAN ANTIQUITIES."

DECEMBER 20, 1913.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 19, 1913.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress, a copy of a communication of the Secretary of the Interior of the 15th instant, submitting a supplemental estimate of appropriation in the sum of \$5,000, for the preservation, development, administration and protection of the national monuments created under the provisions of the act of June 8, 1906 (34 Stat., 225), entitled "an act for the preservation of American antiquities."

The Secretary of the Interior in his communication states the reason for submitting the estimate at this time.

Respectfully,

W. G. McADOO,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1913.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to send herewith, through your department, to Congress for insertion in the pending sundry civil appropriation bill a supplemental estimate of an appropriation of \$5,000, submitted by the Commissioner of the General Land Office for the preservation, development, administration and protection of the national monuments created under the act of June 8, 1906 (34 Stat., 225), entitled "An act for the preservation of American antiquities." The recommendation of the commissioner, as set forth in the estimate blank in support of the required appropriation, has my approval. It may be stated that the estimate for the purpose mentioned was originally submitted at the time the regular estimate for the public land service were prepared for my approval, but withheld pending further consideration.

Very respectfully,

FRANKLIN K. LANE.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1915, by the General Land Office.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

Protection of National Monuments.—

For the preservation, development, administration, and protection of the national monuments, to be expended under the direction of the Secretary of the Interior: *Provided*, That the salaries paid the custodians hereunder shall not exceed \$900 each per annum (submitted) \$5,000.00

NOTE.—This estimate is submitted and the small appropriation urged for the reason that within a number of the national monuments the objects sought to be protected and preserved are being destroyed by vandals and robbed of their extraordinary treasures simply because the department, for lack of funds and authority to expend them, is wholly unable to pay even nominal salaries to custodians on the ground, whose services in a number of cases are not only seriously needed, but imperative, if the purpose of the national monument law is not to be entirely nullified. The objects needing local guardship consist of historic and prehistoric ruins of the very greatest archaeological value, of early historic rock inscriptions, and of pictographs made by unknown peoples; of forests of agatized or petrified wood, and many other objects of great scientific interest and value, protected from spoliation and reserved from private collection and sale under the provisions of the act of June 8, 1906 (34 Stat., 225), entitled, "An act for the preservation of American antiquities." Among the historic ruins which need a custodian is the Tumacacori Mission, a very old Spanish church ruin in Arizona. Among the prehistoric ruins are Montezuma Castle, the large and well-preserved cliff dwelling ruins on the Navajo Monument in Arizona, and the enormous Chaco Canyon ruins in New Mexico. The Petrified Forest in Arizona is one of the reserves of great scientific interest and value which is in serious need of a custodian.

In the expenditure of a small appropriation of this kind it is not intended to create an additional permanent salaried personnel under the department, but only to insure absolutely necessary protection to exceedingly valuable relics and other objects until such time as the national monuments and national parks may be cared for under some administrative unit authorized by law for the purpose.

Submitted, December 15, 1913.

CLAY TALLMAN, Commissioner.

Calendar No. 918

68TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 849

TO RESTORE TO THE PUBLIC DOMAIN LANDS RESERVED BY PUBLIC PROCLAMATION AS NATIONAL MONUMENTS

JANUARY 5 (calendar day, JANUARY 8), 1925.—Ordered to be printed

Mr. LADD, from the Committee on Public Lands and Surveys, submitted the following

REPORT

[To accompany S. 3840]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 3840) authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order, having considered the same, reports thereon favorably without amendment and recommends it do pass.

The recommendations of the Interior Department are indicated by the reports submitted by them, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1925.

Hon. E. F. LADD,
*Chairman Committee on Public Lands and Surveys,
United States Senate.*

MY DEAR SENATOR LADD: I have the honor to submit herewith for your consideration and introduction draft of a proposed bill authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order.

The facts which induce this recommendation are briefly as follows: Under the provisions of section 2 of the act of June 8, 1906 (34 Stat. 225), the President has from time to time declared by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that were situated upon lands owned or controlled by the Government of the United States to be national monuments. While it has been the usual practice to make a temporary withdrawal of these areas for examination before such permanent reservation was created, it has been subsequently disclosed in several instances that certain small areas embraced therein were neither essentially suited nor necessary for such a reservation. In these instances it has been the

usual practice of the department to recommend to the President that such areas be eliminated therefrom and restored to the public domain by Executive order. The Attorney General, however, by opinion of March 29, 1921 (32 Ops. Atty. Gen. 488), held that the power to thus reserve the public lands does not necessarily include the power to restore them to the general public domain; in fact, that after such establishment by proclamation it becomes a fixed reservation subject to restoration only by legislative act. In view thereof and also in order that these restorations heretofore made may be validated, the enactment of the proposed legislation herewith transmitted is recommended.

By letter of even date I have also forwarded a similar communication and recommendation to the chairman of the Committee on the Public Lands, House of Representatives.

Very truly yours,

HUBERT WORK, *Secretary.*

VALIDATING RESTORATIONS TO PUBLIC DOMAIN OF
LANDS RESERVED AS NATIONAL MONUMENTS

JANUARY 9, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. SINNOTT, from the Committee on Public Lands, submitted the
following

REPORT

[To accompany H. R. 11357]

The Committee on the Public Lands, to whom was referred H. R. 11357, authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order, submit the following report.

The reasons for the enactment of the legislation are fully explained in the letter transmitting the draft of the bill to the chairman of this committee for introduction. The above letter is herein set out in full for the information of the House, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1925.

Hon. N. J. SINNOTT,
*Chairman Committee on the Public Lands,
House of Representatives.*

MY DEAR MR. SINNOTT: I have the honor to submit herewith for your consideration and introduction draft of a proposed bill authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments and validating any such restorations heretofore so made by Executive order.

The facts which induce this recommendation are briefly as follows: Under the provisions of section 2 of the act of June 8, 1906 (34 Stat. 2250), the President has from time to time declared by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that were situated upon lands owned or controlled by the Government of the United States to be national monuments. While it has been the usual practice to make a temporary withdrawal of these areas for examination before such permanent reservation was created, it has been subsequently disclosed in several instances that certain small areas embraced therein were neither essentially suited nor necessary for such a reservation. In these instances it has been the usual practice of the department to recommend to the President that such areas be eliminated therefrom and restored to the public domain by Executive order. The Attorney

General, however, by opinion of March 29, 1921 (32 Ops. Atty. Gen. 488), held that the power to thus reserve the public lands does not necessarily include the power to restore them to the general public domain; in fact that after such establishment by proclamation it becomes a fixed reservation subject to restoration only by legislative act. In view thereof and also in order that these restorations heretofore made may be validated, the enactment of the proposed legislation herewith transmitted is recommended.

By letter of even date I have also forwarded a similar communication and recommendation to the chairman of the Committee on Public Lands and Surveys, United States Senate.

Very truly yours,

HUBERT WORK, *Secretary.*

75TH CONGRESS }
3d Session }

HOUSE OF REPRESENTATIVES }

REPORT
No. 2891

EXTENDING THE PROVISIONS OF THE ACT FOR THE PRESERVATION OF AMERICAN ANTIQUITIES

JUNE 10, 1938.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed

Mr. DeROUEN, from the Committee on the Public Lands, submitted
the following

REPORT

[To accompany S. 3890]

The Committee on the Public Lands, to whom was referred the bill (S. 3890) to extend the provisions of the act of June 8, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities," and for other purposes, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Page 1, lines 8 and 9, strike out "in the vicinity of Fort Jefferson National Monument and Key West, Florida," and insert in lieu thereof "which are east of the one hundred and fifth meridian west of Greenwich, and".

Page 1, line 11, strike out "the great white heron,".

The reports of the Department of the Interior and the Department of Agriculture on a similar House bill are hereinbelow set forth in full and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 12, 1938.

Hon. RENÉ L. DeROUEN,
Chairman, Committee on the Public Lands,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have received your letter of February 4 enclosing a copy of H. R. 8912 entitled "A bill to extend the provisions of the act of June 8, 1906 (34 Stat. 225), entitled 'An act for the preservation of American antiquities,'" and requesting a report thereon.

The above-mentioned act reads in part as follows:

"SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, * * *."

Most of the Government-owned or controlled lands heretofore set apart as national monuments under the act of June 8, 1906, have situated thereon archaeological or geological objects, which are of historical or scientific interest. Several national monuments have been created, however, for the purpose of protecting, among other things, scientifically interesting plant life, such as the California redwoods, organ-pipe cactus, Joshua tree, virgin Sitka spruce, etc. In one instance, the protection of the breeding grounds of the Roosevelt elk was cited as partial justification for setting apart a national monument area as this species of elk has been near extinction, and the area set apart has been inhabited for years during the breeding season by the last large herd of these elk.

In recent years, questions have been raised as to whether areas may be set apart as national monuments even though scientifically interesting native plants and animals, by their very nature, are confined to such areas. This question arises because the language in the act of June 8, 1906, stating that objects situated upon the lands shall be protected, has been interpreted to mean objects which are immobile and permanently affixed to the land. The language of H. R. 8912 would remove any existing doubt on this point by authorizing the President of the United States to declare by public proclamation, lands owned or controlled by the United States, which are determined to be of outstanding scientific value, as national monuments, for the purpose of protecting the plant and animal life native thereto.

There are certain areas to which scientifically interesting plants and animals are confined for their existence, and it is desired to preserve these lands as national monuments. These areas must be preserved in their natural condition so that plant and animal life native thereto does not become extinct. In other words, it is desired to preserve the natural biological relationships existing in such areas. It is as important from the standpoint of science and conservation to preserve areas containing natural plant and animal life as it is to preserve historic landmarks, historic and prehistoric structures, and other objects of scientific interest.

The organic act establishing the National Park Service of this Department (39 Stat. 535) requires that service to promote and regulate the use of Federal areas, such as national parks and monuments, for the purpose of conserving the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for enjoyment of future generations. The authority to conserve is, unfortunately, independent of the authority to establish. Unless there is clearcut authority to set apart ecological units, the few remaining areas of this character yet unspoiled and unexploited will soon be stripped of their primitive conditions and, consequently, will lose their scientific value. It is therefore believed that the act of June 8, 1906, should be extended as provided by H. R. 8912.

The National Park Service has reported favorably on several areas of Government-owned or controlled lands containing outstanding examples of native plant and animal life of scientific interest which are in danger of extinction or destruction unless preserved. In two of these areas are found the rare and almost extinct Arizona palm and the only remaining colonies of the great white heron. In view of the fundamental purpose for which the National Park Service was created, it appears that that service is the logical agency to administer and protect these areas. No other agency of the Federal Government is now responsible for the protection and preservation of a complete biota in a region as is contemplated under the present bill.

It is suggested that the following amendments be made in the present bill:

In lines 6 and 7, strike out the words "and upon the recommendation of the Secretary of the Interior".

In line 9, strike out "determined by said Secretary to be".

In line 11, change the period to a comma and add the following: "and to vest the jurisdiction thereof in such department or agency of the Government as he may designate."

With the amendments suggested above, I recommend that H. R. 8912 be given favorable consideration by the Congress.

I have been advised by the Bureau of the Budget that the proposed legislation would not be in conflict with the program of the President if amended in accordance with the above recommendations.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, May 3, 1938.

HON. RENÉ L. DE ROUEN,
*Chairman, Committee on the Public Lands,
House of Representatives.*

DEAR MR. DE ROUEN: This will acknowledge receipt of your request of February 18 for a report from this Department on H. R. 8912, a bill to extend the provisions of the act of June 8, 1906 (34 Stat. 225) entitled "An act for the Preservation of American Antiquities."

The purpose of the proposed legislation is to authorize the reservation of public lands as national monuments where the primary or exclusive purpose of such reservation would be to protect and reserve scientifically interesting native plants and animals. The act of June 8, 1906 (34 Stat. 225) in its entirety discloses no authorization or apparent intention by the Congress to apply the provisions of said act to areas other than those characterized by outstanding landmarks, historic and prehistoric structures and other objects of historic or scientific interest. However, since this was the only act which could be construed to authorize the protection of public interest and welfare in public lands of unique character it has been interpreted and applied in a liberal way with the result that under its provisions there have been established a number of national monuments involving elements other than those specifically prescribed in the act.

Legislation which will unquestionably authorize the permanent reservation of lands owned or controlled by the United States primarily or exclusively to protect scientifically interesting native plants and animals, their habitats and environments, would be distinctly in the public interest and would no doubt result in definite contributions to scientific progress. This Department, therefore, is in favor of such legislation.

The game refuges and preserves administered by the Bureau of Biological Survey of this Department include areas which are the habitats of scientifically interesting species of animals; the national forests administered by the Forest Service of this Department include areas upon which exist unique examples of trees and other plants and certain unique forms of wildlife; upon lands administered by the Soil Conservation Service or the Bureau of Plant Industry of this Department scientifically important species of grasses and other vegetation may now exist or may be reestablished by proper management; this may also be the case on lands administered by the Bureau of Agricultural Economics or by other bureaus in this Department.

Existing law already provides for the inviolate protection and perpetuation of interesting forms of birds and other animals. The President has in the past withdrawn and dedicated land for the protection and perpetuation of birds and other animals and when so withdrawn and dedicated, section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222) forbids any persons to enter such lands except with permission of the Secretary of Agriculture. Furthermore, section 84 of the Penal Code of the United States provides a fine of not more than \$500 or imprisonment for not more than 6 months, or both, for hunting, trapping, capturing, willfully disturbing, or killing any bird or wild animal of any kind whatever on any lands of the United States which are set apart as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under regulations prescribed by the Secretary of Agriculture.

If it were not for the fact that certain types of land under the jurisdiction of this Department, notably the national forests reserved from the public domain, are subject to location and entry under the mining laws and to a variety of laws authorizing rights-of-way, easements, hydroelectric power developments, etc., it would not be necessary to enact legislation of the type now proposed. Such laws, which are not under the control of this Department, make possible the invasion of areas that otherwise would be exclusively dedicated by this Department to the scientific purposes for which they actually are most valuable and through which they would yield the largest public service. It is this circumstance that makes the enactment of further legislation desirable.

Considering the purpose of H. R. 8912, it is a logical assumption that the determination of the areas to be reserved and their management after they have been reserved, properly would be the function of the department of government authorized by law and particularly organized to conduct Federal activities in the field of biologic science. Recognition should be given the fact that Federal functions and activities in the field of biologic science are largely centered in the Department of Agriculture, and that the scientific and technical personnel

4 EXTEND ACT FOR PRESERVATION OF AMERICAN ANTIQUITIES

of this Department have a preeminence in those fields which is not shared by any other of the executive departments.

Another consideration is that under the provisions of Executive Order No. 6166 of June 10, 1933, areas given a national-monument status would be under the administration of the Department of the Interior and thus withdrawn from the control of this Department. Such an arrangement would not be conducive to good management, efficiency, or economy and might not contribute in maximum degree to the advancement of the natural sciences. It would create minor islands of separate and uncoordinated jurisdiction within logical entities of administrative management, thus greatly increasing costs and complicating administration without commensurate public benefits and adding to the difficulties of use by the public.

Recent communications from the Bureau of the Budget suggest that the bill be amended in three particulars as follows:

1. Starting after the word "discretion" in line 6, and running into line 7, delete the following: "and upon the recommendation of the Secretary of Interior."
2. Line 9, after the word "are" delete the following: "determined by said Secretary to be."
3. Line 11, after the word "thereto" delete the period and insert a comma and add the following: "and to vest the jurisdiction thereof in such department or agency as he may designate."

This Department offers no objections to the bill if amended as above outlined. This matter was referred to the Bureau of the Budget, as required by Budget Circular 344, and the Acting Director thereof advised the Department of Agriculture, under date of April 28, 1938, that there would be no objection on the part of that office to the submission of the foregoing report to Congress.

Sincerely,

W. R. GREGG, Acting Secretary.

PRESERVATION OF AMERICAN ANTIQUITIES

JUNE 9 (legislative day, MAY 24), 1943.—Ordered to be printed

Mr. McCARRAN, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

(To accompany S. 1046)

The Committee on Public Lands, to whom was referred the bill (S. 1046) to repeal section 2 of the act entitled "An act for the preservation of American antiquities," approved June 8, 1906, having considered the same report favorably thereon without amendment and with the recommendation that it do pass.

Section 2 of the act of June 8, 1906, which is repealed by this bill, reads as follows:

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States (U. S. C., title 16, sec. 431.)

It will be observed that the authority granted by this act was intended by Congress to be exercised "upon the lands owned or controlled by the Government of the United States." The purpose of the act was to enable the President to set aside as national monuments "historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest" and the authorization is for the protection of such objects when "situated upon the lands owned or controlled by the Government of the United States."

It will also be observed that the act authorizes the President not only to declare such objects to be monuments, but also to "reserve as a part thereof (of a monument) parcels of land, the limits of which

in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected."

Under this statute a Presidential proclamation was issued under date of March 15, 1943, for the establishment of the Jackson Hole National Monument in Teton County, Wyo., embracing approximately 221,000 acres. The lands embraced within the boundaries of the monument include approximately 1,400 acres of land owned by the State of Wyoming, almost 17,000 acres owned by private citizens and 33,000 acres owned by the Snake River Land & Cattle Co., a corporation under the control of John D. Rockefeller, Jr. The Rockefeller lands were offered to the United States for park purposes.

The issuance of the Executive order establishing the Jackson Hole National Monument was the climax of an unsuccessful effort on the part of the National Park Service and the Department of the Interior to persuade Congress by statute to extend the boundaries of the Grand Teton National Park to include the area described in the monument proclamation. The Grand Teton Mountains were preserved by act of Congress of February 26, 1929, when a national park embracing 96,000 acres, including these mountains, was established. On several occasions subsequently the National Park Service endeavored to enlarge the park but Congress has never seen fit to enact such a law although it has repeatedly studied the question. Objection was made to the extension of the boundaries on behalf of Teton County, Wyo., on the ground that the county would be deprived of tax revenue from the privately owned lands which would be conveyed to the Government by Mr. Rockefeller and from the inevitable limitation on the use of other privately owned lands within the proposed extension. It was opposed by citizens of the county whose businesses were carried on in the area to be included and who objected to the interruption of their economic activities. When proposals were made to extend the boundaries of the park, the executive branch of the Government declined to give consent to any formula by which the county and State could be compensated for the loss of revenue.

No basis of agreement was ever reached between the Department of the Interior and the State of Wyoming, the county of Teton, or the Wyoming delegation in Congress upon which the boundaries of the park could be extended as desired by the National Park Service. When the proclamation establishing the monument and embracing the same area which had been sought for the extension of the Grand Teton National Park was issued on March 15, 1943, the action was taken without notice to the State or county, without application to Congress and without public hearing.

The committee recommend the repeal of the statute lest it be used in other public-lands States as it has been used in the State of Wyoming. Congress has been generous in the establishment of national parks. It has acquiesced in the creation of many monuments and if any more monuments are to be established upon the public domain the committee believe that the Congress should participate. No legitimate purpose will be defeated by the restoration of congressional power proposed in this bill.

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