

THE HOT SPRINGS RESERVATION IN ARKANSAS.

APRIL 11, 1892.—Referred to the Committee on Appropriations and ordered to be printed.

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

REPORT:

[To accompany Ex. Doc. 42, first session Forty-seventh Congress.]

The Committee on the Public Lands, to whom was referred the message of the President, transmitting a communication from the Secretary of the Interior relative to an appropriation for the improvement of the Hot Springs Reservation in Arkansas, report the same back with a recommendation to the Committee on Appropriations to incorporate in an appropriate bill an appropriation of \$33,744.78, the sum therein mentioned, for such improvement in the manner indicated by the Secretary. As early as 1810 the Hot Springs were known to exist, and visited by white men, although the country at that time was claimed and occupied by the Quapaws. The Indian title was extinguished in 1818. Thus becoming a part of the unencumbered public domain, claims were made under the land laws of the United States.

The heirs of John Percifull have asserted that as early as 1813 he built a house at the Springs and made claim under the pre-emption law of 1814.

In 1819 Hammond and Rector filed their application, dated the 27th of July, 1819, for entry of 200 arpents, with a New Madrid certificate, and in 1820 the surveyor returned and filed his survey and plat of the location of their warrant in the office of the surveyor-general.

In 1829 Ludovicus Belding occupied a house as tenant of Percifull and cultivated a small plat of land, and claimed under the act of 1830, giving to settlers or occupants in possession the right of entry, &c.

In 1832 the Congress passed an act which provided that the Hot Springs "shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated for any other purpose whatever."

In 1838 the lands in the locality of Hot Springs were surveyed and put upon the market, except four sections reserved by the act of 1832.

From that time until 1851 the widow and heirs of Percifull and Belding made repeated applications for entry under their respective claims. At that time a patent was granted to the Belding heirs, but soon thereafter canceled.

These claims did not cover identically the same lands, but overlapped, from which circumstance litigation sprang up and continued for a quarter of a century. In the mean time the Springs attracted attention, and people flowed in and bought or leased from one or other of the claim-

ants. Hammond and Rector could exhibit a certificate of location, and the Belding heirs a patent, and when their claims did not conflict people bought or leased, as they thought, with safety. After years and years of litigation the Congress in 1870 passed the act providing "that any person claiming title, either legal or equitable, to the whole or any part of the four sections of land constituting what is known as the Hot Springs Reservation," &c., "may institute against the United States in the Court of Claims, and prosecute to final decision, any suit that may be necessary to settle the same." Said act also provided that in the event such suits were decided in favor of the United States, the court should order said *lands* into the possession of a receiver to take charge of and rent out the same. Suits were brought by the claimants under this act, and in consolidated form heard; upon the hearing whereof it was decided by the Court of Claims that no legal entry, location, nor pre-emption of said lands had been made by either of the parties.

This judgment of the Court of Claims was affirmed by the Supreme Court April 24, 1876. A receiver appointed by the Court of Claims thereafter took charge and rented to the people their *houses*, the lands not being desirable without them, and so remained in charge until the 3d March, 1877, when the law providing for the appointment of a receiver was repealed. From the rents the sum of \$33,744.78 was the amount derived and paid into the Treasury over and above all expenses attending the collection of the same. The act of March 3, 1877, repealing so much of the act of 1870 as provided for the appointment of a receiver, also provided for a commission whose duty it was made to lay off the four sections of land into convenient squares, blocks, lots, avenues, streets, and alleys, first laying off a permanent reservation, embracing the hot waters. It was further made the duty of the commission to adjudicate the rights of occupants to lands "claimed by reason of improvements," upon whom was conferred the right of entry at the appraised value of the lands, aside from the improvements.

The commission was required to appraise the improvements separately, and in cases where the improvements were condemned by it to the use of the government, under the provisions of the act, they were required to and did issue certificates to the owners, showing the value of the improvements. Under the act of June 16, 1880, certificates so granted for condemned improvements, part of the same for which rents had been collected as before stated, were made receivable in payment of lands, the right of entry of which the commission awarded to occupants and claimants. This much of the history of Hot Springs is given to show the exact source from which the money mentioned in the letter of the Secretary was derived; and it discloses the fact that it was derived in part from the rent of houses for which the government afterwards made payment to the owners, upon their condemnation, and the rent of others the ownership of which has been acknowledged to be in the occupants. If it was right to pay for the buildings condemned, and to acknowledge ownership in the buildings to those not condemned, it was not right to collect rents therefor from the 24th of April, 1876, to March 3, 1877; and many people at Hot Springs who were compelled to pay rent for the buildings in which they were born will always feel that they were wronged.

It is believed that the Congress never contemplated such results in the passage of the act of 1870. Although the amount of money proposed to be appropriated was derived from so unusual a source, it ought not to be needlessly appropriated to satisfy the demands of any one, but if it can be appropriated to a purpose useful to the government and

at the same time beneficial to the persons from whom it was drawn, it certainly ought to be done. Your committee, from an examination of the map of the town and from information derived from persons familiar with it, is led to fully concur with the Secretary in his recommendation. The proposed improvement is upon the permanent reservation, and will be, if made, of lasting benefit to that property. The value of the reservation in its unimproved condition is incalculable. That the wealth of health may be more certainly secured to the visiting thousands from every quarter of the globe, the improvement of the creek serving as a sewer, is important. As is said by the Secretary, the principal street of the town cannot be graded and made what it ought to be by the town authorities until this proposed work is done by the government. Every citizen who contributed a cent of the \$33,744.78 will be interested in and derive benefit from the proposed work as a sanitary measure and aid to the improvement of the great thoroughfare of the town. The appropriation recommended by the Secretary is favored as a measure beneficial to the owners of this property, the whole people, and both beneficial and just to the citizens of Hot Springs.

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