

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter from the Secretary of the Interior in relation to the renewal of leases of bath-houses and bath-house sites upon the Hot Springs Reservation in Arkansas.

JANUARY 17, 1884.—Read and referred to the Committee on Public Lands and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a letter from the Secretary of the Interior, dated the 11th instant, suggesting further action by Congress in the matter of granting leases of bath-houses and bath-house sites at the Hot Springs Reservation, Arkansas.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 16, 1884.

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1884.

SIR: I have the honor to request that the attention of Congress be directed to the consideration of the matter of the renewal of leases of bath-houses and bath-house sites upon the Hot Springs Reservation in Arkansas.

By the act of December 16, 1878 (20 Stat., ch. 5, p. 258), the Secretary of the Interior is

directed to lease the bath-houses of a permanent nature now upon the Hot Springs Reservation to the owners of the same, and lease to any person or persons upon such terms as may be agreed on, sites for the building of other bath-houses for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe.

In pursuance of this authority leases were made by the Secretary of the Interior, of the bath-houses referred to in the act and of sites for the building of other bath-houses, some of which leases having expired applications have been made to the Department for renewal.

By the language of the act the term of the leases granted thereunder is restricted to five years, "unless otherwise provided by law." It may

be held as a reasonable interpretation of the act that Congress intended to confine the authority of the Secretary of the Interior to the granting of such leases for one term only of five years, reserving as a subject for further legislation the matter of a renewal of the leases or extension of the terms thereof.

While this interpretation of the act would be at variance with the evident intent of Congress as expressed in other legislation respecting the reservation, a doubt has arisen whether the authority conferred upon the Secretary of the Interior is of a continuous nature, to permit of a renewal of the leases which have expired, and it is deemed proper that this uncertainty should be removed by further action by Congress.

In this connection I take occasion also to state that applications have been received for the privilege of constructing an inclined railway for the conveyance of passengers to the top of Hot Springs Mountain and for the erection of an observatory upon the summit of the mountain. No authority of law exists for the granting of such privileges. It is suggested that if authority were conferred upon the Secretary of the Interior to grant this and similar privileges tending to the improvement of the reservation, under such terms and conditions as will not in any way interfere with the purpose for which the reservation was set apart, it would tend not only to the recreation and pleasure of the invalid visitors, but would add to the revenue from which the expense of improving the reservation and of providing and maintaining free baths for the indigent is defrayed.

Very respectfully,

H. M. TELLER,
Secretary.

The PRESIDENT.