March 3, 1891 (26 Stat. 842)

An Act To regulate the granting of leases at Hot Springs, Arkansas, and for other purposes, approved March 3, 1891 (26 Stat. 842)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and empowered to execute leases to the bathhouses and bathhouse sites on the permanent reservation at Hot Springs, Arkansas, for periods not exceeding twenty years, and at an annual rental of not less than thirty dollars per tub for each tub used in any bathhouse. Said annual rental shall be payable quarterly in advance, at the office of the Government Superintendent of said property, in Hot Springs, Arkansas: *Provided*, That the same rate for water rent shall be charged for the water to all parties receiving the same, whether on or off the permanent reservation: *Provided*, That after the Army and Navy Hospital bathhouse, the public bathhouse, the bathhouses which are now or may hereafter be authorized on the permanent reservation, the Arlington Hotel, and the bathhouses off the permanent reservation now authorized to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bathhouses, hotels, and families off the permanent reservation: *Provided*, That such bathhouses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense: *Provided*, That all water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior shall at the expiration of each period of five years during the continuance of each lease made hereunder readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided. (U.S.C., title 16, sec. 362.)

Hot Springs, Ark. Secretary of Interior may lease bathhouses, etc.

Payment.

Provisos. Water rent.

Surplus water.

Connections.

Rates.

Readjustment of terms after 5 years.

SEC. 2. That the Secretary of the Interior is hereby authorized to execute a lease of the Arlington Hotel site at Hot Springs, Arkansas, to the present lessees for a period of twenty years, and at an annual ground rent of two thousand five hundred dollars, for the first five years thereof, and at the end of said period of five years, and of each period of five years thereafter, he shall

Lease of Arlington Hotel.

Rent.

March 3, 1891 (26 Stat. 842) - continued

readjust and fix the compensation to be paid during the ensuing five years, but not less than that hereinbefore provided for.

Secretary of Interior to make all regulations, etc.

SEC. 3. That all power now possessed by the Secretary of the Interior for the regulating of leases of bathhouses, bathhouse privileges, or hotel rights on the reservation, or as to supplying hot water to places off the reservation, is hereby retained and continued in him; and full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bathhouse; full power is also vested in him to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of the reservation to make examination and inspection at any time of the manner of using the hot water at any bathtub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bathhouse furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bathhouses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations now in force or which may be hereafter adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privileges for hot water that the bathhouse for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bathhouse on or near the Hot Springs Reservation; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bathhouse, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bathhouse be transferred to any person, company or corporation owning or interested in any other bathhouse on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bathhouse provided for of the hot water and cancel the lease or agreement. All buildings to be erected on the reservation shall be on plans first

Use of water.

Charges.

Leases subject to regulations.

Provisions in leases.

Buildings subject to approval.

approved by the Secretary of the Interior, and shall be required to be fireproof, as nearly as practicable. (U.S.C., title 16, sec. 363.)

Investigation to determine if persons are interested in more than one bathhouse.

SEC. 4. That the Secretary of the Interior, before executing any lease to bathhouses or bathhouse sites on the permanent reservation or contracts for the use of hot water for bathhouses off the permanent reservation, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not, directly or indirectly, interested in any manner whatever in any other bathhouse lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bathhouse, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bathhouse, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bathhouses or he deems it for the best interests of the management of the Hot Springs Reservation and waters, or for the public interest he may refuse such lease, license, permit, or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid. (U.S.C., title 16, sec. 364.)

Forfeiture for pooling, etc.

Taxation of personal property under State law.

SEC. 5. That the consent of the United States is hereby given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs Reservation. (U.S.C., title 16, sec. 365.)

Collection of water.

SEC. 6. That the authority heretofore conferred upon the Secretary of the Interior to collect the hot water upon said reservation shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized. (U.S.C., title 16, sec. 366.)

Sale of lots authorized.

SEC. 7. That the Secretary of the Interior may direct the public sale of all unsold Government lots on the Hot Springs Reservation, and not now permanently reserved at the city of Hot Springs, after having had the same

March 3, 1891 (26 Stat. 842) - continued

reappraised, and also advertised as now required by law, and no lot shall be sold at less than the appraised price. (U. S. C., title 16, sec. 367.)

Hotels may operate bathhouses.

SEC. 8. Nothing in this act shall be so construed as to prevent the stockholders of any hotel from operating a bathhouse in connection with such hotel as a part thereof. (U.S.C., title 16, sec. 368.)