E
51
U5
1930

LIBRARY
INTERIOR DEPARTMENT

UNITED STATES DEPARTMENT OF THE INTERIOR

ANNUAL REPORT OF THE DEPARTMENT ARCHÆOLOGIST

TO THE SECRETARY OF THE INTERIOR

FOR FISCAL YEAR ENDED JUNE 30, 1930

UNITED STATES DEPARTMENT OF THE INTERIOR

ANNUAL REPORT

OF

THE DEPARTMENT ARCHÆOLOGIST
and Superintendent of Mesa Verde National Park

TO THE

SECRETARY OF THE INTERIOR

1930

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1930

CONTENTS

	Page
Letter from department archæologist transmitting his report and commenting thereon	v
Preliminary statement	1
American antiquities	2
Applications recommended	2
Permits granted by the Secretary	2
Continuing projects under prior permits	5
Delay in submitting report on conclusion of investigations	5
Other pending matters	6
Active cooperation with field representatives and permittees	6
Increase in field activities	6
Arizona Archæological Commission established	7
Suggested cooperation with Department of Agriculture	8
Change in form of applications desirable	8
Preservation of archæological remains on the public domain	8
Appendix:	
Antiquity act (Public, No. 209)	11
Uniform rules and regulations under antiquity act	11

LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
MESA VERDE NATIONAL PARK, COLO.,
Santa Fe, N. Mex., September 24, 1930.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

MY DEAR MR. SECRETARY: In accordance with your instructions, I am submitting my annual report as department archæologist herewith. I trust that the information contained therein is presented in a manner and form acceptable to you, and that the unavoidable delay in its preparation may be excusable.

Under the subhead in the report entitled, "Permits granted by the Secretary," a brief résumé has been given of each permit project. It is important to scientific and educational institutions that this record of pertinent information, brief as it is, be published annually, for reference purposes since it serves to identify area projects with sponsors and field leaders and gives aims and purposes of projects when such have been definitely stated in the formal applications.

The greater interest of scientific and educational institutions in field work is reflected in the greater number of permits outstanding during the past year. In many colleges and universities the ordinary resident curriculum for certain courses is being supplemented during the summer months with actual field experience and training under proper leadership. With scientific organization more liberally established and supported in field research and more eager to enter the field than ever before in history it becomes increasingly important that the tremendous wealth of archæological remains of the Southwest be protected and covered for the serious examination of qualified investigators.

Even the limited protection and conservation of this tremendously extended and prolific storehouse of archæological information from the inroads of the unlicensed and destructive pothunter and vandal will require the unrestricted cooperation of the field forces of the department. One lone field representative can give but a limited time to this duty, charged as he is with the additional responsibility of administration of a national park.

There is an immediate and imperative need of direct assistance in terminating the work of the vandal and the pothunter in the southwestern area. The assignment of a qualified department inspector to this office for a 6-month period each year would permit direct and immediate investigation of the unlicensed operations of pothunters and vandals which are reported periodically to this office. Automobile transportation and per diem expense would necessarily have to be provided. Knowledge that a special inspector was moving back

and forth through the field would be a forceful deterrent to unlawful activities.

In the body of the report I have covered, among other matters, procrastination in the submission of reports at the conclusion of the field season's work; the importance of "definite aim and purpose" projects as contrasted to those of indefinite purpose, and the necessity for coordinating the activities in the field toward the solution of some of the major archæological problems of the Southwest.

The inclusion of the "Act for the preservation of American antiquities" (Public 209) and the "Uniform Rules and Regulations" prescribed by the Secretaries of the Interior, Agriculture, and War to carry out the provisions of the above act is again suggested as an appendix to this report. Wide circulation of this report to all institutions of higher learning is desirable since some have come to the southwestern field to carry on investigations without knowledge whatever of the permits required.

Trusting that the conduct of this division of the activities of the department has met with your approval, I am,

Respectfully yours,

JESSE L. NUSBAUM,
Department Archæologist.

ANNUAL REPORT OF THE DEPARTMENT ARCHÆOLOGIST

PRELIMINARY STATEMENT

The department archæologist renders advisory service to all branches of the department, as well as to the scientific and educational institutions contemplating or engaged in archæological and like investigations on the lands of the public domain under the jurisdiction of the department, in addition to his duties as Superintendent of Mesa Verde National Park, Colo., one of the major archæological areas of the Southwest. During the present year, in accordance with arrangements which the Secretary has approved, his time has been divided between Mesa Verde National Park, the department, and the laboratory of anthropology at Santa Fe, N. Mex., where he serves in the capacity of acting director.

The department archæologist is concerned also with working out means and methods for the better protection and preservation of the countless thousands of archæological remains scattered over the lands under the jurisdiction of the department, principally in the Southwest; the prevention of unlawful and destructive excavation and gathering of objects of antiquity thereon; cooperation with other agencies which are following like policies; the orderly progression of the work in the field under secretarial permits; expediting publication of the records and information so gained; the bringing under Federal jurisdiction of private holdings on which outstanding ruins are located, as well as the broader aspects of this service with which scientific and educational institutions are so thoroughly in accord.

From the standpoint of educational and public interest, these archæological remains constitute the major asset of much of the land involved, and in many cases the primary support of the varied commercial activities that are established to care for the needs of the visitor.

AMERICAN ANTIQUITIES

The act of June 8, 1906, entitled "An act for the preservation of American antiquities," provides, among other things:

"SEC. 3. That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdiction may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums,

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

"SEC. 4. That the Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act."

The uniform rules and regulations promulgated by the Secretaries of the Departments of the Interior, Agriculture, and War pursuant to the above-mentioned act under date of December 28, 1906, provide (par. 3) that—

"Permits for the excavation of ruins, the excavation of archæological sites, and the gathering of objects of antiquity will be granted by the respective Secretaries having jurisdiction to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or to their duly authorized agents."

APPLICATIONS RECOMMENDED

During the past year 21 applications for permits were received for consideration and recommendation, of which 20 were concerned with archæological investigations and 1 with paleontological examinations. One archæological permit granted was later canceled at the request of the institution to which it was originally issued; a permit covering the same area was later issued to an institution covering the same work. Another permit (bringing the total to 22 permits) was granted by the Secretary covering paleontological examinations without reference to this office. Certain regulatory and restrictive requirements were recommended for insertion in the formal permits so that work accomplished thereunder would meet with departmental approval in all respects.

PERMITS GRANTED BY THE SECRETARY

October 21, 1929: To Mr. M. R. Harrington, director of research, Southwest Museum, Los Angeles, Calif.; extension of January 19, 1929, permit to conduct archæological reconnaissance on behalf of the Southwest Museum of such lands as are under the jurisdiction of the Department of the Interior in Nye, Clark, and Lincoln Counties, Nev., and San Bernardino County, Calif., for the purpose of tracing out, if possible, the western limits of the Pueblo and basket-maker culture areas and their relations with the cultures of California; also, permission to conduct intensive excavation of Gypsum Cave, near Las Vegas, Nev.; permit to expire October 20, 1930.

December 19, 1929: To Mr. Arthur Woodward, curator of history, Los Angeles Museum of History, Science, and Art, Los Angeles, Calif.; permission to conduct archæological investigations on the Casa Grande National Monument Reservation in Arizona; permit to expire December 31, 1930.

January 8, 1930: To Mr. M. R. Harrington, director of research, Southwest Museum, Los Angeles, Calif., extension of permit granted October 21, 1929, authorizing archæological exploration of certain caves and rock shelters located in the following townships of River-

side and San Bernardino Counties, Calif., viz: Riverside County: T. 2 S., Rs. 7, 8, and 9 E., T. 3 S., Rs. 8 and 9 E. Work to be under the direct charge of Mr. William N. Campbell; permit to expire December 31, 1930.

January 10, 1930: To Ida Wilson, librarian, Northern Arizona State Teachers College, Flagstaff, Ariz., permission to excavate ruin 1 mile east of Canyon Padre on National Trails Highway, T. 21 N., R. 11 E, sec. 31; work to be done under supervision of Mr. L. L. Hargreave.

February 17, 1930: To Mr. Chauncey J. Hamlin, Buffalo Museum of Science, Buffalo, N. Y., for Buffalo Society of Natural Sciences, permit to conduct a reconnaissance in southeastern Utah between Red River on north, Colorado on west, San Juan on south, and Grand Gulch on east. This permit was never utilized, due to a change of plans.

April 18, 1930: To Dr. C. G. Abbott, Secretary Smithsonian Institution, permission for Bureau of American Ethnology to conduct an archæological reconnaissance of the Zuni Indian Reservation, and to dig one site of the pit or slab-house variety, the choice of the site to be determined by the results of the reconnaissance, under direct supervision of Dr. F. H. H. Roberts, jr. Later Doctor Roberts requested change of type site to be excavated, and was granted telegraphic permission June 4 to excavate two small masonry unit houses with big kiva in Nutria Wash eastern portion Zuni Reservation.

May 5, 1930: To Dr. Clark Wissler, American Museum of Natural History, New York City, permission granted by renewal of previous permit to conduct archæological excavation and remove specimens from ruins in that portion of the Navajo Reservation, in New Mexico and Arizona, which includes the Carrizo Mountains and the Lukachuki Range and its washes, under supervision of Mr. Earle H. Morris of the Carnegie Institution, of Washington, D. C., for the Eighth Bernheimer Expedition of the American Museum of Natural History.

June 2, 1930: To Mr. George H. Sherwood, director, American Museum of Natural History, New York City, permit to conduct paleontological examinations of the western part of the Navajo Indian Reservation, the Moencopie shales exposed along the Little Colorado River above Cameron, Ariz., during the summer of 1930, under the direct supervision of Mr. Barnum Brown.

June 5, 1930: To Dr. George Norlin, president, University of Colorado, Boulder, Colo., to permit their representative, Mr. Earle H. Morris, to collect archæological specimens and conduct a reconnaissance during 1930 within the area beginning at the La Plata River, 2 miles north of the mouth of Cherry Creek, in La Plata County, Colo.; extending thence due west to the Mancos River in Montezuma County, Colo.; extending thence due southwestward along said river to its confluence with the San Juan River to the point of beginning.

June 5, 1930: To Director Arthur Woodward, Los Angeles Museum of History, Science, and Art, Los Angeles, Calif., permit to conduct archæological reconnaissance and excavations in Inyo County, Calif. This was later canceled by request of Director Woodward, who recom-

mended that it be issued to the Eastern California Museum Association at Independence, Calif.

June 6, 1930: To Dr. Edw. Reynolds, director, Peabody Museum of American Archæology and Ethnology, Harvard University, Cambridge, Mass.; extension of permit granted during 1930 to conduct exploratory archæological investigations in that portion of southern Utah, northwest of the Colorado River in the drainage of the Escalanta, Fremont, Muddy, and Paria Rivers, this region including the adjacent corners of Sevier and Emery Counties; and in addition, authority to explore in the drainage of the Green and Colorado Rivers in Emery and Grand Counties and that portion of San Juan County lying northwest of the Colorado River, these explorations to be continued under the supervision of Mr. Henry B. Roberts during the year 1930.

June 6, 1930: To Mr. S. E. Simms, director, Field Museum of Natural History, Chicago, Ill., permit for a period of three or four years to conduct archæological excavations in the southwestern Colorado of the Lowry Ruin, situated 32 miles northwest of Cortez, Montezuma County, Colo., NW. ¼, sec. 2, T. 38 N., R. 19, New Mexico meridian, under the supervision of Dr. Paul S. Martin.

June 13, 1930: Dr. Harold S. Colton, director, Northern Arizona Society of Science and Art, Flagstaff, Ariz., permission to conduct a reconnaissance of northern Arizona to include the counties of Apache, Navajo, Coconino, Yayapai, and Mojave for the purpose of collecting potsherds on prehistoric sites, under direct supervision of Doctor Colton.

June 24, 1930: To Mr. Harold S. Gladwin, director, Gila Pueblo, Globe, Ariz., permission granted to excavate the ruin situated near Lipan Point in the Grand Canyon National Park; one-third of the ruin to be left as it stands; one-third to be cleared so as to expose walls and floors, and in the remaining one-third the floors to be excavated to show possible burials under the floors or different levels of occupation. Work to be accomplished under personal supervision of Director Gladwin.

July 3, 1930: To Prof. Byron Cummings, director, Arizona State Museum, Tucson, Ariz., permission to further explore the Nietsie canyons (Navajo Creek), southwest of Navajo Mountain on the Navajo Reservation, and some short gorges on the eastern side of this mountain in Utah. Work to be accomplished under Professor Cummings' immediate direction.

July 7, 1930: To Mr. Frank M. Parcher, curator, Eastern California Museum Association, Independence, Calif., permission to carry on archæological field work in Inyo and Mono Counties, Calif., and Esmeralda County, Nev. This permit granted in lieu of a permit issued on June 5, 1930, to the Los Angeles Museum of History, Science, and Art, of Los Angeles, Calif., covering archæological work in this same area, which permit was revoked upon request of Mr. Arthur Woodward, curator of that museum, and on recommendation of department archæologist, with suggestion that permit be reissued to Mr. Parcher.

July 17, 1930: To President C. C. O'Harra, South Dakota State School of Mines, Rapid City, S. Dak., renewal of permission given in 1929 to collect fossil specimens on the Pine Ridge Indian Reserva-

tion, S. Dak. Permit granted by the Secretary without reference to this office. Permit to expire July 16, 1931.

July 18, 1930: Mr. Lewis Tisdale, Arizona Museum, Phoenix, Ariz., permission to excavate prehistoric graveyard specified by Doctor Colton located on highway 80 between Gila Bend and Gillespie Dam, Ariz.

July 19, 1930: To Mr. Harold S. Gladwin, director, Gila Pueblo, Globe, Ariz., permission to collect broken pottery fragments upon the national parks and monuments and the public domain lying within the State of Arizona, as well as to collect borings of wooden beams above ground in standing ruins in northern Arizona.

August 25, 1930: To Mr. Horace H. F. Jayne, director, Museum of University of Pennsylvania, Philadelphia, Pa., permission to carry on archæological investigations and excavations within a radius of 100 miles around Alamogordo, N. Mex., which touches on the counties of Otero, Dona Ana, Sierra, Socorro, Lincoln, Chaves, and Eddy, under the supervision of Mr. Edgar B. Howard. Permit to expire at end of field season for 1930.

August 16, 1930: To Jesse L. Nusbaum, director, Laboratory of Anthropology, Santa Fe, N. Mex., permission to conduct reconnaissance in Ashley Valley, Uintah Reservation, Utah, and to excavate a cave site in same, under supervision of Dr. Albert Reagan. Permit to expire after field season of 1930.

CONTINUING PROJECTS UNDER PRIOR PERMITS

The School of American Research and the University of New Mexico have jointly continued their excavations at Chetro Ketl ruin, Chaco Canyon National Monument, N. Mex., during an 8-week period this summer, under the supervision of Dr. Edgar L. Hewett. The permit authorizing this operation was granted for a 3-year period on May 10, 1929, and expires with the completion of the field season activities of 1931.

DELAY IN SUBMITTING REPORT ON CONCLUSION OF INVESTIGATIONS

Section 10 of the 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" makes the submission of briefed reports at the conclusion of each field season mandatory. During the period covered in the annual report of this office for 1929, 16 permits were issued by the Secretary. Approximately one year has elapsed since conclusion of field work of the majority of the permittees. To this time but four have complied with this condition of every permit granted. An allowable interval of 30 days from conclusion of field work to submission of brief reports should be ample for minor investigations; a 60 to 90 day period should be established as a limitation for reporting major operations. In the future this office will not favorably recommend the issuance of new permits to institutions or their representatives if reports called for in prior permits are not submitted without reasonable delay. The impatience of some institutions and their representatives in gaining permits is understandable; their noncompliance with this mandatory requirement of every permit is deplorable.

OTHER PENDING MATTERS

House Memorial No. 1 of the Ninth Legislature of the State of New Mexico, approved March 9, 1929, by Hon. R. C. Dillon, Governor of New Mexico, memorializing the Secretaries of War, Agriculture, and Interior to make necessary regulations to protect the interests of the State of New Mexico in prehistoric relics excavated on Government lands in that State, was referred to this office March 14, 1929, for consideration and recommendation, with instructions that the report should include information as to where the State of New Mexico would deposit its share of archæological material under the proposed agreement set forth therein, if authorized. Under date of April 16, 1929, the commissioner of public lands stated that he had yet to adopt any regulations under the provisions of the act of the legislature relating to State lands; that rules and regulations governing these matters had not yet been formulated and that answer could not be made to my request pending completion of these details. No further word has been received from the office of the commissioner of public lands to this time.

As yet no definite recommendations have been made on the request of the members of the Arizona Archæological Commission that this State commission function directly with the secretary's office on a parity with present Federal advisory agencies in consideration of applications for permits on Federal domain within the borders of that State.

ACTIVE COOPERATION WITH FIELD REPRESENTATIVES AND PERMITTEES

Since my headquarters have alternated periodically between Mesa Verde National Park, Colo., and Santa Fe, N. Mex., during the period covered in this report, there has been excellent opportunity for active cooperation with many field representatives either en route to or while actively engaged in field work in areas adjacent to these headquarters. Personal conferences were had with 12 field representatives, whose permits are listed herein, for the most part prior to commencement of active field work. Correspondence has kept this office in touch with much of the work in progress and the problems encountered. Invariably such contact has been mutually valuable. It is the purpose and endeavor of this office to be helpful at all times to all permittees of the department at work in the field. During the present year there has been opportunity to visit and inspect but three of this year's projects—two in the active stage and one which had been completed prior to my visit.

INCREASE IN FIELD ACTIVITIES

Scientific discoveries of the past year in the southwest portion of the United States have been of outstanding importance, and the wider interest and accelerated activity in the field is reflected in the number of outstanding permits. Thirteen archæological permits were granted by the Secretary in the period covered in the annual report of 1929. During the present year, 20 archæological permits have been issued. Permits issued by the Secretary indicate but a portion of this greater

activity, since permits on national forests, State and private holdings, although otherwise secured, also reflect this greater activity. More expeditions have been operating in the field this season than ever before in the history of the Southwest, and it may be conservatively stated that 1931 will witness an even greater interest in anthropological research in the Southwest.

The personal interest of Mr. John D. Rockefeller, jr., in anthropological research, particularly in the Southwest, has made possible the establishment of the Laboratory of Anthropology at Santa Fe, N. Mex., on a splendid site of 50 acres overlooking the city, which was given for this purpose. Construction activities for this year, now well advanced and programmed for completion by January 15, 1931, entail an expenditure of well over $200,000 for unit buildings and their equipment. Field facilities are thus to be provided for representatives of the major scientific and educational institutions of this country who have affiliated in the establishment of the laboratory. The institution itself will independently carry on rather extensive research work in various fields. For the past two years the laboratory has been conducting field-training courses in anthropologic method for graduate students who are preparing themselves for professional careers in a particular branch of anthropology, in support of which the Rockefeller Foundation has made grants of a total of $75,000 for a 6-year period. Fifteen all-expense scholarships are awarded yearly. It is hoped that the establishment of this new institution in the southwestern field will bring about intimate contact between all workers in the field, thus permitting the formulation by means of field conferences of the basic problems of the southwestern anthropology and the stimulation of coordinated effort for their solution. Unquestionably, the Laboratory of Anthropology will accelerate present progress in the southwestern field.

ARIZONA ARCHÆOLOGICAL COMMISSION ESTABLISHED

At the suggestion of Governor Phillips of Arizona, Secretary Wilbur approved of the selection of a committee of scientists to cooperate with this office in an effort to prevent, as far as possible, further acts of illegal excavation and vandalism on Federal lands under Interior Department jurisdiction in that State, and to serve in an advisory capacity to the department archæologist on applications involving exploration and excavation under secretarial permit within the State of Arizona. On January 4, 1930, Governor Phillips formally created the Arizona Archæological Commission, naming as the members thereof, Dean Byron S. Cummings, director of the State Museum, University of Arizona; Mr. Odd S. Halseth, of the Archæological Commission of the City of Phoenix; and Dr. Harold S. Colton, of the Northern Arizona Association of Art and Science. On January 10, 1930, this office was designated as the department representative to contact with this newly created commission, and subsequently all applications for permits in the State of Arizona received for report and recommendation have been further referred through this office to this commission for consideration. Uniform rules and regulations similar to those prescribed by the Secretaries of the Interior, Agriculture, and War, have been adopted by the Arizona Archæological Commission for the conduct of scientific investigation on lands under State jurisdiction.

SUGGESTED COOPERATION WITH DEPARTMENT OF AGRICULTURE

It is believed that it would be mutually helpful both to the Department of the Interior and the Department of Agriculture if each would regularly supply the other department with copies of the permits which have been issued by their respective Secretaries. Thousands of ruins in the Southwest are situated adjacent to the border line between the national forest areas of the Department of Agriculture and Department of Interior lands. Permits issued by one Secretary are not valid on the lands under the jurisdiction of the other. Interchange of copies of permits issued would insure a closer check on authorized operations, and at the same time prevent much of the confusion that now exists when reports are received of excavations in the field which may or may not have been authorized by either Secretary. Knowledge of outstanding permits on the national forest areas of the Southwest would be of particular importance to this office, and it is presumed that Forest Service officials would desire this information on outstanding Interior Department permits.

It is now definitely known from published reports that field representatives of certain institutions have conducted examinations and excavations on lands under Department of Interior jurisdiction within the past 2-year period without the formality of a secretarial permit.

CHANGE IN FORM OF APPLICATIONS DESIRABLE

A careful review of all applications for permits received for consideration and recommendation during the past 2-year period has suggested the apparent need of adopting a simple standard form for submitting the information called for under section 5 of the Uniform Rules and Regulations. Many applicants for permits normally supply but a brief or ofttimes indefinite outline of the work contemplated under the permit, in a few cases so much so that the purpose and aim of the project could be construed by this office as an attempt to simply legalize sporadic excavations without definite aim other than securing material and without apparent consideration of the coordinated effort of other institutions which are expending considerable sums over a period of years toward the solution of some of the major archæological problems of the southwestern field.

Suggestions for such an application form will be submitted later to the department for consideration and possible adoption by Secretaries of the departments involved under the Uniform Rules and Regulations.

PRESERVATION OF ARCHÆOLOGICAL REMAINS ON THE PUBLIC DOMAIN

The increase in motor travel in the southwestern archæological areas has been tremendous, and the road improvement and development of each passing year beckons the tourist and visitor farther into the wilderness areas of a decade ago, thus threatening even greater despoliation of ruins and archæological remains than in the eighties and nineties, the heyday of the commercial pothunter.

The pioneer traders and ranchers of that day have been replaced by the thousands of motorists and visitors of the present time, many of whom are potential pothunters. Isolated Indian trading posts and ranches have blossomed forth with ample facilities as tourist centers and dude ranches, thus ever encouraging travel to more remote quarters. That advantage is taken of opportunity to unlawfully excavate in isolated areas is acknowledged by all.

Because of the tremendous area involved the problem of protection of archæological remains on the public domain is primarily that of educating the public to a proper appreciation of the value of scientific investigation by qualified scientific and educational institutions as contrasted wth the destructive work of the pothunter, the curio seeker, and the vandal. In the former case, the information and the materials gained are accessible to the public through published reports and public museums, while in the latter, all benefit to the public is lost.

Hand in hand with education of the public must be the active cooperation of all field heads and field employees in this matter of protection. All field employees, particularly those of the Southwest, should be informed through appropriate channels of the pertinent facts of the " act for the protection of American antiquities " and of the importance of prohibiting all unauthorized excavation and pothunting; of reporting immediately to this office acts of vandalism and unlawful excavation.

Field heads should be authorized to apprehend or cause to be arrested any person or persons who appropriate, excavate, injure, or destroy any prehistoric ruin or monument, or object of antiquity on lands under the supervision of the Secretary of the Interior (par. 15, Uniform Rules and Regulations, approved December 28, 1906), and to seize wherever found and at any time, any object of antiquity, or collection so made, for disposition as the Secretary shall determine by deposit in the proper national depository or otherwise as provided under paragraphs 15 and 16, Uniform Rules and Regulations, approved December 28, 1906.

There is an immediate and imperative need of direct assistance from the department in tracing down and apprehending the more notorious pothunters and vandals. The assignment of a qualified inspector to this office for a 6-month period each year would permit direct and immediate investigation of the unlawful excavations reported. Public knowledge that such an inspector was moving about through the field of operations would unquestionably act as a strong deterrent to illegal excavation. Automobile transportation and funds for per diem expense would necessarily have to be provided. To my knowledge not a single pothunter has been convicted in the 24-year period since the enactment of legislation designed to protect and preserve American antiquities.

Indian traders and others operating stores and trading posts and accommodations on lands of the department under permit, should be prohibited from purchasing or bartering or exposing for sale archæological materials or objects of antiquity taken either from private holdings or public domain under penalty of revocation of license. The purchase or barter of such materials encourages further unlawful excavation on the part of the Indians and others so engaged.

Several years ago the following warning sign was posted on and in the vicinity of some of the more important ruins, to wit:

"WARNING.—This ancient ruin is located on public ground. It belongs to you—help protect it.

"All persons are warned that it is unlawful to remove any object from, excavate upon, damage, destroy, or remove any portion of, an ancient ruin located on lands owned and controlled by the Government of the United States, except under permit issued in accordance with the act of Congress approved June 8, 1906 (34 Stat. 225); that any person violating this law may be arrested by an officer of the United States, and may be fined not more than $500 or imprisoned for not more than 90 days, or may suffer both fine and imprisonment, in the discretion of the court. Help preserve for the future the records of the past."

An earnest effort should be made to have all ruins on or adjacent to or visible from the automobile highways so posted. To the average visitor, only ruins so posted are the property of the United States and protected by the act of June 8, 1906 (34 Stat. 225).

The destructive methods used in the commercial exploitation of notable ruins now embraced within the confines of Mesa Verde National Park, the Chaco Canyon National Monument, and elsewhere on the public domain hastened the public protest that fathered the passing of the American antiquities act on June 8, 1906. The National Park Service of the department has accomplished outstanding public educational work in the protection and preservation of the national park and national monument areas, and the features therein, but these patroled areas constitute but a very minor portion of the great archæological resources of your department.

APPENDIX

[PUBLIC—No. 209]

An act for the preservation of American antiquities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

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.

SEC. 3. That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

SEC. 4. That the Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.

Approved, June 8, 1906 (34 Stat, L. 225.)

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. L. 225)

1. Jurisdiction over ruins, archæological sites, historic and prehistoric monuments and structures, objects of antiquity, historic landmarks, and other objects of prehistoric or scientific interest shall be exercised under the act by the respective departments as follows:

By the Secretary of Agriculture over lands within the exterior limits of forest reserves, by the Secretary of War over lands within the exterior limits of military reservations, by the Secretary of the Interior over all other lands owned or controlled by the Government of the United States, provided the

Secretaries of War and Agriculture may by agreement cooperate with the Secretary of the Interior in the supervision of such monuments and objects covered by the act of June 8, 1906, as may be located on lands near or adjacent to forest reserves and military reservations, respectively.

2. No permit for the removal of any ancient monument or structure which can be permanently preserved under the control of the United States *in situ*, and remain an object of interest, shall be granted.

3. Permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity will be granted, by the respective Secretaries having jurisdiction, to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or to their duly authorized agents.

4. No exclusive permits shall be granted for a larger area than the applicant can reasonably be expected to explore fully and systematicaly within the time limit named in the permit.

5. Each application for a permit should be filed with the Secretary having jurisdiction, and must be accompanied by a definite outline of the proposed work, indicating the name of the institution making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it, and the person who will have immediate charge of the work. The application must also contain an exact statement of the character of the work, whether examination, excavation, or gathering, and the public museum in which the collections made under the permit are to be permanently preserved. The application must be accompanied by a sketch plan or description of the particular site or area to be examined, excavated, or searched, so definite that it can be located on the map with reasonable accuracy.

6. No permit will be granted for a period of more than three years, but if the work has been diligently prosecuted under the permit, the time may be extended for proper cause upon application.

7. Failure to begin work under a permit within six months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void without any order or proceeding by the Secretary having jurisdiction.

8. Applications for permits shall be referred to the Smithsonian Institution for recommendation.

9. Every permit shall be in writing and copies shall be transmitted to the Smithsonian Institution and the field officer in charge of the land involved. The permittee will be furnished with a copy of these rules and regulations.

10. At the close of each season's field work the permittee shall report in duplicate to the Smithsonian Institution, in such form as its secretary may prescribe, and shall prepare in duplicate a catalogue of the collections and of the photographs made during the season, indicating therein such material, if any, as may be available for exchange.

11. Institutions and persons receiving permits for excavation shall, after the completion of the work, restore the lands upon which they have worked to their customary condition, to the satisfaction of the field officer in charge.

12. All permits shall be terminable at the discretion of the Secretary having jurisdiction.

13. The field officer in charge of land owned or controlled by the Government of the United States shall, from time to time, inquire and report as to the existence, on or near such lands, of ruins and archæological sites, historic or prehistoric ruins or monuments, objects of antiquity, historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.

14. The field officer in charge may at all times examine the permit of any person or institution claiming privileges granted in accordance with the act and these rules and regulations, and may fully examine all work done under such permit.

15. All persons duly authorized by the Secretaries of Agriculture, War, and Interior may apprehend or cause to be arrested, as provided in the act of February 6, 1905 (33 Stat. L. 700), any person or persons who appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity on lands under the supervision of the Secretaries of Agriculture, War, and Interior, respectively.

16. Any object of antiquity taken, or collection made, on lands owned or controlled by the United States, without a permit, as prescribed by the act, and these rules and regulations, or there taken or made, contrary to the terms

of the permit, or contrary to the act and these rules and regulations, may be seized wherever found and at any time, by the proper field officer or by any person duly authorized by the Secretary having jurisdiction, and disposed of as the Secretary shall determine, by deposit in the proper national depository or otherwise.

17. Every collection made under the authority of the act and of these rules and regulations shall be preserved in the public museum designated in the permit and shall be accessible to the public. No such collection shall be removed from such public museum without the written authority of the Secretary of the Smithsonian Institution, and then only to another public museum, where it shall be accessible to the public; and when any public museum, which is a depository of any collection made under the provisions of the act and these rules and regulations, shall cease to exist, every such collection in such public museum shall thereupon revert to the national collections and be placed in the proper national depository.

WASHINGTON, D. C., *December 28, 1906.*

The foregoing rules and regulations are hereby approved in triplicate, and, under authority conferred by law on the Secretaries of the Interior, Agriculture, and War, are hereby made and established, to take effect immediately.

E. A. HITCHCOCK,
Secretary of the Interior.

JAMES WILSON,
Secretary of Agriculture.

WM. H. TAFT,
Secretary of War.

○