

November
Ninth
1921

Headlight,
Deming, N. M.

Gentlemen:

I am pleased to inform you that Yuma County has sold its bonds. This means the early completion of the Phoenix-Ajo road to the Pima County line, and in all probability to the Maricopa County line as well, for I have been told by the state engineer that there will be federal aid money available for the highway to Phoenix, and Governor Campbell informed us at Phoenix that the Phoenix-Yuma road would be completed within two years from date.

Enclosed find clipping from today's paper which is explanatory. Also map which may be of interest.

The speedometer mileage Yuma to Ajo, as made by us on our trip to Tucson was 135 miles, and from Ajo to Tucson 126 miles. I am advised that this distance will be shortened in excess of 30 miles when the highway is completed upon the surveyed line, making the distance Yuma to Tucson not to exceed 240 miles.

Naturally San Diego will be glad to get two highways completed, one from Yuma direct to Phoenix, and one via Ajo to Tucson. Without question Phoenix will some day see the value of a good highway either to Ashfork or Williams, diverting that travel to Phoenix, which now goes via Needles to California. During the months of July, August and September of this year, an average of 451 trans-continental cars a day passed into California thru Needles alone. This will give you some idea of the trans-continental travel that is developing.

A Southern Pacific official in the last three weeks, informed Harold Bell Wright, who made the announcement in Tucson at a meeting last week, that automobile travel into Southern California today is equal to four train loads of passengers daily. This will give you some idea of the volume of traffic that should be diverted over the shortest and only road open every day of the year, El Paso to Yuma and San Diego, and a road that has as many attractions, if not more, than any other into Southern California.

Hoping to have your cooperation, and that you will give this information the proper publicity, I am,
Very sincerely yours,

EF:MM

COPY.

AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA.

October 21, 1922.

Mr. J. E. Franklin, President,
Yuma National Bank,
Yuma, Arizona.

Dear Sir:

Our Mr. Salisbury advises me of his talk with you concerning construction of the state highway from the California line westward.

One of the chief causes of delay in the carrying out of this project is the apparent change in the plans of the present California Highway Commission, which, according to publicity given out by Division Engineer Patch of that body, contemplates a change in the route from the Plank Road to the lower or woutherly end of the sand dunes in Mexican territory.

The Automobile Club of Southern California is vitally interested in the completion of a road to the California border over each of the more important transcontinental routes and we class the route by way of Yuma as a route of exceeding importance to this state, as shown by the extensive signposting work done by the Club along this route from San Diego to a point east of El Paso and the carrying northward from El Paso of this signing system to a junction with the National Old Trails road near Albuquerque, New Mexico.

The purpose of this signposting system is to divert travel to the more southerly route, which we realize is travelable throughout the year, where the more northerly routes are at times blocked on account of weather conditions.

Our organization has taken exception to the methods employed by the present Highway authorities in this state, not only as to the type of roads being built, but more particularly to their failure to complete the trunk line and inter-state roads. This piecemeal construction program we feel has been unfair, not only to the states bordering California but it has seriously affected trans-continental travel and we hope and trust that the contemplated change in administration, which is assured following the coming election, will bring a greatly improved and aggressive program of construction.

The opposition of the Automobile Club of Southern California to the so called Plank road was based on the belief of our engineers that it was not practical or feasible to build and maintain a road thru the sand dunes but when the Highway Commission of the State

cc Harry Chandler

of California definitely decided upon that route, all opposition thereto by this organization ceased and at no time since the adoption of that road by the Highway Commission, has a single objection thereto been offered by the Club. Now that their own engineers have reached the conclusion that the proposed route is impractical, we find ourselves in the same position that we occupied in 1913, at which time the engineers of the Club made a careful survey of the conditions of the way from Nilands to and below the border.

The writer expects to be in Imperial Valley within the next couple of weeks and if it is the desire of yourself and others at Yuma interested in the completion of this important road, I will be glad to make the trip to Yuma and to discuss ways and means for furthering this important project.

Awaiting your advice, I am

Very truly yours,

C. E. McStay.

Field Secretary.

CEM/D



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 ED. FLETCHER,
 VICE-PRESIDENT
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 W. A. BARR,
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The YUMA NATIONAL BANK

UNITED STATES DEPOSITARY



YUMA, ARIZONA,

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 J. W. EDWARDS
 BERT CAUDRY

November
 Third,
 1922.

Col. Ed Fletcher,
 Fletcher Bldg.,
 San Diego, Calif.

Dear Ed:

You don't know how much good your visit did us. We are certainly going to work on the job just as hard and as fast as we can.

I enclose a copy of a letter I just received from Carl McStay. Please give me the dope as quickly as possible. I am having McStay come over here as I told you.

With very personal regards, I am

Very sincerely,

J. E. Franklin
 J. E. Franklin.

JEF:F
 Enc I.

230-2

November 6, 1922

Mr. J. E. Franklin,
The Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

C. E. McStay writes a very plausible letter, but it is absolutely misleading. The facts are the Auto Club of Southern California has been insisting upon having the paved highways radiate from Los Angeles in every direction, and there are seven state highways radiating from Los Angeles in every direction at the present time. They wanted this built first because the Needles route is very good even in its present condition, and they have been working toward that end by having all the trans-continental travel come via the Needles route instead of Yuma where Los Angeles would have to divide up with us.

They have also encouraged, as you know, the Mecca-Blythe road, from the beginning.

The California Highway Commission engineers have not reached the conclusion that the proposed plank road is impracticable. That is a deliberate lie. From every indication it is impracticable to go thru Mexico, and the plank road, as you know, is serving the purpose, and that is the way the road will be built. Probabilities are it will be widened out 8 ft. more and left until the American Canal is build and the pavement connecting up both sides of the plank road.

I am writing the highway commission and I will get this for you authentic. Keep me posted as to what he has to say.

With kind regards, I am
Yours sincerely,

EF:KLM



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J. E. FRANKLIN,
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ED. FLETCHER,
VICE-PRESIDENT
ROY HANSBERGER,
VICE-PRESIDENT
C. H. ROBERTSON,
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J. W. EDWARDS
BERT CAUDRY

No. 9608

COPY.

November 8, 1922.

Mr. J. E. Franklin, President,
Yuma National Bank,
Yuma, Arizona.

Dear Mr. Franklin:

In reply to your letter of the 4th inst., extending an invitation to take a little hunting trip in the lower country, I wishto express my appreciation of your courtesy in this matter and to say that it will be a pleasure to accept same when I make the trip to Yuma.

I anticipate that about the first of the coming month will be an expedient time. If that approximate time is satisfactory to you, a more definite date can be determined a little later in the month.

It is my desire to attempt to secure at least some tentative assurances that the route referred to in our recent correspondence will receive vigorous attention from the new administration, before I make the trip to Yuma, and this I am in hopes of doing during the next two or three weeks.

I also appreciate the cordial invitation to meet with you and other citizens of Yuma on the matter of connecting the Arizona and California good road systems and it will be a pleasure to meet you personally and to renew old acquaintances.

With kindest personal regards, I am

Very truly yours,

C. E. McStay
Field Secretary
(C. E. McStay)

CEM/D

November
Ninth
1922

Mr. J. E. Franklin,
Yuma, Arizona.

My dear Mr. Franklin:

Answering your recent letter, I wish you would notify Mr. McStay that you have received the following telegram:

"Sacramento, Cal.
Mr. J. E. Franklin, Yuma, Ariz. November 9, 1922
Answering your letter of sixth I have never stated that present plank road between El Centro and Yuma is not practicable and I do not believe any member of highway commission has done so.
A. B. FLETCHER"

This is a telegram I received from A. B. Fletcher and shows you the extent to which McStay and his crowd will go to beat us. I wish you would explain this entire matter to the boys in Yuma.

Enclosed find letter from the chairman of the Highway Commission which is explanatory and fully answers Mr. McStay's lie. My suggestion is you also send to Mr. McStay a copy of the letter from Mr. Darlington using your name instead of mine and ask him what he means by his assertion.

Yours sincerely

EF:KLM



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VICE-PRESIDENT
ROY HANSBERGER,
VICE-PRESIDENT
C. H. ROBERTSON,
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230.2

No. 9608

THE YUMA NATIONAL BANK

UNITED STATES DEPOSITARY



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FRED L. INGRAMAM
J. W. EDWARDS
BERT CAUDRY

November
Fourteenth,
1922.

Col. Ed Fletcher,
Fletcher Building,
San Diego, Calif.

Dear Ed:

I am enclosing copy of letter just received from Carl McStay.

I am taking this up with McStay now and hope for good results.

Very sincerely,

J. E. Franklin,

JEF:F
Enc I.



No. 9608

THE YUMA NATIONAL BANK

UNITED STATES DEPOSITORY



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 J. W. EDWARDS
 BERT CAUDRY

November
 Fifteenth,
 1922.

Col. Ed Fletcher,
 Fletcher Bldg.,
 San Diego, Calif.

Referring to your letter of November 13:

The Los Angeles crowd came, and after the preliminary joshing and getting right down to business, they made the statement that they were going to get squarely behind the automobile club and the Los Angeles Chamber of Commerce itself, for the immediate completion of the road between Yuma and Holtville.

The outcome of the election on the bond issue will not be known until Monday, when the official canvass of the election returns will be completed. The Phoenix papers are claiming it carried by a majority of a thousand, and the papers in the rest of the state are claiming it was defeated by that majority. It is our candid opinion that it has been defeated, but if it has not, then we will want to take steps to see what can be done to contest the election.

With personal regards, and assuring you that I will let you hear from me just as soon as I know anything definite about it, I am

Very truly yours,

J. E. Franklin,
 President.

JEF:F

AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA.

COPY

November 16, 1922.

Mr. J. E. Franklin, President,
 Yuma National Bank,
 Yuma, Arizona.

Dear Mr. Franklin:

I have your interesting letter of the 14th inst.

Our Highway Engineer, Mr. East, will accompany me on the trip to Yuma and it is our purpose to prepare a complete report on the situation for presentation to the incoming administration and I am hoping that our recommendations will receive consideration.

I am familiar with the stretch of road thru the Indian Reservation and agree with you that its improvement is a matter of vital importance both to the people of Yuma and to the transcontinental highway problem as well, and our best efforts will be accorded to reaching a solution of this problem.

I trust that you will be able to furnish us with specific data as to the statements made by Dr. Hewes, time, place, circumstances, etc., in order that when our report is compiled on this matter, we may refer to same without any question as to the correctness thereof.

We are planning to come to Yuma on or as near December 1st as possible and I will advise you within the course of the next ten days as to the exact date. If it is necessary to know more specifically, and you will fix a date during the early days of December, we will endeavor to adjust our affairs so as to meet your convenience.

With kindest personal regards, I am

Very truly yours,

C. E. McStay
 Field Secretary.

CEM/D

230-2

November
SEVENTEEN
1922

Mr. J. E. Franklin, President,
Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

Answering yours of the 14th, congratulations on your letter from McStay. Enclosed find copy of letter from Patch, the Division Engineer of the California Highway Commission, that is explanatory, so you see our friend McStay is a liar, but if he will do anything toward helping on the Holtville-Yuma road situation so much the better. Give him a good time and you are going at it right. Play up to him and get him boosting our game, and let him have the credit of building the highway from Holtville to Yuma, the connecting link. Anything for success.

Yours truly,

EF:KLM

Cc Nestover

November
EIGHTEENTH
1922

Mr. J. E. Franklin,
Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

Answering yours of the 15th, many congratulations on what you did with the Los Angeles Chamber of Commerce! I hope the bonds are defeated.

With kindest personal regards, I am

Yours sincerely,

EF:KLM



No. 9608

THE YUMA NATIONAL BANK

UNITED STATES DEPOSITARY



YUMA, ARIZONA,

OFFICERS

J. E. FRANKLIN,
PRESIDENT
ED. FLETCHER,
VICE-PRESIDENT
ROY HANSBERGER,
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FRED L. INGRAHAM
J. W. EDWARDS
BERT CAUDRY

November
Eighteenth,
1922.

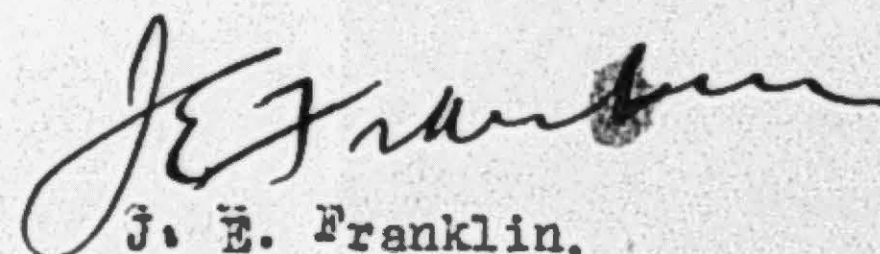
Col. Ed Fletcher,
Fletcher Bldg.,
San Diego, Calif.

Dear Ed:

I enclose copy of letter just received
from Carl McStay.

Please give me all the data about the Gov-
ernment appropriation and it would be ad-
visable to get it to me so you would not
appear to be too much in it. If you could
write it all out so some of the Highway
Commission or other people appear in it, I
think we could get it through. Please rush
this as I think McStay will be over pretty
quick now.

Very truly yours,


J. E. Franklin,

JEF:F
Enc I.



No. 9608

THE YUMA NATIONAL BANK

UNITED STATES DEPOSITARY



YUMA, ARIZONA,

DIRECTORS

E. F. SANGUINETTI
J. E. FRANKLIN
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ASSY. CASHIER

November
Twentieth,
1922.

Col. Ed Fletcher,
Fletcher Building,
San Diego, Calif.

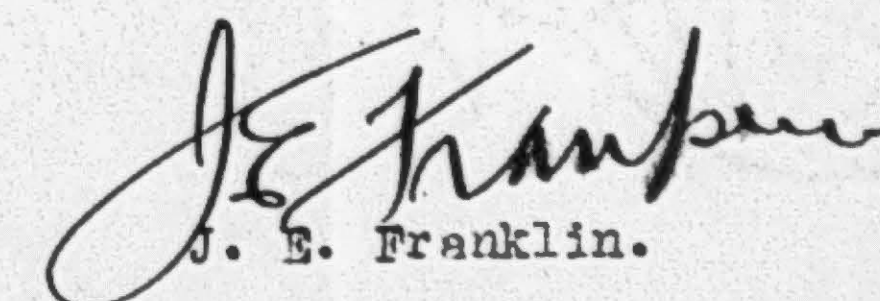
Dear Ed:

You are using my name a whole lot in your various
communications. Now, I don't want to get tangled up
with any personal fights with the Southern California
Automobile Club or the Highway Commission, or anybody
else, but we have one object in view, and that is to
get that road completed, so I am going to rely on
your good judgment as to how far you are going to use
McStay's communications which I am sending you.

I certainly am playing up to McStay and if we can get
him boosting our game, that is what we want, as any
help to the Yuma-Holtville road will help San Diego
and you can rest assured that we are going to put it
over.

As I told you in my letter yesterday, shoot that infor-
mation back to me as quickly as possible.

Very truly yours,


J. E. Franklin.

JEF:F

230 ✓
November
TWENTY ONE
1922

Mr. J. E. Franklin, President,
Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

Answering yours of the 16th thanks for the letter. I have asked Dr. Hewes to write you direct and immediately. McStay's game is to get the highway built from Yuma thru the Yuma Reservation west and then follow the railroad. This is perfectly plain from his letter of Nov. 16th. He does not commit himself as regards going thru the sandhills.

Yours very truly,

EF:KLM

230 ✓
November 22, 1922

Mr. J. E. Franklin,
Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

Answering yours of the 20th, I am sorry if I have used your name where I should not. That communication went to the boys in Yuma, Tucson, Douglas and Bisbee.

Enclosed find copy of letter I have written Dr. Hewes which is explanatory. I have also written to A. B. Fletcher to get a letter from him and will rush it to you as soon as possible.

I want you to play up to McStay and get him boosting your game. We are all unanimous on the building of the road thru the Yuma Indian Reservation to the railroad. From there Harry Chandler wants the highway to go along the Southern Pacific Railroad thru 20,000 acres of his land around Niland.

Where have I used your name when I should not? I was not aware that I had done it, but I will be very careful not to.

Yours sincerely,

EF:KLM

U
Copy for Mr. Ed. Fletcher.

200 ✓

November 23, 1922.

Mr. J. E. Franklin,
President, Yuma National Bank,
Yuma, Arizona.

Dear Sir:

Referring to your letter of the 18th, for your information relative to the possible construction of a road west from Yuma through the Indian Reservation, there is enclosed marked copy of the Federal Aid Highway Act of November 9, 1921. The Comptroller of the United States Treasury has held that the underlined portion of Section 5, page 2, permits 100 percent payment of cost by the Federal Government for roads on the 7 percent systems of the States through Indian Reservations, and has recently extended this ruling to cover the Indian Pueblo grants of the Southwest. Projects of this character have been and are now being approved on this basis. I have recommended, and shall continue to recommend, the construction of the necessary gaps on the southwest borderland route between El Paso and Los Angeles, via Phoenix, Yuma and San Diego.

Very truly yours,

L I Hewes

Deputy Chief Engineer.

lih hf

Enclosure.

cc. White
Gould
Tucson C of C.
Fishburn
Buxton

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE FEDERAL HIGHWAY ACT EXCEPT THE PROVISIONS THEREOF RELATIVE TO FOREST ROADS.

Presented to the authority conferred upon the Secretary of Agriculture by the act of Congress approved November 4, 1921, entitled "An act to amend the act of October 3, 1917, and to provide for the construction of certain Federal highways."

United States Department of Agriculture,

OFFICE OF THE SECRETARY—Circular No. 161.

RULES AND REGULATIONS

**OF THE SECRETARY OF AGRICULTURE
FOR CARRYING OUT**

**THE FEDERAL HIGHWAY ACT
AND AMENDMENTS THERETO**

**EXCEPT THE PROVISIONS
RELATIVE TO FOREST ROADS.**

ISSUED JULY 31, 1922.



Pursuant to the authority conferred upon the Secretary of Agriculture by the act of Congress approved November 9, 1921, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes" (42 Stat. 212), known as the Federal highway act, I, Henry C. Wallace, Secretary of Agriculture, do make and publish the following rules and regulations for carrying out the provisions of said act as amended by the act of Congress approved June 19, 1922, entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes" (Public, No. 244, 67th Cong.), except section 23 of said act of November 9, 1921, and paragraph 2 of section 4 of said act of June 19, 1922, such rules and regulations to be in force and effect from July 31, 1922, and, except as to the expenditure of funds appropriated by Congress and apportioned among the States prior to November 9, 1921, to supersede the rules and regulations revised and published March 12, 1919, for carrying out the provisions of the act of July 11, 1916 (39 Stat. 355), except section 8 thereof, as amended.

In witness whereof I have hereunto set my hand this 22d day of July, 1922. Let the seal of the Department of Agriculture be hereto affixed.

HENRY C. WALLACE,
Secretary of Agriculture.



RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE FEDERAL HIGHWAY ACT (EXCEPT THE PROVISIONS THEREOF RELATIVE TO FOREST ROADS).

Regulation 1.—Definitions.

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

Act.—The act of Congress approved July 11, 1916, entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes" (30 Stat. 355), as amended by the act of Congress approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes" (40 Stat. 1200, 1201), and as amended by the act of Congress approved November 9, 1921, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes" (Public, No. 87, 67th Cong.).

Secretary.—The Secretary of Agriculture of the United States.

Bureau of Public Roads.—The Bureau of Public Roads of the United States Department of Agriculture.

Authorized representatives of the Secretary.—The Chief of the Bureau of Public Roads and such other officials and employees thereof as he may designate from time to time.

Federal aid highway system.—The system of Federal aid highways, established by actual agreement and joint action of the States and the Secretary of Agriculture, and upon which all Federal aid funds shall be spent.

Primary highways.—The primary or interstate portion of the Federal aid highway system composed of not to exceed three-sevenths thereof.

Secondary highways.—The secondary or intercounty portion of the Federal aid highway system consisting of at least four-sevenths thereof.

Ten per cent fund.—Items for engineering, inspection, and unforeseen contingencies not exceeding 10 per cent of the total estimated cost of the construction.

Regulation 2.—Application of Regulations.

SECTION 1. These regulations apply to all provisions of the act, except the provisions thereof relative to forest roads and trails, unless hereafter so made applicable by order of the Secretary.

SEC. 2. These regulations shall apply as fully where the extent to which the State may engage in road construction and maintenance work, or raise State revenues therefor, is limited by its existing constitution and laws as in any other case.

Regulation 3.—Information for the Secretary.

SECTION 1. Before any agreement is made upon any road or roads to be constructed in a State, or as to the character and method of construction, there shall be furnished to the Secretary upon his request, by or on behalf of the State, general information as to its laws affecting roads and the authority of the State and local officials in reference to the construction and maintenance of roads; as to the State highway department, how equipped and organized; as to the existing provisions of its constitution or laws relative to State revenues for the construction, reconstruction, or maintenance of roads; as to funds that will be available to meet the State's share of the cost of the construction work to be performed and the general source of such funds; and as to provisions made, or to be made, for maintaining roads upon which Federal aid funds will be expended.

SEC. 2. Information requested by the Secretary or his authorized representatives relating to the maintenance of roads constructed under the provisions of the act shall be furnished, from time to time, by the State highway departments, on forms supplied by the Bureau of Public Roads.

SEC. 3. Data furnished by or on behalf of a State shall be supplemented by such reports of the Bureau of Public Roads as the Secretary may from time to time require.

Regulation 4.—Federal Aid Highway System Map.

SECTION 1. Each State highway department shall file with the Secretary of Agriculture a State map showing the proposed Federal aid highway system and indicating the primary and the secondary portions thereof, in such form and with such information as he may require.

SEC. 2. The Secretary, through his authorized representatives, will make an examination of the proposed system and will from time to time notify the State highway department of the acceptability of the parts of the system examined.

SEC. 3. When agreement has been reached between the State highway department and the Secretary as to the whole (or if the State so desires, of a material portion) of the Federal aid highway system, the State shall make formal request for the approval of the Secretary of Agriculture. This request will be accompanied by a State map showing the full proposed Federal aid highway system with the primary and secondary highways upon which formal approval is requested, in such form and with such information as may be prescribed by the Secretary or his authorized representatives.

SEC. 4. Pending the formal approval of the State highway system in whole or in part by the Secretary of Agriculture, only such projects will be approved as are on routes indicated on the proposed Federal aid highway system as submitted under section 1 and tentatively accepted by the Secretary under section 2 of this regulation:

Provided, That the Secretary of Agriculture may approve project statements submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal aid highways herein provided for if he may reasonably anticipate that the projects will become a part of such system.

Regulation 5.—Project Statements.

SECTION 1. A project statement may be submitted for the whole or any part of a continuous route or routes embraced in the Federal aid highway system selected or designated in accordance with the provisions of the act, preference being given to such projects as will expedite the completion of a system of highways interstate in character.

SEC. 2. Prior to the selection, designation, and approval of the Federal aid highway system, project statements may be submitted for any route or part of a route if the Secretary may reasonably anticipate that such route will become a part of such system. After the Federal aid highway system shall have been selected, designated, and approved no project statements shall be submitted for any route or part of a route not embraced in the system so selected, designated, and approved.

SEC. 3. A project statement shall contain such information as the Secretary may require to be submitted on a form supplied by the Bureau of Public Roads and shall be accompanied by a sketch map in sufficient detail and covering such length of road as may be necessary to determine the fitness of the location as a part of the Federal aid highway system and with the termini of the proposed improvement indicated thereon.

Regulation 6.—Surveys, Plans, Specifications, and Estimates.

SECTION 1. The surveys, plans, specifications and estimates shall show in convenient form and detail the work to be performed, and the probable cost thereof, all in conformity with the standards, governing form, and arrangement prescribed by the Secretary.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications govern may be submitted in lieu of the printed documents.

SEC. 3. Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory for recommendation, and the State has been so notified by the district engineer of the Bureau of Public Roads, no project or part thereof shall be let to contract.

SEC. 4. The estimate for each project shall show the estimated quantity and the estimated cost of each item of construction in detail and, separately, the 10 per cent fund, and shall not include any expense for advertising.

SEC. 5. Unless State standard contract and bond forms have been approved there shall be submitted with each set of plans for the approval of the Secretary copies of the form of contract together

with all documents referred to therein or made a part thereof, and of the contractor's bond which it is proposed to use on the project. No alteration of either of these forms, when once approved, shall be made until it is approved by the Secretary.

SEC. 6. Where any part of the cost of a project is to be furnished by a county or other local subdivision or subdivisions of a State, the plans, specifications, and estimates shall be accompanied by certified copy of each resolution or order, if any, of the appropriate local officials, or such other showing as the Secretary may require respecting the funds which are made available, or respecting the supervision of the construction of the road and of the control of the money provided for paying such cost.

SEC. 7. Right of way ample for any project shall be provided and no incidental damages to adjoining property, due to construction work paid for by or on behalf of the State, shall be included in the estimate or be paid in any part, directly or indirectly, by the Federal Government.

SEC. 8. Grade crossings occurring on the Federal aid highway system shall be classified for priority of improvement by agreement between the State highway departments and the Bureau of Public Roads.

SEC. 9. No part of the expense of making surveys, plans, specifications, or estimates, by or on behalf of the State prior to the beginning of construction work, shall be included in the estimate or paid by the Federal Government.

SEC. 10. Subsequent to the execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval by the Secretary of Agriculture, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representative.

Regulation 7.—Project Agreements.

SECTION 1. A project agreement between the State highway department and the Secretary shall be executed in triplicate on a form furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed, nor on account of work done prior to recommendation by the district engineer of the Bureau of Public Roads that the plans, specifications, and estimates be approved.

Regulation 8.—Contracts.

SECTION 1. No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary that adequate methods, either advertising or other devices appropriate for the purpose, were employed prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money.

SEC. 2. Upon publication of advertisements copies thereof shall be furnished to the Bureau of Public Roads.

SEC. 3. Bids shall conform to the standard proposal form, and the items shall be the same as those contained in the estimate provided for in Regulation 6, section 4.

SEC. 4. Copy of the tabulated bid prices, showing the unit prices and the totals of each bid for every project, shall be furnished promptly to the Bureau of Public Roads.

SEC. 5. In advance of the acceptance of any bid sufficient notice of the time and place the contract is to be awarded shall be given to the Bureau of Public Roads to enable it, if it so desires, to have a representative present. When a bid has been accepted prompt notice thereof shall be given to the Bureau of Public Roads.

SEC. 6. If the contract be awarded to any other than the lowest responsible bidder the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it be satisfactorily shown that it was advantageous to the work to accept the higher bid.

SEC. 7. The specifications and plans shall be made a part of the contract.

SEC. 8. A copy of each contract, as executed, shall be promptly certified by the State highway department and furnished to the Secretary and no alteration in the contract shall be subsequently made without the approval of the Secretary.

Regulation 9.—Construction.

SECTION 1. Suitable samples of materials to be used in construction work shall be submitted, by or on behalf of the State highway department, to the Bureau of Public Roads whenever requested.

SEC. 2. Unless otherwise stipulated in writing by the Secretary or his authorized representative, materials for the construction of any project shall be tested, prior to use, for conformity with specifications, according to methods prescribed or approved by the Bureau of Public Roads.

SEC. 3. No part of the money apportioned under the act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or proprietary material, specification, process, or type of construction unless purchased or obtained on open actual competitive bidding at the same or a less cost than unpatented articles or methods, if any, equally suitable for the same purpose.

SEC. 4. The supervision of each project by the State highway department shall include adequate and continuous engineering inspection throughout the course of construction.

SEC. 5. Written notice of commencement and completion of work on any project shall be given promptly by the State highway department to the Bureau of Public Roads.

SEC. 6. Reports of the progress of construction, showing force employed and work done, shall be furnished as requested by the Secretary or his authorized representatives.

Regulation 10.—Records and Cost Keeping.

SECTION 1. Such records of the cost of construction, of inspection, of tests, and of maintenance, done by or on behalf of the State, shall

be kept, by or under the direction of the State highway department, as will enable the State to report, upon the request of the Secretary or his authorized representatives, the amount and nature of the expenditure for these purposes.

SEC. 2. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of the Secretary or his authorized representatives, and copies thereof shall be furnished when requested.

Regulation 11.—Payments.

SECTION 1. Vouchers, in the form provided by the Secretary and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of construction of the project, or, if the Secretary has determined to make payments as the construction progresses, at intervals of not less than one month.

Regulation 12.—Submission of Documents.

SECTION 1. Papers and documents required by the act or these regulations to be submitted to the Secretary may be delivered to the Chief of the Bureau of Public Roads or his authorized representatives and, from the date of such delivery, shall be deemed submitted.

Law of Nov. 9, 1921

[42 STAT. 212.]

An Act To amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Highway Act.

SEC. 2. That, when used in this Act, unless the context indicates otherwise—

The term "Federal Aid Act" means the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other Acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

SEC. 3. All powers and duties of the Council of National Defense under the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located.

Sec. 4. That the Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts.

Sec. 5. That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this Act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

Sec. 6. That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage.

Sec. 7. That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of Federal-aid highways within the State, which funds shall be under the direct control of the State highway department.

Sec. 8. That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance of each case, consideration being given to the type and char-

acter which shall be best suited for each locality and to the probable character and extent of the future traffic.

Sec. 9. That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

Sec. 10. That when any State shall have met the requirements of this Act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this Act, the sum apportioned to such State as herein provided.

Sec. 11. That any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this Act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public land States shall apply to all unobligated or unmatched funds appropriated by the Federal Aid Act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921.

Sec. 12. That the construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act.

Sec. 13. That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this Act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or de-

pository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

Sec. 14. That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this Act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this Act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this Act to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions.

Sec. 15. That within two years after this Act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction.

Sec. 16. That for the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

Sec. 17. That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

Sec. 18. That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

Sec. 19. That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties,

salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request.

Sec. 20. That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922.

Sec. 21. That so much, not to exceed 24 per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this Act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided,* That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this Act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further,* That any sums apportioned to any State under the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such Acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such Acts shall be reapportioned according to the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further,* That any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this Act for the first time.

Sec. 22. That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

Sec. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of \$5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and \$10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provisions of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

SEC. 24. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this Act, if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit.

SEC. 25. That if any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. That all Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage.

Approved, November 9, 1921.

[PUBLIC—NO. 244—67TH CONGRESS.]

[H. R. 9859.]

An Act Making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 4. That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the con-

struction of rural post roads, and for other purposes," approved June 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such Act:

The sum of \$50,000,000 for the fiscal year ending June 30, 1923.

The sum of \$65,000,000 for the fiscal year ending June 30, 1924.

The sum of \$75,000,000 for the fiscal year ending June 30, 1925.

The Secretary of Agriculture is hereby authorized, immediately upon the passage of this Act, to apportion the \$50,000,000 herein authorized to be appropriated for the fiscal year ending June 30, 1923, among the several States as provided in section 21 of the Federal Highway Act approved November 9, 1921: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

PAR. 2. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended, in accordance with the provisions of said section 23:

The sum of \$6,500,000 for the fiscal year ending June 30, 1924.

The sum of \$6,500,000 for the fiscal year ending June 30, 1925.

PAR. 3. For the purposes of this section and of the Acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings.

PAR. 4. The provision of section 5 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, fixing the limitation of \$20,000 per mile which the Secretary of Agriculture may make, is hereby amended to read as follows:

"That the payments which the Secretary of Agriculture may make from sums appropriated under this Act or any Act amendatory thereof or supplementary thereto for the fiscal year ending June 30, 1923, shall not exceed \$16,250 per mile exclusive of the cost of bridges of more than twenty feet of clear span; and that the payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of this Act or any Act amendatory thereof or supplementary thereto, after the fiscal year ending June 30, 1923, shall not exceed \$15,000 per mile exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the Act entitled "An Act to amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved November 9, 1921."

PAR. 5. Section 24 of the Act entitled "An Act to amend the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit."

PAR. 6. If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal Highway Act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by

the Secretary of Agriculture under said Federal Highway Act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal Highway Act or Acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits.

PAR. 7. If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

PAR. 8. All Acts or parts of Acts in any way inconsistent with the provisions of this section are hereby repealed.

Approved, June 19, 1922.

230.7

COPY.

November
Twenty-Third,
1922.

Mr. Carl Mostay, Field Secretary,
Automobile Club of Southern California,
Los Angeles, Calif.

My dear Mostay:

I do not like to burden you with troubles, but I am enclosing a clipping which was taken from the Los Angeles Express Wednesday, November 22.

The greatest of our troubles is this: Why not drop for a while the project via Mecca, Blythe and Phoenix, and lets get all of our efforts behind the Yuma-California paving. We have all of the money arranged for on all of this work. Arizona is actually completing her portion of the work now, and that means that we will have a standard highway just as soon as California can complete her end of it.

Now, when articles like these appear it simply distracts the attention from the main issue and you know that if we can get this road done it is no longer from California, and means the bringing of these thousands of cars through the rich agricultural sections of Yuma and Imperial Valleys, wheress, the other way they travel nearly three hundred miles over barren, unproductive wastes.

We are looking forward anxiously to a visit from you and feel that your help is going to put the thing over.

Very truly yours,

JEF:F
Enc I.

J. E. Franklin,
President.

Handwritten scribbles and initials at the bottom right of the page.

B

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

Yuma, Arizona.,
November 29, 1922.

Mr. J. E. Franklin,
Yuma National Bank,
Yuma, Arizona.,

Dear Sir:

Mr. Ed. Fletcher purchased Yuma Mesa Unit "C" - SE $\frac{1}{4}$ 30-10-23 at minimum price for land of \$500.00 and for water right \$4000.00, total \$4500.00, of which amount \$2250.00 has been paid leaving a balance due of \$2250.00 plus 6% interest from March 27, 1920 to date of payment.

It is proposed to transfer credits on above named unit amounting to \$2250.00 to units "C" and "F" NW $\frac{1}{4}$ of Section 5-10-23. Unit "F" containing 10 acres has been relinquished to the Government and is, therefore, clear. Unit "C" containing 10.14 acres is now owned by Mr. Broussard and for this unit he has agreed to pay for the land \$315.00 and for water right \$2028.00, total \$2343.00. Broussard has agreed to assign Unit "C" to Fletcher for his equity therein on the basis of 10 acres at the minimum price.

Status of Broussard payments:

Agreed price for land	\$315.00;	Water right	\$2028.00	Total	\$2343.00
Paid on	"	78.75	"	"	507.00
Balance due		236.25			1521.00

Fletcher owes	\$2250.00 with 6% interest from March 27, 1920
Broussard "	1757.25
Broussard equity	492.75 plus " " " "
or \$492.75 plus \$78.84 =	\$571.59.

To effect the transfer it is proposed:

1st:- Transfer all of Fletcher's credits of \$2250.00 to Unit "F"- NW $\frac{1}{4}$ of Section 5, paying it out in full.

2nd:- Broussard assign his contract on Unit "C" NW $\frac{1}{4}$ of Section 5 to Fletcher for \$570.00. Broussard to pay necessary assignment fees.

Upon completion of assignment papers it is suggested that Fletcher pay Broussard \$570.00 also the 2nd payment on the assigned unit of \$585.75 plus interest to November 27, 1922 of \$93.72. Total \$1249.47. This will leave the 3rd and 4th payments of \$585.75 each

to be paid on or before March 27, 1923 - with interest at 6% from March 27, 1920.

By making the payments as suggested Fletcher will have paid slightly less than if he had paid out on the 20 acres with the fraction of an acre clear gain.

Assuming from our conversation yesterday, that the foregoing will meet with your approval, the papers necessary to effect the transfer are enclosed herewith as follows:

Relinquishment by Mr. Fletcher of Unit "C" Sec. 30 with transfer of credits to Unit F, Section 5., with letter attached. Assignment in duplicate of Broussard to Fletcher of Unit "C" Section

5. *Also application to purchase unit & Sec 5*

Respectfully

U. S. Reclamation Service,

Em Philbaum
Fiscal Agent.

Encl.

A

No. 9608

THE YUMA NATIONAL BANK

UNITED STATES DEPOSITORY



YUMA, ARIZONA,



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 J. W. EDWARDS
 BERT CAUDRY

December
First,
1922.

Mr. D. W. Pontius, Vice Pres.,
Pacific Electric Railway Co.,
Los Angeles, California.

Dear Mr. Pontius:

With reference to the transfer of the land for Ed Fletcher:

I forward to you, attached herewith, a letter from E. M. Philebaum, Fiscal Agent, to myself, which covers the transfer of the twenty acres of Fletcher's. You will note that in the final analysis to complete this transfer Fletcher pays a little less money than he would have paid at the old location. Fletcher now should turn in Five Hundred Seventy Dollars to me. After completing the enclosed papers and returning all of them, the balance, \$585.75, which is necessary to complete the second payment, may be paid on or before March 27, if he so desires.

You understand from this transaction Fletcher now has ten acres with everything paid on it and the ten acres is figured out as per attached letter.

✓ An assignment of interest in the lands of the Yuma Auxiliary Project is attached hereto. Mr. Fletcher will have to sign the affidavit on the back of this form, acknowledge it before a Notary, and return the papers to me. These papers are in duplicate and must be executed that way.

✓ A letter in duplicate, addressed to the Project Manager, is attached herewith and must be signed by Mr. Fletcher, in duplicate, and returned.

✓ Form 4621, Relinquishment of entire claim, is made out in duplicate and attached herewith and must be signed by Ed Fletcher, acknowledged before a Notary, and returned.

✓ Form of land and water right application for lieu lands is attached herewith, and must be executed in duplicate before a Notary, and returned.

*Formula Land
Mellan Land*

Mr. D. W. P. - 2.

December 1, 1922.

This covers the taking of the ten acres free by Fletcher. Please place these forms through in order that we may have as prompt service as possible on them. I am forwarding them through you that you may have knowledge and record of this transaction.

Very truly yours,

J. E. Franklin,
President.

JEF:F
Encls.

340-2

December 2, 1922.

Mr. J. E. Franklin,
Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

Mr. Pontius has written stating that he wants \$3300 simply to pay for putting in 20 acres of laterals on my own property. There must be some mistake. I would like to be sent a plat showing the location and size of the proposed pipelines on my 20 acre tract and what is necessary that it will cost \$3300. Installation of pipelines is my business, and that is the most excessive cost that I have ever been asked to pay, but before saying anything to Pontius I would like all the facts and how that amount is determined. I may prefer to install my own pipelines. The government has built a pipeline along the north line of my property or a flume, as I understand it.

May I have an early reply, and I would appreciate this information.

Yours very truly,

EF:AH



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VICE-PRESIDENT
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C. H. ROBERTSON,
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ASST. CASHIER

No. 9608
THE YUMA NATIONAL BANK

UNITED STATES DEPOSITARY



YUMA, ARIZONA.

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L. A. WRIGHT
FRED L. INGRAMAM
J. W. EDWARDS
BERT CAUDRY

December
Fourth,
1922.

Col. Ed Fletcher,
Fletcher Bldg.,
San Diego, California.

Dear Ed:

I have your letter of December 2.

I am sorry to see that you are a trifle excited. Now, you know that the cost of putting in the flumes, gates and ditches is a charge that should be amortized over a period of at least twenty years, and you could not take the water out of the Government flume except at special places, and this is all provided in the plans.

I am enclosing under separate cover a blue print for your information which shows the lay-out of the system, and I am also enclosing for your personal information a statement showing the segregation and the estimated costs. The costs will run somewhat less than this and are based on the total job as applied to each unit.

I would suggest that you talk to Mr. Sinclair about this as he is very familiar with the work and I am sure you would not be able to do the job personally for anything like the amount that we have set out.

We have a bid from the California Glazed Cement Pipe Company, who are apparently the low bidders on the job and we will probably know next week as to how the bid will go.

I sincerely trust that at your first opportunity you will talk to Mr. Pontius about this as we are endeavoring to do the very best we know in this job and you have nothing to

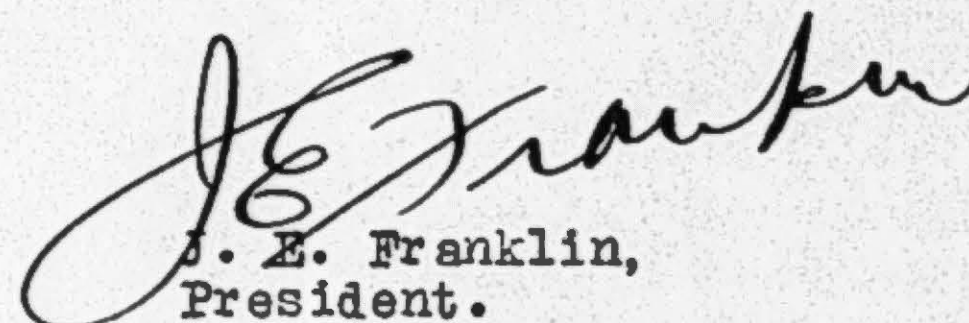
Col. Ed F. - 2.

December 4, 1922.

worry about in connection with the work as it is going to be an extremely profitable piece of business just as soon as we can complete it.

With personal regards, I am

Very truly yours,


J. E. Franklin,
President.

JEF:F

N. B.- For your information we also enclose copy of plans and specifications, and bids.

J. E. F.

December 6, 1922.

340-2

Yuma National Bank,
Yuma, Arizona.

Gentlemen:

Enclosed find my check for \$750.00 covering amount due on developing the Yuma Mesa Grape Fruit Syndicate land as per statement sent me by Mr. Pontius. Please give me credit for same.

Yours truly,

KLM



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 FRED L. INGRAHAM
 J. W. EDWARDS
 BERT CAUDRY

December
 Twelfth,
 1922.

Col. Ed Fletcher,
 Fletcher Bldg.,
 San Diego, Calif.

Dear Ed:

I enclose copy of letter which I have written to Carl McStay.

We had a very delightful visit with McStay and with the party which was with him, consisting of a Mr. Doig, Manager of the Route, Map and Service Department; Mr. East, Chief Engineer for the Automobile Club; Mr. Rhodes, Road and Route Division. They went over our roads, saw what we were doing, went to Dome and inspected our gravel roads, and seemed very much pleased with the progress Arizona is making.

They admitted that California is a slacker as far as the completion of the roads joining up California with Arizona, but Mr. McStay was very emphatic in making the statement that there was not sufficient money in the California Highway Commission Funds to complete the paving of the road from Yuma to Holtville, and stated further that even if there was, the Automobile Club of Southern California would be opposed to a paved road because of the amount of money it would require, and the lack of traffic over it, contending that a road similar to that which is constructed in Arizona would serve the purpose for many years, and it is going to be McStay's recommendation to the Highway Commission that a gravel or similar surface road be put in and the road fixed up so it will be passable to anyone at any time, over whatever route may be selected by the Commission.

He is absolutely opposed to the plank road, making the statement that it can never be maintained except at an extraordinary cost.

He further said that it would be approximately a year before very much work was done on the road as the new Highway Commission would be some four or five months checking up and finding out

E. F. -2.

December 12, 1922.

just what the old Commission had left, and what was under contract that could not be stopped. He said it appeared that Mr. Cotterell would be the next Highway Commission manager.

McStay is going to make a report to the Directors of the Automobile Club who will make it to the Highway Commission, urging that this thoroughfare be put in shape as soon as practicable, but for getting anything definite started right now, I am sorry to say, they are opposed to it. They admit that the road through the Indian Reservation is as bad as any they have come in contact with, but they further say that to take the Government Aid Funds and put in a paved road is out of the question.

While some sectional jealousy was apparent, it seemed to me that Mr. McStay felt that San Diego people were selfish and were not working with the Automobile Club as it was thought they should. I can appreciate both sides and I would greatly appreciate an expression from you as to what is the next step to take. McStay says it will be a year before we can hope for active work here. The conditions are deplorable and I feel that California is not keeping the faith. McStay stated that the Automobile Club would oppose any Legislative action or any Legislative appropriations for roads. What do you think about this?

Very truly yours,

J. E. Franklin
 J. E. Franklin,
 President.

JEF:F
 Enc I.

Copy

THE YUMA NATIONAL BANK

Yuma, Arizona.

December
Twelfth,
1922.

Col. Ed Fletcher,
Fletcher Bldg.,
San Diego, Calif.

Dear Ed:

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Very truly yours,

J. E. FRANKLIN

President.

JEF:F

Enc I.

COPY.

December
Twelfth,
1922.

Mr. Carl McStay, Field Secretary,
Automobile Club of Southern California,
Los Angeles, Calif.

Dear Mr. McStay:

With reference to your trip to Yuma and the explanations we
have given concerning our view-point of the road:

We feel that Arizona, and particularly Yuma County, has done
its full share in connection with the building of the trans-
continental highway.

We took you over a completed practical rock road built at a
minimum cost and we believe that the trans-continental
tourists are entitled to a passable road into California,
and by passable we mean one that an ordinary motorist would
not be afraid to drive in any kind of weather.

We believe that the judgment of the California Commission,
as to what type of road should be put in, will be satisfactory
to us, and we do not care the route the road takes, whether by
Andrade, across the sand hills, or the most practicable route
that may be determined - but we do believe that Arizona and
the trans-continental tourists are entitled to a better road
than they now have, and that we are entitled to it as quickly
as it is practicable to get it. We believe that earnest
effort should be made to complete a passable road within the
year, and I would strongly urge that you use your efforts
and the efforts of the Automobile Club to accomplish this.

The traffic that is routed over the southern route is enormous
and there is no reason why the great State of California
should not get behind a movement to complete a short gap
that leads them into the State.

With personal regards, I am

Very truly yours,

J. E. Franklin.

JEP:P

December
Twenty
1922

File 340-2

Mr. J. E. Franklin,
Yuma National Bank,
Yuma, Arizona.

My dear Franklin:

Answering yours of December 1st to Mr.
Pontius, the expenses are running so high and I am so
short of ready money that I would like to know
what arrangements can be made so that I only take
ten acres instead of twenty. It is just simply keeping
my nose to the grindstone and I cannot stand it.

If I can keep 10 acres in the syndicate and
10 acres outside so I don't have to put up anything
more on it for a while, keeping 10 of the original
acres that I purchased and exchanging for 10 acres
in the district, so that my assessments under this
new work of Mr. Hill would only be one-half as
great, it would be a big relief to me. What can
be done? I will appreciate anything you can do to
help me out in this matter.

Yours sincerely,

EF:KLM

SWING & WILSON
ATTORNEYS AT LAW
Suite 11, Garner Block

San Bernardino, Cal. December 19th, 1922

Mr. J. E. Franklin,
President, Yuma National Bank,
Yuma, arizona.

Dear Sir:

I am just in receipt of a letter from Mr. McStay telling me that while visiting in your city recently he had communicated to you the fact that I was always interested in bagging a little game now and then. He told me that you very kindly suggested that you could make arrangements for me to "step out" into a very wonderful hunting country and I assure you that I hope to avail myself of your kindness and of this exceptional opportunity. I will not be able to get away now, however, before the opening of the legislature, but I would like to know when is the best time to make the trip, which I presume would be some time in the summer, and I would also like to arrange for a good guide when I do make the trip.

Mr. McStay also stated that you are quite interested in the completing of the road between San Diego and Yuma and hoped that I might be of some service to you in this connection. Let me assure you that any wish to Mr. Mcstay's regarding roads or road construction is very persuasive with me, and inasmuch as he thinks this road should be completed, I at least will not do anything to prevent a proper appropriation for this work.

Trusting that I may be able to show my appreciation for your very kind offer to arrange a hunting trip for me, I am

Yours very truly,

RALPH E SWING
F

RES-G

original to Sample

230-2
THE YUMA NATIONAL BANK

Yuma, Arizona
December
Twentieth
1922

Col Ed Fletcher,
Fletcher Bldg.,
San Diego, Calif.

Dear Ed:

The enclosed letter is self-explanatory. I want you to note particularly what he says about the good roads. You might put Ed Sample wise and tell him what you know about Swing and see if it would not be practicable to get lined out on this coming Legislature on some appropriations.

Very truly yours,

J. E. FRANKLIN
President

JEF:F
Enc I

original to Ed Sample

December
Twentieth
1922

Mr. Ralph E. Swing,
Attorney at Law
Suite 11, Garner Block,
San Bernardino, Calif.

My dear Mr. Swing:

Carl McStay and the boys that were with him seemed to have a mighty fine time in the Gulf country. It really is some of the most wonderful hunting country that I was ever in and nothing would give me more pleasure than to arrange a trip down there for you and any friends you might care to bring along. Summer is not to be recommended as the mosquitoes are bad and it is rather warm too, so if you could go this early winter or next Fall I can certainly see that you get a mighty good lot of fine geese shooting and nearly everything else you might want.

Referring to the paragraph in your letter about the roads and what you can do:

If you will work with Ed Sample and try and help us get the road completed between Holtville and Yuma, this country over here will be more than indebted to you and you can have anything you want.

I hope to keep in touch with you and from time to time will drop you a line about the hunting down there.

With personal regards, I am

Very truly yours,
J. E. FRANKLIN
President

original to Sample



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VICE-PRESIDENT
C. H. ROBERTSON,
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W. A. BARR,
ASST. CASHIER

No. 9508
THE YUMA NATIONAL BANK

UNITED STATES DEPOSITARY



YUMA, ARIZONA,

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J. W. EDWARDS
BERT CAUDRY

340-2

December
Twenty-Second,
1922.

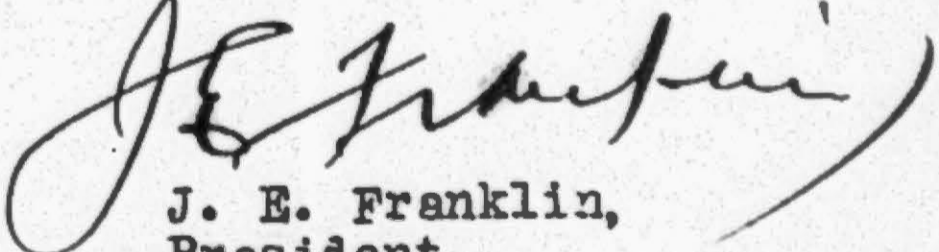
Col. Ed Fletcher,
Fletcher Bldg.,
San Diego, Calif.

Dear Ed:

I have your letter of the 22nd, which I am referring to Mr. Pontius, and I will see you in San Diego Sunday if I can get hold of you, and talk the situation over.

In any event I will talk it over with Mr. Pontius and see what we can do and let you know later.

Very truly yours,


J. E. Franklin,
President.

JEF:F

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

WESTERN UNION



TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

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341 PLAZA

1922 DEC 22 PM 1 06

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YUMA ARIZ 22 154P

COL ED FLETCHER 301

FLETCHER BLDG SANDIEGO CALIF

MAIL PONTIUS TODAY BLUE PRINTS YUMA MESA IRRIGATION PLANS

J E FRANKLIN.

*Property
Name Satchel
Teller*

*Com
when 25/70
1/2 maps*

Ed Fletcher Papers

1870-1955

MSS.81

Box: 8 Folder: 27

General Correspondence - Franklin, J.E.



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