

fishways and lights, to be approved by the Secretary of Commerce and Labor, shall be constructed and maintained at said dam by William R. Morrison and H. W. Haines, their heirs, administrators, and assigns.

SEC. 2. That in case any litigation arises from the building of said dam or from the obstructions of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of the same.

SEC. 3. That this Act shall be null and void unless the dam herein authorized be commenced within one year and be completed within three years from the time of the passage of this Act.

SEC. 4. That the right to amend or repeal this Act is hereby expressly reserved.

Approved, June 4, 1906.

Litigation.

Existing law not affected.

Time of completion.

Amendment.

CHAP. 2576.—An Act To authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Mississippi.

June 4, 1906.
[H. R. 18439.]

[Public, No. 195.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Tallahatchie County, State of Mississippi, a municipal corporation under the laws of the State of Mississippi, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a wagon bridge and approaches thereto, across the Tallahatchie River, at or near Jarman Ferry, in Tallahatchie County, in the State of Mississippi, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Tallahatchie River, Tallahatchie County, Miss., may bridge, at Jarman Ferry.

Ante, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1906.

CHAP. 2577.—An Act Authorizing the use of the waters in Coosa River at Lock Numbered Four, in Alabama.

June 4, 1906.
[H. R. 19473.]

[Public, No. 196.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and empowered to enter into contract with any individual or corporation, private or municipal, preference being given to riparian owners and their assigns, hereinafter designated "the contracting party," to complete the dam and forebay of the lock which has been partially constructed by the Government at Lock Numbered Four on the Coosa River, the work to be done under his supervision and control, and in accordance with the present adopted project and any modification thereof that he may deem proper: *Provided*, That the contracting party shall furnish all materials, of every character, and pay for all labor required in the construction of said dam and forebay, which, upon completion, shall become the property of the United States, free of all costs, claims, or charges of any kind whatsoever: *Provided further*, That the terms of this Act and any stipulation which the Secretary of War may deem necessary to safeguard the interests of navigation and other interests of the United States shall be embodied in any contract entered into as aforesaid.

Coosa River, Ala. Completion of Lock Number Four by private parties authorized.

Provisos.
Conditions.

Protection to navigation.

Time of completion. SEC. 2. That the contracting party shall begin the said work within two years from the passage of this Act and shall complete the same within four years from the date of commencing construction, and the Secretary of War may, upon reasonable diligence of the contracting party being shown, extend the time for completion, the Government reserving the right to commence and finish the work, if deemed advisable, at any time before it is commenced by the contracting party; or, if begun and not carried out in strict conformity to the directions of the Secretary of War, the Government may assume the completion of said work at its option, the cost of such completion to be paid by the contracting party: *Provided*, That the Secretary of War shall determine from time to time whether the work is being properly done.

Failure to complete. SEC. 3. That in consideration of the completion of said dam and forebay, including buttresses and gates, free of cost to the Government, the contracting party is hereby granted such rights as the Government possesses to use the water power produced by said dam for manufacturing and other industrial purposes for a period of ninety-nine years: *Provided*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War: *Provided further*, That the right is reserved to the United States to construct, maintain, and operate a lock for navigation purposes in connection with said dam and forebay, and nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operation of said lock or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States or the maintainance of the water surface above the dam at the established pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power, resulting from any cause whatsoever: *Provided further*, That the contracting party shall furnish to the United States, free of cost, such electric current as may be necessary for operating the Government lock, in case the same shall be built, and lighting its buildings and grounds: *And provided further*, That the contracting party may have ingress and egress over Government lands in the construction and operation of plant.

Proviso. Secretary of War to approve the work. Contractors granted use of water power.

Provisos. Plans.

Lock.

Regulations.

Free use of electric current by the United States.

Right of ingress and egress.

Bond. SEC. 4. That the Secretary of War may require the contracting party to execute a bond, with proper securities, before the commencement of the work, in such amount as he may consider necessary, to insure the beginning, prosecution, and completion of the work and compliance with the terms and requirements of this Act, and in case of failure to comply with the requirements of said bond the contracting party shall forfeit to the United States the full amount thereof: *Provided*, That a suitable force of inspectors shall be employed on the work by the Secretary of War, at the expense of the United States, to see that the plans and specifications and the terms and requirements of the Act and the conditions of the contract are strictly carried out, and any expense incurred by the United States in maintaining said inspectors shall be paid from any funds available pertaining to the appropriations made by Congress for examinations, surveys, and contingencies of rivers and harbors.

Forfeiture.

Proviso. Inspection.

Expense.

Revocation of rights reserved. Reimbursement for improvements, etc. SEC. 5. That Congress reserves the right to revoke the rights and privileges conferred by this Act: but in the event of such revocation the United States shall pay to the contracting party, as full compensation, the reasonable value, exclusive of any franchise that may be required under this Act, of all properties erected and lands purchased by them, necessary for the enjoyment of the benefits hereby conferred, such value to be determined by mutual agreement between the

Secretary of War and the owners of said properties, and in case they can not agree, then by proceedings in condemnation, to be instituted in the proper United States court: *Provided*, That to insure compliance with the terms of the contract, or to protect the interests of navigation and other interests of the United States, the Secretary of War shall have power, at any time before or after the completion of the work, to order a suspension of all privileges granted by this Act, and compliance with such order may be enforced by injunction of the court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney-General upon request of the Secretary of War.

Provido.
Suspension of privileges.

SEC. 6. That nothing in this Act shall be construed as in any way abridging the exclusive jurisdiction and control by the United States over the Coosa River, and of any structures therein, nor as repealing or modifying any of the provisions of law now existing for the protection of navigation.

Jurisdiction.

Existing law not affected.

Approved, June 4, 1906.

CHAP. 2580.—An Act To open for settlement five hundred and five thousand acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

June 5, 1906.
[H. R. 17507.]
[Public, No. 197.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that part of article three of section six of the Act of Congress of date June sixth, nineteen hundred, entitled "An Act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho," and making appropriations to carry the same into effect, which reads as follows, to wit: "That in addition to the allotment of lands to said Indians as provided for in this agreement the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing land to be selected by the Secretary of the Interior either in one or more tracts, as will best subserve the interests of said Indians." be, and the same is hereby, repealed.

Oklahoma.
Kiowa, Comanche,
and Apache Indian
Reservations pasture,
etc., lands opened for
settlement.
Vol. 31, p. 677, re-
pealed.

SEC. 2. That the four hundred and eighty thousand acres of land set apart in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, by the Secretary of the Interior, referred to and mentioned in section one of this Act, and the twenty-five thousand acres of land set apart as a wood reservation in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, by the Secretary of the Interior, shall be opened to settlement by proclamation of the President of the United States within six months from the passage of this Act and be disposed of upon sealed bids or at public auction, at the discretion of the Secretary of the Interior, to the highest bidder under the provisions of the homestead laws of the United States and under the rules and regulations adopted by the Secretary of the Interior, and such purchaser must be duly qualified to make entry under the general homestead laws: *Provided*, That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit of money shall draw four per centum interest per annum; and the principle and interest of said deposit shall be expended for the benefit of said Indians in such manner as Congress may direct: *Provided further*, That such sales shall be subject to any leases made for agricultural purposes prior to this Act, the rentals accruing after such sale to belong to the purchasers under this Act.

Land to be opened
for entry.
Post, p. 550.

Proclamation.

Public sale.

Provisos.
Disposal of proceeds.

Sales subject to prior
leases, etc.

Price and terms of
sale.

SEC. 3. That said lands shall be sold for not less than five dollars per acre, and shall be sold upon the following terms: One-fifth of the