

June 16, 1906.
[H. R. 17663.]

[Public, No. 237.]

CHAP. 3338.—An Act To extend the provisions of the Act of March third, nineteen hundred and one, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections fifteen hundred and six and sixteen hundred and five for eminent and conspicuous conduct in battle.

Navy and Marine Corps.
Officers advanced for heroism, etc., to be carried as additional numbers on promotion.
R. S. secs. 1506, 1606, pp. 259, 273.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this Act be carried as additional numbers of each grade in which they serve.

Approved, June 16, 1906.

June 16, 1906.
[H. R. 17881.]

[Public, No. 238.]

CHAP. 3339.—An Act Permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota.

Crow Wing River, Minn.
Judd Wright may dam.

Location.

Proviso.
Secretary of War to approve plans, etc.

Restriction.

Sluiceway.

Lock.

Changes.

Fishways.

Litigation.

Proviso.
Existing laws not affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to Judd Wright, his heirs or assigns, to construct and maintain across the Crow Wing River a dam, canal, and works necessary incident thereto, for water power and supply purposes, at any point at or near the junction of the Gull River with the Crow Wing River, on section thirty, township one hundred and thirty-three north, range twenty-nine west, fifth meridian, between the counties of Morrison and Cass, in the State of Minnesota: *Provided,* That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction of the same: *And provided further,* That the said Judd Wright, his heirs or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further,* That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance, and without toll or charges: *And provided further,* That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam, so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation; and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation.

SEC. 2. That suitable fishways, to be approved by the Secretary of Commerce and Labor, shall be constructed and maintained at said dam by the said Judd Wright, his heirs or assigns.

SEC. 3. That in case any litigation arises from the building of said dam or from the obstruction 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 or 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 refer-

ence to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

SEC. 4. That the right to amend, alter, or repeal this Act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced within one year after the passage of this Act and completed within three years thereafter.

Approved, June 16, 1906.

Amendment.
Time of completion.

CHAP. 3340.—An Act To grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebraska, and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation.

June 18, 1906.
[H. R. 17982.]
[Public, No. 239.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles H. Cornell, his assigns, assignees, successors, and grantees, be, and are hereby, privileged, authorized, and granted the authority and right to construct, maintain, and use for power purposes a dam across the Niobrara River on parts of sections twenty-two and twenty-seven, township thirty-four north, range twenty-seven west of the sixth principal meridian, in the State of Nebraska, and to abut said dam on the east bank of said Niobrara River upon land which is a part of the Fort Niobrara Military Reservation, the property of the United States; and said dam may be of sufficient height and strength to support a body of water affording or furnishing as much as fifty feet effective head for power purposes, with the privilege of backing water upon or overflowing such part of the Fort Niobrara Military Reservation as may reasonably result from the proper construction, maintenance, and use of said dam, and that any damages caused thereby may be assessed by the Secretary of War and paid to the United States before any construction hereby provided for shall be commenced, with the privilege also of constructing and suspending wires upon, over, and across said military reservation for the purpose of transmitting electric light and power generated by said water power, also with like privileges of constructing and suspending telephone wires: *Provided*, That the grants and privileges above specified as to such dam, water power, and wires aforesaid shall become void unless the construction of said dam be commenced within two years from the approval of this Act and completed and put into operation within five years from the approval of this Act; and the said Charles H. Cornell, his assigns, assignees, successors, and grantees, are further privileged, authorized, and granted the authority and right to construct and operate a trolley or electric railway, with necessary side tracks and station buildings, also telegraph and telephone lines upon, over, and across the land of said Fort Niobrara Military Reservation, said trolley or electric railway and telegraph and telephone lines to start from the town of Valentine and run by a feasible route as nearly as may be in a direct course to the Fort Niobrara military post, upon said military reservation, thence north or northeast upon a feasible route in the direction of the Rosebud Indian Reservation, in the State of South Dakota, with authority to operate and use such trolley or electric railway and telegraph and telephone lines: *Provided*, That a map of said proposed dam, storage reservoir, railway line, telegraph line, or telephone line shall be filed with the honorable Secretary of War, and the location thereof shall by him be approved before any of these privileges herein aforesaid shall become effective: *Provided further*, That the privileges herein granted may at any time be rescinded or suspended by order of the Secretary

Niobrara River.
Charles H. Cornell
may dam, etc., on
Fort Niobrara Military
Reservation, Nebr.

Overflow, etc.

Damages.

Wires for electric
light, etc.

Provisos.
Time for comple-
tion.

Right of way for
electric railway, etc.

Telegraph and tele-
phone lines.

Secretary of War to
approve plans, etc.

Removal of rails,
etc.