

June 29, 1906.
[H. R. 17600.]

[Public, No. 365.]

Shipping.
Change of names of
sailing vessels author-
ized.
Vessels affected.

CHAP. 3619.—An Act To grant authority to change the names of certain sailing vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed, upon application by the owners, to change the names of the following sailing vessels: Iron bark Abby Palmer, official number one hundred and seven thousand four hundred and twenty-nine; steel ship Balclutha, official number thirty-eight hundred and eighty-two; iron bark Euterpe, official number one hundred and thirty-six thousand eight hundred and one; iron bark Himalaya, official number ninety-six thousand five hundred and one; iron bark Coalinga, official number one hundred and twenty-seven thousand three hundred and forty-three.

Approved, June 29, 1906.

June 29, 1906.
[H. R. 17945.]

[Public, No. 366.]

Tug Fork of Big
Sandy River.
Borderland Coal
Company may bridge.
Railroad, wagon,
etc., bridge,
Location.

CHAP. 3620.—An Act Authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Borderland Coal Company, a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon or foot bridge and approaches thereto, across the Tug Fork of Big Sandy River, at a point about one and one-half miles east of Nolan, Mingo County (where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia, 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.

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

Approved, June 29, 1906.

Ante, p. 84.

Amendment.

June 29, 1906.
[H. R. 18024.]

[Public, No. 367.]

Niagara Falls.
Preservation of.
Post, p. 824.

Proviso.
Diversion of the
waters.

CHAP. 3621.—An Act For the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section two of this Act: *Provided*, That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States or by the Secretary of War of the United States under its direction.

SEC. 2. That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to the individuals, companies, or corporations as aforesaid, and only to

Permits granted by
Secretary of War.

Transmission of
power.

Restrictions.

the amount now actually in use or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company or corporation as aforesaid a maximum amount of eight thousand six hundred cubic feet per second, and not exceeding to all individuals, companies or corporations as aforesaid an aggregate amount of fifteen thousand six hundred cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, fifteen thousand, six hundred cubic feet per second, shall for a period of not less than six months have been diverted from the waters of said river or its tributaries, in the State of New York: *Provided*, That the said Secretary, subject to the provisions of section five of this Act, under the limitations relating to time above set forth is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by permits be allowed to be transmitted from the Dominion of Canada into the United States, shall be one hundred and sixty thousand horsepower: *Provided further*, That the said Secretary, subject to the provisions of section five of this Act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said one hundred and sixty thousand horsepower and the amount generated and used in Canada, exceed three hundred and fifty thousand horsepower: *Provided always*, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered.

SEC. 3. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this Act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, as well as any diversion of water or transmission of power in violation hereof, may be enforced or enjoined at the suit of the United States by any circuit court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

Provisos.
Revocable permits for additional water.

Additional electrical power.
Post, 628.

Limit.

Effect of limitation.

Regulations.

Permits may specify persons, etc.

Unlawful diversion of waters.

Penalty.

Removal of structures, etc.

Treaty with Great Britain.

SEC. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

Termination of all permits.

SEC. 5. That the provisions of this Act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this Act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

Appropriation.

SEC. 6. That for accomplishing the purposes detailed in this Act the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 29, 1906.

June 29, 1906.
[H. R. 18596.]

CHAP. 3622.—An Act To enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes.

[Public, No. 368.]

White River, Ark.
J. A. Omberg, jr.,
may build lock and
dam across.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to grant permission to J. A. Omberg, junior, to build and construct a lock and dam across the White River at such point above Lock Numbered Three, now built or being built by the United States, as may be approved by the Secretary of War, the said lock and dam to be constructed under his direction, supervision, and control, and in accordance with and conformity to the plans and designs as may be approved by the Chief of Engineers of the United States Army: *Provided,* That the plans and designs of the said structure shall be prepared by the said contracting party at his own expense; and the said contracting party shall purchase and pay for all lands on either side of the river that may be necessary to the successful construction and operation of said lock and dam, including flowage rights and rights of way for ingress and egress from public highways, and deed the same to the United States, and make all excavations, erect all stone, concrete, and timber work, furnish all materials of every character, and pay for all labor employed in the construction of said lock and dam, and give said lock and dam to the United States completed, free of all cost, expense, claims, or charges of any kind whatsoever.

Proviso.
Plans, etc.

Construction.

Transfer, free of cost.

Time of construction.

SEC. 2. That the said individual undertaking the construction of said work shall begin the building of said lock and dam within eighteen months from the passage of this Act, and the same shall be completed within two years from the date of beginning the construction, the right being reserved to the United States to enter on the construction of said lock and dam, if deemed advisable, at any time before the work is commenced by said contracting party; or if begun and not carried on in strict accordance with the directions of the Secretary of War, then the United States may assume the further construction and completion of said work at its option, the cost of such further construction and completion to be paid by the said contracting individual.