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.

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.

An Act, p. 84.

Amendment.

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

Approved, June 29, 1906.

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.

Permits granted by Secretary of War.

Transmission of power.

Restrictions.

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
the amount now actually in use or contracted to be used in facto-
ries the buildings for which are now in process of construction, not
exceeding to any one individual, company or corporation as afores-
said a maximum amount of eight thousand six hundred cubic feet
per second, and not exceeding to all individuals, companies or cor-
porations 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 per-
mits 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 gran-
deur 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 thou-
sand 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 gen-
erated in Canada, but in no event shall the amount included in such
permits, together with the said one hundred and sixty thousand horse-
power 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 horse-
power herein permitted to be transmitted into the United States, as
aforesaid, are intended as a limitation on the authority of the Secre-
tary 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 elec-
trical 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 per-
son) not exceeding one year, or by both such punishments, in the dis-
cretion 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 jurisdic-
tion in any district in which the same may be located, and proper pro-
cedings to this end may be instituted under the direction of the
Attorney-General of the United States.
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.

Amenment.

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

Approved, June 29, 1906.

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.

June 29, 1906. [ H. R. 1899.] [Public, No. 368.]

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.

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.