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.

[Public, No. 368.]

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.

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, Ark., 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.

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.
SEC. 3. That the deed to the United States to the land to be purchased and donated to the same, as mentioned in the first section of this Act, shall be executed and delivered within twelve months after the passage of this Act; and, further, that the Secretary of War shall determine from time to time whether the work is being properly done, and may require an increase in force to be employed by the contractor, so as to force the work to completion within the limit mentioned in the Act.

SEC. 4. That in consideration of the construction of said lock and dam, free of cost to the United States except as provided in section one of this Act, the United States hereby grants to the person constructing said lock and dam under the provisions of this Act such rights as it possesses to use the water power produced by said dam and to convert the same into electric power or otherwise utilize it for a period of ninety-nine years: Provided, That he shall furnish the necessary electric current while his power plant is in operation to move the gates and operate the locks and to light the United States buildings and grounds free of cost to the United States: Provided further, That the said person shall operate and maintain the said locks, affording passage to all boats and craft desiring to use the same, but the Secretary of War, in the interest of navigation, may relieve him of this obligation: And provided further, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War, and that 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 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 for the purposes of navigation: And provided further, That 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 whatever.

SEC. 5. That in case of failure on the part of said J. A. Omberg, junior, his heirs and assigns, for a period of twelve months to formally notify the Secretary of War of his intention to proceed with the construction of the lock and dam as herein provided, then it shall be lawful for the Secretary of War to contract with any private corporation, company, firm, or persons for the construction of said lock and dam on the terms and in the manner herein provided: Provided, That the Secretary of War may require the contracting party to execute a bond, with proper sureties, before the commencement of the work, in such amount as he may consider necessary, not exceeding one hundred thousand dollars, to insure the commencement, prosecution, and completion of the work herein authorized and compliance with the terms, conditions, and requirements of this Act; and in case of failure to comply with the requirements of said bond the said contracting party shall forfeit to the United States the full amount thereof.

SEC. 6. That the right is expressly reserved in the United States to revoke by Act of Congress the rights, privileges, and benefits conferred by this Act; but in the event of such revocation the United States shall pay to the corporation, company, firm, or persons who may erect said lock and dam under the provisions of this Act as full compensation the reasonable value, exclusive of the franchise hereby conferred, of all properties erected and lands purchased by them necessary for the enjoyment of the benefits conferred upon them by the provisions of this Act, 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 instituted in the United States circuit court for the condemnation of said property, such proceedings to conform.
as nearly as may be to the laws of the State of Arkansas in respect of
corning land for the right of way for railroad purposes: Provided,
That to insure compliance with the terms of the contract or of this Act,
of to protect the interests of navigation, 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 provided
further, That compliance with such order of suspension may be
enforced by the injunction of the circuit 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.

Sec. 7. That nothing in this Act shall be construed as in any way
interfering with the exclusive jurisdiction over and control by the
United States of the White River and the lock and dam therein to be
erected for the purpose of navigation, nor as repealing or modifying
any of the provisions of law now existing in reference to the protection
of navigation.

Approved, June 29, 1906.