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Use by other roads.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage over the same and in the use thereof and of the approaches thereto under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree.

Secretary of War to approve plans, etc.

SEC. 5. That the bridge herein authorized shall be located and constructed under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and said company shall submit to the Secretary of War, for his examination and approval, a design and drawings showing the plan of said bridge and a map of the location giving for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current, and the soundings, accurately showing the bed of the stream, the location of any other bridge in that vicinity, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location are approved by the Secretary of War the said bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall also be subject to the approval of the Secretary of War; and the said bridge shall at all times be so kept and maintained as to afford reasonable and proper means for the passage of vessels through the same, and whenever the said bridge shall, in the opinion of the Secretary of War, unreasonably obstruct the navigation of said river he is hereby authorized to cause the removal thereof or such changes and alterations therein as may be required to preserve the free and convenient navigation of said river, and such removal or such alterations shall be at the cost and expense of the owners thereof; and in case of any litigation arising from the obstruction by said bridge to the free navigation of said river, or for the purpose of compelling the removal or any alterations thereof, as hereinbefore provided, the same may be had in the district court of the United States for the district of South Dakota, in whose jurisdiction said bridge is located: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same.

Changes.

Unobstructed navigation.

Litigation.

Proviso.
Existing laws not affected.

Time of construction.

SEC. 6. That this Act shall be null and void if the actual construction of the bridge herein authorized shall not be commenced within one year and completed within three years from the date this Act takes effect.

Amendment.

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

Approved, February 9, 1905.

February 9, 1905.
[H. R. 15284.]
[Public, No. 65.]

CHAP. 566.—An Act Granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River.

Mississippi River.
Keokuk and Hamilton Water Power Company may dam, at Des Moines Rapids, Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the Keokuk and Hamilton Water Power Company, a corporation created and organized under the laws of the State of Illinois, its successors, and assigns, to erect, construct, operate, and maintain a dam, with its crest at an elevation of from thirty to thirty-five feet above standard low water, across the Mississippi River at or near the foot of the Des Moines Rapids, from Keokuk, Iowa, to

Hamilton, Illinois, and to construct, operate, and maintain power stations on or in connection with the said dam, with suitable accessories for the development of water power, and the generation, use, and transmission therefrom of electric energy and power to be derived from the Des Moines Rapids on the Mississippi River: *Provided*, That in lieu of the three locks and the dry dock, with their appurtenances, now owned and operated by the United States, at the Des Moines Rapids Canal, the said Keokuk and Hamilton Water Power Company shall build, coincidentally with the construction of the said dam and appurtenances, at locations approved by the Secretary of War, a lock and dry dock with their appurtenances; the said lock shall be of such a kind and size and shall have such appurtenances and equipment as shall conveniently and safely accommodate the present and prospective commerce of the Mississippi River; the said dry dock and its appurtenances shall be such as to give space, facilities, and conveniences for the repair of vessels at least equal to those afforded by the existing Government dry dock and shops at the Des Moines Rapids Canal: *And provided further*, That the said dam and appurtenant works shall be so designed, located, constructed, maintained, and operated, and the said lock and dry dock, with their appurtenances, shall be so designed, located, constructed and equipped, as to permit at all times during the season of navigation, and at any stage of water, the safe and convenient navigation of steamboats and other vessels, or of rafts and barges, through the portion of the Mississippi River now occupied by the Des Moines Rapids, as well as through the entire length of the pool formed by the said dam: *And provided further*, That detailed plans for the construction and operation of the said dam, lock, dry dock, and appurtenant works, shall be submitted to and approved by the Secretary of War before the commencement of any portion of the said works; and the said works shall be constructed under the supervision of some engineer officer of the Army designated for that purpose, and that after the approval of the said plans no deviation therefrom shall be made without the prior approval of the Secretary of War of any such deviation: *And provided further*, That compensation shall be made by the said Keokuk and Hamilton Water Power Company to all persons, firms, or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said works in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this Act: *And provided further*, That when the said dam, lock, dry dock, and appurtenant works shall have been completed to the satisfaction of the Secretary of War, the United States shall have the ownership and control of the said lock, dry dock, and their appurtenances, and operate and maintain the same.

Provisos.
Construction of lock and dry dock, etc.

Restrictions.

Unobstructed navigation.

Secretary of War to approve plans, etc.

Supervision of engineer officer, etc.

Compensation for damages.

Nonliability of the United States.

Operation of lock and dry dock.

SEC. 2. That the withdrawal of water from the Mississippi River and the discharge of water into the said river, for the purpose of operating the said power stations and appurtenant works, shall be under the direction and control of the Secretary of War, and shall at no time be such as to impede or interfere with the safe and convenient navigation of the said river by means of steamboats or other vessels, or by rafts or barges: *Provided*, That the said company shall construct such suitable fishways as may be required from time to time by the Secretary of Commerce and Labor.

Protection to navigation.

Proviso.
Fishways.

SEC. 3. That, except as provided for below in this section, the Keokuk and Hamilton Water Power Company shall bear the entire cost of locating, constructing, maintaining, and operating the structures and appurtenances provided for in this Act: *Provided*, That the United States shall bear the cost of the supervision of the work by an engineer

Cost of construction, etc.

Provisos.
Cost of supervision.

officer of the Army as provided for in section one of this Act, and also the cost of maintaining and operating the lock and dry dock with their appurtenances, after their completion and due acceptance by the Secretary of War on behalf of the United States: *And provided further*, That the Keokuk and Hamilton Water Power Company shall provide, in connection with such lock, dry dock, and appurtenances, a suitable power plant for operating and lighting the same, according to plans and specifications submitted to and approved by the Secretary of War.

Ante, p. 713.

Power plant.

Repeal of former act.
Vol. 31, p. 764.

SEC. 4. That the Act entitled "An Act granting to the Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Illinois," approved February eighth, nineteen hundred and one, is hereby repealed.

Time of construction.

SEC. 5. That this Act shall be null and void if actual construction of the works herein authorized be not commenced within five years and completed within ten years from the date hereof.

Amendment.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 9, 1905.

February 9, 1905.
[S. 6312.]

[Public, No. 66.]

CHAP. 567.—An Act Authorizing the changing of the levels of certain lakes and the disposal of certain lands under the terms of the national reclamation Act.

Irrigation.
Little Klamath, Rhett, and Goose lakes, etc., Oreg. and Cal.
Levels may be raised, etc.
Vol. 32, p. 388.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized in carrying out any irrigation project that may be undertaken by him under the terms and conditions of the national reclamation Act and which may involve the changing of the levels of Lower or Little Klamath Lake, Tule or Rhett Lake, and Goose Lake, or any river or other body of water connected therewith, in the States of Oregon and California, to raise or lower the level of said lakes as may be necessary and to dispose of any lands which may come into the possession of the United States as a result thereof by cession of any State or otherwise under the terms and conditions of the national reclamation Act.

Disposal of reclaimed lands.

Approved, February 9, 1905.

February 10, 1905.
[H. R. 18280.]

[Public, No. 67.]

CHAP. 571.—An Act To extend the western boundary line of the State of Arkansas.

Arkansas.
Western boundary line of, extended to include part of Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the United States is hereby given for the State of Arkansas to extend her western boundary line so as to include all that strip of land in the Indian Territory lying and being situate between the Arkansas State line adjacent to the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, described as follows, namely: Beginning at a point on the south bank of the Arkansas River one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running southwesterly along the south bank of the Arkansas River to the mouth of the Poteau; thence at right angles with the Poteau River to the center of the current of said river; thence southerly up the middle of the current of the Poteau River (except where the Arkansas State line intersects the Poteau River) to a point in the middle of the current of the Poteau River opposite the mouth of Mill Creek, and where it is intersected by the middle of the current of

Boundary.
Vol. 5, p. 50.