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the Saint Joseph River, in Berrien County, in the State of Michigan, at any point within two miles south of the highway bridge at Berrien Springs, together with all necessary works appurtenant thereto: *Provided*, That the plans of said dam shall be submitted to and be approved by the Chief of Engineers and the Secretary of War before construction is commenced; and the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications in the construction of said dam as he may deem advisable in the interest of navigation: *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, or over said dam without unreasonable delay or hindrance and without toll or charges, and suitable gates, weirs, and sluices shall be provided in said dam and shall be so operated as to furnish at all times the flow of water necessary for the navigation of the Saint Joseph River below Berrien Springs; and suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained on said dam.

Location.

Provisos.

Secretary of War to approve plans, etc.

Sluiceway.

Fishways.

SEC. 2. That before the construction of said dam shall be begun, the permission of the board of supervisors of Berrien County, Michigan, shall be obtained thereto, and compensation shall be made for all property taken or damages thereby occasioned according to the laws of the State of Michigan.

Damages.

SEC. 3. That this Act shall be null and void unless the dam herein authorized is commenced within one year and completed within three years from the date hereof.

Time of construction.

SEC. 4. That the right to amend or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 5, 1906.

CHAP. 1369.—An Act To provide for the construction of a bridge across Rainy River, in the State of Minnesota.

April 6, 1906.
[S. 4825.]

[Public, No. 86.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rainy River Bridge Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rainy River at a point known as Pether's Point, on lot one, in section twenty-five, in township seventy-one north, range twenty-four west, in the county of Itasca, in the State of Minnesota, to a point on the opposite side of the river in the Province of Ontario, being at or near the head of Rainy River where it joins with Rainy Lake, 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.

Rainy River.
Rainy River Bridge Company may bridge, at Pether's Point, Minn.

Ante, p. 84.

SEC. 2. That the bridge hereby authorized shall be a railroad bridge, and may be constructed and used for any and all other lawful purposes.

Railroad bridge.

SEC. 3. That it shall be competent for said Rainy River Bridge Company, being otherwise duly authorized, so far as necessary, to construct and operate all parts and approaches of the bridge hereby authorized, including those parts and approaches of said bridge which shall lie within the jurisdiction of the Dominion of Canada, or it may construct and operate that portion of said bridge herein authorized which shall lie within the jurisdiction of the United States and join the same to the portion thereof which shall lie within the jurisdiction of said Dominion of Canada and be constructed and operated by any other corporation or company authorized to construct and operate

Construction and operation of bridge.

such bridge, and it shall be competent for said Rainy River Bridge Company and such other corporation or company, be the same incorporated or organized under the laws of the United States, or any State therein, or the Dominion of Canada, or any province therein, to contract together for the operation and maintenance of said bridge, and to consolidate or amalgamate their respective companies, to the end that said bridge may be constructed, maintained, and operated in accordance with the provisions of this Act.

Amendment.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 6, 1906.

April 9, 1906.
[S. 3899.]

[Public, No. 87.]

CHAP. 1370.—An Act Granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy.

Naval Academy.
Dismissal of midshipmen from, authorized.
Procedure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Superintendent of the United States Naval Academy, whenever he shall believe the continued presence of any midshipman at the said academy to be contrary to the best interests of the service, to report in writing such fact, with a full statement of the facts upon which are based his reasons for such belief, to the Secretary of the Navy, who, if after due consideration of the said report he shall deem the superintendent's said belief reasonable and well founded, shall cause a copy of the said report to be served upon the said midshipman and require the said midshipman to show cause, in writing and within such time as the said Secretary shall deem reasonable, why he should not be dismissed from the said academy; and after due consideration of any cause so shown the said Secretary may, in his discretion, but with the written approval of the President, dismiss such midshipman from the said academy. And the truth of any issue of fact so raised, except upon the record of demerit, shall be determined by a board of inquiry convened by the Secretary of the Navy under the rules and regulations for the government of the Navy.

Board of inquiry to determine facts.

Punishment for hazing.
Vol. 18, p. 203, amended.

SEC. 2. That so much of the Acts approved June twenty-third, eighteen hundred and seventy-four, and March third, nineteen hundred and three, as requires the Superintendent of the United States Naval Academy to convene a court-martial in all cases when it shall come to the knowledge of the said superintendent that any midshipman has been guilty of the offense commonly known as "hazing," and declares the finding of a court-martial so convened, when approved by the said superintendent, final, and directs that any midshipman found guilty by such court-martial shall be summarily dismissed from the said academy, and also all other Acts or parts of Acts inconsistent with the present Act are hereby repealed, and that the offense known as "hazing" may hereafter be proceeded against, dealt with, and punished as offenses against good order and discipline and for violation and breaches of the rules of said academy. But no midshipman shall be dismissed for a single act of hazing except under the provisions of section three of this Act.

Vol. 32, p. 1198, amended.

Restriction.

Trial by court-martial.

SEC. 3. That the Superintendent of the United States Naval Academy may, in his discretion and with the approval of the Secretary of the Navy, cause any midshipman in the said academy to be tried by court-martial for the offense of hazing, as provided by the Act approved June twenty-third, eighteen hundred and seventy-four, and such court-martial, upon conviction, may sentence such midshipman to any punishment authorized by the said Act or by the Act approved March

Vol. 18, p. 203.

Punishment.
Vol. 32, p. 1198.