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March 4, 1907.
[S. 8498.]
[Public, No. 246.]

CHAP. 2911.—An Act To amend sections sixteen, seventeen, and twenty of an Act entitled "An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June sixteenth, nineteen hundred and six, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section sixteen of an Act entitled "An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June sixteenth, nineteen hundred and six, be, and the same is hereby, amended so as to read as follows:

Oklahoma.
Proceedings in pending causes.
Pub. Laws, 1st sess., *Ante*, p. 276, amended.

Transfer of pending Federal civil cases.

"SEC. 16. That all civil causes, proceedings, and matters pending in the supreme or district courts of Oklahoma Territory, or in the United States courts or United States court of appeals in the Indian Territory, arising under the Constitution, laws, or treaties of the United States, or affecting ambassadors, ministers, or consuls of the United States, or of any other country or state, or of admiralty, or of maritime jurisdiction, or in which the United States may be a party, or between citizens of the same State claiming lands under grants from different States; and all cases where there is a controversy between a citizen of either of said Territories prior to admission and a citizen of any State, or between a citizen of any State and a citizen or subject of any foreign state or country, in which cases of diversity of citizenship there shall be more than two thousand dollars in controversy, exclusive of interest and costs, shall be transferred to the proper United States circuit or district court established by this Act, for final disposition, and shall therein be proceeded with in the same manner as if originally brought therein: *Provided*, That said transfer shall not be made in any such case where the United States is not a party, except on application of one of the parties, in the court in which the cause is pending, at or before the second term of such court after the admission of said State, supported by oath, showing that the case is one which may be so transferred. The proceedings to effect such transfer, except as to time and parties, shall be the same as are now provided by law for the removal of causes from a State court to a circuit court of the United States. Cases transferred from appellate courts shall go to the circuit courts of the United States in such State, which courts, for the purpose of hearing such cases, are hereby vested with all the powers of such Territorial appellate courts. If the circuit court shall affirm the judgment, it shall, if the case be one then originally cognizable in the district court, remand it to that court for carrying into effect the judgment of the trial court; but if the case be one then originally cognizable in the circuit court, it shall carry into effect the judgment of the trial court. If the circuit court shall reverse the judgment, it shall, if the case be one then originally cognizable in the district court, remand the case to that court for a new trial; but if the case be one then originally cognizable in the circuit court, it shall set the case down for a new trial therein. All final judgments and decrees rendered in such circuit and district courts in such transferred cases, may be reviewed by the Supreme Court of the United States, or by the United States circuit court of appeals, in the cases and in the same manner as is now provided by law with reference to the judgments and decrees of the exisiting United States circuit and district courts.

Proviso.
Limit of transfers.

Cases in circuit court.

Decision.

Appeals, etc.

"Prosecutions for all crimes and offenses committed within the Territory of Oklahoma or in the Indian Territory, pending in the district courts of the Territory of Oklahoma or in the United States courts in the Indian Territory upon the admission of such Territories as a State, which, had they been committed within a State, would have been cognizable in the Federal courts, shall be transferred to and be proceeded with in the United States circuit or district court established by this Act for the district in which the offenses were committed, in the same manner and with the same effect as if they had been committed within a State. Prosecutions for all such offenses committed within either of said Territories and pending in the supreme court of the Territory of Oklahoma, or in the United States court of appeals in the Indian Territory, upon the admission of such Territories as a State, shall be transferred to the United States circuit courts created by this Act for the district within which the offense was committed, which courts are hereby vested with the same jurisdiction to hear such cases as is now vested in the appellate courts of such Territories. Upon the affirmance or reversal by the circuit court of a judgment in any such case, like proceedings shall be had, and like appeals and writs of error allowed, as is provided in this section of this Act in civil cases."

Prosecution of pending criminal cases.

Transfer to circuit or district court.

Jurisdiction of circuit courts.

SEC. 2. That section seventeen of said Act is hereby amended so as to read as follows:

"SEC. 17. That all causes, proceedings, and matters, civil or criminal, pending in the supreme court of the Territory of Oklahoma, or in the United States court of appeals in the Indian Territory, not transferred to the United States circuit or district courts in said State of Oklahoma shall be proceeded with, held, and determined by the supreme court or other final appellate court of such State as the successor of said supreme court of the Territory of Oklahoma and of the United States court of appeals in the Indian Territory, subject to the same right to review upon appeal or writ of error to the Supreme Court of the United States now allowed from the supreme or final appellate court of a State under existing laws."

Determination of State cases in supreme court.

Ante, p. 276, amended.

Review, etc.

SEC. 3. That section twenty of said Act is hereby amended so as to read as follows:

"SEC. 20. That all causes, proceedings, and matters, civil or criminal, pending in the district courts of Oklahoma Territory, or in the United States courts in the Indian Territory, at the time said Territories become a State, not transferred to the United States circuit or district courts in the State of Oklahoma, shall be proceeded with, held, and determined by the courts of said State, the successors of said district courts of the Territory of Oklahoma, and the United States courts in the Indian Territory; with the right to prosecute appeals or writs of error to the supreme or appellate court of said State, and also with the same right to prosecute appeals or writs of error from the final determination in such cases made by the supreme or appellate court of such State to the Supreme Court of the United States, as is provided by law for appeals and writs of error from the supreme of final appellate court of a State to the Supreme Court of the United States. All criminal cases pending in the United States courts in the Indian Territory, not transferred to the United States circuit or district courts in the State of Oklahoma, shall be prosecuted to a final determination in the State courts of Oklahoma under the laws now in force in that Territory."

Trial of cases, etc., pending in district and Indian Territory courts not transferred.

Ante, p. 277, amended.

Appeals, etc.

Pending criminal cases.

SEC. 4. That original sections sixteen, seventeen, and twenty of an Act entitled "An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a

Repeal.

Ante, pp. 276, 277.

constitution and State government and be admitted into the Union on an equal footing with the original States," and all other laws in conflict herewith are hereby repealed.

Approved, March 4, 1907, 10 a. m.

March 4, 1907.
[S. 8526.]
[Public, No. 247.]

CHAP. 2912.—An Act Permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock Numbered Twelve on said river.

Coosa River, Ala. Alabama Power Company may dam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Alabama Power Company, a corporation organized under the laws of the State of Alabama, its successors and assigns, to build a dam, of such height as the Chief of Engineers and the Secretary of War may approve, across the Coosa River, in Alabama, at the place selected for the location of Lock and Dam Numbered Twelve on said river, as located in the survey made by the engineers of the United States of the Coosa and Alabama rivers in Georgia and Alabama, in compliance with the requirements of the river and harbor Act approved June thirteenth, nineteen hundred and two, for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *Provided further*, That the Alabama Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and Secretary of War: *Provided further*, That said dam and appurtenant works shall be limited to the use of the surplus water only of the river not required for the navigation of the Coosa River, and that no structure shall be built and no operations conducted under the provisions of this Act which shall at any time injure or interfere with the navigation of said river or impair the usefulness of any improvement by the Government in the interests of navigation.

Location.

Vol. 32, p. 353.

Provisos.
Secretary of War to approve plans, etc.

Changes.

Unobstructed navigation.

Locks.

SEC. 2. That the said dam shall be so constructed, including a proper forebay, that the Government of the United States may at any time construct in connection therewith a suitable lock or locks for navigation purposes, and may at any time, without compensation, control the said dam or other structures and the level of the pool caused by such dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as may be necessary in the interest of navigation: *Provided*, That the Alabama Power Company, its successors or assigns, shall furnish the necessary electric current, while its power plant is in operation, to move the gates and operate the locks in connection with said dam and to light the United States buildings and grounds free of cost to the United States: *Provided further*, That the Alabama Power Company, its successors or assigns, is hereby granted the right to use any lands which may belong to the United States of America and necessary for the construction and maintenance of said dam and appurtenant works, or which may be inundated with water by reason of the construction of said dam and appurtenant works, and in consideration therefor the

Changes.

Provisos.
Electric power.

Use of lands for construction, etc.