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Indian to tribal or other property: *Provided*, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent: *Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States: *And provided further*, That the provisions of this Act shall not extend to any Indians in the Indian Territory."

Provisos.
Restrictions removed.

Jurisdiction in trust patents continued.

Indian Territory not included.

That hereafter when an allotment of land is made to any Indian, and any such Indian dies before the expiration of the trust period, said allotment shall be cancelled and the land shall revert to the United States, and the Secretary of the Interior shall ascertain the legal heirs of such Indian, and shall cause to be issued to said heirs and in their names, a patent in fee simple for said land, or he may cause the land to be sold as provided by law and issue a patent therefor to the purchaser or purchasers, and pay the net proceeds to the heirs, or their legal representatives, of such deceased Indian. The action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

Fee simple patents to allottees' heirs.

Sale of.

Disposal of proceeds.

Approved, May 8, 1906.

CHAP. 2438.—An Act To authorize the construction of dams and power stations on the Coosa River at Lock Two, Alabama.

May 9, 1906.
[H. R. 15334.]

[Public, No. 150.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any riparian owner, whether person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Coosa River, in the State of Alabama, at such points at or near Lock Two as they may elect and the Secretary of War may approve, between a point on the eastern side of the river in the abandoned portion thereof at a point below the United States Government dam at Lock Two and above the navigable portion of the river between Locks Two and Three, for the purpose of erecting, operating, and maintaining power stations and to maintain inlet and outlet races or canals and to make such other improvements on the eastern bank of the Coosa River between the two points above mentioned as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this Act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States.

Coosa River, Ala.
Right to dam, etc., near Lock Two, granted.

Location.

SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures, with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans, no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers

Secretary of War to approve plans, etc.

Provisos.
Unobstructed navigation.
Restricted use of water.

and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of the Coosa River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river, not required for the navigation of the Coosa River, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this Act which shall injure or interfere with the navigation of said river or impair the usefulness of any improvement made by the Government in the interest of navigation.

Locks, etc.

SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Coosa River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this Act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an

Conveyance of titles.

extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of

Damages.

water power for building and operating such constructions: *Provided also*, That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this Act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of

Injury to navigation.

competent jurisdiction: *Provided further*, That any injury or damage to the navigable capacity of the Coosa River, or to the works of improvement of the United States in the said river which may result from the construction of the dam and other works herein authorized, or any alteration, enlargement, or change in said works of improvement which may, in the judgment of the Secretary of War, be made necessary by the construction of said dam and other works, shall be made good and completed at once by those availing themselves of the

Failure to repair damages.

provisions of this Act, their executors, successors, and assigns, and failing this, such injury or damage may be remedied, and such alteration, enlargement, or change may be completed by the United States,

Payment for repairs, etc.
Bond.

and the cost of the work so required shall be paid by the grantees, their heirs or assigns, and to secure the payment for any work thus done by the United States a bond with good and sufficient security in a sum judged adequate by the Secretary of War for the payment of the costs of said work shall be executed and filed with the Secretary of War before any advantage shall be taken of the provisions of this

Lights, etc.

Act. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

Rights to cease on failure to comply with requirements, etc.

SEC. 4. That all the rights acquired under this Act shall cease and be determined if the person, company, or corporation acquiring such rights shall at any time fail to comply with any of the provisions or requirements of this Act, or with any of the stipulations that may be

Time of construction.

prescribed by the Chief of Engineers and the Secretary of War, or in case a person, company, or corporation authorized by the laws of the State of Alabama to erect and maintain a dam and improvements as contemplated by this Act shall fail to begin the erection of said dam and improvements within two years after being so authorized and shall fail to complete the same within five years after obtaining such authority.

SEC. 5. That the provisions of this Act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structures for the development of water power on the Coosa River. Prior rights not affected.

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

Approved, May 9, 1906.

CHAP. 2439.—An Act For the diversion of water from the Sacramento River, in the State of California, for irrigation purposes.

May 9, 1906.
[H. R. 11796.]

[Public, No. 151.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central Canal and Irrigation Company, a corporation organized and existing under the laws of the State of California, and its successors, are hereby granted the right to divert, at all seasons of the year, from the Sacramento River, in the State of California, while and so long as such diversion shall not seriously injure the navigation of said river, an amount of water which, at a stage of said river of two feet above low water, as determined by the United States engineer in charge of the improvement of said river, or at any lower stage, shall not exceed nine hundred cubic feet per second, to be used for irrigating the lands of the Sacramento Valley, on the west side of the Sacramento River, in said State of California. Said water to be diverted from the said Sacramento River on its west bank, between the points on said river known as Swifts Point and Squaw Hill, and the said Central Canal and Irrigation Company is hereby granted the right to erect the necessary works to effectively divert the said water: *Provided*, That the company shall provide suitable structures for regulating the flow of water from the river into their canals and suitable apparatus for measuring the amount of water taken from the river, and that such structures and apparatus shall be at all times subject to inspection, test, and use by officers or agents of the War Department: *And provided further*, That the company shall submit for approval of the Chief of Engineers and the Secretary of War plans of its proposed structures for diverting and measuring the water, and until such approval is given the structures shall not be begun: *And provided further*, That the diversion of water from the river in excess of the quantity herein authorized to be diverted shall be deemed a violation of section ten of the river and harbor Act of March third, eighteen hundred and ninety-nine, and shall subject the company to the penalties prescribed by law for violations of the provisions of said section, and the removal of any structures erected by said company may be enforced as provided in section twelve of the said Act: *And provided further*, That if, in the judgment of the Secretary of War, the amount of water actually diverted shall seriously injure the navigation of the river, the suspension of operations by the said company may be temporarily ordered and enforced by the Secretary of War in such manner and to the extent as may be necessary to preserve the requirements of navigation until such time that the circuit court of the United States for the northern district of California, upon application of any interested party, shall determine the rights as provided by this Act; and all rights granted herein and the removal of any of the structures or parts of structures erected under the provisions hereof may be enforced as provided in section twelve of the river and harbor Act approved on the third day of March, eighteen hundred and ninety-nine, except that suit for any of the purposes herein named may be instituted by the district attorney of the United States for the northern district of California upon request

Sacramento River, Cal.

Central Canal and Irrigation Company may divert waters of, for irrigating purposes.

Restricted use of water.

Location of plant.

Provisos.
Structures for regulating flow of water, etc.

Secretary of War to approve plans, etc.

Penalty for excessive diversion of water.

Vol. 30, p. 1151.

Protection to navigation.

Removal of structures.
Vol. 30, p. 1151.

Proceedings.