

tively, as of the date of the ouster of such settlers, respectively, from said lands by either The Dalles Military Wagon Road Company or the Eastern Oregon Land Company, successor in interest to The Dalles Military Wagon Road Company, in pursuance of the judgment and decree of the Supreme Court of the United States affecting the title to said lands; and it is hereby made the duty of the Secretary of the Interior to ascertain the dates, respectively, when such settlers, or any of them, first made settlement upon said lands, and also to ascertain the dates when they or either of them were, respectively, dispossessed of their lands; and in all cases where any of such settlers are still in the possession of the lands so claimed by them, respectively, the reasonable value of the same and the improvements thereon shall be determined by the Secretary of the Interior as of the date of the passage of this Act.

Purchases made after decision of Supreme Court.

And it is hereby made the duty of the Secretary of the Interior to ascertain whether any of such settlers, and if so, their names, respectively, have since the date of the decision of the Supreme Court of the United States, hereinbefore referred to, purchased from said Dalles Military Wagon Road Company, or the Eastern Oregon Land Company, their right to the lands so settled upon, the dates of such purchases, respectively, a description of the lands so purchased, and the amount of money or other compensation paid, respectively, by each thereof to said wagon road companies or either of them.

Improvements made between dates of entry and ouster, etc.
Vol. 26, p. 496.
Vol. 27, p. 59.
Vol. 28, p. 15.

SEC. 2. That it shall be further the duty of the Secretary of the Interior to ascertain the names of all persons who made entries of said lands under the provisions of section three of the Act of September twenty-ninth, eighteen hundred and ninety (Twenty-sixth Statutes, page four hundred and ninety-six), and the amendments thereto, and a description of the lands so entered, respectively, and to ascertain the value of the improvements made thereon by such entrymen, respectively, between the date of the restoration of said lands to entry and the date of ouster, or, in the event there has been no ouster, then as of the date of the passage of this Act.

Relinquishment price to settlers.

SEC. 3. That it shall be the duty of the Secretary of the Interior further to ascertain for what price and on what terms the Eastern Oregon Land Company, successor in interest of The Dalles Military Wagon Road Company, would relinquish to the settlers the lands claimed by them, respectively, together with the improvements thereon.

Report.

SEC. 4. That it is hereby made the duty of the Secretary of the Interior to make a full and specific report to Congress, on or before the first day of the next session, in pursuance of the jurisdiction and duties imposed on him by this Act.

Approved, February 26, 1904.

February 26, 1904.
[S. 2818.]

[Public, No. 28.]

Mississippi River.
Sauk Rapids Water
Power Company may
dam, at Sauk Rapids,
Minn.

CHAP. 167.—An Act Permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minnesota.

Provides.
Secretary of War to
approve plans, etc.

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 Sauk Rapids Water Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River at or near the Sauk Rapids, so called, in said river, and at or near the village of Sauk Rapids, Benton County, Minnesota, 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 the 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: *And provided further*, That the said Sauk Rapids Water 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 of the Secretary of War: *And 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 provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said 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 he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the Sauk Rapids Water Power Company, its successors or assigns.

Modification of plans.

Sluiceway for logs, etc.

Aids to navigation.

Changes.

Fishways.

Litigation.

Proviso. Existing laws not modified.

Time of construction.

Amendment.

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota, and in the courts of the United States: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

SEC. 3. That this Act shall be null and void unless the dam herein authorized be commenced within three years and be completed within six years from the time of the passage of this Act.

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

Approved, February 26, 1904.

CHAP. 168.—An Act To authorize the Saint Joseph and Grand Island Railway Company, in the reconstruction of the bridge across the Missouri River at or near Saint Joseph, Missouri, to lower said bridge and to shorten the draw spans thereof.

February 26, 1904.

[S. 3720.]

[Public, No. 29.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Saint Joseph and Grand Island Railway Company, a corporation organized under the laws of the States of Kansas and Nebraska, in reconstructing the bridge across the Missouri River at or near Saint Joseph, Missouri, the construction of which was authorized by Act of Congress approved March fifth, eighteen hundred and seventy-two, to so reconstruct said bridge that the vertical clearance shall not be less than twenty-nine feet three and one-fourth inches above low-water mark, and not less than nine feet three and one-fourth inches above high-water mark, and that said spans on each side of the central pivot pier of the draw shall be not less than one hundred and fifty-three feet in length.

Missouri River. Saint Joseph and Grand Island Railway Company may reconstruct bridge at Saint Joseph, Mo.

Vol. 17, p. 33.

Changes.

Approved, February 26, 1904.