

operate, and maintain said tracks, and in addition thereto tracks to and into the yards and stations aforesaid, and any of them, in connection with the tracks, or any of them, hereinbefore authorized or prescribed."

Time of construction extended.

Vol. 25, p. 876.

SEC. 3. That the period limited and allowed to the Washington and Western Maryland Railroad Company within which they are required, by the tenth section of the Act to which this is an amendment, to complete their road within the District of Columbia, be, and the same is hereby, extended for the period of eighteen months from the date of the passage of this Act, the work to commence within sixty days, and the said Act of incorporation, except as modified by the provisions of this Act, shall remain in force, and all the rights and privileges thereby granted shall be vested in said company.

Amendment.

SEC. 4. That Congress may at any time amend, alter, or repeal this Act.

Approved, June 28, 1906.

June 28, 1906.  
[H. R. 13106.]

[Public, No. 313.]

**CHAP. 3564.**—An Act Granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam Numbered One, upper White River, Arkansas.

White River, Ark.  
Batesville Power  
Company may construct canal, etc., at Lock and Dam No. 1 for power station.

*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 given to the Batesville Power Company, a corporation created and organized under a charter granted by the State of Arkansas, its successors or assigns, to erect, construct, operate, and maintain inlet and outlet races, canals, or other structures and a power station or stations at or near Lock and Dam Numbered One, upper White River, Arkansas, and to make such other improvements as may be necessary for the development of water power from Pool Numbered One, and the transmission or application of the same: *Provided,* That the constructions hereby authorized are not built on any lands belonging to the United States and do not in any way impair the usefulness of any improvement made by the Government for the benefit of navigation: *Provided further,* That in the operation of the aforesaid constructions the withdrawal of water from the river shall at all times be under the direction and control of the Secretary of War, and that until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix from time to time reasonable charges to be paid by said company for the use of said power.

Provisos.  
Condition.

Control of water.

Time of construction.

Amendment.

SEC. 2. That unless the work herein authorized be commenced within one year and completed within three years from the date hereof the privileges hereby granted shall cease and be determined.

SEC. 3. That the right to alter, amend, or repeal this Act is expressly reserved.

Approved, June 28, 1906.

June 28, 1906.  
[H. R. 13190.]

[Public, No. 314.]

Public lands.  
Taking, etc., wild  
birds or eggs from  
breeding grounds, unlawful.

**CHAP. 3565.**—An Act To protect birds and their eggs in game and bird preserves.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the eggs of such birds on any lands of the United States which have been set apart or reserved as breeding

grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

SEC. 2. That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding five hundred dollars or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That the provisions of this Act shall not apply to the Black Hills Forest Reservation, in South Dakota.

Penalty.

*Proviso.*  
Black Hills Reser-  
vation excepted.

Approved, June 28, 1906.

**CHAP. 3566.**—An Act Permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota.

June 28, 1906.  
[H. R. 19431.]

[Public, No. 315.]

*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 Saint Cloud Electric Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessarily incident thereto for water power and supply purposes, and a lock for navigation purposes, which lock shall be operated and kept in repair, as may be required by the Secretary of War, by the said company at its own expense, at any point between section seven, township one hundred and twenty-three, range twenty-seven, in the county of Stearns and State of Minnesota, and section twenty-five, township thirty-five, range thirty-one, and sections thirty and thirty-one, in township thirty-five, range thirty west, in Sherburne County, Minnesota: *Provided*, That the plans for the construction of such dam and appurtenant works including a lock 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 The Saint Cloud Electric Power Company, its successors and assigns, shall not deviate from such plans after such approval, either before or after the completion of said structure, unless the modification of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway, so arranged so as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hinderance 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 any further 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 said dam as he may deem advisable in the interest of navigation: *And provided further*, That in consideration of the conveyance to the United States of America by said corporation, or its successors or assigns, of such suitable tract or tracts of land as may be approved or selected by the Chief of Engineers and the Secretary of War for lock or other purposes for such navigation as aforesaid, the right shall become and the same is hereby vested in the said The Saint Cloud Electric Power Company, its successors and assigns, to flow and inundate with water any

Mississippi River.  
Saint Cloud Power  
Company may dam,  
in Minnesota.

Location.

*Provisos.*  
Approval of plans.

Changes.

Sluiceway.

Lock for navigation

Flowage rights.