

March 3, 1923.

[S. 4543.]

[Public, No. 490.]

CHAP. 229.—An Act Declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Mississippi, to be a nonnavigable stream.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Bear Creek in Humphreys, Leflore, and Sunflower Counties, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

Bear Creek, Miss.
Declared a nonnavigable stream.

Amendment.

SEC. 2. That the right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1923.

March 3, 1923.

[S. 4579.]

[Public, No. 491.]

CHAP. 230.—An Act To authorize the Lee County bridge district numbered 2, in the State of Arkansas, to construct a bridge over the Saint Francis River.

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 Lee County bridge district numbered 2, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Saint Francis River, at a point suitable to the interests of navigation, at or near Cody, in the county of Lee, in the State of Arkansas, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Saint Francis River.
Lee County may
bridge, Cody, Ark.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1923.

March 3, 1923.

[S. 4583.]

[Public, No. 492.]

CHAP. 231.—An Act Granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, South Dakota.

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 State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between Charles Mix County and Gregory County, South Dakota, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Missouri River.
South Dakota may
bridge, between Charles
Mix and Gregory Coun-
ties.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1923.

March 3, 1923.

[H. R. 5018.]

[Public, No. 493.]

CHAP. 232.—An Act To authorize the widening of First Street northeast, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this Act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening

District of Columbia.
First Street NE.
Condemning land to
widen.
Vol. 34, p. 151.

of First Street northeast, along the eastern boundaries of squares numbered six hundred and seventy-five, six hundred and seventy-six, and six hundred and seventy-seven, to a width of sixty feet, as shown on plan on file in the office of the Engineer Commissioner of the District of Columbia: *Provided, however,* That of the amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said widening, plus the costs and expenses of the proceeding hereunder, not less than two-thirds thereof shall be assessed by the jury as benefits.

Proviso.
Two-thirds of damages assessed as benefits.

SEC. 2. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages. The amounts assessed as benefits when collected shall be repaid to the District of Columbia and covered into the Treasury to the credit of the revenues of the District of Columbia.

Amount authorized for expenses and award.

Assessment, etc., of benefits.

SEC. 3. That the Act approved June 11, 1910, entitled "An Act authorizing the widening of First Street northeast, in the District of Columbia," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are hereby authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under said Act for the widening of said First Street, now pending in the Supreme Court of the District of Columbia, and known as District court cause numbered nine hundred and twenty-two.

Former Act repealed and proceedings under discontinued.
Vol. 36, p. 466.

Approved, March 3, 1923.

CHAP. 233.—An Act To amend section 206 of the Transportation Act, 1920.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 206 of the Transportation Act, 1920, is amended by adding at the end thereof two new subdivisions to read as follows:

"(h) Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a), (c), or (d), properly commenced within the period of limitation prescribed, and pending at the time this subdivision takes effect, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the Director General of Railroads or the agent designated under subdivision (a), but may (despite the provisions of the Act entitled 'An Act to prevent the abatement of certain actions,' approved February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding heretofore or hereafter brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of such Act of February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office.

March 3, 1923.
[H. R. 14309.]
[Public, No. 494.]

Transportation Act, 1920.

Vol. 41, p. 462, amended.

Federal railroad control.

Actions under, not to abate by separation of officer, etc.

Successor may be substituted notwithstanding former law.
Vol. 30, p. 822.

Actions by officials may be prosecuted by successors in office and not abate by separation of officer bringing suit, etc.

Orders providing for substitution validated.

"(i) Orders providing for a substitution in such cases made before this subdivision takes effect by courts having jurisdiction of the parties and subject matter are hereby validated, anything in such