

CHAP. 52.—An Act To provide for the widening of First Street between G Street and Myrtle Street northeast, and for other purposes.

March 11, 1926.

[S. 2041.]

[Public, No. 43.]

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 XV of the Code of Law for the District of Columbia, 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, within six months after the passage of this Act, a proceeding in rem to condemn the land that may be necessary for the widening of First Street between G and Myrtle Streets northeast, along the eastern boundaries of squares numbered 675, 676, and 677, said street to be widened on such lines and to such a width as said commissioners may deem best for the public interest: *Provided*, That if the amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for such widening, plus the costs and expenses of the proceeding hereunder, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia.

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

Proviso.
If damages exceed benefit payments, excess from District revenues.

Amounts authorized for expenses and award.
Post, p. 427.

Assessment, etc., of 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 hereunder, and for the amounts awarded as damages; and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the revenues of the District of Columbia.

Former Act repealed and proceedings under, discontinued.
Vol. 42, p. 1443, repealed.

SEC. 3. That the Act approved March 3, 1923, entitled "An Act to authorize the widening of First Street northeast, and for other purposes," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under said Act for the widening of the said First Street, known as District Court Cause Numbered 1594.

Approved, March 11, 1926.

CHAP. 53.—An Act To extend the time for the construction of a bridge across the White River.

March 11, 1926.

[H. R. 9109.]

[Public, No. 44.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved February 12, 1925, to be built by the county of Independence, in the State of Arkansas, and its successors and assigns, across the White River, at a point suitable to the interests of navigation within or near the limits of the town of Batesville, in the county of Independence, in the State of Arkansas, are hereby extended one and three years, respectively, from the date of approval hereof.

White River.
Time extended for bridging, by Independence County, at Batesville, Ark.
Vol. 43, p. 888, amended.

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

Amendment.

Approved, March 11, 1926.

CHAP. 54.—An Act Authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes.

March 12, 1926.

[S. 1129.]

[Public, No. 45.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secre-

Lands for military purposes.

Sale of designated tracts, etc., no longer needed therefor.

Proviso. Limitation if occupied by American Legion posts.

tary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interest of the United States, the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided*, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post:

NAME OF RESERVATION

Names of reservations.

Anastasia Island, Florida.
 Andrew, Fort, Massachusetts.
 Barrancas, Fort, Military Reservation, Florida (that portion purchased in April, 1832, and reserved by Executive order of January 10, 1838, and subsequently transferred to the War Department).
 Battery Bienvenue, Louisiana.
 Boca Grande Military Reservation, Florida (all except that portion reserved for and used as a Marine hospital reservation).
 Casey, Fort, Washington (that portion known as "Shields Spring" tract, about sixty-six acres).
 Chickamauga and Chattanooga National Military Park, Tennessee (lot numbered 30 and one-half of lot numbered 32 on Caroline Street).
 Clinch, Fort, Florida (remainder).
 Crockett, Fort, Texas (lots numbered 45 and 55, section 1, Galveston, Texas).
 Dade, Fort, Florida.
 De Soto, Fort, Florida.
 Flag Island, Florida.
 Howard, Fort, Maryland.
 Jackson, Fort, Louisiana.
 Jackson Barracks, Louisiana.
 Key West Barracks, Florida.
 Macomb, Fort, Louisiana.
 Madison Barracks, New York (water lot).
 Martello Tower, West, Florida (north portion, ten and six-tenths acres).
 Martello Tower, East, Florida (north portion, ten acres).
 Mobile Bay (islands in), Alabama.
 Moreno Point, Florida.
 Morgan, Fort, Alabama.
 Newport News warehouses, Virginia (that portion lying between the right of way of the Chesapeake and Ohio Railway and Virginia Avenue in the city of Newport News, and the said right of way of the said Chesapeake and Ohio Railway and the county road in the county of Warwick, and between Forty-ninth Street in the city of Newport News and the lands of the Old Dominion Land Company).
 Norfolk, Fort, Virginia.
 Pensacola Military Reservation, Florida (all but five hundred and fifty-two thousand square feet reserved for a fire-control station).
 Perdido Bay Military Reservation, Florida (east side of entrance to).
 Perdido Bay Military Reservation, Alabama (lands west of and north of Bay La Launch).

Perdido Bay Military Reservation, Alabama (lands on west side of entrance to).

Pickens, Fort (Santa Rosa Island), Military Reservation), Florida (portion comprising the east end of Santa Rosa Island).

Pike, Fort, Louisiana.

Saint Andrews Sound Military Reservation, Florida.

Saint Josephs Bay Military Reservation, Florida.

San Diego Barracks, California.

Schuyler, Fort, New York.

Ship Island, Mississippi.

Smallwood, Fort, Maryland.

Taylor, Fort, Florida (the detached lot fronting on Whitehead Street between Louisa and United Streets in the city of Key West, Florida).

Three Tree Point Military Reservation, Washington.

Townsend, Fort, Washington.

Marsh Islands (opposite Powder House Lot Military Reservation) near Saint Augustine, Florida.

Wingate, Fort, New Mexico (that portion north of the right of way of the Atchison, Topeka and Santa Fe Railroad, nine thousand five hundred and two acres).

Washington, District of Columbia (part of lot 4, square 377).

SEC. 2. That prior to the sale under this Act of any reservation created out of the public domain the Secretary of War shall make request upon the Secretary of the Interior to determine whether or not the State is entitled to any of the lands embraced therein under the so-called swamp land grant (Act of September 28, 1850, Ninth Statutes, pages 519, 520), and if the Secretary of the Interior shall determine that the State under the provisions of the said Act is entitled to any lands therein, he shall cause such lands to be surveyed and patented to the State: *Provided further*, That upon request of the Secretary of War the Secretary of the Interior may cause surveys to be made either as a whole or in two or more parts as the Secretary of War may request of any reservation or reservations authorized to be sold under this Act.

If land within a State swamp land grant, to be patented to the State.
Vol. 9, p. 519.

Proviso.
Surveys.

SEC. 3. The Secretary of War is hereby authorized, directed and empowered, in the event it be found that any citizen of the United States or the ancestors, the assignors, or the predecessors in title of a citizen, either separately or by tacking, shall have for a period of twenty or more years immediately preceding the approval of this Act resided upon and occupied adversely or improved any part or parcel of the aforesaid designated property or exercised ownership thereof based upon a deed of conveyance, purporting to convey a fee simple title and executed twenty years or more prior to the passage of this Act, and theretofore made by one claiming title to such part or parcel, to have such part or parcel so claimed separately surveyed if requested in writing by a claimant within sixty days after the service of written notice on such person or his tenant or agent that the United States claims such land and to thereafter convey title to the claimant by quitclaim deed upon payment of 10 per centum of the appraised value thereof: *Provided*, That any claimant who fails or refuses for more than sixty days after the notice herein provided to make written application for survey and submit satisfactory record and other evidence required by the Secretary of War to substantiate the claim that he is entitled to a quitclaim deed under the provisions of this section shall forever be estopped from exercising any claim of title or right of possession to the property: *Provided further*, That in carrying out the provisions of this section the Secretary of War shall not incur any expense other

Survey of parcel on request of adverse possessor thereof on notice of Government claim.

Authority for quitclaim.

Provisos.
Claimant estopped if no application made.

Expenses limited.

than that incident and necessary to giving the notices required and surveying and platting such of the property as may be claimed by a citizen of the United States.

SEC. 4. The net proceeds of the sale of the surplus War Department real property hereinbefore designated, and the net proceeds of the sale of surplus War Department real property, including net proceeds derived from the sale of surplus buildings heretofore authorized and not heretofore covered into the Treasury, shall be deposited in the Treasury to the credit of a fund to be known as the Military Post Construction Fund, to be and remain available until expended for permanent construction at military posts in such amounts as may be authorized by law from time to time by the Congress: *Provided*, That where the lands sold were originally reserved from the public domain for military or other public purposes of the United States, before the deposit of the net proceeds of the sale into the Treasury there shall be deducted from the net proceeds of the sale, and paid to the State in which the land is situated in each case the 5 per centum as provided by the Act of March 3, 1845 (Fifth Statutes, page 788), and similar Acts, of the net proceeds of the sale of all such lands as were reserved subsequently to the passage of such Act or Acts, but excepting and excluding, however, from such deduction the appraised value of any buildings or improvements that may have been constructed by the United States upon the said lands: *And provided further*, That estimates of the moneys to be expended from the said Military Post Construction Fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress in the Budget.

SEC. 5. In the disposal of the aforesaid property the Secretary of War shall in each and every case cause the property to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 6. In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold, the head of the department requiring the same shall, within ninety days after the approval of this Act, make application to the Secretary of War for the transfer thereof, giving the specific reasons therefor, but no such transfer shall be made unless approved by the President.

SEC. 7. After ninety days from the date of the approval of this Act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments, and such State, or county in which such land is located, or municipality in or nearest which such land is located shall, in the order named, have the option at any time within six months after such notification to the governor to acquire the same or any part thereof which shall have been separately appraised and approved upon payment within such period of six months of the appraised value thereof: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without

Military Post Construction Fund.
Net proceeds of sales to be deposited to credit of.

Proviso.
Payment of 5 per cent of proceeds, if lands were originally reserved from public domain.

Vol. 5, p. 788.

Annual estimates of proposed use of fund.

Appraisal of property.

Application for transfer thereto by other departments.

Notification to governor of State of appraisal of lands therein.

Option for six months to a State, etc., to acquire.

Proviso.
Use limited to public purposes.

notice, demand, or action brought: *And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit, notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *Provided further*, That where any of the lands referred to in section 1 are now under lease or license to any State for National Guard purposes, the State shall have the right to purchase said lands at their appraised value, and after purchase may sell any part of such lands as in the opinion of the Secretary of War may not be needed for the use of the National Guard of such State: *And provided further*, That the sale of Fort Gaines, Alabama, authorized to be sold under the Act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said Act.

Extension of time for payment by State, etc.

Lands used by State National Guard.

Fort Gaines, Ala. Sale to be consummated. Vol. 43, p. 383.

SEC. 8. Six months after the date of the notification of said appraisal, if the option given in section 7 hereof shall not have been exercised in the manner herein specified, or after receipt by the Secretary of War of notice that the State, county, and municipality do not desire to exercise the option herein granted, the Secretary of War may sell or cause to be sold each of said properties at public sale at not less than the appraised value thereof, after advertisement in such manner as he may direct.

Disposal at auction if option not exercised.

SEC. 9. The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the property hereinbefore authorized for disposition shall be paid from the proceeds of the sale of any of the properties sold under this Act: *Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of \$100 a day.

Expenses of appraisal, etc., from proceeds of sale.

Proviso. Auctioneer fee.

SEC. 10. A full report of all transfers and sales made under the provisions of this Act shall be submitted to Congress by the Secretary of War upon the consummation thereof.

Report to Congress.

SEC. 11. Hereafter if any real property acquired for military purposes becomes useless for such purposes, the Secretary of War is directed to report such fact to Congress in order that authorization for its disposition in accordance with this Act may be granted.

Report hereafter of useless property.

SEC. 12. The authority granted by this Act repeals all prior legislative authority granted to the Secretary of War to sell or transfer any of the reservations herein designated.

Previous authorizations repealed.

Approved, March 12, 1926.

CHAP. 56.—Joint Resolution To regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition.

March 15, 1926.
[H. J. Res. 197.]
[Pub. Res., No. 8.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation made in the first deficiency Act, fiscal year 1926, to enable the Government of the United States to participate in the National Sesquicentennial Exposition, may be expended for the purposes enumerated in that Act without regard to the provisions of any other Act relating to the expenditure of public moneys or the employment of personal services, on the certificate of the National Sesquicentennial Exhibition Commission that the materials or services were necessary to enable the United States Government to participate in said exposition: *Provided*, That this authority shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit.

National Sesquicentennial Exposition. Expenditures of, on certificate of Commission allowed. *Ante*, p. 194.

Proviso. Auditing of accounts.

Approved, March 15, 1926.