

is authorized to appoint any person retired under the last proviso of section 1, Chapter XVII, of the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, a first lieutenant, Medical Corps, United States Army, and to retire such person and place him on the retired list of the Army as a first lieutenant with the retired pay and allowances of that grade.

Approved, March 3, 1927.

Medical Corps.
Appointments of first lieutenants on retired list.
Vol. 40, p. 889.

CHAP. 304.—An Act To amend section 8 of the Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913.

March 3, 1927.

[S. 3408.]

[Public, No. 707.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (Thirty-seventh United States Statutes, page 974), be amended by adding a new paragraph, numbered 42a, to read as follows:

District of Columbia.
Public Utilities Commission.
Vol. 37, p. 984, amended.

"Par. 42a. That the expenses of any investigation, valuation, revaluation, or proceeding of any nature made by the Public Utilities Commission of any public utility operating in the District of Columbia shall be borne by the public utility investigated, valued, revalued, or otherwise as a special franchise tax in addition to all other taxes imposed by law, and such expenses with 6 per centum interest may be charged to operating expenses and amortized over such period as the Public Utilities Commission shall deem proper and be allowed for in the rates to be charged by such utility. When any such investigation, valuation, revaluation, or other proceeding is begun the said Public Utilities Commission may call upon the utility in question for the deposit of such reasonable sum or sums as, in the opinion of said commission, it may deem necessary from time to time until the said proceeding is completed, the money so paid to be deposited in the Treasury of the United States to the credit of the appropriation account known as "Miscellaneous trust fund deposit, District of Columbia" and to be disbursed in the manner provided for by law for other expenditures of the government of the District of Columbia, for such purposes as may be approved by the Public Utilities Commission. Any unexpended balance of such sum or sums so deposited shall be returned to the utility depositing the same: *Provided*, That the amount expended by the commission in any valuation or rate case shall not exceed one-half of 1 per centum of the existing valuation of the company investigated, and that the amount expended in all other investigations shall not exceed one-tenth of 1 per centum of the existing valuation for any one company for any one year.

Investigation, etc., expenses to be borne by utility affected.

A special franchise tax.

Deposit in miscellaneous trust fund account required.

Return of unexpended balance.

Provided.
Limit for expenses of valuation.

Approved, March 3, 1927.

CHAP. 305.—An Act To provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes.

March 3, 1927.

[S. 222.]

[Public, No. 708.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a viaduct and approaches to carry Michigan Avenue over the tracks and right of way of the Baltimore and Ohio Railroad Company in accordance with plans

District of Columbia.
Viaduct directed for Michigan Avenue, over Baltimore and Ohio Railroad tracks.

Proviso.
Railroad to pay one-half of cost.

and profiles of said works, to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing the said viaduct and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company.

Enforcement.

Payment by street railways for use of viaduct.

SEC. 2. That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until the said company shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the cost of said viaduct and approaches, which sum shall be deposited to the credit of the District of Columbia.

Amount authorized to be appropriated.

SEC. 3. That for the purpose of carrying into effect the foregoing provisions, the sum of \$275,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia, and the said commissioners are authorized to expend such sum as may be necessary for personal services and engineering and incidental expenses. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land or any portion of same within the limits of Michigan Avenue as shown on the recorded highway plan, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia: *Provided, however*, That of the entire amount found to be due and awarded by the jury as damages for, and in respect of, the land to be condemned to carry the provisions of this Act into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant hereto, not less than one-half thereof shall be assessed by the jury as benefits, the amounts collected as benefits to be covered into the Treasury of the United States, to the credit of the District of Columbia.

Acquiring necessary land.

Condemnation.
Vol. 34, p. 151.

Proviso.
Not less than one-half of damages awarded to be assessed as benefits.

Closing of Michigan Avenue forever after viaduct completed.

SEC. 4. That from and after the completion of the said viaduct and approaches the highway grade crossing over the tracks and the right of way of the said Baltimore and Ohio Railroad Company at Michigan Avenue in the District of Columbia shall be forever closed against further traffic of any kind.

Approved, March 3, 1927.

March 3, 1927.

[S. 3888.]

[Public, No. 709.]

CHAP. 306.—An Act To provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes.

District of Columbia.

Viaducts directed for Fern and Varnum Streets and Eastern Avenue over tracks of steam railroads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct viaducts and approaches thereto, to carry Fern and Varnum Streets over the tracks and right of way of the Baltimore and Ohio Railroad Company and to construct a viaduct and approaches thereto to carry Eastern Avenue over the tracks and