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valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

Rights of succession.

SEC. 15. That all the provisions of this Act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall, by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well those granted by this Act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company.

REPEAL OF CONFLICTING ACTS.

Repeal

SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed.

RESERVED RIGHTS OF CONGRESS.

Amendment.

SEC. 17. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 12, 1901.

February 12, 1901.

CHAP. 354.—An Act To provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

District of Columbia. Baltimore and Ohio Railroad. Elimination of grade crossings, construction of new terminals, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Ohio Railroad Company, and the terminal company incorporated as provided in this Act, be, and each of them is hereby, empowered and authorized to locate, construct, maintain, and operate new terminals and new lines of railroad to accommodate the traffic of the said Baltimore and Ohio Railroad Company, in connection with its Washington Branch Railroad and Metropolitan Branch Railroad within the District of Columbia and in the city of Washington, as hereinafter provided. The said new terminals and terminal tracks shall occupy the streets, avenues, public reservations, and property belonging to the United States, and such of the lands and property belonging to others as may be acquired by either of said companies, situate and lying within the area bounded as follows, to wit: Beginning at the intersection of the south line of H street north and a line forty feet from the east building line of Delaware avenue and parallel thereto; thence along said line parallel to the easterly building line of Delaware avenue and forty feet therefrom to the west line of First street east; thence by said west line of

Location of new terminals and tracks.

First street east to the north line of C street north; thence by said north line of C street north to the east line of North Capitol street; thence north by said east line of North Capitol street to the south line of Massachusetts avenue; thence by a straight line to the intersection of the west line of First street east and the south line of H street north; thence to the point of beginning, or so much of this area as may be found to be necessary for proper terminal facilities and agreed upon between the Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia: *Provided*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

Proviso.
Access to private property not to be impaired.

The main lines of railroad connecting said new terminals and terminal tracks with the present lines of railroad of said Washington Branch and said Metropolitan Branch shall be located as follows: From the south side of H street said lines shall run by a masonry viaduct of width sufficient for five tracks, but not exceeding in width eighty feet, with such turn-outs and sidings to adjoining property as may at any time hereafter be constructed under the authority of this Act, northerly along the middle of Delaware avenue to the north line of M street; thence northerly still in Delaware avenue, with five main tracks, but with the right to locate and construct sidings in Delaware avenue to and into adjoining property, including all of square numbered seven hundred and forty-eight, and crossing Florida avenue overhead by means of a two-span plate-girder bridge, or by masonry arches, to the north side of Florida avenue; thence by diverging lines crossing over New York avenue by means of a two-span plate-girder bridge or bridges over the same, or by masonry arches; the one line, with two or more tracks, by the most practicable route in a general northeasterly direction, to a point of connection with the present tracks of the Washington Branch Railroad north of Winthrop Heights Station, and the other line, with two or more tracks, in a northerly direction by the most practicable route, to a point of connection with the present tracks of the said Metropolitan Branch Railroad at or near Rhode Island avenue extended.

Location of connecting lines between terminals and present lines.

SEC. 2. That said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of V street, yard tracks, switches, roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business or for the purposes of a freight yard; and also to locate, build, maintain, and operate, beyond the city limits, a branch track or "Y" for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city: *Provided*, That said roundhouses and shops shall be located within said "Y" as far eastwardly as in the judgment of the Commissioners of the District of Columbia it is practicable.

Location of roundhouses, etc.

—branch track or "Y."

SEC. 3. That to accomplish the purposes of this Act the following-named streets in the subdivision of Eckington east of the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad Company shall be completely vacated and abandoned by the public and closed to public use, namely: Q, R, Third between New York avenue and Florida avenue, Fourth, Fifth, and Randolph streets; S and Seaton streets west of Sixth street; and Sixth street south of U street and Seventh street between New York avenue and Brentwood road shall not be opened. The Brentwood road shall also be closed between S street and Florida avenue. New York avenue and Florida avenue shall be carried under said railroad, as provided in the first section of this Act. T and V streets shall be carried under by a subway, or over the Metropolitan Branch Railroad by a bridge or viaduct. Between

Streets to be vacated, etc.

Elevated tracks.

the north line of M street and the south line of G street all the tracks hereinbefore authorized shall be elevated and carried on a masonry viaduct, which said viaduct shall be so constructed with arches or bridges as to permit each and every intersecting street or avenue in the city to be passed and continued under the same through arched openings or spaces of sufficient clearance to permit the free and unobstructed use of said streets and avenues, in the form and manner and of the dimensions shown and indicated on the plan and profiles agreed upon between the said Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia, and now on file in the office of the Engineer Commissioner: *Provided*, That M street may be crossed by a metal bridge instead of a masonry arch, if desired, in order to avoid any change in the grade of said street.

Proviso.
Metal bridge on M street.

Vacated streets in city.

The following-named streets within the city limits shall be completely vacated, abandoned, and closed, namely: N street, between second street east and Third street east, and Delaware avenue shall be closed and abandoned between the south line of Florida avenue and the north line of M street; E street between First street and North Capitol street; D street between First street and North Capitol street, and Delaware avenue between F street and C street, it being the intention of this Act that all streets, avenues, ways, and alleys within the area to be occupied and used for terminals and terminal tracks, as shown on said plan filed in the office of the Engineer Commissioner, shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the said railroad company or terminal company constructing such terminals for the purposes of the same, except that Massachusetts avenue and F street shall be carried under said terminals by means of arches, in accordance with plans approved by the Commissioners of the District of Columbia.

Authority to close streets, etc.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed, as provided in this Act and in accordance with the intent thereof; and also to make such changes in the existing lines and grades of any street, avenue, or way as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized.

That such portions of the structures carrying T and V streets over and under the tracks of the Baltimore and Ohio Railroad Company as lie within the limits of the right of way of said company shall be built and paid for by said company; and that so much of the change of grade at M street and Florida avenue as may be necessary to carry said highways under the line of the railroad within the limits of the right of way of said company shall be paid for by the railroad company. The approaches, however, to said T street, V street, Florida avenue, and M street, and all of the work not within the right of way at said points shall be made and constructed by and under the supervision of the Commissioners of the District of Columbia and paid for from funds available for the purpose.

Location of fire engine house.

SEC. 4. That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square six hundred and eighty-three, secure and convey to the United States a tract of ground containing not less than twenty-one thousand square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than thirty thousand dollars and stables at a cost of not less than fifteen thousand dollars; or, if said company prefers, it may have the said buildings erected by the Commissioners of the District of Columbia by depositing the amounts stated above with the said

Commissioners and Sergeant-at-Arms, respectively, and when such buildings have been accepted by the District of Columbia and the Sergeant-at-Arms of the Senate, respectively, or the amounts necessary for their construction deposited as aforesaid, it shall have authority to remove said structures on the ground aforesaid. And the Baltimore and Ohio Railroad Company shall have the right to condemn such land in the city as is hereinbefore required, and for said purposes the provisions of section eleven of this Act are hereby made applicable to the provisions of this section.

Location of additional passenger, etc., stations.

SEC. 5. That in addition to the main or terminal station or depot, to be located as hereinbefore provided, the Baltimore and Ohio Railroad Company, or the terminal company incorporated as provided in this Act, may from time to time hereafter construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct of its business, or for the accommodation of the freight and passenger traffic passing over the lines of railroad authorized by this Act, at such point or points within said District as the Commissioners of the District of Columbia shall approve: *Provided*, That no such station or depot within the city limits shall be located east of Second street east, and west of North Capitol street, and it shall be lawful for either of said companies to acquire, by gift, purchase, or condemnation, any land adjacent to any street or avenue along or upon which the lines of railroad and works hereby authorized shall be located, and hold and improve the same in such manner as it may deem necessary or beneficial to accommodate or promote the traffic on said railroad, and to extend and construct tracks of railroad into and upon any lands so acquired and connect the same with the tracks on such adjacent street or avenue: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be elevated and carried over the portion of such street or avenue crossed in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks and elevated structure shall in every case be first filed with and approved by the Commissioners of the District of Columbia. And it shall be lawful for said companies, or either of them, subject to the same conditions and restrictions, to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

Provisos.
—qualification.

Adjacent land may be acquired.

—extension of tracts on.

—no grade crossing to be created, etc.

Sidings for manufactories, etc.

Temporary tracks authorized.

SEC. 6. That if it should at any time be deemed necessary or advisable in the construction of the works hereby authorized to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Ohio Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of such Commissioners, within sixty days after the time fixed for the completion of the works hereby authorized.

Plans.

SEC. 7. That it is the intention of this Act that the location and construction of the new terminals, terminal tracks, viaduct, and railroad lines hereby authorized within the city of Washington shall be substantially in accordance with the plans agreed upon by and between the Commissioners of the District of Columbia and the Baltimore and Ohio Railroad Company, which plans, with the accompanying drawings, maps, and tracings, signed by the Commissioners and by the

chief engineer of such railroad company, are filed in the office of the Engineer Commissioner of said District; but that the company constructing said works shall be authorized to make such minor changes or modifications of or departures from said plans, drawings, maps, and tracings as it may reasonably require or deem necessary, advisable, or advantageous and as the Commissioners shall approve and agree to; and in case of any change or modification of or departure from the present plans the Baltimore and Ohio Railroad Company shall submit the new plans to the said Commissioners for their approval, and shall file duly authenticated copies of said plans, after approval, with the Commissioners.

—changes.

—approval.

Approval of construction.

All work of construction authorized by this Act which shall affect in any way the existing streets or avenues of the city or District not hereby abandoned and closed shall be done to the satisfaction and subject to the approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance thereof.

Deposit for inspection.

The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Completion of work.

SEC. 8. That of the works hereby authorized the viaduct and main lines of railroad thereon and extending therefrom to their points of connection with the Washington Branch Railroad and Metropolitan Branch Railroad, respectively, shall be completed, and said new terminals shall be ready for occupancy, within five years from the date of the passage of this Act.

Removal of present tracks

From and after the expiration of five years from the date of the passage of this Act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue, also extending from the north line of New York avenue to the north line of Q street, and west of the east line of Third street to said north line of New York avenue, shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States on all the lines to be abandoned as aforesaid. Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting, conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, authorized by this Act, shall be ready for use, but not exceeding six years from the date of the passage of this Act; said company, however, to have the right to remove its tracks and structures from the lands so granted within sixty days after the expiration of its right to maintain and use its tracks thereon.

Company to deed to United States right of way, etc., of Washington Branch Railroad, etc.

Appropriation for payment to company

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this Act, of its rights under the several Acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said Acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this Act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of one million five hundred thousand dollars, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this Act.

Payment of half chargeable against the District.

In order to provide for the one half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the first day of July following the passage of this Act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of one hundred and fifty thousand dollars, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of seven hundred and fifty thousand dollars, as provided herein, shall have been paid.

Property taxable.

SEC. 9. That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal company, under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made or levied on the railroad or terminals located, constructed, or maintained under the authority of this Act in excess of that which would or could be lawfully made, laid, or levied if said railroad and terminals were so located, constructed, and maintained without the use of bridges, viaducts, retaining walls, and other structures necessary or properly employed to elevate the same as required by this Act, it being the true intent and meaning hereof that the railroad and terminals hereby authorized shall be assessed and valued for purposes of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, viaducts, retaining walls, and other structures.

Proviso. —basis of taxation.

Organization of terminal company in District.

SEC. 10. That if, for the purpose of constructing and owning the terminals, viaduct, railroads, depots, stations, and other works authorized by this Act, or any part thereof, the Baltimore and Ohio Railroad Company shall deem it expedient or advisable that a terminal company in its interest be created and organized in the District of Columbia, the said Baltimore and Ohio Railroad Company, or some person thereto authorized on its behalf by resolution of its president and directors, together with other persons not less than seven in number, of whom a majority shall be residents of the District of Columbia, shall cause a certificate of incorporation to be executed and recorded in accordance with the provisions of the general incorporation Act of Congress for the District of Columbia relating to railroad companies, being sections six hundred and eighteen to six hundred and seventy-six, both

R. S. D. C., secs. 618–676, pp. 74, etc. Capital stock.

inclusive, of the Revised Statutes relating to the District of Columbia, with such capital stock, not to exceed five million dollars fully paid up, and under such corporate name as may be set forth in such certificate. The corporation so formed shall be vested with all the authority, rights, and privileges granted by said general Act, but the Baltimore and Ohio Railroad Company, or such persons as it may designate by resolution of its president and directors, shall be entitled to subscribe for and hold all the stock of said corporation, without advertisement or allotment, as provided in said sections six hundred and twenty-one and six hundred and twenty-two of said Revised Statutes.

Powers of corporation, etc.

Said corporation shall also be vested with and enjoy all the authorities, rights, and privileges herein granted, so far as the same are applicable to or exercisable in its undertaking, as set forth in its said certificate of incorporation, and it shall be bound by all the limitations and provisions of this Act. Said corporation shall have the further powers to contract with the Baltimore and Ohio Railroad Company for the use or operation of its railroad and works by the last-named company, or for the lease of the same, on such terms as may be agreed upon between the two companies, and shall also have the right and power, exercisable at any time, to sell and convey all its railroad, works, and property to the said Baltimore and Ohio Railroad Company in consideration of the latter company assuming all its debts and liabilities and agreeing to repay to every stockholder the amount of money actually paid in on the stock held by him.

On the execution, delivery, and recording of the deed of conveyance, pursuant to and in consummation of such sale, the said terminal company shall ipso facto be dissolved and its corporate existence shall cease.

In the event, however, that the said terminal company shall not be organized under the provisions of this Act then the privileges, powers, and duties herein conferred and imposed shall devolve exclusively upon the Baltimore and Ohio Railroad Company.

Acquiring land for terminals, etc.

SEC. 11. That the Baltimore and Ohio Railroad Company and the terminal company incorporated as herein provided shall be authorized and empowered, from time to time, to take, acquire, and hold, in fee simple, all lands and property required for the terminals, stations, yards, railroad facilities, and other works authorized by this Act, either by purchase or by condemnation, as provided in sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided*, That in every case in which an assessment of damages or an award shall have been returned by the appraisers, the company upon paying into court the amount so assessed or awarded, may enter upon and take possession of the lands and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid.

R. S. D. C., secs. 648–663, pp. 78, 79.

Proviso.

Right of entry on deposit of appraisers' award.

Line outside city limits authorized.

SEC. 12. That the Baltimore and Ohio Railroad Company and the Terminal Company, incorporated as provided in this Act, be, and they are hereby, authorized and empowered to locate, construct, maintain, and operate outside of the limits of the city of Washington a line of railroad with one or more tracks extending from a connection with the Washington Branch Railroad and with the railroad authorized by the foregoing sections of this Act north of Winthrop Heights station by such route as the company may select as most practicable, and be approved by the Commissioners of the District of Columbia, to a connection with the Baltimore and Potomac Railroad and with the said Baltimore and Ohio Railroad Company's Shepherds branch at or near Bennings station; and in the location, construction, maintenance, and

operation of the line of railroad authorized by this section the said companies may exercise all the authorities, rights, privileges, and franchises by this Act conferred upon and vested in them in respect of the lines of railroad authorized by the foregoing sections of this Act, outside of the limits of the city of Washington: *Provided*, That whenever in the construction of said line of railroad it shall be found necessary to cross any existing public highway of the District of Columbia the company shall submit to and file with the Commissioners of the District of Columbia proper plans showing the intended crossing, shall obtain the approval of the same by the said Commissioners, and shall construct such crossing only in conformity with such approved plan. Every such highway crossing shall be either over or under grade where practicable without increasing the grades on said railroad or causing unreasonable expense in construction; and for the purpose of avoiding grade crossings the Commissioners of the District of Columbia shall be fully authorized and empowered to change the grade of any such public highway so as to pass the same over or under said railroad, and to deflect or divert any such highway so as to pass over or under said railroad at a different point of crossing, and to close so much of the said highway as is abandoned; and the company shall acquire, by purchase or condemnation, at its own expense, all lands required to relocate such highways, and shall pay the cost of all new construction or work required to restore any such highway raised, depressed, deflected, or relocated as above provided, all of which construction and work shall be done to the satisfaction and subject to the approval of the said Commissioners.

Proviso.
—highway crossings; approval of plans.

—relocating highways.

SEC. 13. That all existing laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent to which they are so inconsistent, but to no further or other extent.

Repeal.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, February 12, 1901.

CHAP. 355.—An Act To divide Kentucky into two judicial districts.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the word "Kentucky."

Kentucky divided into two judicial districts.
R. S., sec. 531, p. 89 amended.

SEC. 2. That the State of Kentucky is divided into two judicial districts, which shall be called the eastern and western judicial districts of the State of Kentucky. The eastern district includes the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, Harrison, with the waters thereof. The western district includes the residue of said State of Kentucky, with the waters thereof.

Eastern district, of what composed.

—western.

SEC. 3. That the district judge of the judicial district of Kentucky as heretofore constituted, and in office at the time this Act takes effect, shall be the district judge for the western judicial district of Kentucky as constituted by this Act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Kentucky as heretofore constituted, and in office at the time this Act takes effect,

Existing officers to act.