

Payment, etc.
Vol. 31, p. 217.

Proviso.
Condition for use.
Revocation.

of said commissioners and all costs incident thereto, including the cost of replacing any pavement disturbed thereby, shall be paid by the permittee in accordance with the third paragraph of the Act approved May 26, 1900 (United States Statutes at Large, volume 31, page 217): *Provided*, That the other conditions imposed by section 1 of said Act shall not apply to any permit which may be granted hereunder: *And provided further*, That such permit may be revoked at any time by the District Commissioners without compensation to the permittee or any successor, and the commissioners may remove any pipes laid under the authority of this Act.

Approved, March 3, 1927.

March 3, 1927.
[S. 1490.]
[Public, No. 735.]

CHAP. 332.—An Act To provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York.

New York western
judicial district.
Additional judge au-
thorized for.
Vol. 36, p. 1087,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Western District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district; and that the official residence of said judges shall not be in the same or adjoining counties.

Approved, March 3, 1927.

March 3, 1927.
[S. 1914.]
[Public, No. 736.]

CHAP. 333.—An Act Directing the resurvey of certain lands.

Public lands.
Resurveys directed
of certain townships in
Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to cause to be resurveyed townships 29 and 30 north, range 38 east, of the Willamette meridian, and townships 30 and 32 north, range 39 east, of the Willamette meridian, all in the State of Washington, and to cause proper marks and designations to be placed at the corners of the quarter sections thereof, said work to be done at public expense out of appropriations available for survey of the public lands.

Approved, March 3, 1927.

March 3, 1927.
[S. 2164.]
[Public, No. 737.]

CHAP. 334.—An Act Granting the consent of Congress to the city of Fort Smith, Sebastian County, Arkansas, to construct, maintain, and operate a dam across the Poteau River.

Poteau River, Okla.
Preamble.

Whereas the city of Fort Smith, Sebastian County, Arkansas, a duly organized and incorporated city in said county and State, is dependent for its water supply upon the Poteau River, a stream originating in the State of Oklahoma and emptying into the Arkansas River just east of the State line between the States of Arkansas and Oklahoma; and

Whereas it is necessary for a dam to be constructed in order to preserve the purity of the water supply of the said city of Fort Smith: Therefore

Fort Smith, Ark.,
may dam, west of State
dividing line.

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 city of Fort Smith, a duly

incorporated city, of Sebastian County, Arkansas, to construct, maintain, and operate a dam across the Poteau River, at a point suitable to the interests of navigation, at or near a point just west of the State line dividing the States of Arkansas and Oklahoma, and near or just above the mouth of Mill Creek: *Provided*, That the crest of such dam shall not exceed an elevation of six feet above the low-water stage of the Poteau River and that the city of Fort Smith shall be responsible and pay for all damage which may accrue to the Choctaw and Chickasaw Indians as a result of the construction of the dam or the use by the city of Fort Smith of the Poteau River for water-supply purposes: *Provided further*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the said city shall construct, maintain, and operate, without expense to the United States in connection with said dam, a lock, boom, sluice, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve: *And provided further*, That this Act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this Act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this Act: *Provided*, That from and after thirty days' notice from the Federal Power Commission, or other authorized agency of the United States, to said city or their successors, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

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

Approved, March 3, 1927.

CHAP. 335.—An Act To authorize the Secretary of the Interior to exchange for lands in private ownership in Gunnison County, Colorado, certain public lands in Delta County, Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and empowered, in his discretion, to exchange certain public lands in the county of Delta, State of Colorado, described as follows: The southwest quarter of the southwest quarter of section 2, the south half of the south half of section 3, the north half of the north half of section 10, and the northwest quarter of the northwest quarter of section 11, all in township 13 south of range 91 west of the sixth principal meridian, for other lands of approximately equal aggregate value

Proviso.
Elevation of dam.

Payment of damages.

Approval of plans.

Construction of lock,
etc., may be required.

Power use not au-
thorized.

Time of construction.

Proviso.
Authority to termi-
nate on notice from
Federal Power Com-
mission of interfering
with water power de-
velopment.

Grantee of power
project may remove,
etc., dam.

Amendment.

March 3, 1927.

[S. 4069.]

[Public, No. 738.]

Public lands.
Exchange of, in Colo-
rado, with Juanita Coal
and Coke Company.