

*Provisos.*  
Approval of plans required.

Conditions imposed.

Power use not authorized.

Time of construction.

*Proviso.*  
Authority to terminate on notice from Power Commission of interfering with water-power development.

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

Amendment.

County, Illinois: *Provided*, That 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: *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. 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 Momence conservancy district, or its successors and assigns, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, repair, and improve 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. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 28, 1929.

February 28, 1929.  
[H. R. 16658.]  
[Public, No. 840.]

**CHAP. 363.**—An Act To amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit.

Judicial Code.  
Vol. 38, p. 803,  
amended.  
U. S. Code, p. 893.  
Judicial circuits increased to ten.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 116 of the Judicial Code, as amended [U. S. C., title 28, § 211], is amended to read as follows:

First circuit.

"SEC. 116. There shall be ten judicial circuits of the United States, constituted as follows:

Second circuit.

"First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico.

Third circuit.

"Second. The second circuit shall include the districts of Vermont, Connecticut, and New York.

Fourth circuit.

"Third. The third circuit shall include the districts of Pennsylvania, New Jersey, and Delaware.

Fifth circuit.

"Fourth. The fourth circuit shall include the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Sixth circuit.

"Fifth. The fifth circuit shall include the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Seventh circuit.

"Sixth. The sixth circuit shall include the districts of Ohio, Michigan, Kentucky, and Tennessee.

Eighth circuit.

"Seventh. The seventh circuit shall include the districts of Indiana, Illinois, and Wisconsin.

Ninth circuit.

"Eighth. The eighth circuit shall include the districts of Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri, and Arkansas.

"Ninth. The ninth circuit shall include the districts of California, Oregon, Nevada, Washington, Idaho, Montana, Hawaii, and Arizona.

"Tenth. The tenth circuit shall include the districts of Colorado, Wyoming, Utah, Kansas, Oklahoma, and New Mexico."

SEC. 2. Section 118 of the Judicial Code, as amended [U. S. C., title 28, § 213; 45 Stat. at Large 492; Public No. 664, 70th Congress], is amended to read as follows:

"SEC. 118. There shall be in the sixth, seventh, and tenth circuits, respectively, four circuit judges; and in the second and eighth circuits, respectively, five circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. Each circuit judge shall receive a salary of \$12,500 a year, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code."

SEC. 3. Section 126 of the Judicial Code, as amended [U. S. C., title 28, § 223; U. S. C., Sup. I, title 28, § 223], is amended to read as follows:

"SEC. 126. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston, and when in its judgment the public interests require in San Juan, Porto Rico; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, North Carolina; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in Saint Louis, Kansas City, Omaha, and Saint Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; in the tenth circuit, in Denver, Wichita, and Oklahoma City, provided that suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States; and in each of the above circuits terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate, except that terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, and in Montgomery on the third Monday in October. All appeals and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting. All appeals and other appellate proceedings which may be taken or prosecuted from the district court of the United States at Beaumont, Texas, to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals at the terms of court held at New Orleans, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of

Tenth circuit.  
Created.

Circuit judges.  
Vol. 42, p. 840, amended.  
U. S. Code, p. 893.

Number for each  
circuit.  
Post, p. 1414.

Appointment, salary,  
residence.

Service on circuit of  
appeals.

Other duties.

Vol. 36, p. 1132,  
amended.  
U. S. Code, p. 894.

Terms of circuit  
courts of appeals.

Designated terms.

Proceedings in Georgia,  
Texas, and Alabama.

Appeals from district  
court at Beaumont,  
Tex., to New Orleans.

Injunction, appeals,  
etc.

the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting."

Assignment of judges of eighth circuit.

SEC. 4. Any circuit judge of the eighth circuit as constituted before the effective date of this Act, who resides within the eighth circuit as constituted by this Act, is assigned as a circuit judge to such part of the former eighth circuit as is constituted by this Act the eighth circuit, and shall be a circuit judge thereof; and any circuit judge of the eighth circuit as constituted before the effective date of this Act, who resides within the tenth circuit as constituted by this Act, is assigned as a circuit judge of such part of the former eighth circuit as is constituted by this Act the tenth circuit, and shall be a circuit judge thereof.

Pending proceedings.

SEC. 5. Where before the effective date of this Act any appeal or other proceeding has been filed with the circuit court of appeals for the eighth circuit as constituted before the effective date of this Act—

Continued in said court if hearing had been held, etc.

(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect of the case shall be had in the same manner and with the same effect as if this Act had not been enacted.

Transfers to proper circuit if no hearing, etc., have been held.

(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, or other proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the circuit court of appeals to which it would have gone had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in said court.

Effective in thirty days.

SEC. 6. This Act shall take effect thirty days after its enactment.

Approved, February 28, 1929.

February 28, 1929.  
[S. 5621.]  
[Public, No. 841.]

CHAP. 364.—An Act To repeal paragraphs 127 and 128 of the Act entitled "An Act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928.

Reports, etc., to Congress.  
Submission continued.  
*Ante*, p. 996, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That paragraphs 127 and 128 of the Act entitled "An Act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928, are hereby repealed.

Acts of legislatures of the Philippines and Porto Rico.

SEC. 2. The reports of the acts of the Philippine Legislature, referred to in paragraph 127 of such Act of May 29, 1928, and the acts and resolutions of the Legislature of Porto Rico, referred to in paragraph 128 of such Act of May 29, 1928, shall be continued as if such Act of May 29, 1928, had not been enacted.

Approved, February 28, 1929.

February 28, 1929.  
[S. 5073.]  
[Public, No. 842.]

CHAP. 365.—An Act To amend the Act of Congress of June 26, 1906, entitled "An Act for the protection of the fisheries of Alaska, and for other purposes."

Alaska salmon fisheries.  
Vol. 34, p. 480, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 7 of the Act of June 26, 1906, entitled "An Act for the protection of the fisheries of Alaska, and for other purposes," is amended so that it will read as follows: