

the point where the dividing line between the counties of Benton and Saint Clair crosses the river should not be a navigable stream.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### § 42. Platte River, Missouri

The Platte River in the State of Missouri is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said river is declared to be vested in the State of Missouri.

The right of Congress to alter, amend, or repeal this section is expressly reserved.

(Feb. 16, 1921, ch. 62, §§1, 2, 41 Stat. 1105.)

#### Editorial Notes

##### CODIFICATION

The two sentences of this section are, respectively, from sections 1 and 2 of act Feb. 16, 1921, entitled "An Act declaring the Platte River to be a nonnavigable stream".

#### § 43. Saint Marys River, Ohio and Indiana

Saint Marys River, Ohio and Indiana, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

(Aug. 8, 1917, ch. 49, §17, 40 Stat. 268.)

#### § 44. Sturgeon Bay, Illinois

So much of the west fork of Sturgeon Bay within the county of Mercer and State of Illinois as lies west of the line between the east half and the west half of the east half of section 25, in township 14 north, range 6 west of the fourth principal meridian, and so much of the east fork of said Sturgeon Bay as lies north of the north line of section 30, in township 14 north, range 5 west of the fourth principal meridian, shall not be deemed navigable waters of the United States.

(Feb. 7, 1907, No. 13, 34 Stat. 1421.)

#### § 45. Swan Creek, Toledo, Ohio

Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, is declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is given for the filling in of said creek by the local authorities.

(Mar. 4, 1915, ch. 142, §13, 38 Stat. 1055.)

#### Editorial Notes

##### CODIFICATION

Section is from act Mar. 4, 1915, popularly known as the "Rivers and Harbors Appropriation Act of 1915".

#### § 46. Tchula Lake, Mississippi

Tchula Lake, in Holmes County, in the State of Mississippi, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

The right of Congress to alter, amend, or repeal this section is expressly reserved.

(July 1, 1922, ch. 266, §§1, 2, 42 Stat. 816.)

#### Editorial Notes

##### CODIFICATION

The two sentences comprising this section are, respectively, sections 1 and 2 of act July 1, 1922, entitled "An act declaring Tchula Lake, Holmes County, Mississippi, to be a nonnavigable stream".

#### § 47. Eagle Lake, Louisiana-Mississippi

Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(June 2, 1926, ch. 445, §§1, 2, 44 Stat. 681.)

#### § 48. Noxubee River, Mississippi

That portion of the Noxubee River in Noxubee County, in the State of Mississippi is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

The right of Congress to amend or repeal this section is expressly reserved.

(Feb. 24, 1934, ch. 25, §§1, 2, 48 Stat. 356.)

#### § 49. Bayou Saint John in New Orleans

Bayou Saint John, in the city of New Orleans, Louisiana, is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

The right to alter, amend, or repeal this section is expressly reserved.

(June 5, 1936, ch. 530, §§1, 2, 49 Stat. 1484.)

#### § 50. Turtle Bay and Turtle Bayou, Texas

Turtle Bay and Turtle Bayou, in Chambers County, in the State of Texas, are declared to be nonnavigable waterways within the meaning of the Constitution and laws of the United States of America.

The existing project for Turtle Bayou, Texas, authorized by the Rivers and Harbors Act approved June 25, 1910 (Act June 25, 1910, ch. 382, 36 Stat. 630), is abandoned.

The right of Congress to alter, amend, or repeal this section is expressly reserved.

(Mar. 10, 1937, ch. 36, §§1-3, 50 Stat. 28.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Rivers and Harbors Act approved June 25, 1910, referred to in text, is act June 25, 1910, ch. 382, 36 Stat. 630, which is classified to sections 546, 564, and 643 of this title. For complete classification of this Act to the Code, see Tables.

**§ 51. Scajaquada Creek, New York**

Scajaquada Creek, Erie County, New York, is declared to be nonnavigable east of a line one hundred and thirty feet west of the west line of Niagara Street, city of Buffalo, county of Erie, New York, within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(May 14, 1937, ch. 183, §§1, 2, 50 Stat. 165.)

**§ 52. Park River, Connecticut**

The Park River, a minor tributary of the Connecticut River, located in Hartford County, Connecticut, is declared to be a nonnavigable waterway within the meaning of the Constitution and laws of the United States of America.

The right of Congress to alter, amend, or repeal this section is expressly reserved.

(May 24, 1937, ch. 246, §§1, 2, 50 Stat. 201.)

**§ 53. Benton Harbor Canal, Michigan**

The Benton Harbor Canal at and above the west line of Ninth Street, in the city of Benton Harbor and State of Michigan, is declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(June 2, 1937, ch. 288, §§1, 3, 50 Stat. 243.)

**Editorial Notes**

## REFERENCES IN TEXT

This section, referred to in text, was in the original "this Act", meaning act June 2, 1937, ch. 288, 50 Stat. 243, sections 1 and 3 of which are classified to this section. Section 2 of the Act, which relates to abandonment of a portion of the Benton Harbor Canal project, is not classified to the Code.

**§ 53a. Additional portion of Benton Harbor Canal, abandoned as navigable water**

The Benton Harbor Canal, from the west line of Ninth Street extended northerly to the west line of Riverview Drive extended northerly in the city of Benton Harbor and State of Michigan, be, and the same is hereby, declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

(Pub. L. 88-88, §1, Aug. 5, 1963, 77 Stat. 118.)

**§ 54. Burr Creek, Bridgeport, Connecticut**

That portion of Burr Creek in the city of Bridgeport, Connecticut, lying north of a line across the creek beginning at the point of intersection of the south side of Yacht Street extended and the west harbor line of the harbor lines established by the Secretary of War December 9, 1924, thence south eighty-five degrees forty-six minutes seventeen seconds east to the east harbor line of said creek, is declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

Any project heretofore authorized by any Act of Congress, insofar as such project relates to

the above described portion of Burr Creek in the city of Bridgeport, Connecticut, is abandoned.

The right to alter, amend, or repeal this section is expressly reserved.

(Aug. 12, 1937, ch. 607, 50 Stat. 632; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

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**§ 55. Bayou Savage (or Chantilly) in New Orleans**

Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, Louisiana, is declared to be a nonnavigable waterway within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(Aug. 16, 1937, ch. 650, 50 Stat. 649.)

**§ 56. Fort Point Channel and South Bay, Boston, Massachusetts**

The portion of the tidewaters in the waterway in which is located Fort Point Channel and South Bay in the city of Boston, Massachusetts, lying above the easterly side of the highway bridge over Fort Point Channel at Dorchester Avenue in the city of Boston is declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(May 13, 1955, ch. 37, 69 Stat. 48.)

**§ 57. Pike Creek, Wisconsin**

Pike Creek, in the State of Wisconsin, above the easterly side of the highway bridge at Sixth Avenue in the city of Kenosha is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(July 26, 1955, ch. 377, 69 Stat. 373.)

**§ 58. Acushnet River section of New Bedford and Fairhaven Harbor, Massachusetts**

The portion of the waterway in the city of New Bedford and the towns of Fairhaven and Acushnet lying north of the Coggeshall Street Bridge (north 41 degrees 31 minutes 00 seconds), is declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States. Any project heretofore authorized by any Act of Congress, insofar as such project relates to the above-described portions of the Acushnet River section of New Bedford and Fairhaven Harbor, is hereby abandoned.