

Company, Limited, the present Maalaea Airport on the island of Maui, comprising an area of approximately one hundred eleven and nine-tenths acres and an appraised value of \$13,425, in part payment for a conveyance to the Territory of Hawaii, by said Hawaiian Commercial and Sugar Company, Limited, of an area of approximately three hundred and seventy-one one-hundredths acres and an appraised value of \$30,017.75, situated at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport.

Approved, May 31, 1938.

[CHAPTER 301]

AN ACT

Relating to the retirement of the justices of the Supreme Court of the Territory of Hawaii and judges of the United States District Court for the Territory of Hawaii.

May 31, 1938
[H. R. 8700]
[Public, No. 566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every justice of the Supreme Court of the Territory of Hawaii and every judge of the United States District Court for the Territory of Hawaii may hereafter retire after attaining the age of seventy years. If such justice or judge retires after having served as a justice or judge of either of the aforementioned courts for a period or periods aggregating ten years or more, whether continuously or not, he shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such justice or judge at the date of such retirement as the total of his aggregate years of service bears to the period of sixteen years, the same to be paid by the United States in the same manner as the salaries of the aforesaid justices and judges: *Provided, however,* That in no event shall the sum received by any such justice or judge hereunder be in excess of the salary of such justice or judge at the date of such retirement.

Hawaii.
Retirement of cer-
tain judges.
Eligibility.

Retirement pay.

Proviso.
Limitation.

Computation of
years of service.

Terms construed.

SEC. 2. In computing the years of service under this Act service in either of the aforesaid courts shall be included whether such service be continuous or not and whether rendered before or after the enactment hereof. The terms "retire" and "retirement" as used in this Act shall mean and include retirement, resignation, failure of reappointment upon the expiration of the term of office of an incumbent or removal by the President of the United States upon the sole ground of mental or physical disability.

Approved, May 31, 1938.

[CHAPTER 302]

AN ACT

To authorize the Secretary of Commerce of the United States to grant and convey to the State of Delaware fee title to certain lands of the United States in Kent County, Delaware, for highway purposes.

May 31, 1938
[H. R. 8715]
[Public, No. 567]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized and directed to grant and convey for State highway purposes to the State of Delaware the fee title to the following strip of land, being a portion of the Mahon (Delaware) River Light Station Reservation, certain property of the United States in Kent County, State of Delaware:

State of Delaware.
Conveyance of cer-
tain lands in Kent
County to, for high-
way purposes.

Description. An irregular piece of land, as hereinafter indicated, now a portion of the Mahon River Light Station Reservation, Delaware, beginning at a point on the Mahon River Lighthouse Reservation line which bears two hundred and seventy degrees one hundred and seventeen feet from granite monument C-2; thence sixteen degrees for a distance of four hundred feet; thence thirty degrees fifteen minutes for a distance of four hundred and fifty feet to monument C-3; thence ninety degrees for a distance of fifteen feet; thence one hundred and ninety-seven degrees thirty minutes for a distance of eight hundred and eight feet; thence two hundred and seventy degrees for a distance of one hundred and seventeen feet. Granite monuments are shown on map of Mahon River Light Station, Delaware, 1907, Drawing Numbered 2975. All bearings are from the observed true meridian.

Reversionary provision. SEC. 2. Such conveyance shall contain the express condition that if the State of Delaware shall at any time cease to use the property for highway purposes or shall alienate or attempt to alienate such property title thereto shall revert to the United States.

Approved, May 31, 1938.

[CHAPTER 303]

AN ACT

To authorize the Secretary of War to lease to the village of Youngstown, New York, a portion of the Fort Niagara Military Reservation, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide facilities for sewerage and sewage treatment of the post of Fort Niagara, New York, and the village of Youngstown, New York, the Secretary of War be, and he is hereby, authorized to lease to the village of Youngstown, Niagara County, New York, a municipal corporation, for a term of fifty years, a tract of land not to exceed four acres adjacent to the northerly boundary of the Fort Niagara Military Reservation, New York, for the construction, operation, and maintenance by the village of Youngstown of an adequate sewage-treatment plant thereon, and also the use of a right-of-way for a sewer line extending from the easterly boundary of said reservation to said plant: *Provided*, That the location of said tract of land and right-of-way shall be approved by the Secretary of War, and the lease shall be subject to such provisions and conditions as he may prescribe: *Provided further*, That the consideration for said lease shall be the connection by the village of Youngstown of the present outfall sewer of the post of Fort Niagara with the proposed sewage-treatment plant, and the receipt and treatment in said plant of the sewage from said post, for which no charge shall be made by the village of Youngstown, except for chemicals used in treating said post sewage, the rate of such charge to be determined from time to time by the Secretary of War: *Provided*, That said lease shall not be granted until the Legislature of the State of New York shall have first provided by appropriate legislation that the granting of said lease shall not impair or invalidate any of the rights, title, or privileges granted to the United States pursuant to the act of the Legislature of New York passed April 21, 1840 (N. Y. Laws, 1840, ch. 155, p. 113).

Approved, May 31, 1938.

May 31, 1938
[H. R. 9123]
[Public, No. 568]

Fort Niagara, N. Y.
Lease of portion to
Youngstown, N. Y.,
for public purposes.

Provisions.
Approval by Sec-
retary of War.

Consideration for
lease.

Federal rights not
impaired.