

On application may be appointed captain on retired list.

Provisos.
Service limit not applicable.
Vol. 42, p. 625.

All active service counted for longevity pay.

Band, for retirement after thirty-six years' service, the President is authorized to appoint him a captain in the United States Marine Corps and place him upon the retired list of the Marine Corps with the retired pay and allowances of that rank: *Provided*, That the limitation in section 1 of the Act of June 10, 1922, relative to counting service for purposes of pay for officers appointed on and after July 1, 1922, shall not apply: *Provided further*, That all active service as a musician in or leader of the United States Marine Band shall be counted in computing length of service for longevity pay purposes.

Approved, March 3, 1927.

March 3, 1927.
[H. R. 14925.]
[Public, No. 755.]

CHAP. 352.—An Act Authorizing the sale of the new subtreasury building and site in San Francisco, California.

San Francisco, Calif.
New subtreasury building at, may be sold.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell the new subtreasury building and site, San Francisco, California, at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed; the proceeds of said sale to be covered into the Treasury as miscellaneous receipts.

Deposit of proceeds.

Approved, March 3, 1927.

March 3, 1927.
[H. R. 15129.]
[Public, No. 756.]

CHAP. 353.—An Act Granting the consent of Congress to the Indiana Bridge Company to construct, maintain and operate a bridge across the Ohio River at Evansville, Indiana.

Ohio River.
Indiana Bridge Company may bridge, at Evansville, Ind.

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 Indiana Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near the city of Evansville, Indiana, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1926, and subject to the conditions and limitations contained in this Act.

Construction.

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Right to acquire real estate, etc., for location, approaches, etc.

SEC. 2. There is hereby conferred upon the Indiana Bridge Company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

Condemnation proceedings.

Tolls authorized.

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SEC. 3. The said Indiana Bridge Company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Acquisition authorized, after completion, by Indiana, Kentucky, etc.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Kentucky, any political subdivision of either of such States, within or adjoin-

ing which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this Act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The Indiana Bridge Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Indiana Bridge Company, its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the Indiana Bridge Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Compensation if acquired by condemnation.

Limitation.

Tolls, under State, etc., operation.

Rates applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sworn statement of construction costs, etc., to be filed after completion.

Investigation by Secretary of War.

Findings of Secretary conclusive.

Right to sell, etc., conferred.

Amendment.

Approved, March 3, 1927.