

**CHAP. 386.**—An Act Authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Company, issue patent therefor, and for other purposes.

April 20, 1928.  
[H. R. 5687.]  
[Public, No. 286.]

*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 be, and he is hereby, authorized and directed to issue patent to the Cabazon Water Company, a nonprofit corporation incorporated under the laws of the State of California and mutually owned by the citizens of the community of Cabazon, Riverside County, California, for the following tract of public land situated in the county of Riverside, State of California, to wit:

Public lands.  
Grant to Cabazon Water Company, in Riverside County, Calif., for watersupply.

The north half of the southwest quarter of section 29 and the south half of the southeast quarter of section 20, township 2 south, range 2 east, San Bernardino base and meridian, for water-supply and water-protection purposes, upon payment therefor of the sum of \$1.25 per acre: *Provided*, That whenever said lands cease to be used for said purposes, then in that event title to said lands shall revert to the United States upon a finding of such failure by the Secretary of the Interior: *Provided further*, That said patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land and the right to the use of the land for extracting same under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That such patent shall contain a reservation of a right of way over and across said tract for a public road following substantially the location of the present roadway through Millard Canyon, said right of way to be determined by the Secretary of the Interior.

Description, etc.

*Provisos.*  
Reversion if not used for water supply, etc.

Minerals deposits reserved.

Right of way for public road reserved.

Approved, April 20, 1928.

**CHAP. 387.**—An Act Authorizing J. C. Norris, as mayor of the city of Augusta, Kentucky, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Kentucky.

April 20, 1928.  
[H. R. 5721.]  
[Public, No. 287.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, J. C. Norris, as mayor of the city of Augusta, Kentucky, his successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between a point in the city limits of Augusta, Kentucky, and a point opposite in Ohio, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Ohio River.  
J. C. Norris as Mayor of Augusta, Ky., may bridge, in city limits.

Construction.  
Vol. 34, p. 84.  
Post, p. 1253.

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

**SEC. 2.** There is hereby conferred upon J. C. Norris, as mayor of the city of Augusta, Kentucky, his 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 or expropriation of property for public purposes in such State.

Condemnation proceedings.

Tolls authorized.

SEC. 3. The said J. C. Norris, as mayor of the city of Augusta, Kentucky, his 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.

Vol. 34, p. 85.

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

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kentucky, the State of Ohio, any public agency, or political subdivision of either of such States within or adjoining 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 or expropriation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of fifteen years after the completion of such bridge the same is acquired by condemnation or expropriation, 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 interest 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.

Compensation if acquired by condemnation.

Limitations.

Tolls under State, etc., operation.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this Act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches, under economical management, 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 so 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 not to exceed the amount necessary for the proper repair, maintenance, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual 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.

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.

SEC. 6. J. C. Norris, as mayor of the city Augusta, Kentucky, his successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Ohio and Kentucky, 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, and upon request of either of such Highway Departments shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said

Examination by Secretary of War.

J. C. Norris, as mayor of the city of Augusta, Kentucky, his successors and assigns, shall make available all its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this Act, subject only to review in a court of equity for fraud or gross mistake.

Findings of Secretary  
conclusive.

SEC. 7. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this Act is hereby granted to J. C. Norris, as mayor of the city of Augusta, Kentucky, his 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.

Right to sell, etc.,  
conferred.

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

Amendment.

Approved, April 20, 1928.

**CHAP. 392.**—An Act To amend an Act entitled “An Act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department,” approved February 24, 1923.

April 21, 1928.  
[H. R. 8309.]  
[Public, No. 288.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled “An Act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department,” approved February 24, 1923 (section 1425, title 10, United States Code), be amended so as to read as follows:*

Army medals of  
honor, etc.  
Vol. 42, p. 1286,  
amended.  
U. S. Code, p. 224.

“That hereafter the wearing, manufacturing, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier’s medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

Unauthorized, wear-  
ing, manufacture, etc.,  
of, authorized by Con-  
gress, prohibited.  
Distinguished-flying  
cross, soldier’s medal,  
etc., added.

“Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or by both such fine and imprisonment.”

Punishment for.

Approved, April 21, 1928.

**CHAP. 393.**—An Act To amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes.

April 21, 1928.  
[S. 2752.]  
[Public, No. 289.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 80 of the Judicial Code, as amended, is amended to read as follows:*

United States courts.  
U. S. Code, p. 880.

“SEC. 80. The State of Indiana shall constitute two judicial districts, to be known as the northern and southern districts of Indiana.

Indiana judicial dis-  
tricts.  
Vol. 36, p. 1110,  
amended.