

reservation is bounded on the north by Park Road, on the east by Pine Street, and on the west by Sixteenth Street, and immediately in front of Sacred Heart Church in Washington, District of Columbia, a memorial statue of the late James Cardinal Gibbons: *Provided*, That the design for the statue shall be approved by the Commission of Fine Arts: *And provided further*, That such statue shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital and that the United States shall be put to no expense in or by the erection of said statue.

Approved, April 23, 1928.

Provisos.
Approval of design.
Supervision of erection.

No Government expense.

April 24, 1928.

[H. R. 11404.]

[Public, No. 312.]

CHAP. 427.—An Act Authorizing the Port Huron, Sarnia, Point Edward International Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Clair River at or near Port Huron, Michigan.

Saint Clair River.
Port Huron, Sarnia,
Point Edward International Bridge Company may bridge, at Port Huron, Mich.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate international commerce and improve the Postal Service the Port Huron, Sarnia, Point Edward International Bridge Company, a Michigan corporation, hereinafter referred to as the company, its successors and assigns, be and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between a point at or near the city of Port Huron, Saint Clair County, State of Michigan, and a point at or near the city of Sarnia, Province of Ontario, Dominion of Canada, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this Act, and in so far as the company, its successors or assigns, may act in the Dominion of Canada, subject also to the approval of the proper authorities thereof.

Construction,
Vol. 34, p. 84.

Approval of Canada required.

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

SEC. 2. There is hereby conferred upon the said 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 in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, 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.

Vol. 34, p. 85.

SEC. 3. The said 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.

Standard specifications required.

Inspection by State authorities.

SEC. 4. Such bridge shall be constructed in accordance with the standard specifications adopted by the American Association of State Highway Officials. During the construction of such bridge all work thereon shall be subject to inspection and approval by the State highway department of Michigan.

Limitation on indebtedness.

SEC. 5. The said company, its successors and assigns, shall not encumber said bridge by the issue of stocks, bonds, notes, mortgages, debentures, or other evidences of indebtedness in an amount which, including all previous encumbrances whether retired or still outstanding, shall at any time exceed in the aggregate the cost as reported to and determined by the Secretary of War in accordance

with section 8 hereof. Not less than two-thirds of all encumbrances or securities other than preferred stock issued against said bridge shall be first mortgage bonds, and not more than one-third may be debentures. None of said bonds issued against said bridge shall be sold for less than 92 per centum of their par value nor bear interest at a fixed rate in excess of 6½ per centum per annum. None of said debentures issued against said bridge shall be sold for less than 90 per centum of their par value nor bear interest at a fixed rate in excess of 7 per centum per annum. Any preferred stock issued shall be at par plus accrued dividend, shall represent value, and shall be entitled to cumulative dividends at not to exceed 7 per centum per annum.

SEC. 6. The proceeds from tolls charged for the use of such bridge shall be used; first, to pay the maintenance, repair, and operation costs; second, to pay dividends or interest on outstanding preferred stocks, bonds, notes, mortgages, debentures, or other obligations issued by the company, its successors and assigns; and, third, 20 per centum of any funds then remaining shall be retained for corporate uses by the said company, its successors and assigns, and the other 80 per centum thereof shall be applied by said company, its successors and assigns, in the purchase and retirement in accordance with section 5 hereof of said bonds, debentures, preferred stock or other outstanding obligations legally incurred against said bridge. At the close of the fiscal year when all bonds, debentures, preferred stock or other obligations legally incurred against said bridge shall have been retired in accordance herewith such bridge and the approaches thereto and all structures, property, property rights, and franchises, so far as the same are located within the United States, shall be conveyed by the said company, its successors and assigns, without cost or expense, to the State of Michigan or to such municipality or agency of the State of Michigan as the legislature of said State may designate, and so far as the same is situated within the Dominion of Canada shall be conveyed, without cost or expense, to the Dominion of Canada or to such province, municipality or agency thereof as the Dominion of Canada may designate, and all right, title, and interest of said company, its successors and assigns, therein shall then cease and determine. After said outstanding obligations of the company have been retired, said 80 per centum of the net earnings shall be held by the company and half thereof shall be turned over to the State of Michigan, or its designated municipality or agency, and half to the Dominion of Canada, or its designated municipality or agency, at the same time as the bridge is turned over. The rates of toll, if any, shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. If said bridge shall not have become the property of the State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, in accordance with the provisions of this section, within twenty years after the date that it is completed and formally opened to traffic, the said State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, shall have the additional right at any time thereafter to acquire said bridge by purchase and retirement, at par plus accrued interest or dividends, of the legally authorized obligations then outstanding against same.

SEC. 7. The said company, its successors and assigns, shall keep an accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the bridge,

Limitations on all encumbrances.

Sale price of bonds and debentures.

Preferred stock.

Proceeds from tolls. Use for operations, dividends, or interest on obligations.

Corporate uses.

Retiring obligations.

On retiring all bonds, etc., bridge property, etc., in United States to be conveyed to Michigan, etc.

Property in Canada to be conveyed thereto.

Disposal of revenues thereafter.

Rates of toll to provide for operation.

Acquisition authorized, after completion, by Michigan and Canada.

Record of expenditures and receipts.

Annual itemized statements to highway departments of Michigan and Canada.

Access to records, etc.

Mayors of Port Huron, Mich., and Sarnia, Canada, to attend meetings of directors of operating company.

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

Examination by Secretary of War.

Findings of Secretary conclusive.

Semiannual reports of maintenance, etc., to highway departments.

Action on expenses not approved.

Submission of reconstruction and betterment costs for approval, etc.

Right to sell, etc., conferred.

the daily traffic, and the tolls collected, and shall annually submit to the State highway department of Michigan and to the department of public highways of the Province of Ontario a sworn itemized statement showing the traffic, the tolls collected, the maintenance, repair, and operation costs, the net earnings, interest, and dividend payments, and the stock, bonds, notes, mortgages, debentures, or other obligations retired during the preceding fiscal year. The State highway department of Michigan and the department of public highways of Ontario shall have access at any time to all records, files, and books of the said company, its successors and assigns. The mayor of the city of Port Huron, State of Michigan, and the mayor of the city of Sarnia, Province of Ontario, Dominion of Canada, ex officio, shall be entitled to receive notice of and attend meetings of the board of directors of any company or corporation now existing or hereafter organized and having the control and operation of said bridge.

SEC. 8. The said company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the highway department of the State of Michigan a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches; the actual cost of acquiring any interest in real or other property; interest during construction; and the actual financing costs, not to exceed 10 per centum of the total of said items. The Secretary of War may, and upon request of the highway department of the State of Michigan shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy of the costs alleged in the statement of costs so filed, and shall make a finding of the actual costs of constructing and financing such bridge; for the purpose of such investigation the said company, its successors and assigns, shall make available all of its records in connection with the construction and financing thereof. The findings of the Secretary of War as to the costs of the construction and financing of the bridge shall be conclusive for all purposes mentioned in this Act, subject only to review in a court of equity for fraud or gross mistake. A report of the maintenance, repair, and operation costs of said bridge shall be submitted by the said company, its successors and assigns, at the end of each six-month period to the State highway department of Michigan and to the department of public highways of the Province of Ontario, Dominion of Canada. If any class of expenditures therein is disapproved by said highway departments, or either of them, such class of expenditures shall not thereafter, without approval, be an obligation payable out of the proceeds of tolls collected for the use of such bridge. Reconstruction or betterment costs in excess of \$10,000 in any fiscal year must be submitted to and be approved as necessary and reasonable by the State highway department of Michigan and the department of public highways of the Province of Ontario prior to incurring the expenditures therefor, and all betterment and reconstruction costs, duly approved if such approval is required, and actually made may be added to the cost of the bridge, as determined by the Secretary of War in accordance with the provisions of this section, and in order to meet the cost thereof additional obligations or encumbrances not in excess of the amount approved for such reconstruction and betterments actually made plus necessary financing costs, not exceeding 10 per centum, may be issued against said bridge.

SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the said 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, subject to the terms and conditions of this Act, as fully as though conferred herein directly upon such corporation or person.

SEC. 10. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 24, 1928.

Amendment.

CHAP. 428.—An Act To extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma.

April 24, 1928.

[S. 2725.]

[Public No. 313.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the provisions of section 2455, United States Revised Statutes (Section 1171, Title 43, United States Code), as amended, be, and they are hereby, extended to surveyed, unreserved, unappropriated nonmineral public lands in that part of the State of Oklahoma formerly comprised in Oklahoma Territory: *Provided,* That this Act shall not apply to any such area where under existing law such lands are now subject to public or private sale: *Provided further,* That the proceeds of all sales hereunder shall be deposited in the Treasury of the United States to the credit of such fund or funds as may be provided by existing law for the disposition of such lands.

Oklahoma.
Auction sales of isolated tracts in.
R. S., sec. 2455, p. 449.
Vol. 37, p. 73.
U. S. Code, p. 1411.

Provisos.
Areas excepted.

Deposit of proceeds.

Approved, April 24, 1928.

CHAP. 431.—An Act Authorizing acceptance from Peter G. Gerry of the gift of the law library of the late Elbridge T. Gerry.

April 25, 1928.

[S. 3640.]

[Public, No. 314.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief Justice of the United States is authorized to accept on behalf of the United States, for the use of the Supreme Court, the gift of Peter G. Gerry, a Senator of the United States from the State of Rhode Island, of the law library bequeathed to him by his father, the late Elbridge T. Gerry.

Supreme Court.
Acceptance authorized of law library of Elbridge T. Gerry, for.

Approved, April 25, 1928.

CHAP. 432.—An Act To amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, North Carolina.

April 25, 1928.

[H. R. 8835.]

[Public, No. 315.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh paragraph of section 98 of the Judicial Code be, and it is hereby, amended to read as follows:

North Carolina western judicial district.
Vol. 36, p. 1120.
U. S. Code, p. 886.

Terms of court.
Vol. 41, p. 533, amended.

“Terms of the district court for the western district shall be held in Charlotte on the first Mondays in April and October; at Shelby on the fourth Monday in September and the third Monday in March; at Statesville on the fourth Mondays in April and October; at Asheville on the second Mondays in May and November; and at Bryson City on the fourth Mondays in May and November: *Provided,* That the cities of Shelby and Bryson City shall each provide and furnish at their own expense suitable and convenient places for holding the court at Shelby and Bryson City. The clerk of the court for the western district shall maintain an office, in charge of himself or a deputy, at Charlotte, at Asheville, at Statesville, at Shelby, and at Bryson City, which shall be kept open at all times for the transaction of the business of the court.”

Proviso.
Rooms at Shelby and Bryson City.

Offices of clerk.

Approved, April 25, 1928.