

veyance shall be made by the Secretary of Commerce to the New Orleans Pontchartrain Bridge Company or its successors or assigns, for the consideration in section 2 of this Act and the New Orleans Pontchartrain Bridge Company or its successors or assigns shall not sell the said property to the Louisiana Highway Commission or to the State of Louisiana, for more than \$500.

Sale by Bridge Company restricted.

Right of way from tract to bridge to be provided.

SEC. 4. The grantee in any conveyance made under authority of this Act, and the successors and assigns of such grantee, shall provide a right of way one hundred feet wide from either side of the tract so conveyed to the road leading to the bridge for the purpose of giving to the present or future owners or occupants of land lying adjacent to either side of the said tract, access to the road from both its east and west sides; the southerly boundary of the said right of way to be at a distance of three hundred feet north of the south line of the present lighthouse reservation.

Deposit of proceeds.

SEC. 5. The proceeds of the sale authorized by this Act shall be deposited into the Treasury as miscellaneous receipts.

Use of property restricted.

SEC. 6. The property conveyed under the authority of this Act shall be used solely for highway purposes and for toll houses in connection with the operation of the Pontchartrain Bridge.

Approved, May 29, 1928.

May 29, 1928.
[H. R. 13512.]

[Public, No. 601.]

CHAP. 891.—An Act To amend the Act entitled "An Act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924.

Inland Waterways Corporation.
Vol. 43, p. 360, amended.
U. S. Code, p. 1685.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924 (paragraph 152, chapter 5, title 49, Code of Laws of the United States; chapter 243, volume 43, page 360, United States Statutes at Large), be, and the same is hereby, amended to read as follows:

Capital stock increased.
Subscription and payment by United States.

"SEC. 2. The capital stock of the corporation shall be \$15,000,000, all of which is hereby subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States, and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is hereby authorized to be appropriated the sum of \$10,000,000, in addition to the \$5,000,000 heretofore authorized, for the purpose of paying such subscription."

Additional sum authorized.
Post, p. 1380.

SEC. 2. That section 3 of said Act be, and the same is hereby, amended to read as follows:

Vol. 43, p. 361, amended.

Corporation to continue transportation facilities operated by Secretary of War.
Vol. 41, p. 458.

"SEC. 3. (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War under section 201 of the Transportation Act, 1920, as amended, and shall continue to operate the facilities now being operated or that may hereafter be operated by it under the provisions of this Act; and shall, as soon as there is an improved channel sufficient to permit the same, initiate and continue the water carriage heretofore authorized by law upon the Mississippi River above Saint Louis.

Water carriage on the Mississippi above Saint Louis.

"(b) When the improvement of any tributary or connecting waterway of the Mississippi River, not including the Ohio River, shall have been completed or advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretary of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation shall have suitable facilities available therefor.

"(c) It is hereby declared to be the policy of Congress to continue the transportation services of the corporation until (1) there shall have been completed in the rivers where the corporation operates, navigable channels, as authorized by Congress, adequate for reasonably dependable and regular transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the Interstate Commerce Act, as amended, such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations engage, or are ready and willing to engage, in common-carrier service on such rivers.

"(d) When the Secretary of War shall find that navigable channels and adequate terminals are substantially available as provided in paragraph (c) of this section, and when the Interstate Commerce Commission shall report to the Secretary of War that joint tariffs with rail carriers have been published and filed as provided in said paragraph, the Secretary of War is hereby authorized to lease for operation under private management, or to sell to private persons, companies, or corporations, the transportation facilities, or any unit thereof, belonging to the corporation: *Provided*, That for the purpose of this paragraph the facilities of the corporation on the Mississippi River and its tributaries shall be considered one unit, and those on the Warrior River and its tributaries as one unit: *Provided further*, That the facilities of the corporation shall not be sold or leased (1) to any carrier by rail or to any person or company directly or indirectly connected with any carrier by rail; or (2) to any person, company, or corporation who shall not give satisfactory assurance and agree, as part of the consideration for such sale or lease, that the facilities so sold or leased will be continued in the common-carrier service in a manner substantially similar to the service rendered by the corporation, together with ample security by bond or otherwise to insure the faithful performance of such agreement; or (3) until the same has been appraised and the fair value thereof ascertained and reported to the President by the Interstate Commerce Commission, and the sale or lease thereof has been approved by the President.

Completion, by improvement of Mississippi River tributaries, of channel for operation of barges and towboats thereon.

Thereupon survey to be made for ascertaining traffic, terminals, joint route and tariff arrangements with connecting carriers, probably available.

When dependable channel for barges, etc., shall have been completed, and water transportation successfully operated, services of Corporation may be extended to the tributaries.

Transportation services of Corporation.

Continued until in rivers navigable channels completed for regular transportation thereon.

Terminal facilities for joint rail and water service.

Joint tariffs with rail carriers reasonably fair to both.

Private persons, etc., ready to engage in river common-carrier service.

Lease or sale of transportation facilities of Corporation, or any unit thereof, authorized.

Provided.
Units designated.

Restriction on sale, etc.
To carrier by rail.

If no satisfactory assurance given for continuing similar common-carrier service.

Until fair value ascertained, etc., and President approves sale, etc.

Any person, etc., conducting common-carrier service upon the Warrior or Mississippi, or tributaries, may obtain from Interstate Commerce Commission certificate of public necessity.

Commission to order all connecting common carriers to join in through routes and joint rates, etc.

Equitable divisions of joint differential rates to be established.

Hearing of complaint.

Subjects thereof.

Order after full hearings.

Burden of proof on carrier complaining.

Preference and speedy decision directed.

Proviso.
Buyer or lessee of Corporation transportation facilities entitled to all rights thereof.

“(e) Any person, firm, or corporation, including the Inland Waterways Corporation, engaged or about to engage in conducting a common-carrier service upon the Warrior River or the Mississippi River, or any tributaries thereof, may apply to the Interstate Commerce Commission and obtain a certificate of public convenience and necessity in accordance with the provisions of section 1 of the Interstate Commerce Act, as amended, and the Interstate Commerce Commission shall thereupon, by order, direct all connecting common carriers and their connections to join with such water carrier in through routes and joint rates with reasonable rules, regulations, and practices, as provided in paragraph (3) of section 15 of the Interstate Commerce Act, as amended, and the commission shall, in such order, fix reasonable minimum differentials between all rail rates and joint rates in connection with said water service to apply until changed by order of the commission. Such joint routes, rates, rules, regulations, and practices may be changed by order of the commission or by agreement of the water carriers and the other participating carriers. The commission shall further require the interested common carriers to enter into negotiations for the purpose of establishing equitable divisions of the aforesaid joint differential rates within thirty days after such joint rates are established, and if the carriers are unable to agree upon equitable divisions within one hundred and twenty days from date of publication the commission shall, by order, determine and establish reasonable divisions to become effective coincident with the effective date of the joint rates. The commission is hereby given authority upon complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning (1) the reasonableness or lawfulness of any through route or joint rate filed pursuant to such order of the commission, or (2) the reasonableness of any minimum differentials between all rail rates and joint rates in connection with any water service; or (3) the reasonableness of any division of joint rates ordered by the commission under the provisions of this Act; and after full hearings the commission may make such order with reference to any such matters as it may find to be proper and in the public interest. At any such hearing the burden of proof concerning the unreasonableness or unlawfulness of any through route, joint rate, minimum differentials between all rail rate and joint rate in connection with water service, or division of joint rates shall be upon the carrier or carriers making the complaint; and the commission shall give the hearing and decision of such questions preference over all other questions pending before it, except such questions as are given like preference by law, and decide the same as speedily as possible: *Provided*, That if the Inland Waterways Corporation sells or leases its transportation facilities to any person, firm, or corporation shall be entitled to a certificate of public convenience and necessity upon making application therefor; and all through traffic arrangements and joint tariffs with rules, regulations, and practices in connection therewith published by the Inland Waterways Corporation and filed with the Interstate Commerce Commission and participated in by other carriers shall remain in full force and effect between such carriers and the person, firm, or corporation purchasing or leasing such transportation facilities from the Inland Waterways Corporation and operating the same as common carriers until changed by order of the commission, except that such through-traffic arrangements and joint tariffs, with rules, regulations, and practices therewith, may be changed by mutual consent of the water carrier

and the other participating carriers. Joint rail and water rates as herein used shall be deemed to include every movement of traffic in which a water line can participate.

Joint rail and water rates construed.

“(f) The operation of the transportation and terminal facilities under this Act shall be subject to the provisions of the Interstate Commerce Act, as amended, and to the provisions of the Shipping Act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels.”

Operations subject to provisions of interstate commerce and shipping Acts.

Merchant vessels subject to all laws, etc., governing.

SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Massachusetts, to Beaufort, North Carolina, with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterways Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable.

Inland water route, Boston, Mass., to Beaufort, N. C. Investigation as to feasibility of extending service of Corporation thereto.

Approved, May 29, 1928.

CHAP. 892.—An Act Authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tennessee.

May 29, 1928. [H. R. 13447.] [Public, No. 602.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to establish at or near Lewisburg, Tennessee, a dairying station for investigations, experiments, and demonstrations in the dairy industry, and the problems pertaining to the development of such industry in the South, and for investigations, demonstrations, assistance, and service in dairy livestock breeding, growing, and feeding, and dairy products manufacture.

Lewisburg, Tenn. Dairy and livestock experiment station for the South to be established at.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to carry out the provisions of this Act, including the construction of buildings, the acquirement of equipment and apparatus, the purchase of livestock, and the employment of necessary persons; and each fiscal year thereafter necessary appropriations for the maintenance of said station as contemplated by this Act: *Provided,* That suitable lands are furnished by the State or other interests.

Sum authorized for expenses. Post, p. 1190.

Yearly appropriations. *Proviso.* State, etc., to furnish lands.

Approved, May 29, 1928.

CHAP. 893.—An Act Authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, West Virginia.

May 29, 1928. [H. R. 13399.] [Public, No. 603.]

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, the Baltimore Gas Engineering Corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation, at or near Dunbar, West Virginia, in accordance with the provisions of the Act entitled “An Act to reg-

Kanawha River. Baltimore Gas Engineering Corporation may bridge, at Dunbar, W. Va.

Construction. Vol. 34, p. 84.