

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 26, 1929.

February 26, 1929.
[H. R. 16524.]
[Public, No. 828.]

CHAP. 342.—An Act To extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Virginia.

Potomac River.
Time extended for
bridging, at Dahlgren,
Va.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Potomac River from a point in the vicinity of Dahlgren, in the north-eastern end of King George County, Virginia, to a point south of Popes Creek, Charles County, Maryland, authorized to be built by the George Washington-Wakefield Memorial Bridge, a corporation, its successors and assigns, by an Act of Congress approved May 5, 1926, heretofore extended by an Act of Congress approved February 16, 1928, are hereby further extended one and three years, respectively, from February 16, 1929.

Ante, p. 115, amend-
ed.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 26, 1929.

February 26, 1929.
[H. R. 16920.]
[Public, No. 829.]

CHAP. 343.—An Act Authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Kentucky, and Rockport, Indiana.

Ohio River.
E. T. Franks may
bridge, from Owens-
boro, Ky., to Rockport,
Ind.

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, E. T. Franks, his heirs, legal representatives, 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, approximately midway between the cities of Owensboro, Kentucky, and Rockport, Indiana, 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.

Construction.
Vol. 34, p. 84.

Character of bridge.

SEC. 2. E. T. Franks, his heirs, legal representatives, and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said E. T. Franks, his heirs, legal representatives, 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 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.

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

Condemnation pro-
ceedings.

SEC. 3. After the completion of such bridge as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Kentucky, the State of Indiana, 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, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of ten 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 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 interests in real property; and (4) actual expenditures for necessary improvements.

Acquisition authorized as a highway bridge, after completion, by Kentucky, Indiana, etc.

Compensation if acquired by condemnation.

Limitations.

SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 3 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 including reasonable interest and financing cost, 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 for such amortization 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 of not to exceed the amount necessary for the proper maintenance, repair, 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 maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

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.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles then the right of purchase and condemnation conferred by this Act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this Act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this Act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians,

Purchase or condemnation of combined railroad and highway bridge.

Compensation for right of way.

Maintenance of highway bridge.

animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

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

SEC. 6. E. T. Franks, his heirs, legal representatives, 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 Kentucky and Indiana 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 property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States 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 costs 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 E. T. Franks, his heirs, legal representatives, and assigns, shall make available all 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 3 of this Act, subject only to review in a court of equity for fraud or gross mistake.

Examination by Secretary of War.

Findings of Secretary conclusive.

Tolls authorized.

SEC. 7. E. T. Franks, his heirs, legal representatives, and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the Act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this Act, the said E. T. Franks, his heirs, legal representatives, and assigns, is hereby authorized to fix by contract with any person or corporation desiring to use the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purpose, the terms, conditions, and rates of toll for such use; but, in the absence of such contract, the terms and conditions and rates of toll for such use shall be determined by the Secretary of War as provided in said Act of March 23, 1906.

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Contracts for use by railway lines, public utilities, etc.

Terms in absence of contract.

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Right to sell, etc., conferred.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the said E. T. Franks, his heirs, legal representatives, 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.

Contracts for construction to be let to lowest bidder.

Advertising, etc.

SEC. 9. All contracts made in connection with the construction of the bridge authorized by this Act and which shall involve the expenditure of more than \$5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall

Contracts void if made in violation of provisions.

render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

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

Approved, February 26, 1929.

Amendment.

CHAP. 344.—Joint Resolution Providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York.

February 26, 1929.
[H. J. Res. 425.]
[Pub. Res., No. 83.]

Whereas certain statements against Francis A. Winslow, United States district judge for the southern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

Judge Francis A. Winslow.
Preamble.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Leonidas C. Dyer, Charles A. Christopherson, Andrew J. Hickey, George R. Stobbs, Hatton W. Sumners, Andrew J. Montague, and Fred H. Dominick, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Francis A. Winslow, United States district judge for the southern district of New York, and to report to the Committee on the Judiciary of the House whether in their opinion the said Francis A. Winslow has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, District of Columbia, and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

Subcommittee of Judiciary Committee of House of Representatives to inquire into official conduct of.

Report whether believed to be guilty of acts of high crimes, etc.

Powers of special committee.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however*, That the total expenditures authorized by this resolution shall not exceed the sum of \$5,000.

Employment of stenographic, etc., assistance.

Proviso.
Limit of expenditures.

Approved, February 26, 1929.

CHAP. 351.—An Act To authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes.

February 27, 1929.
[H. R. 14924.]
[Public, No. 830.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the city of Salt Lake, a municipal corporation of the State of Utah, for street purposes, the land within the extension of Fifth South Street on the Fort Douglas Military Reservation, Utah, more

Fort Douglas Military Reservation.
Salt Lake City, Utah, granted portion of, for street purposes.