

not be returned by the time fixed: *Provided*, That the court shall have the power, within its discretion, to extend the time for the return of the verdict or appraisal.

"SEC. 490. It shall be optional with the commissioners to abide by the verdict of the jury and occupy the land appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the same, without being liable to damage therefor.

"SEC. 491. Nothing herein contained shall affect any suit or proceeding heretofore begun, now pending, or hereafter to be instituted by or on behalf of the United States for the condemnation of land for any purpose; but all such suits and proceedings shall be conducted in accordance with existing law or such laws as hereafter may be enacted."

Approved, March 1, 1929.

*Proviso.*  
Extension.

Optional acceptance  
of verdict, etc.  
Vol. 31, p. 1266.

Suits for condemning  
land by United States  
not affected.  
*Ante*, p. 1415.

**CHAP. 440.**—An Act Authorizing the appropriation of tribal funds of Indians residing on the Klamath Reservation, Oregon, to pay expenses of the general council and business committee, and for other purposes.

March 1, 1929.  
[S. 4517.]

[Public, No. 891.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of \$10,000, or so much thereof as may be necessary, of the tribal funds of the Indians residing on the Klamath Reservation in the State of Oregon, namely the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, is hereby appropriated to pay the expenses of the General Council and Business Committee (or so-called tribal council) of the said Indians, in organizing and holding councils, conducting tribal elections, maintaining their tribal organization, and generally looking after the affairs of the said tribes, including, among other things, the actual and necessary expenses of its delegation, or legislative committee, in visiting Washington during the second session of the Seventieth Congress or any succeeding Congress; also the expenses incurred, and to be incurred, by the tribal delegation of said Indians in procuring evidence and taking testimony to be used in connection with the three suits instituted by the said Indians against the United States and now pending in the Court of Claims; said sum to be immediately available, and said expenses to be approved by the said business committee and the Commissioner of Indian Affairs and certified to the Secretary of the Interior, and, if so approved and certified, to be paid.

Klamath Indian Res-  
ervation, Ore.  
Sum authorized from  
tribal funds, to pay  
expenses of General  
Council, etc., in main-  
taining tribal organiza-  
tion, etc.

Visit of delegation to  
Washington, etc.

Procuring evidence  
in pending suits, etc.

Approved, March 1, 1929.

**CHAP. 441.**—An Act Authorizing the Moundsville Bridge Company to construct a bridge across the Ohio River at or near the city of Moundsville, West Virginia.

March 1, 1929.  
[S. 4778.]

[Public, No. 892.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Moundsville Bridge Company, its 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, at or near the city of Moundsville, West Virginia, 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.  
Moundsville Bridge  
Company may bridge,  
at Moundsville, W. Va.

Construction.  
Vol. 34, p. 84.

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

SEC. 2. There is hereby conferred upon the Moundsville 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 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 Moundsville 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.

Vol. 34, p. 85.

Acquisition authorized, after completion, by West Virginia, Ohio, etc.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, 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 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 costs, 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.

Compensation if acquired by condemnation.

Limitations.

Tolls under State, etc., operation.

SEC. 5. 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 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, 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.

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. The said Moundsville Bridge 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 departments

of the States of West Virginia and Ohio, 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 upon 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 Moundsville Bridge Company, its successors and assigns, shall make available all of 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.

Examination by Secretary of War.

Findings of Secretary conclusive.

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 Moundsville 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.

Right to sell, etc., conferred.

SEC. 8. 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 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.

Construction contracts to be let to lowest bidder.

Advertising, etc.

Contracts void for violations.

SEC. 9. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 1, 1929.

**CHAP. 442.**—An Act For the relief of present and former postmasters and acting postmasters, and for other purposes.

March 1, 1929.  
[S. 5255.]

[Public, No. 893.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That postmasters and acting postmasters are authorized, when in the judgment of the Postmaster General the needs and interests of the Postal Service require, to employ mail messengers and other postal employees in a dual capacity, or to assign extra duties to such mail messengers and other employees; and, notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, as amended (United States Code, title 5, sections 58, 69, and 70), compensation shall be paid to such mail messengers and other employees for such services

Postal Service.  
Postmasters authorized to employ mail messengers, etc., in a dual capacity, or extra duty.

Double pay restriction waived.  
R. S., secs. 1763-1765, p. 314.  
U. S. Code, pp. 31, 32.