

after such refusal; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication and otherwise complying with the requirements of law. In all cases where there is no opposing party a copy of the bill shall be served on the commissioner; and all the expenses of the proceedings shall be paid by the applicant, whether the final decision is in his favor or not. In all suits brought hereunder where there are adverse parties the record in the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court may impose, without prejudice, however, to the right of the parties to take further testimony. The testimony and exhibits, or parts thereof, of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit.

SEC. 12. That section 4918 of the Revised Statutes of the United States be amended to change the phrase "may adjudge and declare either of the patents void in whole or in part" to read as follows: "may adjudge and declare either or both of the patents void in whole or in part, upon any ground."

SEC. 13. That section 4934 of the Revised Statutes of the United States be amended by striking out the following words: "On an appeal for the first time from the primary examiners to the examiners in chief, \$10. On every appeal from the examiners in chief to the commissioner, \$20," and substituting therefor the words "on an appeal for the first time from the primary examiners to the board of appeals, \$15. On every appeal from the examiner of interferences to the board of appeals, \$25."

SEC. 14. That where the day, or the last day, fixed by statute for taking any action or paying any fee in the United States Patent Office falls on Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day.

SEC. 15. That this Act shall take effect two months after its approval; but it shall not affect appeals then pending and heard before the examiners in chief or pending before the Commissioner of Patents or in the Court of Appeals of the District of Columbia, and that in all cases in which the time for appeal from a decision of the examiners in chief or of the Commissioner of Patents or for amendment or renewal of application had not expired at the time this Act takes effect, appeals and other proceedings may be taken under the statutes in force at the time of approval of this Act as if such statutes had not been amended or repealed.

Approved, March 2, 1927.

Authority of court.

Issue of patent if adjudication in favor of applicant.

Admission of records, etc.

Force of records as testimony, etc.

Interference suits. Effect of decisions. R. S., sec. 4918, p. 951, amended.

Fees. R. S., sec. 4934, p. 954. *Ante*, p. 1099, amended. On appeal, increased.

Payment of fees, if date falls on Sunday or holiday in the District.

Act effective in two months. Pending appeals, etc. not affected.

March 2, 1927.

[H. R. 17128.]

[Public, No. 691.]

CHAP. 274.—An Act Granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Indiana, acting by and through its State highway commission, its successors and assigns,

Ohio River. Indiana may bridge, at Evansville.

Construction. Vol. 34, p. 84.	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 or near the city of Evansville, Indiana, and a point opposite in Henderson County, State of Kentucky, 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.
Right to acquire real estate, etc., for location, approaches, etc.	SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through its State highway commission, 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 and 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 in such State.
Condemnation proceedings.	SEC. 3. The said State of Indiana, acting by and through its State highway commission, 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.
Tolls authorized.	SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been 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 care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the 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.
Vol. 34, p. 85. Rates of toll to provide for operation, sinking fund, etc.	SEC. 5. At any time before or after the completion of such bridge the State of Kentucky may acquire any such interest in such bridge, including its approaches as a part thereof, as it may elect to acquire, but not exceeding a one-half interest therein, upon such terms as may be agreed upon between said States; and upon failure to so agree, may acquire such interest by paying to the State of Indiana such sum as shall equal the actual cost of that proportion of such bridge so acquired by it. And if at any time said State of Kentucky shall acquire a full one-half interest in such bridge, then the right to take tolls for the use of such bridge shall immediately cease; and said right to take tolls shall also cease if and when the net tolls taken, after deducting the cost of collecting such tolls, shall amount to one-half the actual cost of such bridge plus interest thereon at the rate of 5 per centum per annum; and thereafter said bridge shall be free and no toll shall be charged for the use thereof.
Maintenance as free bridge, etc., after amortizing costs.	SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.
Record of expenditures and receipts.	Approved, March 2, 1927.
Kentucky may acquire interest in bridge.	
Terms.	
Ceasing of right to take tolls.	
Free bridge thereafter.	
Amendment.	