

**CHAP. 768.**—An Act Providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice.

May 26, 1928.  
[H. R. 10649.]  
[Public, No. 532.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to transfer to the jurisdiction of the Department of Justice, for use as a site for the industrial reformatory established under authority of the Act of January 7, 1925, chapter 32, entitled "An Act for the establishment of a United States Industrial Reformatory," all that portion of the United States military reservation known as Camp Sherman, Ohio, lying west of the Scioto River and south of a line beginning at a point in the center line of Portsmouth Street at the Scioto River and running thence southwesterly along the center line of Portsmouth Street to the center line of Columbus Avenue; thence southeasterly along the center line of Columbus Avenue to the center line of Moundsville Street; thence southwesterly along the center line of Moundsville Street to the center line of Egypt Pike; thence northwesterly along the center line of Egypt Pike to its intersection with the center line of Sandusky Boulevard; thence due west to the boundary line of the Government reservation.

Army.  
Portion of Camp Sherman, Ohio, transferred to Department of Justice as site for Industrial Reformatory.  
Vol. 43, p. 724.

Description.

Approved, May 26, 1928.

**CHAP. 769.**—An Act Authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street in Bettendorf, State of Iowa.

May 26, 1928.  
[H. R. 12235.]  
[Public, No. 533.]

*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, B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Tenth Street in Bettendorf, State of Iowa, 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.

Mississippi River.  
B. F. Peek, etc., may bridge, at Bettendorf, Iowa.

Construction.

Vol. 34, p. 84.  
Post, p. 1512.

Sec. 2. There is hereby conferred upon B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their 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 proceedings.

Sec. 3. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives,

Toll authorized.

and assigns, are 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.

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Acquisition authorized, after completion, by Illinois, Iowa, etc.

Condemnation proceedings.

Compensation if acquired by condemnation.

Limitations.

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.

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

Examination by Secretary of War.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, 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 twenty 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.

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.

SEC. 6. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their 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 Illinois and Iowa, 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 B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; and J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, 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.

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 B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Illinois; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their 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.

Right to sell, etc.,  
conferred.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 26, 1928.

CHAP. 770.—An Act To extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio.

May 26, 1928.  
[H. R. 12894.]  
[Public, No. 534.]

*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 the overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio, authorized to be built by the board of county commissioners of Trumbull County, Ohio, by the Act of Congress approved July 1, 1926, are hereby extended one and three years, respectively, from the date of approval hereof, and the said Act of Congress approved July 1, 1926, is hereby revived and reenacted for such purpose.

Mahoning River.  
Time extended for  
viaduct across, at Niles,  
by Trumbull County,  
Ohio.  
Vol. 44, p. 780, amend-  
ed.

Post, p. 1535.

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

Amendment.

Approved, May 26, 1928.

CHAP. 771.—An Act Granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minnesota.

May 26, 1928.  
[H. R. 13069.]  
[Public, No. 535.]

*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 Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Aitkin, Minnesota, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mississippi River.  
Minnesota may  
bridge at Aitkin.

Construction.  
Vol. 34, p. 84.

Amendment.

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

Approved, May 26, 1928.