

a right-of-way over and across the Kalamazoo National Guard Target Range, Michigan, for railroad industrial spur-track purposes, with full power to locate, construct, and operate a railroad industrial spur track with necessary appurtenances, appendages, and adjuncts, the location and width of such right-of-way to be determined by the Secretary of War: *Provided*, That the land shall not be used for other than railroad industrial spur purposes, and when the property shall cease to be so used it shall revert to the United States.

Approved, November 21, 1941.

Proviso.

[CHAPTER 479]

AN ACT

To repeal the prohibition against the filling of a vacancy in the office of district judge for the district of Massachusetts.

November 21, 1941
[H. R. 2596]
[Public Law 300]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of subsection (e) of section 4 of the Act entitled "An Act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia", approved May 31, 1938 (52 Stat. 585; U. S. C., title 28, sec. 4v), which reads: "*Provided*, That the first vacancy occurring in the office of district judge for the district of Massachusetts by the retirement, disqualification, resignation, or death of judges in office on the date of enactment of this Act shall not be filled;" be, and it is hereby, repealed.

United States courts.
Repeal of designated provision.

28 U. S. C. § 1 and note.

Approved, November 21, 1941.

[CHAPTER 480]

AN ACT

To provide for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority.

November 21, 1941
[H. R. 3182]
[Public Law 301]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, as the result of the construction of any dam, reservoir, or other improvement under the provisions of the Tennessee Valley Authority Act, or amendments thereto, any bridge, trestle, or other highway or railroad structure located over, upon, or across the Tennessee River or any of its navigable tributaries, including approaches, fenders, and appurtenances thereto, is endangered or otherwise adversely affected and damaged, including any interference with or impairment of its use, to the extent that protection, alteration, reconstruction, relocation, or replacement is necessary or proper to preserve its safety or utility or to meet the requirements of navigation or flood control, or both, the owner or owners of such bridge, trestle, or structure shall be compensated by the Tennessee Valley Authority in the sum of the reasonable actual cost of such protection, alteration, reconstruction, relocation, or replacement: *Provided*, That in arriving at the amount of such compensation the bridge owner shall be charged with a sum which shall equal the net value to the owner of any direct and special benefits accruing to the owner from any improvement or addition or betterment of the altered, reconstructed, relocated, or replaced bridge, trestle, or structure. The Tennessee Valley Authority is empowered to contract with such owner with respect to any such protection, alteration, reconstruction, relocation, or replacement, the payment of the cost thereof and its proper division, which contract may provide either for money compensation or for the performance of all or any

Tennessee Valley Authority.
Reconstruction, etc., of certain bridges.
48 Stat. 68.
16 U. S. C. §§ 831-831dd.

Provisos.
Owner to be charged for benefits.

Contracting authority.

Payments from Authority's earnings.

Right to bring suit upon failure to agree, etc.

Funds for satisfying judgment.

Proviso. Approval of location and plans.

part of the work by the Tennessee Valley Authority: *Provided further*, That the payments herein provided for shall be paid out of the earnings of the Authority.

In the event of a failure to agree upon the terms and conditions of any such contract, or upon any default in the performance of any contract entered into pursuant to this Act, the bridge owner or the Tennessee Valley Authority shall have the right to bring suit to enforce its rights or for a declaration of its rights under this Act, or under any such contract, in the district court of the United States for the district in which the property in question is located. In any such proceeding the court shall apportion the total cost of the work between the Tennessee Valley Authority and the owner in accord with the provisions contained in this section. Any judgment, award, or decree rendered against the Tennessee Valley Authority under this section may be satisfied out of appropriations available for the major project which requires the protection, alteration, reconstruction, relocation, or replacement: *Provided*, That, prior to such alteration, reconstruction, or relocation of said bridges, the location and plans shall be submitted to and approved by the Chief of Engineers and by the Secretary of War in accordance with existing laws.

Approved, November 21, 1941.

[CHAPTER 481]

AN ACT

November 21, 1941
[H. R. 4381]
[Public Law 302]

To repeal the Act entitled "An Act to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota", approved March 15, 1904.

Minnesota River, Minn., bridges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota", approved March 15, 1904 (33 Stat. 83, ch. 548), is hereby repealed.

Approved, November 21, 1941.

[CHAPTER 482]

AN ACT

November 21, 1941
[H. R. 4791]
[Public Law 303]

To reimburse the city of McMinnville, Oregon, for damages assessed to it by the United States for innocent trespass upon land belonging to the United States.

McMinnville, Oreg.
Reimbursement.
39 Stat. 222.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Oregon and California land-grant fund, the sum of \$1,395 to reimburse the city of McMinnville, Oregon, for damages paid to the United States by the city of McMinnville, Oregon, for innocent trespass upon land belonging to the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Proviso.

Approved, November 21, 1941.