

Order of payment.

expiration of the period of such annual or vacation leave shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement Act applicable to his service;

Second, if there be no such designated beneficiary, to the estate of such deceased employee.

Transfers to positions under different leave systems.

SEC. 3. That all accumulated and current accrued leave be liquidated by a lump-sum payment to any civilian officer or employee of the Federal Government or the government of the District of Columbia in cases involving transfer to agencies under different leave systems. Such lump-sum payment shall equal the compensation that such employee would have received had he not been transferred until the expiration of the period of such leave: *Provided*, That the lump-sum payment herein authorized shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions.

SEC. 4. The provisions of sections 1 and 2 of this Act shall not apply to officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama.

Approved December 21, 1944.

[CHAPTER 633]

AN ACT

December 21, 1944

[S. 1159]

[Public Law 526]

Creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois.

Mississippi River.  
Bridge at Clinton,  
Iowa, and Fulton, Ill.

*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 City of Clinton Bridge Commission (hereinafter created, and hereinafter referred to as the "commission"), and its successors and assigns be, and are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto, across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Illinois, at a point or points suitable to the interest of navigation, subject to the conditions and limitations contained in this Act. For like purposes said commission, or its successors and assigns, are hereby authorized to acquire by purchase or condemnation, and to reconstruct, maintain, and operate all or any existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and may acquire control of any or all such existing bridges by purchase of stock in any corporation owning any such bridges, or by a conveyance from such corporation and in any case the existing right or rights of the city of Clinton to acquire any such bridge or bridges shall be merged into and represented by acquisition thereof by the commission, and said commission shall be authorized to maintain and operate said bridge or bridges subject to the conditions and limitations contained in this Act: *Provided*, That the power granted in this Act with respect to the acquisition and purchase of any bridge shall not be exercised by said commission until all terms of the proposed acquisition and purchase of any such bridge shall have been approved by the Highway Departments of the States of Iowa and Illinois.

Acquisition or control of existing bridges, at Clinton, Iowa.

Condition.

Jurisdiction of condemnation proceedings.

SEC. 2. Jurisdiction of all condemnation proceedings under this Act for the acquisition of any existing bridge or bridges is hereby conferred upon the United States District Court for the Southern District of Iowa, and for such purpose the process of such court may

be served outside of the State or district in which such court is located. Such proceedings shall follow as nearly as may be the law of the State of Iowa governing the proceedings for the condemnation of private property for public purposes in said State. Copies of any final judgment, decree, or order of such court in any such condemnation proceedings relating to land located outside said district shall be filed with the clerk of the court of the Federal district in which such land is located. In any such condemnation proceedings the commission shall be authorized to condemn all right, title, and interest in the bridge or bridges and approaches, and all right, title, and interest in real property necessary therefor.

Court orders.

SEC. 3. There is hereby conferred upon the commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location and construction of any such bridge or bridges and for the operation and maintenance of any bridge and its approaches hereby authorized to be acquired or constructed, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purpose in said State, respectively. The commission, its successors and assigns, is further authorized to enter into agreements with the States of Illinois and Iowa, and any political subdivision thereof, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision.

Acquisition of real estate, etc.

Agreements.

SEC. 4. The commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge or bridges in accordance with the provisions of this Act, and as provided by the Act of Congress approved March 23, 1906.

Tolls.

34 Stat. 85.  
33 U. S. C. § 494.

SEC. 5. The commission and its successors and assigns are hereby authorized to provide for the payment of the cost of such bridge or bridges as may be acquired, reconstructed, or constructed, as provided herein, and approaches (including the approach highways, which, in the judgment of the commission, it is necessary or advisable to construct or cause to be constructed to provide suitable and adequate connection with existing improved highways) and the necessary land easements and appurtenances thereto, by an issue or issues of negotiable serial bonds of the commission, bearing interest, payable semi-annually, at the rate of not more than 6 per centum per annum, the principal and interest of which bonds shall be payable solely from the funds provided in accordance with this Act, and such payments may be further secured by mortgage of the bridge or bridges. All such bonds may be registerable as to principal alone or both principal and interest, shall be payable as to principal in twenty equal annual installments, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the commission may determine, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge or bridges, acquired or constructed, and approaches and the land easements, and appurtenances used in connection therewith, when added to any other funds made available to the Commission for the use of said purposes. The commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the commission in respect to the acquisition, construction, maintenance, operation, repair, and insurance of the bridge or bridges, the conservation and application of all funds, the security for the

Bond issue to provide payment of cost.

Interest.

Trust agreements.

payment of the bonds, the safeguarding of money on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law.

Protection of rights, etc., of trustee and bondholders.

Sale of bonds.

Said bonds may be sold at not less than par after public advertisement for thirty days for bids to be opened publicly at the time and place stated in such advertisement and at the bid price which will yield the greatest return to the commission for the bonds to be sold. The price to be paid for the bridge or bridges acquired hereunder shall not exceed the reasonable value thereof at the time of the acquisition. The cost of the bridge to be constructed as provided herein, together with the approaches and approach highways, shall be deemed to include interest during construction of the bridge and for twelve months thereafter, and all engineering, legal, financing, architectural, traffic-surveying, condemnation, and other expenses incident to the bridge and the acquisition of the necessary property, including the cost of acquiring existing franchises and riparian rights relating to the bridge. If the proceeds of the bonds shall exceed the cost as finally determined, the excess shall be placed in the fund hereafter provided to pay the principal and interest of such bonds. Prior to the preparation of definite bonds the commission may, under like restrictions, issue temporary bonds or may, under like restrictions, issue temporary bonds or interim certificates, without coupons, of any denomination whatsoever, exchangeable for definite bonds when such bonds that have been executed are available for delivery.

Items included in cost of bridge.

Issuance of temporary bonds.

SEC. 6. The rates and schedule of toll to be charged for the use of such bridge or bridges, in accordance with the Act of Congress approved March 23, 1906, shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge or bridges and approaches under economical management, and to provide a fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge or bridges are hereby pledged to such uses and to the application thereof as hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintenance, repair, and operation, and the reservation of an amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than six months, the remainder of tolls collected shall be placed in a fund, at intervals to be determined by the commission prior to the issuance of the bonds, to pay the principal and interest of such bonds. An accurate record of the cost of the bridge or bridges and approaches; the 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. The commission shall classify in a reasonable way all traffic over the bridge or bridges so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within reasonable classes, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge or bridges for traffic except upon payment of tolls so fixed and adjusted. No toll shall be charged officials or employees of the Commission, nor shall toll be charged officials of the Government

Adjustments of toll to cost of maintenance, etc.  
34 Stat. 85.  
33 U. S. C. § 494.

Residue to be placed in sinking fund.

Record of expenditures and receipts.

Classification of traffic.

Toll exemptions.

of the United States while in the discharge of duties incident to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties.

Within a reasonable time after the construction of any bridge or bridges, or the acquisition of any bridge or bridges, the commission shall file with the Public Roads Administration of the Federal Works Agency a sworn itemized statement showing the cost of constructing or purchasing the bridge or bridges and their approaches, the cost of acquiring any interest in real or other property necessary therefor, and the amount of bonds, debentures, or other evidence of indebtedness issued in connection with the construction or acquisition of said bridge or bridges.

Sworn itemized statements of costs, etc., to be filed.

SEC. 7. Nothing herein contained shall require the commission or its successors to maintain or operate any presently existing bridge or bridges acquired hereunder, if and when all bonds issued for account of such bridge or bridges shall have been retired or provision for the payment of interest on and the retirement of such bonds from the revenues from any other bridge or bridges shall have been made at the time of issuance of such bonds. Any such presently existing bridge or bridges so acquired and any appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned or dismantled whenever in the judgment of the commission or its successors, and subject to the approval of the Commissioner of Public Roads, Federal Works Agency, and the United States Secretary of War, it may be declared expedient so to do, and provisions with respect to and regulating any such sale, disposal, abandonment, or dismantlement may be included in proceedings for the issuance and sale of bonds for account of any such bridge or bridges. The commission and its successors may fix such rates of toll for the use of such bridge or bridges as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge to be constructed, provided tolls shall be fixed and revised from time to time for traffic over all bridges so as not to adversely reflect upon the earnings of any bridge or bridges for account of which bonds may be outstanding. An accurate record of the cost of acquiring or constructing each such bridge; the 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.

Disposition of existing bridges acquired hereunder.

Toll rates for use of such bridges.

Records; availability.

SEC. 8. (a) After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the commission shall deliver deeds or other suitable instruments of conveyance of the interest of the commission in and to that part of said bridge or bridges within Iowa to the State of Iowa or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Iowa interests"), and that part of said bridge or bridges within Illinois to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Illinois interests"), under the condition that the bridge or bridges shall thereafter be free of tolls and be properly maintained, operated, and repaired by the Iowa interests and the Illinois interests, as may be agreed upon; but if the Iowa or Illinois interests, as the case may be, fail to accept, or are not authorized to accept, their respective portions of said bridge or bridges, then the commission may deliver deeds, or other suitable instruments of conveyance of said portions, to any other interest which may accept and may be authorized to accept the same, under the condition that the

Conveyance of interests after payment of bonds, etc.

Condition.

Operation by commission if either or other interests fail to accept.

bridge or bridges shall thereafter be free of toll and be properly maintained, operated, and repaired by said interests to whom said conveyances are delivered; but if either the Iowa interests, or the Illinois interests, or any other interest hereinabove mentioned shall not be authorized to accept or shall not accept the same under such conditions, then the bridge or bridges shall continue to be owned, maintained, operated, and repaired by the commission as a free bridge, until such time as the Iowa interests, the Illinois interests, or any other interest hereinabove mentioned, shall be authorized to accept and shall accept such conveyance under such conditions. The rate or rates of toll for crossing any bridge now existing or hereafter constructed which abuts upon or enters into the corporate limits of the city of Clinton, Iowa, shall not be reduced below the rate or rates now in effect on existing bridges so long as any indebtedness of said commission for the account of any bridge or bridges shall be outstanding and unpaid. Before deeds or other suitable instruments of conveyance are offered to the Iowa interests and the Illinois interests for acceptance, the commission shall place the bridge or bridges in a state of repair which will meet the approval of the Highway Departments of the States of Iowa and Illinois, and if in the opinion of said highway departments said bridge or bridges will need repainting within two years after the date of conveyance of title, the commission shall turn over to the Iowa interests and the Illinois interests sufficient funds to pay the cost of repainting.

Toll rates, Clinton, Iowa.

Repairs, repainting, etc.

Federal aid.

39 Stat. 355; 42 Stat. 212.  
23 U. S. C. § 1;  
Supp. III, ch. 1.

(b) Notwithstanding any restrictions or limitation imposed by the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, or by the Federal Highway Act, or by an Act amendatory of or supplemental to either thereof, the Federal Works Administrator or any other Federal department or agency of the United States Government may extend Federal aid under such Acts for the construction of said bridge or bridges out of any moneys allocated to the State of Iowa with the consent of the State highway commission of said State, and out of moneys allocated to the State of Illinois with the consent of the department of highways of said State.

City of Clinton Bridge Commission.  
Creation, corporate powers, etc.

SEC. 9. For the purpose of carrying into effect the objects stated in this Act, there is hereby created the City of Clinton Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or property and apply same to the purposes of this Act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this Act.

Composition.

The commission shall consist of Thomas B. Charlton, Joseph J. Burke, Fred Hansen, Mark Morris, and Milton Peaco, of Clinton, Iowa, and a representative from the highway department of each of the States of Iowa and Illinois, such representative from Iowa to be designated by the State Highway Commission of Iowa and such representative from Illinois to be designated by its Division of Highways, Department of Public Works and Buildings; such commission shall be a public body corporate and politic, but is hereby declared not to be an agency of the Federal Government. Of the members of the commission hereinabove named, Thomas B. Charlton and Joseph J. Burke shall be for a term of one year each, Fred Hansen and Mark Morris shall be for a term of two years each, and Milton Peaco shall

be for a term of three years, from the date of approval of this Act, and thereafter each member appointed on the commission shall be for a term of three years, except when such appointment is to fill an unexpired term. Each member of the commission shall qualify within thirty days after the approval of this Act by filing in the office of the Federal Works Administrator an oath that he will faithfully perform the duties imposed upon him by this Act, and each person appointed to fill a vacancy shall qualify in like manner within thirty days after his appointment. Any vacancy in said commission, other than of members to be designated by the highway departments of Iowa and Illinois, occurring by reason of failure to qualify as above provided, or by reason of death, expiration of term, or resignation, shall be filled by the Federal Works Administrator. Before the issuance of bonds as hereinabove provided, each member of the commission shall give such bond as may be fixed by the Commissioner of Public Roads, Federal Works Agency, conditioned upon the faithful performance of all duties required by this Act; the cost of such surety prior to and during the construction of the bridge shall be paid or reimbursed from the bond proceeds and thereafter such costs shall be deemed an operating expense. The commission shall elect a chairman and a vice chairman from its members, and may establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business.

SEC. 10. The commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the commission shall be entitled to a per diem compensation for their services of \$10 for each day actually spent in the business of the commission, but the maximum compensation of the chairman in any year shall not exceed \$1,200, and of each other member shall not exceed \$600. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the commission. The commission may employ a secretary, treasurer, engineers, attorneys, and other such experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such reasonable compensation as the commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this Act. After all bonds and interest thereon shall have been paid and all other obligations of the commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge or bridges shall have been conveyed to the Iowa interests, and the Illinois interests, as herein provided, or otherwise disposed of as provided herein, the commission shall be dissolved and shall cease to have further existence by an order of the Commissioner of Public Roads made upon his own initiative or upon application of the commission or any member or members thereof, but only after a public hearing in the city of Clinton, Iowa, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof, in a newspaper published in the city of Clinton, Iowa. At the time of dissolution all moneys in the hands of or to the credit of the commission shall be divided into two equal parts, one of which shall be repaid to said Iowa interests and the other to said Illinois interests.

SEC. 11. Notwithstanding any of the provisions of this Act, the commission shall have full power and authority to negotiate and enter into a contract or contracts with the State Highway Commission of Iowa and the Department of Highways of Illinois, the city of

Vacancies.

Bond.

Organization; rules, quorum, etc.

Capital stock, etc., restriction.

Compensation, allowances, etc.

Employees.

Dissolution of Commission.

Public hearing.

Division of moneys.

State, etc., financial aid.

Clinton, Clinton County, Iowa, or any county or municipality in the State of Illinois, whereby the commission may receive financial aid in the construction or maintenance of the bridge or bridges and approaches thereto, and said commission in its discretion may avail itself of all of the facilities of the State Highway Commission of the State of Iowa and the Department of Highways of the State of Illinois with regard to the construction of said proposed bridge or bridges, and the commission may make and enter into any contract or contracts which it deems expedient and proper with the State Highway Commission of Iowa and the Department of Highways of Illinois, whereby said highway departments or either of them may construct, operate, and maintain or participate with the commission in the construction, operation, and maintenance of said bridge or bridges and approaches to be constructed hereunder. It is hereby declared to be the purpose of Congress to facilitate the construction of a bridge and proper approaches across the Mississippi River at or near Clinton, Iowa, and Fulton, Illinois, and to authorize the commission to promote said object and purposes, with full power to contract with either the State Highway Commission of Iowa or the Department of Highways of Illinois, or with any agency or department of the Federal Government, or both, in relation to the purchase or condemnation, construction, operation, and maintenance of said bridges and approaches.

Contracts.

Purpose of Congress.

Restriction on incurring of liabilities, etc.

Design, specifications, etc.

Construction, etc.

SEC. 12. Nothing herein contained shall be construed to authorize or permit the commission, or any member thereof, to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds contemplated to be provided by this Act. No obligation created or liability incurred pursuant to this Act shall be a personal obligation or liability of any member or members of the commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this Act be an indebtedness of the United States.

SEC. 13. The design and construction of any bridge which may be built pursuant to this Act shall be in accordance with the standard specifications for highway bridges adopted by the American Association of State Highway officials, and the location and design of any such bridge shall be subject to approval by the highway departments of the States of Iowa and Illinois.

SEC. 14. Any bridge or bridges constructed, acquired, or reconstructed under authority of this Act shall be constructed, maintained, and operated in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906. By reason of the commission hereinbefore created being a public body the provisions of the Securities Act of 1933 and of the Trust Indenture Act of 1939, and any amendments to either or both of said Acts, shall not apply to bonds authorized to be issued by this Act.

SEC. 15. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved December 21, 1944.

## [CHAPTER 634]

## AN ACT

To repeal the Acts of August 15, 1935, and January 29, 1940, relating to the establishment of the Patrick Henry National Monument and the acquisition of the estate of Patrick Henry, in Charlotte County, Virginia.

*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 provide for the establishment of a national*

December 21, 1944

[S. 1819]

[Public Law 527]

Patrick Henry National Monument, Va.  
Repeals.