

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

Investigation by Secretary of War.

Findings of Secretary conclusive.

Tolls under State, etc., operation.

Rates applied to operation, return of original cost, and sinking fund.

Maintenance as free bridge, etc., subsequently.

Authority for sale, etc.

Amendment.

April 2, 1926.

[H. R. 9399.]

[Public No. 88.]

Ohio River, Louisville, Ky., may bridge.

cost of constructing such bridge or bridges and approaches, less a reasonable deduction for actual depreciation in respect of such bridge or bridges and approaches, (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 construction of such bridge or bridges and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 5. The said Cairo Bridge and Terminal Company, its successors and assigns, shall, immediately after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge or bridges and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge or bridges, the Secretary of War shall investigate the actual cost of such bridge or bridges, and for such purpose the said Cairo Bridge and Terminal Company, its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such original cost shall be conclusive.

SEC. 6. If such bridges or either of them shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this Act, the same may thereafter be operated as toll bridges; in fixing the rates of toll to be charged for the use of such bridges, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the cost thereof within a period of not to exceed thirty years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches.

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 said Cairo Bridge and Terminal Company, its successors and assigns, and any corporation to which such right, powers, and privileges may be sold, assigned, or transferred, or which 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.

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

Approved, April 2, 1926.

CHAP. 101.—An Act Granting the consent of Congress to the city of Louisville, Kentucky, to construct a bridge across the Ohio River at or near said city.

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 city of Louisville, Kentucky, or to any board or boards, commission or commissions, which may be duly created or established for the purpose, to construct, maintain, and operate a highway or combined highway and railway bridge

and approaches thereto across the Ohio River at a point suitable to the interests of navigation, extending from some point between Third and Twelfth Streets in the city of Louisville, Kentucky, across said river to a point opposite on the Indiana shore, 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. The construction of such bridge shall not be commenced, nor shall any alterations in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration shall have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. There is hereby conferred upon the said city of Louisville or such board or boards, commission or commissions, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the States in which such real estate and other property are located upon making proper compensation therefor, to be ascertained according to the laws of such States; and the proceedings thereof may be the same as in the condemnation and expropriation of property in such States.

SEC. 3. The said city of Louisville, board or boards, commission or commissions, is hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such Act of March 23, 1906.

SEC. 4. In fixing the rates of tolls to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the investment, and to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period of not to exceed thirty 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 be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 2, 1926.

CHAP. 102.—An Act To amend section 129 of the Judicial Code relating to appeals in admiralty cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 129 of the Judicial Code is hereby amended by adding thereto the following:

"In all cases where an appeal from a final decree in admiralty to the circuit court of appeals is allowed an appeal may also be taken to said court from an interlocutory decree in admiralty determining the rights and liabilities of the parties: *Provided, That*

Location.

Construction.

Vol. 34, p. 84.
Post, p. 1379.

Approval of traffic
capacity required.

Right to condemn
real estate for location,
etc.

Tolls authorized.

Vol. 34, p. 85.

Rates of tolls to provide for operation, return of investment, and sinking fund.

Maintenance as free bridge, etc., subsequently.

Amendment.

April 3, 1926.

[S. 939.]

[Public, No. 89.]

Judicial Code.
Vol. 43, p. 937, amended.

Appeals in interlocutory decrees in admiralty to circuit court of appeals.

Proviso.