

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 tolls 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.

Record of expenditures and receipts.

SEC. 4. F. C. Barnhill, his 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 department of the State of Missouri, 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 at the request of the highway department of the State of Missouri 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 F. C. Barnhill, his heirs, legal representatives, and assigns, shall make available all 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 2 of this Act, subject only to review in a court of equity for fraud or gross mistake.

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

Investigation by Secretary of War.

Findings of Secretary conclusive.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to F. C. Barnhill, his 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. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 28, 1928.

CHAP. 114.—An Act Authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Missouri.

February 28, 1928.
[H. R. 8107.]
[Public, No. 84.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Frank M. Burruss, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Miami, Saline County, Missouri, and a point opposite thereto in Carroll County, Missouri, 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.

Missouri River.
Frank M. Burruss
may bridge, at Miami,
Mo.

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

Acquisition authorized, after completion, by Missouri, etc.

Condemnation proceedings.

Compensation if acquired by condemnation.

Limitations.

Tolls under State 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.

Investigation by Secretary of War.

Findings of Secretary conclusive.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War either the State of Missouri, any political subdivision thereof 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 in accordance with the laws of such State 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 (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 cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Missouri or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this Act, and if tolls are charged for the use thereof, the rates of tolls 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 tolls 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. 4. Frank M. Burruss, his 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 department of the State of Missouri, 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 at the request of the highway department of the State of Missouri 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 Frank M. Burruss, his heirs, legal representatives, and assigns, shall make available all 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 2 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to Frank M. Burruss, his 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.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 28, 1928.

CHAP. 116.—An Act To authorize appropriation of treaty funds due the Wisconsin Pottawatomie Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,839, being the unappropriated balance of the total amount of \$447,339 due the Wisconsin Pottawatomie Indians, of Wisconsin and Michigan, under the treaty of September 27, 1833 (Seventh Statutes at Large, page 442), and the Act of June 25, 1864 (Thirteenth Statutes at Large, page 172), as set out in House Document Numbered 830, Sixtieth Congress, first session: *Provided*, That the unexpended balances of \$37,044.55 in the appropriations made for said Indians by the Acts of May 18, 1916 (Thirty-ninth Statutes at Large, page 156), May 25, 1918 (Fortieth Statutes at Large, page 589), and June 30, 1919 (Forty-first Statutes at Large, page 29), and which have reverted to the Treasury, are hereby authorized to be reappropriated; and that said sums, together with the unexpended balance of \$4,347.73 in the appropriation for the purchase of land for said Indians made by the Act of June 30, 1913 (Thirty-eighth Statutes at Large, page 102), shall be subject to expenditure for their benefit or payment to them, in the discretion of the Secretary of the Interior.

Approved, February 29, 1928.

CHAP. 117.—An Act To approve Act Numbered 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An Act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act Numbered 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An Act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided*, That the authority in section 16 of said Act for the amending, or repeal of said Act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the Organic Act.

Approved, March 2, 1928.

Right to sell, etc., conferred.

Amendment.

February 29, 1928.
[S. 1759.]
[Public, No. 85.]

Wisconsin Pottawatomie Indians.
Sums authorized for, out of unappropriated balances.

Vol. 7, p. 442; Vol. 13, p. 172.

Provisos.
Other unexpended balances, reappropriated.
Vol. 39, p. 156; Vol. 40, p. 589; Vol. 41, p. 29.

All to be expended for said Indians.

Vol. 38, p. 102.

March 2, 1928.
[H. R. 83.]
[Public, No. 86.]

Hawaii.
Territorial act for electric power franchise, approved.

Proviso.
Amendment subject to approval of Congress.