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accordance with the provisions of an 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.

Construction.
Vol. 34, p. 84.
Post, p. 1524.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay 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 cost of the bridge and its approaches, 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 completion thereof. 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 costs of the bridge and its 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.

Rates of toll applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 18, 1928.

CHAP. 633.—An Act Authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Texas.

May 18, 1928.
[S. 4253.]
[Public, No. 432.]

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, H. L. McKee, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Texas, and a point opposite in Cameron Parish, Louisiana, 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.

Lake Sabine.
H. L. McKee may bridge, at Port Arthur, Tex.

Construction.
Vol. 34, p. 84.
Post, p. 1524.

SEC. 2. There is hereby conferred upon H. L. McKee, his 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: *Provided*, That no part of the present Pleasure Pier on the east side of the Sabine-Neches Canal belonging to the city of Port Arthur and/or leased to the Port Arthur Chamber of Commerce and Shipping shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said

Right to acquire real estate, etc., for location, approaches, etc.

Condemnation proceedings.

Proviso.
Restriction as to present Pleasure Pier.

city of Port Arthur and the Port Arthur Chamber of Commerce and Shipping.

Tolls authorized.

SEC. 3. The said H. L. McKee, his heirs, legal representatives, and assigns, is 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.

Vol. 34, p. 85.

Acquisition authorized, after completion, by Texas, Louisiana, etc.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, 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 ten 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.

Compensation if acquired by condemnation.

Limitations.

Tolls under State, etc., operation.

SEC. 5. If such bridge and its approaches 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 fifteen 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 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.

Rates applied to operation, sinking fund, etc.

Maintenace as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

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

SEC. 6. The said H. L. McKee, 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 departments of the States of Texas and Louisiana, 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

Examination by Secretary of War.

in the statement of cost 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 H. L. McKee, his heirs, legal representatives, and assigns, shall make available all of his 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 H. L. McKee, 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. 8. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right of way not to exceed one hundred feet in width across the spoil bank of the ship canal at such location, to be approved by the Chief of Engineers, as will provide a highway connection or connections between the bridge authorized by this Act and any bridge or bridges that are or may hereafter be constructed across the ship canal, the United States to retain such free use of the right of way as does not interfere with the bridge approach: *Provided*, That no toll shall be charged for use of the approach to be built on United States property. The duration of such right of way shall terminate with the termination of the franchise granted by this Act for the construction of the bridge and shall attach to and become a part of such bridge, and shall pass with the same in any transfer thereof.

Right of way granted across bank of ship canal.

Proviso. No toll on Federal property.

SEC. 9. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 18, 1928.

CHAP. 634.— An Act Authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry.

May 18, 1928.
[S. 4254.]
[Public, No. 433.]

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 State Highway Commission of Texas and the Louisiana Highway Commission be and are hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Sabine County, Texas, and Sabine Parish, Louisiana, at a point suitable to the interests of navigation, at or near Pendleton's Ferry, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sabine River. Texas and Louisiana may bridge, at Pendleton's Ferry, Tex. and La.

Construction. Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the State Highway Commission of Texas and the Louisiana Highway Commission 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

Right to acquire real estate, etc., for location, approaches, etc.