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Lt. Col. F. E. Parker.

SEC. 16. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel F. E. Parker, Finance Department (deceased), the sum of $5,072, public funds for which he is accountable and which were paid by him on fraudulent vouchers prepared by his deputy.

Approved, April 11, 1941.

[CHAPTER 71]

AN ACT

April 12, 1941
[S. 324]
[Public Law 37]

To create the White County Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to purchase, maintain, and operate a bridge across the Wabash River at or near New Harmony, Indiana, and to purchase, maintain and operate certain ferries.

White County Bridge Commission.
Acquisition of bridge and ferries, Wabash River.

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 White County Bridge Commission (hereinafter created and hereinafter referred to as the "commission") and its successors and assigns be, and is hereby, authorized to acquire, by purchase or otherwise, from its owners, and to maintain and operate a bridge and approaches thereto across the Wabash River at or near the city of New Harmony, Indiana, 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. For like purposes said commission and its successors and assigns are hereby authorized to acquire, maintain, and operate all or any ferries across the Wabash River within one mile of said bridge, subject to the conditions and limitations contained in this Act.

34 Stat. 84.
33 U. S. C. §§ 491–498.

Right to acquire real estate, etc.

SEC. 2. There is hereby conferred upon the commission and its successors and assigns the right and power to acquire, condemn, occupy, possess, and use said bridge and such real estate and other property in the State of Illinois and the State of Indiana as may be needed for the acquisition and maintenance of such bridge and its approaches, 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 purposes in said State, respectively.

Tolls.
34 Stat. 84.
33 U. S. C. §§ 491–498.

SEC. 3. The commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge and such ferry or ferries in accordance with the provisions of this Act, subject to the approval of the Secretary of War as provided by the Act of Congress approved March 23, 1906.

Bond issue for payment of cost.

SEC. 4. The commission and its successors and assigns are hereby authorized to provide for the payment of the cost of such bridge as may be acquired and its approaches (including any 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 such ferry or ferries as may be acquired and the necessary land, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the commission, bearing interest at the rate of not more than 6 per centum per annum, the principal and interest of which bonds and any premium to be paid for retirement thereof before maturity shall be payable solely from the sinking fund provided in accordance with

Interest, maturity, etc.

this Act and such payments may be further secured by mortgage of such bridge and its approaches. Such bonds may be registrable as to principal alone or both principal and interest, shall be in such form not inconsistent with this Act, shall mature at such time or times not exceeding twenty years from the date of approval of this Act, 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. The commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding 105 per centum of the principal amount thereof and accrued interest, as may be fixed by the commission prior to the issuance of the bonds. The commission, when it deems it to the best interest of the commission, may issue refunding bonds to repurchase and redeem any outstanding bonds, before the maturity thereof, which it may issue: *Provided*, That the refunding bonds shall mature at such time or times, not exceeding twenty-five years from date of approval of this Act, as the commission may determine. The commission may enter into an agreement with any bond 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 of the maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the security for the 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.

Repurchase and redemption.

Proviso. Maturity of refunding bonds.

Trust agreement.

Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6 per centum interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge and its approaches and the land, easements, and appurtenances used in connection therewith, and in the event the ferry or ferries are to be acquired, also the cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and approaches and approach highways, and ferry or ferries, shall be deemed to include all engineering, legal, architectural, traffic surveying, and other expenses incident to the acquisition of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof: *Provided*, That the cost of acquisition of said bridge and approaches and approach highways, and ferry, shall not exceed the sum of $945,000. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates with or without coupons of any denomination whatsoever, exchangeable for definitive bonds when such bonds that have been executed are available for delivery.

Bond sale.

Proviso. Limitation on cost of bridge, etc.

Temporary bonds.

SEC. 5. In fixing the rates of toll to be charged for the use of such bridge the same 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

Application of tolls to operation, sinking fund, etc.

provide a sinking 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 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 maintaining, repairing, and operating 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 the sinking fund, at intervals to be determined by the commission prior to the issuance of the bonds. An accurate record of the cost 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. The commission shall classify in a reasonable way all traffic over the bridge, 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 any such reasonable class, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge for traffic except upon payment of the tolls so fixed and adjusted. No toll shall be charged officials or employees of the commission or the Government of the United States or any State, county, or municipality in the United States while in the discharge of their duties, or municipal police or fire departments when engaged in the proper work of any such department.

Classification of traffic.

Toll exemptions.

Maintenance of ferries.

SEC. 6. Nothing herein contained shall require the commission or its successors to maintain or operate any ferry or ferries purchased hereunder, but in the discretion of the commission or its successors any ferry or ferries so purchased, with the appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned and/or dismantled whenever in the judgment of the commission or its successors it may seem expedient so to do. The commission and its successors may fix such rates of toll for the use of such ferry or ferries as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge. All tolls collected for the use of the ferry or ferries and the proceeds of any sale or disposition of any ferry or ferries shall be used, so far as may be necessary, to pay the cost of maintaining, repairing, and operating the same, and any residue thereof shall be paid into the sinking fund hereinabove provided for bonds. An accurate record of the cost of purchasing the ferry or ferries; 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.

Use of tolls, etc.

Conveyance of Commission's interest to States.

SEC. 7. After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the commission shall deliver deeds or other suitable instruments of conveyance of the interest of the commission in and to the bridge, that part 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 (hereinafter referred to as the Illinois interests) and that part within Indiana to the State of Indiana or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the Indiana interests), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, and repaired by the Illinois interests and the Indiana interests, as may be agreed upon;

but if either the Illinois interests or the Indiana interests shall not be authorized to accept or shall not accept the same under such conditions, then the bridge shall continue to be owned, maintained, operated, and repaired by the commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary solely for the proper maintenance, repair, and operation of the bridge and its approaches under economical management, until such time as both the Illinois interests and the Indiana interests shall be authorized to accept and shall accept such conveyance under such conditions. If at the time of such conveyance the commission or its successors shall not have disposed of such ferry or ferries, the same shall be disposed of by sale as soon as practicable at such price and upon such terms as the commission or its successors may determine.

Disposition of ferry.

SEC. 8. For the purpose of carrying into effect the objects stated in this Act, there is hereby created the White County 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 other 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.

Commission created; powers, etc.

The commission shall consist of Julius C. Kern, Jennings F. Marlin, and J. Madison Pomeroy, all of Carmi, Illinois. Such commission shall be a body corporate and politic. 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 occurring in said commission by reason of failure to qualify as above provided, or by reason of death 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, conditioned upon the faithful performance of all duties required by this Act. The cost of such bonds shall be deemed an operating expense of the commission. 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.

Membership.

Bonds.

SEC. 9. 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 compensation for their services, but the maximum compensation of the chairman in any year shall not exceed $1,200 and of each other member in any year 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, attorney, and other such experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such 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

Capital stock, etc., restriction.

Compensation.

Employees.

Dissolution of Commission.

shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the Illinois interests and the Indiana interests as herein provided, and any ferry or ferries shall have been sold, 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 Carmi, Illinois, 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 Carmi. At the time of such 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 paid to said Illinois interests and the other to said Indiana interests.

Operating contracts.

SEC. 10. 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 Department of Illinois and the State Highway Commission of Indiana, whereby said highway departments or either of them may operate, and maintain or participate with the commission in the operation and maintenance of said bridge and approaches.

Creation of obligations, restriction.

SEC. 11. 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 provided by this Act. No obligation created or liability incurred pursuant to this Act shall be an 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.

Enforcement of Act.

SEC. 12. All provisions of this Act may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy brought by the attorney general for the State of Illinois, the attorney general for the State of Indiana, or the United States district attorney for any district in which the bridge may be located in part, in any court having competent jurisdiction of the subject matter and of the parties.

Power to convey bridge to States, etc.

SEC. 13. Notwithstanding any of the provisions of this Act the commission, in its discretion, shall have power at any time to sell, transfer and convey such bridge and approaches thereto either to the State of Illinois or the State of Indiana, or to any public agency, or any 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: *Provided, however*, That if such bridge shall be sold, transferred and conveyed to the States or public agencies or political subdivisions thereof or to either of them, 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 costs, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same, and after a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls. In the event of the acquisition of such bridge pursuant to the provisions of this section, an accurate record of the amount paid for the acquisition of the bridge and its approaches, the actual expenditures for maintain-

Proviso.
Provisions of conveyance.

ing, repairing, and operating the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested. No such sale, transfer, or conveyance shall be made except for a consideration sufficient to enable the commission to retire all of its outstanding bonds and obligations and unless prior to or simultaneously with such sale, transfer, and conveyance all outstanding bonds of the commission shall be called for redemption and moneys sufficient to effect such redemption deposited and irrevocably pledged for that purpose.

Right reserved.

SEC. 14. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 12, 1941.

[CHAPTER 72]

AN ACT

April 12, 1941
[H. R. 538]
[Public Law 38]

Authorizing the Secretary of the Treasury to convey a portion of the lighthouse reservation, Biloxi, Mississippi, to the city of Biloxi.

Biloxi, Miss.
Conveyance of lands to.

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 is authorized and directed to convey, by quitclaim deed, to the city of Biloxi, Harrison County, State of Mississippi, in consideration of the payment to the United States of $1,200, all right, title, and interest of the United States in and to that portion of the lighthouse reservation, Biloxi, Mississippi, north of West Beach Boulevard. The deed of conveyance shall describe by metes and bounds the exact portion of the reservation transferred. Such deed of conveyance shall also contain the express condition that if the city of Biloxi shall cease to maintain the property so transferred for park purposes or for some other wholly public use, or shall alienate or attempt to alienate such property, title thereto shall revert to the United States.

Approved, April 12, 1941.

[CHAPTER 74]

AN ACT

April 22, 1941
[H. R. 3786]
[Public Law 39]

To increase the authorized enlisted strength of the United States Navy, and for other purposes.

Navy.
Permanent authorized enlisted strength.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the permanent authorized enlisted strength of the active list of the Regular Navy is hereby increased to two hundred and thirty-two thousand. The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to increase this number to three hundred thousand.

Emergency increase authorized.
Public Law 398, 77th Congress.

SEC. 2. The phrase "authorized enlisted strength", as applied to the personnel of the Navy, shall hereafter mean the total number of enlisted men of the Navy authorized by law, exclusive of the Hospital Corps.

34 U. S. C. § 152.

SEC. 3. The total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to 5½ per centum of the authorized enlisted strength of the active list.

Commissioned officers.

SEC. 4. Hereafter the authorized enlisted strength of the active list of the Marine Corps shall be 20 per centum of the authorized enlisted strength of the Navy.

Marine Corps.
Authorized enlisted strength.
Public Law 398, 77th Congress.

Approved, April 22, 1941.

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