

[CHAPTER 595.]

AN ACT

June 18, 1934.
[H.R. 9476.]
[Public, No. 402.]

To empower certain members of the Division of Investigation of the Department of Justice to make arrests in certain cases, and for other purposes.

Department of Justice.
Power of certain members of Division of Investigation to make arrests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director, Assistant Directors, agents, and inspectors of the Division of Investigation of the Department of Justice are empowered to serve warrants and subpoenas issued under the authority of the United States; to make seizures under warrant for violation of the laws of the United States; to make arrests without warrant for felonies which have been committed and which are cognizable under the laws of the United States, in cases where the person making the arrest has reasonable grounds to believe that the person so arrested is guilty of such felony and where there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be immediately taken before a committing officer. Such members of the Division of Investigation of the Department of Justice are authorized and empowered to carry firearms.

May carry firearms.

Approved, June 18, 1934.

[CHAPTER 596.]

AN ACT

June 18, 1934.
[H.R. 9526.]
[Public, No. 403.]

Authorizing the city of Port Arthur, Texas, or the commission hereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Texas.

Lake Sabine, Tex.
Port Arthur Bridge Commission may bridge, at Port Arthur.

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, the city of Port Arthur, Texas, or the Port Arthur Bridge Commission (hereinafter called the "Commission") hereby created, and its successors 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 an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to conditions and limitations contained in this Act.

Construction.
Vol 34, p. 84.

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

SEC. 2. There is hereby conferred upon the city of Port Arthur, Texas, or the Commission hereby created and its successors, 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, maintenance, and operation 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.

Condemnation proceedings.

Tolls authorized.

SEC. 3. The said city of Port Arthur, Texas, or the Commission hereby created and its successors, 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.

SEC. 4. 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 provide a sinking fund sufficient to amortize the cost of such 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 hereafter 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 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.

Rates to be adjusted to provide for operation, sinking fund, etc.

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

Record of expenditures and receipts.

SEC. 5. There is hereby created a body corporate and politic to be known as the "Port Arthur Bridge Commission", which shall consist of five members approved by the mayor of Port Arthur subject to the approval of a majority of the city commission.

"Port Arthur Bridge Commission" created.

Composition.

SEC. 6. The Commission shall consist of five members appointed by the mayor of Port Arthur, and shall be a body politic and corporate constituting a public-benefit corporation and shall be deemed a public body within the meaning of the National Industrial Recovery Act. The Commission shall elect a chairman from its members and may establish rules and regulations for the government of its own business. Each member shall serve for a term of five years and until his successor has been appointed and has qualified, except that the initial terms of the members shall be respectively one, two, three, four, and five years. The initial term of the member elected chairman shall be five years, and the Commission shall determine by lot the initial terms of the other members. The mayor of Port Arthur, with the approval of a majority of the city commission, may appoint a successor to hold office for the unexpired term of any member in whose office a vacancy shall occur by death, resignation, or otherwise. Each member shall qualify by giving such bond as may be fixed by the governing body of the city of Port Arthur conditioned for the faithful performance of all duties required by this Act. Three members shall constitute a quorum for the transaction of business. No member shall receive a salary for his services as member, but each member shall be paid his actual expenses not exceeding \$5 per day in the performance of his duties hereunder. Members of the Commission may be removed for cause by the mayor of Port Arthur and the majority of the city commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as it 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.

Membership; terms, filling vacancies, etc.

Quorum.
Members allowed expenses; no salary.

Employees.

SEC. 7. The Commission shall have all the powers and authority necessary or convenient for the carrying out of the purposes of this Act, including (but without limitation) the following rights, powers, and authority:

Corporate powers.

- (a) To have perpetual succession as a corporation;
- (b) To sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity;
- (c) To adopt, use, and alter a corporate seal;

(d) To acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, tangible or intangible, or any interest therein;

(e) To make bylaws for the management and regulation of its affairs;

(f) To appoint officers, agents, employees, and servants, to prescribe their duties and to fix their compensation;

(g) To fix, alter, charge, and collect tolls and other charges for transit over and use of such bridge;

(h) To borrow money, make and issue negotiable notes, bonds, and other evidences of indebtedness of the Commission, and to secure the payment of such obligations or any thereof by mortgage, lien, pledge or deed of trust upon all or any of the property of the Commission, and to make agreements with the purchasers or holders of such obligations, or with others in connection with any such obligations, issued or to be issued, as the Commission shall deem advisable, and in general to provide for the security for said obligations and the rights of the holders thereof;

(i) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its affairs; and

(j) Without limitation of the foregoing, to borrow money from the United States Government or any corporation or agency created, designated, or established by the United States and to enter into contracts with the United States or such corporation or agency.

Bond issue authorized to cover cost.

Bonds to be authorized by Commission.

Provisions of.

Signatures; effect of.

SEC. 8. Without limiting any powers anywhere in this Act granted to the Commission, the Commission is hereby authorized to provide for the payment of the cost of the bridge and its approaches and the necessary land, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the Commission and to secure the payment of all or any such bonds by mortgage, lien, pledge, or deed of trust upon all or any of its property. Said bonds shall be authorized by resolution of the Commission and shall bear such date or dates, be in such forms and contain such provisions as the Commission may determine and as may be provided in such resolution or in the mortgage or deed of trust or other instrument securing said bonds. Any resolution or resolutions authorizing such bonds may contain provisions, which shall be part of the contract with the holders of such bonds, as to (a) the rates of tolls and other charges to be charged by the Commission for transit over or use of the bridge, (b) the registration of the bonds as to principal only or as to principal and interest, and the interchangeability and exchangeability of such bonds, (c) the issuance of temporary bonds or interim receipts pending the preparation of definitive bonds, and the terms and provisions of such temporary bonds or interim receipts, (d) the redemption of the bonds, and the price or prices, not exceeding 105 and accrued interest, at which they shall be redeemable, (e) the setting aside of reserves or sinking funds and the regulation and disposition thereof, (f) limitations upon the issuance of additional bonds, (g) the terms and provisions of any mortgage, deed of trust, or other instrument under which the bonds may be issued or by which they may be secured, and (h) any other or additional agreement, with the holders of such bonds. The bonds shall be signed by such officers as the Commission shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer or other corresponding officer of the Commission. Any such bonds may be issued and delivered, notwithstanding the fact that one or more of the officers signing such bonds, or the treasurer or corresponding offi-

cer whose facsimile signature shall be upon the coupons or any thereof, shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

The Commission may enter into any mortgages, deeds of trust, indentures, or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including the United States Government or any corporation or agency designated or created by it, as security for the bonds, and may transfer, convey, mortgage, or pledge all or any of the property of the Commission thereunder. Such mortgage, deed of trust, indenture, or other agreement may contain such provisions as may be customary in such instruments or as the Commission may authorize, including (but without limitation) provisions as to (a) the terms and provisions of the bonds or the resolution providing for the issuance of the same, (b) the construction, operation, maintenance, repair, and insurance of the properties of the Commission and the duties of the Commission with reference thereto, (c) the application of funds and the safeguarding of funds on hand or on deposit, (d) the rights and remedies of such trustee and the holders of the bonds (which may include restrictions upon the individual right of action of bondholders), and (e) possession of the properties covered by such mortgage, deed of trust, indenture, or other agreement.

The bonds of the Commission may be sold in such manner, at such time or times, and at such price or prices as the Commission may determine, but no such sale shall be made at a price which would make the interest cost to maturity on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, exceed 6 per centum per annum. The cost of the bridge shall be deemed to include interest during construction of the bridge, and for not exceeding twelve months thereafter, and all engineering, legal, architectural, traffic-surveying, and other expenses incident to the construction of the bridge and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if, in the judgment of the Commission, such purchases should be found expedient. 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.

SEC. 9. After payment of the bonds and interest and discharge of any other obligations of the Commission, or after a sinking fund sufficient for such payment and discharge shall have been provided and shall be held for that purpose, the Commission shall be authorized to deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge, that part within the State of Texas to the State of Texas or any municipality thereof or any agency of said State or any such municipality as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "Texas interests") and that part within the State of Louisiana to the State of Louisiana or to any municipality thereof or any agency of said State or any such municipality as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "Louisiana interests"), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, insured, and repaired by the Texas interests and the Louisiana interests, as may be agreed upon; but if either the

Commission may finance through private or Government agency.

Provisions of agreement.

Sale price of bonds.

Bridge cost to include interest, etc.

Any excess from sale to be placed in a sinking fund.

After discharge of obligations incurred, conveyances of interest therein to be delivered to Texas and Louisiana.

Conditional, that bridge thereafter be free of tolls and properly maintained.

Toll rates to provide
for operation, sinking
fund, etc.

Restriction on incur-
ring obligations.

Enforcement provi-
sions.

Rights reserved.

Texas interests or the Louisiana interests shall not be authorized to accept or shall not accept the same under such conditions, the Commission may transfer the bridge to either of said interests which shall so accept the same and if neither interest shall so accept the same, then the bridge shall continue to be owned, maintained, operated, insured, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper maintenance, repair, insurance, and operation of the bridge and its approaches under economical management, including reasonable reserves, until such time as the Texas interests or the Louisiana interests, or both, shall be authorized to accept and shall accept such conveyance under the conditions aforesaid.

SEC. 10. 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.

SEC. 11. 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 Texas, or by the attorney general for the State of Louisiana, or by the United States district attorney for the district in which the bridge may be located, in part, in any court having competent jurisdiction of the subject matter and of the parties.

SEC. 12. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 597.]

AN ACT

June 18, 1934.
[H. R. 9571.]

[Public, No. 404.]

Granting the consent of Congress to the county commissioners of Essex County, in the State of Massachusetts, to construct, maintain, and operate a free highway bridge across the Merrimack River, in the city of Lawrence, Massachusetts.

Merrimack River.
Essex County, Mass.,
may bridge, at Law-
rence.

Construction.
Vol. 34, p. 84.

Amendment.

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 county commissioners of Essex County, in the State of Massachusetts, and their successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Merrimack River, at a point suitable to the interests of navigation, at Broadway, in the city of Lawrence, in the county of Essex, in the State of Massachusetts, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.