

SEC. 17. Section 8 (c) of the Soil Conservation and Domestic Allotment Act, as amended by section 101 of the Agricultural Adjustment Act of 1938, is hereby amended by adding the following new subparagraph:

“(6) In determining normal yield per acre for any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.”

SEC. 18. Section 8 (g) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by striking out the second and third sentences and inserting in lieu thereof the following: “Such assignment shall be signed by the farmer and witnessed by a member of the county or other local committee, or by the treasurer or the secretary of such committee, and filed with the county agent or the county committee. Such assignment shall include the statement that the assignment is not made to pay or secure any preexisting indebtedness.”

SEC. 19. The proclamations heretofore issued by the Secretary of Agriculture under sections 312 (a), 327, 328, and 345 of the Agricultural Adjustment Act of 1938 shall be effective as provided in said sections, and no provision of any amendment made by this Act shall be construed as requiring any further action under section 312 (c) or 347 of the Agricultural Adjustment Act of 1938 with respect to marketing years beginning in 1938.

Approved, April 7, 1938.

Wheat or corn, determining normal yield for any farm.
Ante, p. 33.

Assignment of payment.
Ante, p. 35.

Proclamations by Secretary of Agriculture under designated sections, when effective.
Ante, pp. 46, 51, 52, 58.
Ante, pp. 46, 59.

[CHAPTER 108]

AN ACT

To amend the Commodity Exchange Act, as amended, to extend its provisions to wool tops.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2 of the Commodity Exchange Act, as amended (U. S. C., 1934 edition, Supp. II, title 7, sec. 2), is amended to read as follows: “The word ‘commodity’ shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, *Solanum tuberosum* (Irish potatoes), and wool tops.”

Approved, April 7, 1938.

April 7, 1938
[S. 3105]
[Public, No. 471]

Commodity Exchange Act, amendment.
Provisions of, extended to wool tops.
49 Stat. 1491.
7 U. S. C., Supp. III, § 2.

[CHAPTER 109]

AN ACT

Authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State.

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 State of Maryland by and through its State Roads Commission or the successors of said commission be,

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State of Maryland.
Bridge or tunnel construction, etc.

and is hereby, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, 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, to wit:

34 Stat. 84.
33 U. S. C. §§ 491-498.

Potomac River, between Ludlows Ferry and a point opposite in Virginia.

Chesapeake Bay, between Millers Island and Tolchester; alternate thereto.

Susquehanna River, between Perryville and Havre de Grace.

Patapsco River, North West Branch to Fairfield.

Approval of plans, etc.

Time limitation.

Terms construed.

Authority to construct, etc., not exclusive.

Acquisition of approaches, etc.

Toll charges.

34 Stat. 85.
33 U. S. C. § 494.

A bridge across the Potomac River from a point in Charles County at or near Ludlows Ferry to a point approximately opposite in the State of Virginia near Dahlgren and Colonial Beach.

A bridge across the Chesapeake Bay from a point in Baltimore County at or near Millers Island to a point approximately opposite in Kent County at or near Tolchester; or, as an alternate thereto, a bridge across the Chesapeake Bay or a tunnel under or a combined bridge and tunnel from a point in Anne Arundel County at or near Annapolis to a point approximately opposite on Kent Island.

A bridge across the Susquehanna River from a point in Cecil County at or near Perryville to a point approximately opposite in Harford County at or near Havre de Grace.

A bridge across or a tunnel under the Patapsco River south of the City of Baltimore from a point at or near the mouth of North West Branch to a point approximately opposite at or near Fairfield.

The construction of any tunnel, or combined bridge and tunnel, authorized by this Act shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such tunnel and accessory works.

The times for commencing and completing the construction of any of the structures authorized by this section, shall expire three and five years, respectively, from the date of approval hereof.

The word "bridge" or "bridges" as hereinafter used in this Act shall be deemed to include and to apply to the tunnel or the combined bridge and tunnel at or near Annapolis or to the tunnel under the Patapsco River or to both.

The authority herein granted to construct, maintain, and operate any of the foregoing bridges shall not be deemed to be exclusive or to repeal the authority heretofore granted to any other corporation, public board, or agency to construct a bridge at the same location.

SEC. 2. There is hereby conferred upon the State of Maryland and its State Roads Commission or the successors of said 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, maintenance, and operation of any or all such bridges and their 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 condemnation or expropriation of property for public purposes in such State.

SEC. 3. The State of Maryland, by and through its State Roads Commission or the successors of said commission is hereby authorized to fix and charge tolls for transit over any or all such bridges 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. The State of Maryland, by and through its State Roads Commission or the successors of said commission, may unite or group all or such of said bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interest and financing costs, as soon as possible under reasonable charges, but within a period not exceeding forty years from the completion of such bridge or from the date of completion of the last completed bridge in the particular project. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridge or bridges embraced in the particular project shall have been amortized. In any event, tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

SEC. 5. The failure of the State of Maryland, by and through its State Roads Commission, to construct, maintain, and operate any one or more of the foregoing bridges, or to unite or group any two or more for financing purposes, shall in no wise affect its authority or powers hereby granted to construct, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be constructed, maintained, and operated as a single project without uniting such bridge in a joint project with other bridges authorized herein.

SEC. 6. After a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls: *Provided, however,* That tolls for the use of any such bridge or bridges may be continued thereafter in the event that such tolls shall have been pledged by the State Roads Commission to the payment of revenue bonds issued for any other bridge or bridges the construction of which is authorized herein. An accurate record of the cost of each 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.

SEC. 7. The powers conferred by this Act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore-named bridges, but all Acts or parts of Acts heretofore enacted, authorizing the construction of the hereinbefore-named bridges (except as applied to any bridge over the Potomac River) which are in conflict with the terms of this

Grouping of projects for financing purposes.

Application of tolls to operation, sinking fund, etc.

Continuance until costs amortized.

Adjustment of rates to pay bonds, etc.

Separability provisions.

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

Proviso. Continuance of tolls if pledged to payment of bonds.

Record of expenditures and receipts.

Nature of powers conferred.

Repeal of conflicting Acts, etc.

Toll charge restriction.

Liquidation provisions.
Payment of cost and bonds by State authorized.

Amendment, etc.

Act be, and the same are, hereby repealed insofar as such conflict exists. Nothing in this Act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore-named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of Maryland from paying all or any part of the costs of the construction of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

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

Approved, April 7, 1938.

[CHAPTER 110]

AN ACT

April 7, 1938
[H. R. 5982]
[Public, No. 473]

To amend Public Law Numbered 282, Seventy-fifth Congress, relative to the fisheries of Alaska.

Alaska fisheries.

50 Stat. 639.
48 U. S. C., Supp. III, § 222a.
43 Stat. 464.
48 U. S. C. § 222.

Bristol Bay.
Residence and citizenship requirements, persons taking salmon with stake net, etc., for commercial purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 282, Seventy-fifth Congress, entitled "An Act making further provision for the fisheries of Alaska," approved August 14, 1937 (50 Stat. 639), is amended to read as follows: "That section 1 of the Act approved June 6, 1924, entitled 'An Act for the protection of the fisheries of Alaska, and for other purposes' (43 Stat. 464), as amended, is further amended by inserting in said section at the end of the first proviso thereof another proviso to read as follows: '*Provided further,* That in the area embracing Bristol Bay and the arms and tributaries thereof, no person shall at any time fish for or take salmon with a stake net or set net, for commercial purposes, unless such person shall be a citizen of the United States and shall have theretofore continuously resided for the period of at least two years within said area; but for the salmon fishing season of 1938, residence within said area continuously after June 1, 1937, shall be deemed sufficient compliance with the residence requirements of this proviso:'".

Approved, April 7, 1938.

[CHAPTER 120]

AN ACT

April 8, 1938
[H. R. 7277]
[Public, No. 474]

To amend an Act entitled "An Act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States", approved September 3, 1935.

Menominee Tribe of Indians.

49 Stat. 1085.

Section repealed.

Prosecution of claims; separate suits permitted.

Facts to be set forth in petition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to refer the claim of the Menominee Tribe of Indians to the Court of Claims, with the absolute right to appeal to the Supreme Court of the United States" (Public, Numbered 413, Seventy-fourth Congress), approved September 3, 1935, is hereby amended in the following particulars:

Section 2 of said Act is hereby repealed and in lieu thereof the following is enacted:

"SEC. 2. The Menominee Tribe of Indians is hereby empowered to prosecute any and all of its claims by bringing at its election, acting through its attorneys, a suit or suits, as party plaintiff, against the United States, as party defendant, by filing a petition or petitions in the Court of Claims and serving with respect to each petition a copy thereof on the Attorney General of the United States. Such petition or petitions shall set forth the facts on which the claims for recovery are based and shall be verified by the attor-