

Public Law 85-260

AN ACT

September 2, 1957
[H. R. 4609]

To further amend the Act entitled "An Act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, New York, to the State of New York for use as a maritime school, and for other purposes", approved September 5, 1950, as amended.

U. S. Military
Reservation, Ft.
Schuyler, N. Y.
Conveyance.

64 Stat. 591.

66 Stat. 727.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, New York, to the State of New York for use as a maritime school, and for other purposes", approved September 5, 1950 (Public Law 755, Eighty-first Congress), as amended July 16, 1952 (Public Law 559, Eighty-second Congress), is hereby amended to read as follows: "That the Secretary of the Army is authorized to convey to the people of the State of New York all that portion of the United States military reservation at Fort Schuyler, in the borough and county of Bronx in the city of New York, State of New York, together with all improvements thereon, bounded and described as follows, to wit: Commencing at a point (latitude 40 degrees 48 minutes 23 seconds north; longitude 73 degrees 47 minutes 52 seconds west) fixed on the south sea wall which is approximately 25.5 feet westerly from an angle in said sea wall and running thence in a northeasterly direction 592.5 feet, more or less, to a point on the north sea wall which is approximately 196.5 feet westerly from an angle in the north sea wall (said line running along the easterly edge of a concrete curb for an 18-foot concrete road running in a northeasterly and southwesterly direction); thence continuing in the same course to the point where said line intersects the northerly exterior line of a grant of lands under water made by the State of New York to the United States of America by letters patent dated May 26, 1880, and recorded in the office of the secretary of state of the State of New York in book 44 of patents at page 604; thence running easterly, southerly, and westerly along the exterior northerly, easterly, and southerly line of said grant to a point in the exterior southerly line thereof which is in range with the course first above described; thence running in a northeasterly direction to the point and place of beginning, intending to include within said bounds a portion of the uplands which were conveyed by William Bayard, Junior, and Charles Henry Hammond to the United States of America by deed dated July 26, 1826, and recorded in the office of the clerk of the county of Westchester, New York, on November 30, 1826, in liber 28 of deeds at page 225, and by Charles H. Hammond and Thomas Bolton, one of the masters in chancery of the State of New York, to the United States of America by deed dated August 25, 1828, and recorded in the office of the clerk of the county of Westchester, New York, on December 11, 1828, in liber 33 of deeds at page 296, together with a portion of contiguous lands under water which were granted by the State of New York to the United States of America by letters patent dated May 26, 1880, and recorded in the office of the secretary of state of the State of New York in book 44 of patents at page 604; together with docks, piers, and other appurtenances; together with such easements for highway or other purposes, over that portion of such reservation which is not herein authorized to be conveyed to the people of the State of New York, as may be necessary for the proper use and enjoyment of the portion so conveyed as may be determined by agreement between the Secretary of the Navy and the appropriate officials of the State of New York."

SEC. 2. Section 2 of the Act is amended to read as follows:

64 Stat. 592.
Reversion of
title.

"SEC. 2. Such conveyance shall contain the express provision that if the State of New York shall fail to maintain so much of the military structures and appurtenances presently erected, which formerly constituted the old fort, as a historical monument reasonably available to the public, and if the State of New York shall at any time cease to use the property so conveyed as a maritime school, devoted exclusively to purposes of nautical education, title thereto shall revert to the United States: *Provided, however,* That it shall not constitute a breach of condition nor any ground for reversion to the United States of the title to said lands if a bridge and viaduct approach with its supports shall be constructed, operated, maintained, and reconstructed by the State of New York or pursuant to the laws of said State between the Borough of the Bronx and the Borough of Queens in the city of New York, over or across that part of the lands described in section 1 of this Act bounded and described as follows, to wit: Beginning at a point distant 975 feet, more or less, easterly from the point of commencement of the portion of the United States military reservation at Fort Schuyler conveyed by the Secretary of the Army to the people of the State of New York described in section 1 of this Act, measured along a line at right angles to the first course of the above conveyance (which line is hereinafter called 'line A') and (1) running thence in a northerly direction on a line making an angle of 61 degrees more or less with said 'line A' a distance of 965 feet, more or less, to its intersection with the northerly exterior line of the above-mentioned conveyance; (2) thence running easterly along the said northerly exterior line of said conveyance a distance of 205 feet, more or less; (3) thence running southerly along a line 200 feet distant from and parallel to course (1) hereof, a distance of 1,285 feet, more or less, to its intersection with the southerly exterior line of the above-mentioned conveyance; (4) thence running westerly along the said southerly exterior line of the above-mentioned conveyance a distance of 105 feet, more or less, to an angle point in the southerly exterior line of the above-mentioned conveyance; (5) thence continuing westerly along the said southerly exterior line of the above-mentioned conveyance a distance of 120 feet more or less; (6) thence running northerly along a line 200 feet distant from and parallel to course (3) hereof and in southerly prolongation of course (1) hereof a distance of 240 feet, more or less, to the point and place of beginning; intending to include within said bounds an area 200 feet wide extending from the northerly to the southerly exterior lines of the portion of the United States military reservation at Fort Schuyler conveyed by the Secretary of the Army to the people of the State of New York, but excluding therefrom any military buildings and structures and the land upon which the same are presently erected which formerly constituted the old fort. Such conveyance shall also provide that in the event that title to said lands shall revert to the United States, the State of New York or any public corporation, authorized pursuant to the laws of said State to construct, operate, maintain, or reconstruct such bridge, shall have and is granted an easement in perpetuity to construct, operate, maintain, and reconstruct such bridge, on, over, and across said military structures and appurtenances and on, over, or across said lands."

SEC. 3. Section 3 of the Act is amended to read as follows:

66 Stat. 728.

"SEC. 3. Such conveyance shall contain the further provision that during any emergency declared by the President or the Congress of the United States in existence at the time of enactment of this Act, or whenever the President or the Congress of the United States declares a state of war or other national emergency, and upon the

determination by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force that the property so conveyed is useful for military, air, or naval purposes or in the interest of national defense, the United States shall have the right, without charge, except as indicated below, to the full unrestricted possession, control, and use of the property conveyed, or any part thereof, including any additions or improvements thereto made by the State subsequent to this conveyance: *Provided, however*, That the United States shall be responsible during the period of such use for the entire cost of maintaining all of the property so used, and shall pay a fair rental for the use of any structures or other improvements which have been added thereto without Federal aid: *And provided further*, That such right to possession, control, or use shall not apply to the property described in section 2 of this Act or to such bridge or to any structures or improvements used or useful in connection therewith and with respect thereto the United States shall have only such right as it may have with respect to other property not owned by the United States."

SEC. 4. The Act is amended by adding thereto a new section, numbered 6, reading as follows:

"SEC. 6. The Secretary of the Army is hereby authorized and directed to incorporate the foregoing provisions of this Act in any conveyance made by him or, if a conveyance has been made by him prior to the amendment of this Act, he shall make, execute, and deliver an appropriate written instrument amending such conveyance to conform to the provisions of this Act."

Approved September 2, 1957.

Public Law 85-261

AN ACT

To amend section 372 of title 28, United States Code.

September 2, 1957
[H. R. 110]

Title 28, U. S.
Code, amendment.

62 Stat. 903.

Disabled judge.
Appointment of
additional judge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 372 of title 28 of the United States Code, as amended, is further amended by inserting at the end thereof an additional subsection reading as follows:

"(b) Whenever any judge of the United States appointed to hold office during good behavior who is eligible to retire under this section does not do so and a certificate of his disability signed by a majority of the members of the Judicial Council of his circuit in the case of a circuit or district judge, or by the Chief Justice of the United States in the case of the Chief Judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, or by the chief judge of his court in the case of a judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, is presented to the President and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. Whenever any such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled. Any judge whose disability causes the appointment of an additional judge shall, for purpose of precedence, service as chief judge, or temporary performance of the duties of that office, be treated as junior in commission to the other judges of the circuit, district, or court."

Approved September 2, 1957.