

Pending proceedings.

“(f) No suit, action, or other proceeding lawfully commenced by or against any of the officers or offices referred to in subsection (e) of this section in his or its official capacity or in relation to the discharge of his or its official duties, shall abate by reason of the enactment of this section, but the court or agency before which such suit, action, or proceeding is pending, may (on motion or supplemental petition filed at any time within twelve months after the date this section takes effect showing a necessity for the survival of such suit, action, or proceeding to obtain a settlement of the questions involved) allow the same to be maintained by or against the Bituminous Coal Consumers’ Counsel.”

Approved, April 11, 1941.

[CHAPTER 69]

AN ACT

April 11, 1941  
[S. 433]

[Public Law 35]

To relieve disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status.

Relief of disbursing officers, etc., for payments to noncitizens.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding provisions contained in the several Appropriation Acts for the fiscal years 1939, 1940, and 1941 prohibiting the payment of compensation therefrom to officers or employees who are not citizens of the United States, the Comptroller General of the United States is hereby authorized and directed to allow credit in the settlement of disbursing officers’ accounts, and relieve certifying officers of liability, for such payments for services rendered by noncitizen officers and employees as are otherwise correct and legal, as are made in good faith, and as are found not to be due to any lack of good faith on the part of the payee: *Provided,* That this Act shall only affect such payments as were made prior to January 1, 1941.

*Proviso.*

Refunds.

SEC. 2. If credit is allowed in disbursing officers’ accounts in accordance with section 1 of this Act, the officer or employee, or former officer or employee receiving the payment shall not be required to refund the amount thereof; and any such amount which has been collected from an officer or employee, or former officer or employee, may be refunded to him.

Approved, April 11, 1941.

[CHAPTER 70]

AN ACT

April 11, 1941  
[S. 441]

[Public Law 36]

For the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

Army.  
Credit in accounts of designated disbursing officers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Captain Arthur G. Alexander, Finance Reserve, \$100; Lieutenant Colonel Stephen R. Beard, Finance Department, \$585.68; Major Roy J. Caperton, Finance Department, \$307.60; Lieutenant Colonel J. D. Chambliss, Infantry, \$29.80; Lieutenant Colonel Samuel F. Cohen, Infantry, \$39.05; Lieutenant Colonel Edward T. Comegys, Finance Department, \$162.55; Lieutenant Colonel Walter D. Dabney, Finance Department, \$956.51; Lieutenant Colonel William M. Dixon, Finance Department, \$87.81; Major Charles G.

Dobbins (deceased), Finance Department, \$758.64; Captain John H. Doherty, Finance Department, \$15.56; Major Charles F. Eddy (deceased), Finance Department, \$279.23; Lieutenant Colonel Leroy M. Edwards, Finance Department, \$106.08; Major Grady D. Epps, Infantry, \$25.38; Lieutenant Colonel Eugene M. Foster, Finance Department, \$204.44; Lieutenant Colonel Horace G. Foster, Finance Department (now retired), \$2,643.53; Major Clarence A. Frank, Finance Department, \$11.20; Lieutenant Colonel Carl Halla, Finance Department, \$71.13; Major John B. Harper, Finance Department (now retired), \$200; Major John H. Harrington (Coast Artillery Corps), Finance Department, \$42.65; Captain John B. Hess, Finance Department, \$21.55; Major William T. Johnson, Finance Department, \$25.74; Lieutenant Colonel W. H. Kasten, Finance Department, \$32.25; Major Richard K. Lebrou, Finance Department, \$57.49; Major Columbus B. Nenow, Finance Department, \$52; Captain Charles K. McAlister, Finance Department, \$126; Lieutenant Colonel Cherubusco Newton, Junior, Finance Department, \$72.43; Major S. C. Page, Finance Department, \$81.09; Lieutenant Colonel Frank E. Parker (deceased), Finance Department, \$526.84; Major H. R. Priest, Finance Department, \$68; Lieutenant Colonel Walter O. Rawls, Finance Department, \$1.64; Major E. F. Rea, Finance Department, \$98.85; Lieutenant Colonel Bickford E. Sawyer, Finance Department, \$88; Major Oliver T. Simpson, Finance Department, \$19.61; Major Wallace C. Steiger, Finance Department, \$11.92; Lieutenant Colonel John P. Tillman, Finance Department, \$315.64; Lieutenant Colonel Irvin V. Todd, Finance Department, \$63.50; Lieutenant Colonel Thomas P. Walsh, Finance Department, \$52.77; Lieutenant Colonel Hugh Whitt, Finance Department, \$123.68; Captain Ernest W. Wilson, Finance Department, \$5; Captain Harold F. Chrisman, Finance Department, \$61.64; Lieutenant Colonel Montgomery T. Legg, Finance Department, \$316.78; and Major Millard F. W. Oliver, Finance Department, \$53.66; the said amounts representing erroneous payments of public funds for which these officers are accountable, such erroneous payments having resulted from minor errors in the computations of pay and allowances due former members of the Civilian Conservation Corps, enlisted men of the Regular Army, members of the Officers' Reserve Corps, members of the citizens' military training camps, civilian employes, and commercial firms or individuals from whom collection of the overpayments cannot be effected, and which amounts have been disallowed by the Comptroller General of the United States.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Walter D. Dabney, Finance Department, the sum of \$71.90, public funds for which he is accountable and which were paid by him by check to certain former members of the National Guard for armory drill pay, and which checks were later discovered to have been endorsed by other than the rightful payees.

Lt. Col. Walter D.  
Dabney.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel J. A. Dorst, Corps of Engineers, the sum of \$92.38, representing part of a disallowance made by the Comptroller General of the United States on account of a payment to the A. B. C. Transfer Company for uncrating the household effects of an Army officer: *Provided*, That no person shall be held pecuniarily liable for any part of the sum credited in the disbursing officer's account under the authority of this section.

Lt. Col. J. A. Dorst.

*Provided.*

SEC. 4. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts

Lt. Col. M. H.  
Forbes.

- of Lieutenant Colonel M. H. Forbes (then major), Finance Department, the sum of \$327.70, public funds for which he is accountable, which sum has been disallowed by the Comptroller General of the United States on account of payments made to soldiers who were not at the time citizens of the United States: *Provided*, That no person shall be held pecuniarily liable for any amount on account of the above-mentioned payments.
- Proviso.*
- Lt. Col. Horace G. Foster. SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Horace G. Foster, Finance Department (retired), the sum of \$12.50, public funds for which he is accountable, which sum was paid to Alvin Schlosser, upon the certification of Captain Harry E. Cantner, Infantry-Reserve, and was disallowed by the Comptroller General of the United States: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Harry E. Cantner, Infantry-Reserve, the sum of \$12.50, in full satisfaction of his claim against the United States for a like amount which was paid by him to Lieutenant Colonel Horace G. Foster, Finance Department, as reimbursement for public funds erroneously paid to Alvin Schlosser.
- Proviso.*  
Payment to Capt. Harry E. Cantner.
- Lt. Col. Montgomery T. Legg. SEC. 6. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Montgomery T. Legg, Finance Department, the sum of \$10.50, public funds for which he is accountable, and which were paid by him as a result of the falsification of a soldier's deposit record.
- Lt. Col. Charles Lewis. SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Charles Lewis, Finance Department, the sum of \$4,412.14, public funds for which he is accountable, and which were paid by him on fraudulent vouchers prepared by a trusted employee.
- Lt. Col. A. J. Maxwell. SEC. 8. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel A. J. Maxwell, Finance Department, the sum of \$9,521.60, public funds for which he is accountable and which were embezzled by his agent officer at Fort Dix, New Jersey.
- Capt. Basil M. Parks. SEC. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Basil M. Parks, Field Artillery Reserve, the sum of \$126.55, in full satisfaction of his claim against the United States for payment of a like amount withheld from his pay on account of the loss of public funds, for which Captain Parks was responsible as agent officer for Major Leonard H. Sims, Finance Officer, Fort Benning, Georgia, and which public funds were stolen during the night of August 31–September 1, 1937, from a Government safe by a person or persons unknown.
- Capt. Robert E. Quackenbush. SEC. 10. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Captain Robert E. Quackenbush, Infantry, the amount of \$72, public funds for which he is accountable, which amount was paid to the Hillcrest Water Company for drinking water and disallowed by the Comptroller General of the United States: *Provided*, That no person shall be held pecuniarily liable for any amount on account of the above-mentioned payments.
- Proviso.*
- Maj. H. M. Tague. SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major H. M. Tague, Infantry, the amount of \$20, in full satisfaction of his claim against the United States for a

like amount which was paid by him for advertising for and in the interests of the United States without the prior approval of the Secretary of War as required by Revised Statutes 3828 (44 U. S. C. 324): *Provided*, That no person shall be held pecuniarily liable for any amount on account of the above-mentioned payments.

SEC. 12. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Lieutenant Colonel J. A. Marmon (then major), Finance Department, \$9; Lieutenant Colonel A. J. Perry (then major), Finance Department, \$1; Lieutenant Colonel Paul S. Beard (then major), Finance Department, \$17; Lieutenant Colonel D. W. Morey (then major), Finance Department (now retired), \$231.07; and Lieutenant Colonel Thomas P. Walsh (then major), Finance Department, \$53.20; said amounts being public funds for which they are accountable and which were paid by them on fraudulent vouchers prepared by former warrant officers of the One Hundred and Seventh Cavalry Band, Ohio National Guard.

SEC. 13. That payments for per diem allowances heretofore made to personnel in and under the jurisdiction of the War Department which have been disallowed by the Comptroller General of the United States in the accounts of disbursing officers of the Army, and, as to payments heretofore made, would be disallowed in said accounts except for this Act, on the ground that per diem allowances for temporary duty in excess of thirty days are not authorized by law, are hereby ratified and validated, and, if otherwise correct, the Comptroller General of the United States is hereby authorized and directed to credit the accounts of disbursing officers of the Army for and on account of all such payments: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to any person a sum equal to the amount collected from such person on account of disallowed payments which are herein validated, as well as any amounts which would have been paid except for rulings of the Comptroller General on per diem in excess of thirty days, upon presentation of a valid claim therefor to the Comptroller General of the United States, who is hereby authorized and directed to certify such claims to the Secretary of the Treasury for payment at the rates prescribed in the order directing the travel, or in the absence of a prescribed rate, at the rate of \$5 per diem for the period of temporary duty involved.

SEC. 14. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Cherubusco Newton, Junior, Finance Department, \$65.30, and in the accounts of Lieutenant Colonel Edward T. Comegys, Finance Department, \$186.70, public funds for which they are accountable and which were paid by them by check to certain former members of the Texas National Guard for armory drill pay, and which checks were later discovered to have been endorsed by other than the rightful payees.

SEC. 15. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Major William S. Keller, Finance Department, the sum of \$84.13, public funds for which he is accountable, which sum represents erroneous payments due to minor errors in computation of pay and allowances of former members of the Civilian Conservation Corps and enlisted men of the Regular Army, from whom collection of the overpayments cannot be effected, said erroneous payments having been disallowed by the Comptroller General of the United States.

*Proviso.*

Other designated  
disbursing officers.

Validation of pay-  
ments for per diem  
allowances.

*Proviso.*  
Repayments, etc.

Lt. Col. Cherubusco  
Newton, Jr.

Lt. Col. Edward T.  
Comegys.

Maj. William S.  
Keller.

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.