AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

acquired within the lines of proposed highways shall be dedicated to the use of the public before a permit is issued for the construction of a railroad therein."

Approved, March 3, 1899.

March 3, 1899.

CHAP. 431.—An Act To extend S street, in the District of Columbia, and for other purposes.

District of Columbia. Extension of S street.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within thirty days from the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute by a petition in the supreme court of the District of Columbia, sitting as a District court, a proceeding to condemn the land necessary to open and extend S, Twenty-second, and Decatur streets through lots forty-one and forty-two of Phelps and Tuttle's subdivision of Connecticut Avenue Heights, part of Widow's Mite: *Provided*, That the owners of the "Kall" tract dedicate the land in said tract contained within the lines of said streets: *And provided further*, That of the amount found due and awarded as damages for and in respect of the land condemned under this section for the opening of said streets, not less than one-half thereof shall be assessed by the jury in said proceedings against the pieces and parcels of ground situate and lying on each side of the extension of said streets, and also on all or any adjacent pieces or parcels of land which will be benefited by the opening of said streets as herein provided.

Provisos.
Dedication in the "Kall."
Assessments against abutting property.

Extension of Sixteenth street.

SEC. 2. That within thirty days after the dedication to the District of Columbia of the lands lying within the lines of Sixteenth street northwest as extended (according to the highway plans), between the Piney Branch and the Blagden Mill road, and also between the Military road and the District of Columbia boundary line, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute by a petition in the supreme court of the District of Columbia, sitting as a District court, a proceeding to condemn the land necessary for the extension of Sixteenth street northwest from Morris street to the District of Columbia boundary line with the uniform width of one hundred and sixty feet. That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Sixteenth street as in this section provided, not less than one-half thereof shall be assessed by said jury in said proceedings against those pieces and parcels of ground situated and lying on each side of said Sixteenth street northwest between Morris street and the Piney Branch, and between the Blagden Mill road and the Military road, to a depth of two hundred and fifty feet, measured on each side from the building lines of the said Sixteenth street as extended.

Assessments against abutting property.

Extension of Eleventh street.

SEC. 3. That within ninety days after the passage of this Act the Commissioners of the District of Columbia are hereby authorized and directed to institute by a petition in the supreme court of the District of Columbia, sitting as a District court, a proceeding to condemn the land necessary for the extension of Eleventh street northwest on a straight extension of the lines thereof, as now established in the city of Washington, with a width of ninety feet, from Florida avenue to Harvard street, and thence with the same width and in a straight line to Lydecker avenue, joining said avenue with its center line opposite the center line of Eslin avenue.

Assessments against abutting property.

That of the amount found due and awarded as damages for and in respect of the land condemned under this Act for the extension of the said Eleventh street at least one-half thereof shall be assessed by said jury in said proceedings against those pieces or parcels of ground abutting that portion of the street to be opened, and extending to a

depth of two hundred feet from the building lines of said Eleventh street as extended.

Extension of New Hampshire avenue.

SEC. 4. That within ninety days after the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute by a petition in the supreme court of the District of Columbia, sitting as a District court, a proceeding to condemn the land necessary for the extension of New Hampshire avenue from the intersection of Whitney and Sherman avenues to the west line of Brightwood avenue at its intersection with the Rock Creek Church road, the same to be on a straight extension and of the same width of said avenue as now established in the subdivision of Petworth.

Assessments against abutting property.

That of the amount found due and awarded as damages for and in respect of the land condemned under this Act for the extension of said New Hampshire avenue, at least one-half thereof shall be assessed by said jury in said proceedings against those pieces or parcels of ground abutting that portion of New Hampshire avenue to be opened, and extending to a depth of two hundred and fifty feet, measured on each side of the building lines of the said New Hampshire avenue as widened, and also on such other pieces or parcels of land as may, in the judgment of the said jury, be benefited by the extension and widening as herein proposed.

Condemnation proceedings. R. S. D. C., pp. 29, 30.

SEC. 5. That the proceedings for the condemnation of said lands as provided for in sections one, two, three, and four of this Act shall be under and according to the provisions of chapter eleven of the Revised Statutes of the United States relating to the District of Columbia, which provide for the condemnation of lands in said District for public highways; and to provide the necessary funds for the cost of such condemnation proceedings, the sum of two thousand dollars is hereby appropriated, out of the funds of the District of Columbia.

Payments.

SEC. 6. That payment of the sum or sums of money adjudged to be due and payable for lands taken under the provisions of this Act shall be made by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the said Commissioners, out of the revenues of the District of Columbia; and a sufficient sum to pay such judgments and awards is hereby appropriated out of the revenues of the District.

Considerations of value.

SEC. 7. That the sums to be assessed against each lot and piece and parcel of ground shall be determined and designated by the jury, and in determining what amount shall be assessed against any particular piece or parcel of ground, the jury shall take into consideration the situation of said lots, and the benefits that they may severally receive from the opening of said streets. When the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the opening of said streets or highways, but such benefits shall be considered in determining what assessment shall be made on or against that part of such lot as is not taken, as is hereinbefore provided.

Assessments to be lien, etc.

SEC. 8. That when confirmed by the said court, the assessments shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal installments, with interest at the rate of four per centum per annum until paid: *Provided*, That each juror shall receive a compensation of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions of this Act: *And provided further*, That no appeal by any interested party from any decision of the supreme court of the District of Columbia confirming said assessment or assessments shall delay or prevent the payment of said awards in respect to the property condemned.

Proviso. Jurors' fees.

Payment of award, not delayed by appeal, etc.

—not to be made until assessments confirmed.

SEC. 9. That payment of the awards made in respect of the property condemned shall not be made until the assessments herein provided for shall have been made against the aforesaid property and duly confirmed.

Approved, March 3, 1899.