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April 22, 1904.
[H. R. 15121.]

[Public, No. 147.]

CHAP. 1424.—An Act For the extension of Twenty-third street from S street to California avenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within thirty days after the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Twenty-third street from S street to California avenue with a uniform width of fifty feet.

District of Columbia.
Extension of Twenty-third street.
Proceedings to condemn land for.

Assessment of damages and benefits.

SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Twenty-third street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of lands the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for.

Notice of proceedings.
Advertisement.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia or his deputies upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

Personal notice.

Marshal's jury.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections and to excuse any juror or cause any vacancy in the jury, when impaneled to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the

Duties.

Hearing of objections.

District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same, including its proportionate share of the cost of the condemnation proceedings herein provided for. Verdict.

SEC. 5. That if 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 extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided. Determining values of parts of lots.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award. Review of verdict. New jury. *Provisos.* Action if vacated in part. Filing exceptions.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia. Payment of verdict. Appropriation from District revenues.

SEC. 8. That when confirmed by the court, the several assessments herein provided to be made 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 two equal annual installments, with interest at the rate of ten per centum per annum from and after sixty days after the confirmation of the verdict and award. Collection of assessments.

In all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment. Damage awards deducted from benefits.

That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested. Proceedings.

SEC. 9. That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof. Compensation of jurors.

SEC. 10. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the Appropriation for expenses.

necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from said assessments for benefits when the same are collected as herein provided.

Appeals not to delay opening street, etc.

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening of such street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

Proviso. Payment of final decision.

Approved, April 22, 1904.

April 23, 1904. [H. R. 10418.]

[Public, No. 148.]

CHAP. 1484.—An Act To ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

Preamble.

Whereas James McLaughlin, United States Indian inspector, did on the fourteenth day of September, anno Domini nineteen hundred and one, make and conclude an agreement with the male adult Indians of the Rosebud Reservation, in the State of South Dakota, which said agreement is in words and figures as follows:

Agreement with Sioux Indians of Rosebud Reservation, S. Dak.

This agreement made and entered into on the fourteenth day of September, nineteen hundred and one, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Sioux tribe of Indians belonging on the Rosebud Reservation, in the State of South Dakota, witnesseth:

Cession of lands.

ARTICLE I. The said Indians belonging on the Rosebud Reservation, South Dakota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, South Dakota, described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninty-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships one hundred and one hundred and one north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating four hundred and sixteen thousand (416,000) acres, lying and being within the boundaries of Gregory County, South Dakota, as said county is at present defined and organized.

Consideration.

ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to expend for and pay to said Indians, in the manner hereinafter provided, the sum of one million and forty thousand (1,040,000) dollars.