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[S. 127.]

[Public, No. 195.]

CHAP. 1763.—An Act Authorizing the joining of Kalorama avenue.

District of Columbia.
Extension of Kalorama avenue.
Proceedings to condemn lands for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to join Kalorama avenue, in the Commissioners' subdivision of Washington Heights, through lot one of Little's subdivision, said joining to include a triangular piece of ground measuring one hundred and eighty-six feet on Columbia road and one hundred and fifty feet on Nineteenth street extended, the above measurement being taken from the south corner of said lot. Said Commissioners shall, within thirty days from the date of the passage of this Act, institute, by petition, proceedings in rem in the supreme court of the District of Columbia, holding a district court for the United States for said District, for the condemnation of said triangular piece of ground.

Assessment of damages and benefits.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the joining of Kalorama avenue as herein provided, such amount thereof 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 avenue as joined, and also on any or all pieces or parcels of land which will be benefited by the joining of said avenue 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 land 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 joining of said avenue as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury and all proceedings hereunder shall be null and void.

Proviso.
Rejection of award, etc.

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 service.

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 joining of said street and the condemnation of lands for the purpose of such joining, 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

Duties.

Hearings of objections.

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 District of Columbia and by any person or persons having any interest in the proceedings for the joining 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 joining of said street under the provisions thereof, and of the pieces or parcels of land benefited by such joining and the amount of the assessment for such benefits against the same.

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 joining 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.

Review of verdict.

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.

New jury.

Provisos.
Action, if vacated in part.

Filing exceptions.

Payment of verdict.

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.

Appropriation from District revenues.

Collection of assessments.

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 five equal annual installments, with interest at the rate of four per centum per annum from and after sixty days after the confirmation of the verdict and award.

Damage awards deducted from benefits.

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.

Proceedings.

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.

Compensation of jurors.

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.

Appropriation for expenses.

SEC. 10. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

Appeals not to delay opening of 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 joining of said street under the provisions hereof shall be paid as hereinbefore provided.

Proviso.
Payment of final decision.

Approved, April 28, 1904.

April 28, 1904.
[S. 1750.]

[Public, No. 196.]

CHAP. 1764.—An Act To provide an American register for the British ship Pyrenees.

"Pyrenees."
American register granted foreign-built ship, and name changed to "Manga Reva."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built four-mast ship Pyrenees, owned by I. E. Thayer, a citizen of the United States, to be registered as a vessel of the United States under the name of Manga Reva whenever it shall be shown to the Commissioner of Navigation that the cost of the repairs put upon such vessel in the United States, or done with material or by labor brought from the United States, is equal to or in excess of ten times the cost of said vessel in her wrecked condition.

Approved, April 28, 1904.

April 28, 1904.
[S. 2134.]

[Public, No. 197.]

CHAP. 1765.—An Act To connect Euclid place with Erie street.

District of Columbia.
Extension of Euclid place.
Proceedings to condemn land for.

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 bill 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 to extend Euclid place so as to connect with Erie street through Lot "A" of University Park subdivision and lots fourteen and fifteen of Hall and Elvan's subdivision of Meridian Hill, with a width of fifty feet.

Assessment of damages and benefits.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Euclid place as herein provided, such amount thereof 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 place as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said place 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 land 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 place as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said

Proviso.
Rejection of award, etc.