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ment of the base line and resurvey of the first and second correction lines north, through ranges ninety-two to one hundred and four west, inclusive, and the eleventh auxiliary guide meridian west, the twelfth guide meridian west, and the twelfth auxiliary guide meridian west, from the base line to the north boundary of Colorado through townships one to twelve north, all of the sixth principal base and meridian; and all rules and regulations of the Department of the Interior requiring petitions from all settlers of said townships asking for resurvey and agreement to abide by the result of the same so far as these lands are concerned are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands to the lands so occupied.

Regulations suspended.

Proviso.
Bona fide claims unimpaired.

Approved, April 28, 1904.

April 28, 1904.
[S. 2621.]

[Public, No. 201.]

CHAP. 1769.—An Act For the widening of V street northwest.

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 deposit with the collector of taxes of the District of Columbia, by parties interested, of the sum of one thousand two hundred and fifty dollars 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 necessary for the widening of V street through square south of south of square twelve hundred and ninety-six from the west line of Thirty-fifth street west one hundred and twenty feet to the line of Washington County, to the full width of sixty feet.

District of Columbia.
Widening of V street northwest.
Proceedings to condemn land for.

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 V street, as herein provided, a sum equivalent to the amount of damages shall be assessed by the jury as benefits against those pieces or parcels of land on each side of V street as widened, and also on any or all pieces or parcels of land which will be benefited by the widening of said V street; 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 widening of V street as aforesaid.

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

Duties.

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 widening of said street and the condemnation of lands for the purposes of such widening, 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 District of Columbia and by any person or persons having any interest in the proceedings for the widening 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 widening 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.

Hearings of objections.

Verdict.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determing its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the widening 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 value 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.

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 warrant of the Commissioners of said District, one-half out of the revenues of the District of Columbia and the remainder out of the sum hereinbefore required to be deposited with the collector of taxes; and if said sum is not sufficient for said purpose such additional sum shall be deposited by parties interested in said widening as may be necessary to make their aforesaid deposit equal to one-half the amount of said verdict and award, and the said collector is hereby directed to pay to the Treasurer of the United States for said purpose all deposits so received by him; and a sufficient sum to pay the amount of said verdict and award is hereby appropriated, payable, however, as aforesaid. Any surplus remaining of the deposit or deposits made in accordance with this Act after the payment of the depositors' part of said verdict and award shall be returned to the party or parties who deposited the same.

Payment of verdict.

One-half out of revenues of the District.

Deposit by interested parties required.

Appropriation.

Return of surplus deposits.

SEC. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land

Collection of assessments.

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 widening 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 widening 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 widening 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. 2698.] [Public, No. 202.]

CHAP. 1770.—An Act To establish a life-saving station at or near the entrance to Tillamook Bay, Oregon.

Tillamook Bay, Oregon. Life-saving station established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near the entrance to Tillamook Bay, on the coast of Oregon, at such point as the General Superintendent of the Life-Saving Service may recommend.

Approved, April 28, 1904.

April 28, 1904. [S. 2710.] [Public, No. 203.]

CHAP. 1771.—An Act For the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia.

District of Columbia. Extension of highways on the east and west sides of Zoological Park. 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 six months after the passage of this Act the Commissioners of the District of Columbia be, any 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 connecting the