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of an Act relating to the Philippine Islands approved February sixth, nineteen hundred and five.

Prior acts not affected.

Nothing in this section contained shall in any way affect any legal proceeding that has been or may be lawfully commenced at any time by reason of any act or omission done or committed before the date upon which this Act goes into force and effect.

SEC. 21. That the index and repertory hereto attached are not an integral part of the tariff law and shall not be construed to alter or change the same in any way.

Consular invoices.

SEC. 22. That the entry of all importations at the ports of the Philippine Islands made subsequent to a period of sixty days from the date this revised tariff goes into force and effect, of goods, wares, and merchandise from countries other than the United States, when the value of such importation exceeds one hundred dollars, shall be accompanied by a consular invoice similar to that required for goods imported into the United States from foreign countries and executed as required for importations into the United States; and when brought into the Philippine Islands from the United States, such importations shall be accompanied by an invoice similar in form to the consular invoices required for importations into the United States, but in lieu of execution by a consul of the United States, such invoices shall be sworn to before a United States commissioner, collector of customs, or deputy collector of customs.

Drawbacks on imported materials if exported.

SEC. 23. That where imported materials on which duties have been paid are used in the manufacture or production of articles manufactured or produced in the Philippine Islands, there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties: *Provided*, That when the articles exported are made in part from domestic materials the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the Philippine Islands and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the governor-general shall prescribe.

Provisos.
Articles made in part of domestic materials.

Existing drawbacks to continue.
Payment of drawbacks.

Title of act.

SEC. 24. That this Act shall be known and referred to as the Philippine tariff revision law of nineteen hundred and five.

Effect.

SEC. 25. That this Act shall take effect sixty days after its passage.

Approved, March 3, 1905.

March 3, 1905.
[S. 1635.]
[Public, No. 142.]

CHAP. 1409.—An Act For the extension of M street east of Bladensburg road, and for other purposes.

District of Columbia.
Extension of M street east of Bladensburg road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within twenty days after the dedication to the District of Columbia of at least two-thirds of the land necessary for the extension of M street as hereinafter described the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court

Proceedings to condemn lands for.

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 M street, with a width of ninety feet, from Bladensburg road east to Twenty-eighth street.

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 M 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: *Provided*, That the remaining portion of any parcel of land of any party dedicating shall be exempt from any assessment in respect to the cost of condemning any portion of said street that may not be dedicated or from any assessment for benefits of the extension of M street.

Proviso. Rejection of awards, 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.

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 empaneled, 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 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

Duties.

Hearing of objections.

Verdict.

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.

Determining value of parts of lot.

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.

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.

Provisos.
Action if vacated in part.
Filing exceptions.

Payment of awards.

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 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. 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.

Proceedings.

SEC. 9. 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. 10. 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. 11. 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, 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 of street, etc.

SEC. 12. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assess-

ment 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, March 3, 1905.

March 3, 1905.
[S. 2605.]
[Public, No. 143.]

CHAP. 1410.—An Act To authorize the appointment of Acting Assistant Surgeon Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy.

Navy.
Appointment of Leopold Herbert Schwerin as assistant surgeon in, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Assistant Surgeon Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy, with the rank of lieutenant (junior grade), to take rank and position at the foot of the list, whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

Examination.

Approved, March 3, 1905.

March 3, 1905.
[S. 2697.]
[Public, No. 144.]

CHAP. 1411.—An Act To amend an Act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pennsylvania, to commemorate the valorous deeds of certain regiments and batteries of the United States Army.

Gettysburg National Park.
Erection of monuments to Regular Army regiments, etc.
Vol. 32, p. 838, amended.
Battery E, Fourth Artillery, added.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, in the State of Pennsylvania, to commemorate the valorous deeds of certain regiments and batteries of the United States Army, approved the eighteenth of February, nineteen hundred and three, be, and hereby is, amended by adding to the names of batteries therein mentioned Battery E, Fourth United States Artillery. And for the purpose of carrying out the provisions of said Act as hereby amended the sum of one thousand five hundred dollars is hereby appropriated out of any money not otherwise appropriated.

Appropriation.

Approved, March 3, 1905.

March 3, 1905.
[S. 3343.]
[Public, No. 145.]

CHAP. 1412.—An Act To authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

District of Columbia.
Anacostia, Surrattsville and Brandywine Electric Railway Company may extend line in.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia, Surrattsville and Brandywine Electric Railway Company, a body incorporated under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia, with single or double tracks, equip and operate the same for the carry-