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be necessary to provide proper facilities for navigation, and other purposes of public interest.

Litigation.

SEC. 2. That in case any litigation arises from the building, operation, and maintenance of said dam, canal, and appurtenant works, or from the obstruction of the river by the same, or any damages resulting to private property by overflow or otherwise, proceedings to adjust, determine, and to recover compensation for such damages shall be instituted either in the State or Federal courts.

Time of construction.

SEC. 3. That this Act shall be null and void unless the dam, canal, and appurtenant works herein authorized be commenced within three years and completed within six years from the time of the passage of this Act.

Amendment.

SEC. 4. That the right to amend or repeal this Act is hereby expressly reserved.

Approved, February 16, 1906.

February 19, 1906.
[S. 56.]
[Public, No. 17.]

CHAP. 257.—An Act Authorizing the extension of Rhode Island avenue northeast.

District of Columbia.
Extension of Rhode Island avenue.
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 the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within ninety days from the approval of this Act, to institute proceedings to condemn the land necessary for the extension of Rhode Island avenue from Lincoln road to Fourth street east, with a width of one hundred and thirty feet.

Assessment of damages and benefits.

SEC. 2. That all of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Rhode Island avenue, 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 avenue as extended, and also on any or all pieces or parcels of land which will be benefited by the extension 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 extension of said avenue 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 they 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 avenue and the condemnation of lands for the purpose 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 District of Columbia and by any person or persons having interest in the proceedings for the extension of said avenue. 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 avenue under the provisions hereof, 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.

Determining value of parts of lots.

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 avenue 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.

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 disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; 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 assessment.

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. In all cases of payments the accounting officers shall take into account the assessments 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. That said court may allow

Damage awards deducted from benefits.

Proceedings.

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 avenue, 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 extension of such avenue: *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 avenue under the provisions hereof shall be paid as hereinbefore provided.

Proviso.
Payment of final determination.

Approved, February 19, 1906.

CHAP. 493.—An Act To amend an Act entitled "An Act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February twenty-first, nineteen hundred and three.

February 21, 1906.
[H. R. 11045.]
[Public, No. 18.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seven of an Act entitled "An Act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February twenty-first, nineteen hundred and three, as amended by the Act approved January eleventh, nineteen hundred and five, be, and is hereby, amended to read as follows:

Monongahela River, Pa.
Time extended for bridging, by Washington and Westmoreland counties, Pa.
Vol. 32, p. 851.
Vol. 33, p. 604, amended.
Post, p. 876.

Time of construction.

"SEC. 7. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February twenty-first, nineteen hundred and six."

Approved, February 21, 1906.

CHAP. 500.—An Act To repeal section forty-one hundred and thirty-six of the Revised Statutes relating to the admission to registry of repaired foreign wrecks.

February 22, 1906.
[S. 1007.]
[Public, No. 19.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-one hundred and thirty-six of the Revised Statutes, as amended, reading as follows: "The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired," is hereby repealed.

Shipping.
Registry of wrecked foreign-built vessels repealed.
R. S., sec. 4136, p. 796, repealed.

Approved, February 22, 1906.