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States in said State, in the same manner, for the same purpose, and subject to the same limitations and conditions under which the land so reconveyed was selected and held.

Red Rock Lakes Reservoir site.
Rights of owners, etc., of lands within.

SEC. 2. That subject to rules and regulations to be prescribed by the Secretary of the Interior, the owner in fee simple or a claimant under any general or special law of the United States, of any land included within the limits of the Red Rock Lakes Reservoir site in the State of Montana, as the said reservoir is now or may hereafter be approved by the Secretary of the Interior, the lands described in the preceding section being a part of said reservoir site, may at the option of the owner or claimant, relinquish or convey such land included in said reservoir site to the United States and personally select in lieu thereof an equal area of the nontimbered public lands of the United States subject to homestead entry and situated in the State of Montana, and such owner or claimant shall be placed in the same relation as to the United States, to the title, possession, and right of possession of the lieu land thus selected as such owner or claimant sustained to the land relinquished at the time the relinquishment was made.

Lands restored to public domain.

SEC. 3. That the land so reconveyed shall be restored to and become a part of the public domain and be subject to disposal by the Government in the same manner in which other public lands of a like character are disposed of.

Approved, April 28, 1906.

April 30, 1906.
[H. R. 17217.]
[Public, No. 135.]

CHAP. 2070.—An Act To amend an Act entitled "An Act to establish a code of law for the District of Columbia," regulating proceedings for condemnation of land for streets.

District of Columbia. Code amendment. Vol. 31, p. 1266, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to establish a code of law for the District of Columbia," approved March third, nineteen hundred and one, be, and the same is hereby, amended by incorporating therein the following, to be known as subchapter one of chapter fifteen:

Subchapter 1 added to chapter 15.

CONDEMNATION OF LAND FOR STREETS.

Condemnation of land for streets.

SEC. 491a. Whenever land is needed for the opening, extension, widening, or straightening of any street, avenue, road, or highway in the District of Columbia, authorized by Congress, the Commissioners of the District of Columbia may institute, in the supreme court of the District of Columbia, sitting as a district court, by petition, a proceeding in rem for the condemnation of the land needed.

Description.

SEC. 491b. Such petition shall contain a particular description of the land to be condemned and the names of the owners of the fee of said land and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

Notice of proceedings.
By advertisement.

SEC. 491c. The said court shall cause public notice of not less than twenty days to be given of the institution of such proceeding, by advertisement in three daily newspapers published in the District of Columbia, which notice shall warn and require all persons having any interest in the proceeding to appear in 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 the assessment of benefits by the jury herein provided for; and in addition to such public notice said court shall cause a copy of said notice to be served by the United States marshal for the District of Columbia, or his deputies, upon such owners of the land to be condemned as can be found by said marshal, or his deputies, within the District of

Personal service.

Appointment of guardian *ad litem*, etc.

Columbia, and upon the tenants and occupants of the same. The said court shall appoint a guardian ad litem for any person interested in the proceeding who may be under disability.

Marshal's jury.

SEC. 491d. 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 five experienced, judicious, disinterested men, who shall be freeholders within the District of Columbia, not related to any person interested in the proceeding and not in the service or employment of the District of Columbia or of the United States, to be summoned by said marshal, to which jury the court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned, and are not related to the parties interested therein, and that they will, without favor or partiality, and to the best of their judgment, ascertain the damages each owner of land to be taken may sustain by reason of the opening, extension, widening, or straightening of said street, avenue, road, or highway, and the condemnation of the land needed for the purpose thereof, and to assess the benefits resulting therefrom as hereinafter provided.

Oath.

Duties.

Objections to jurors.

SEC. 491e. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power and authority to pass upon any such objections, and to excuse any juror or cause any vacancy in the jury, when empaneled, to be filled; and after the jury shall have been organized and shall have viewed and examined the land and premises affected by the condemnation proceeding they shall proceed, in the presence of the court, 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 proceeding. When the hearing is concluded, the jury, or a majority of them, shall return to the court, in writing, their verdict, setting forth the amount found to be due and awarded to the owners of the land to be condemned as damages by reason of said opening, extension, widening, or straightening of said street, avenue, road, or highway, under the provisions hereof, and the lots, pieces, or parcels of land benefited by said opening, extension, widening, or straightening, and the amounts of the assessments for the benefits against the same.

Hearings.

Verdict.

Value of parcels condemned.

SEC. 491f. If a part only of any lot, piece, or parcel of ground is to be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from said opening, extension, widening, or straightening of said street, avenue, road, or highway, but such benefits shall be considered by the jury in determining what assessment shall be made or levied against such part of such lot, piece, or parcel of land as may not be taken as hereinbefore provided.

Assessment of benefits and damages.

SEC. 491g. That of the amount found to be due and awarded as damages for and in respect of the land to be condemned for said opening, extension, widening, or straightening, plus the costs and expenses of the proceeding, such amount shall be assessed by the jury as benefits, and to the extent of such benefits against the lots, pieces, or parcels of land on each side of the street, avenue, road, or highway to be opened, extended, widened, or straightened, and against any and all other lots, pieces, or parcels of land which the jury may find will be benefited by the opening, extension, widening, or straightening, as the jury may find said lots, pieces, or parcels of land will be benefited; and in determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may severally receive from the opening, extension, widening, or straightening of the street, avenue, road, or highway. If the total amount of the damages

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awarded by the jury and the costs and expenses of the proceeding be in excess of the total amount of the assessments for benefits, such excess shall be borne and paid by the District of Columbia.

Appeals from award

SEC. 491h. The said court shall hear and determine any objections or exceptions that may be filed to any verdict of the jury and shall have power to vacate and set any verdict aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall cause a new jury of five experienced, judicious, disinterested men, who shall be freeholders in the District of Columbia, not related to any person interested in the proceeding and not in the service or employment of the District of Columbia or of the United States, to be summoned, who shall proceed to ascertain the damages or assess the benefits, or both, 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 as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the objections or exceptions to the verdict shall be filed within twenty days after the return of the verdict to the court.

Provisos.
Lands vacated in part.
Filing objections.

Confirmation of verdict.

SEC. 491i. When the court shall have finally ratified and confirmed the verdict of a jury condemning the land needed for the opening, extension, widening, or straightening of the street, avenue, road, or highway, the amounts of money found to be due and awarded to the owners of the land condemned shall be paid to such owners 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.

Payment of awards.

Payment of assessments.

SEC. 491j. When finally ratified and confirmed by the court, the several assessments authorized to be made or levied by the jury 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 of the jury. In all cases of payments the accounting officers shall take into account the assessments for benefits and the award of damages, and shall pay only such part of the award in respect of any lot, piece, or parcel of land condemned as may be in excess of the assessment for benefits against the part of such lot, piece, or parcel of land not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

Benefits to be deducted from damages awarded.

Proceedings.

SEC. 491k. Said court shall have full power and authority, at any time, to allow amendments in form or substance in any petition, process, verdict, record, or other proceeding, or in the description of property proposed to be condemned or of property assessed for benefits whenever such amendment will not interfere with the substantial rights of the parties interested.

Pay of jurors.

SEC. 491l. Each juror shall receive as compensation for his services the sum of five dollars per day for every day necessarily employed in the performance of the duties herein prescribed.

Appeal to the court of appeals.

SEC. 491m. Any party aggrieved by any final order of the court may appeal therefrom to the court of appeals of the District of Columbia; but no appeal from any order of the court confirming any award of damages or assessment for benefits, nor any other proceeding that may be taken by any person, at law or in equity, against the confirmation of any award of damages or any assessment for benefits shall delay or prevent the payment of the damages awarded to other persons in respect of the property condemned, or delay or prevent the taking of the property sought to be condemned, or delay or prevent the opening, extension, widening, or straightening of the street, avenue, road, or highway.

Deposit of certain awards.

SEC. 491n. In case any of the owners of the land condemned are under disability or can not be found or neglect to receive the money awarded to them, or in case the title to the property condemned is in controversy, the money awarded to any of such persons, or for any such property the title to which is in controversy, shall be deposited in the registry of the supreme court of the District of Columbia, without cost or expense to said District, to the credit of the person or persons who may be entitled thereto.

Approved, April 30, 1906.

April 30, 1906.
[H. R. 18025.]
[Public, No. 136.]

CHAP. 2071.—An Act To regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Philippine Islands. Trade with the United States restricted to American vessels after April 11, 1909. Penalty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after April eleventh, nineteen hundred and nine, no merchandise except supplies for the Army or Navy shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall have not been unloaded, shall be carried between a port of the United States and a port or place in the Philippine Archipelago.

Sailing of foreign vessels permitted.

Proviso. Cargoes from foreign ports.

Passenger transportation.

SEC. 2. That on and after April eleventh, nineteen hundred and nine, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of two hundred dollars for each passenger so transported and landed.

Inter-island traffic.

SEC. 3. That sections one and two of this Act shall not apply to the transportation of merchandise or passengers between ports or places in the Philippine Archipelago. Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

Registry of Philippine vessels.

Voyages begun before April 11, 1909, not affected.

SEC. 4. That sections one and two of this Act shall not apply to the voyage of a vessel between a port of the United States and a port or place in the Philippine Archipelago begun before April eleventh, nineteen hundred and nine.

Vessels owned by the United States.

SEC. 5. That sections one and two of this Act shall not apply to vessels owned by the United States.

Tonnage tax on foreign vessels.

SEC. 6. That on and after the passage of this Act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until April eleventh, nineteen hundred and nine, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine

Provisos. Temporary permits to foreign vessels.