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CHAP. 3617.—An Act Granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section thirty-three, in township numbered twenty-six north of range numbered one west of the Indian meridian, in Kay County, Oklahoma Territory.

June 29, 1906.
[H. R. 17186.]
[Public, No. 363.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of section numbered thirty-three, in township numbered twenty-six north of range numbered one west of the Indian meridian, in Kay County, Oklahoma Territory, same being a portion of the lands reserved to said Territory for public building purposes, be, and the same is hereby, granted to the Territory of Oklahoma for the use and benefit of the University Preparatory School of said Territory of Oklahoma, to be and become the property of the said University Preparatory School for building purposes, but no indemnity shall be allowed for this section: *Provided*, That the board of regents of the said University Preparatory School may set apart any part of said section of land as a campus for said school, and may sell and dispose of and convey the residue of said section of land, either by proper subdivisions or platting the same into town sites as an addition to the said town of Tonkawa, or otherwise, and at public or private sale, as the said board of regents of the said University Preparatory School may deem best, and all money arising from the sale of any of said lands shall be used and expended by the board of regents of said University Preparatory School only for the erection of buildings for the use of said school.

Oklahoma.
Land grant to, for use of University Preparatory School.
Ante, p. 273.

Proviso.
Disposal of the land.

Use of proceeds.

SEC. 2. That the leases to the present tenants thereon, made by the board for leasing school lands of the Territory of Oklahoma, shall remain in full force and effect until their respective expirations, and that the governor of the Territory of Oklahoma shall appoint, on the application of the board of regents of said University Preparatory School, three disinterested freeholders of said county to appraise the value of the improvements on said lands belonging to the lessees thereof, and such improvement shall be appraised at the fair, reasonable value thereof, and the said appraisers shall give ten days' notice of the time when such appraisement shall be made by posting the same in a conspicuous place on each quarter section of said lands, and shall take an oath fairly and impartially to appraise the improvements of the said lessees on said lands at the fair, reasonable value thereof, and shall make report of such appraisement and file the same with the governor of the Territory of Oklahoma with such oath, and the board of regents of said University Preparatory School shall immediately pay the amount so fixed to the treasurer of the Territory of Oklahoma for the use of such lessees and have immediate possession of said lands: *Provided further*, That if either the board of regents of said University Preparatory School or said lessees shall feel themselves aggrieved by the valuation of such appraisers they may, within thirty days from the filing of such report with the governor of the Territory, appeal to the district court of said county by filing notice with the governor of said Territory and filing a bond to be approved by the governor, conditioned that such person or said board of regents will prosecute such appeal to effect and without unnecessary delay, and pay all costs and judgments that may be awarded against them in said proceeding. And the governor of said Territory shall immediately cause a copy of the application of said board and the appointment and oath and report of said appraisers, together with the bond aforesaid, to be filed with the clerk of the district court of said Kay County, whereupon the question of the amount of damages sustained by such lessees shall be tried de novo by a jury: *And provided further*, That the board of regents of said University Preparatory School are hereby vested with full authority on behalf of said Territory to settle and adjust the differences between said University Preparatory School and the lessees of

Leases.

Appraisal of improvements.

Report.

Payment.

Provisos.
Appeal.

Notice.

Costs.

Damages.

Adjustment of differences.

Succession.

such lands and make such settlements as the board of regents may deem just and proper: *And provided further*, That when said Territory shall become a State the governor of said State shall be the successor of the governor of said Territory under the provision of this Act.

Approved, June 29, 1906.

June 29, 1906.
[H. R. 17452.]
[Public, No. 364.]

CHAP. 3618.—An Act To provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That damages to adjacent property resulting from changes in grade of streets, avenues, or alleys authorized by the Act of Congress approved February twelfth, nineteen hundred and one, relative to the elimination of grade crossings on the line of the Baltimore and Potomac Railroad Company shall be borne by the District of Columbia, and said damages shall be appraised by a commission composed of three capable and disinterested persons to be appointed by the supreme court of the District of Columbia holding a district court of the United States for said District upon application in writing by the Commissioners of the District of Columbia; and it shall be the duty of said Commissioners to make such application within sixty days after the passage of this Act.

District of Columbia.
Elimination of grade crossings of Philadelphia, Baltimore and Washington Railroad Company.
Payment of damages.
Vol. 31, p. 767.
Appointment of commission.

Duties.

SEC. 2. That the members of such commission shall be sworn by the court for the faithful and impartial performance of their duties, whereupon they shall meet and view the property affected by such change of grade and hear testimony in the matter of said damages after giving thirty days' public notice by advertisement in three daily newspapers published in the city of Washington, District of Columbia, of the time and place of meeting for said purpose.

Advertisement of meetings.

Filing claims.

SEC. 3. That the owner of any real property damaged by the said change of grade shall have the right, within twelve months after the date fixed for the meeting of said commission, to file a petition with said commission, which shall be signed and sworn to, for an allowance of damages, and upon the failure of any such owner to thus present his claim within said period his said right shall cease and determine: *Provided*, That all infants or other persons under legal disability whose property has been affected by such change of grade shall be cited by the court to appear, and the court shall appoint a guardian ad litem for every such person, whose duty it shall be to file the petition aforesaid in behalf of the person for whom he is appointed guardian ad litem, within twelve months from the date of his appointment, and upon his failure so to do the right of such person to present a claim for damages shall cease and determine.

Proviso.
Interests of minors.

Filing appraisements, etc.

SEC. 4. That when said commission shall have made an appraisement the same shall be filed with the court and a true copy thereof submitted to the Commissioners of the District of Columbia.

Marshal's jury.

SEC. 5. That if any of the parties interested, their personal representatives, or the guardians ad litem who may be appointed for any such parties who may be under legal disability, or the Commissioners of the District of Columbia, shall be dissatisfied with any appraisement of said commission, the court shall, on the motion of the party so dissatisfied, direct the United States marshal to summon a jury of seven disinterested men, not related to any person in interest, to meet and view the property alleged to have been damaged as aforesaid, giving the parties interested at least six days' notice of the time and place of meeting. The said marshal shall summon a jury and administer an oath to them that they will, without favor or partiality to anyone, to the best of their judgment, appraise and determine the amount of damages to which each owner of any such property so affected by

Damages and benefits.