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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.

change of grade may be entitled; and in every appraisement of damages the commission or jury, as the case may be, shall take into consideration any and all benefits and advantages that may have accrued to such property by reason of the elimination of grade crossings, the establishment of the union railroad station and terminals, and all works, buildings, and improvements authorized by the Act of Congress approved February twelfth, nineteen hundred and one, entitled "An Act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," and the Act of Congress approved February twenty-eighth, nineteen hundred and three, entitled "An Act to provide for a union railroad station in the District of Columbia, and for other purposes."

Vol. 31, p. 767.

Vol. 32, p. 912.

Verdict of jury.

SEC. 6. That said jury, after having viewed the property alleged to have been damaged, heard testimony offered by the parties interested, and appraised and determined the damages, shall make out a written verdict, to be signed by them, or a majority of them, and attested by the marshal, who shall return the same to the court and a copy thereof to the Commissioners of the District of Columbia; that said verdict, when confirmed by the court, shall be final. The verdict of the jury may be excepted to by any party interested or by the Commissioners of the District of Columbia, and may be set aside by the court for good reasons and a new jury directed to be summoned.

New jury.

Compensation.

SEC. 7. That the members of said commission appointed under the provisions of this Act shall receive for their services, when actually employed, such compensation as shall be determined upon by the supreme court of the District of Columbia as equitable and commensurate with the services rendered, not exceeding the sum of ten dollars per day; and the jurors summoned by the marshal under the provisions of this Act shall receive for their services, when actually employed, the sum of five dollars per day. A sufficient sum to pay the compensation and expenses of said commission and the compensation of said jurors and the amount of such appraisements or awards of damages is hereby appropriated out of the revenues of the District of Columbia, and fifty per centum thereof shall be refunded to said District of Columbia by the United States.

Appropriation from District revenues.

Refund.

Awards limited to actual damages, etc.

Vol. 31, p. 770, repealed.

SEC. 8. That the provisions of section nine of the Act of Congress approved February twelfth, nineteen hundred and one, entitled "An Act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," so far as the same relate to any claims for damages of any kind whatsoever, whether resulting from change in grade or incidental to or connected therewith, or from the operation of said railroad company as contemplated and required by said Act, to any property owner affected thereby, be, and the same are hereby, repealed, and no property owner affected by any of the provisions of said Act of Congress shall have any right to make any claim for damages by reason of any of the provisions of said Act other than as may be granted by the provisions of section three of this Act, and it is the intent of this Act that such damages shall be limited only to actual damages due to the change in the grade of streets, avenues, and alleys provided for in said Act of February twelfth, nineteen hundred and one, and that in allowing such damages the jury shall take into consideration all benefits referred to in section five of this Act.

Benefits to be considered.

Repeal.

SEC. 9. That all Acts or parts of Acts inconsistent herewith be, and they are hereby, repealed.

Approved, June 29, 1906.