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March 1, 1929.
[S. 4125.]
[Public, No. 890.]

CHAP. 439.—An Act To amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes.

District of Columbia Code Amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 15 of the Code of Law for the District of Columbia is hereby amended by striking out the provisions of said chapter in entirety down to subchapter 1 thereof and substituting in lieu thereof the following:

Vol. 31, p. 1266, amended.

"CHAPTER XV

Chapter XV.

"CONDEMNATION OF LAND FOR PUBLIC USE

Condemnation of land for public use.

Petition to District Supreme Court, for, if sites can not be purchased from owners.

"SEC. 483. LAND FOR DISTRICT OF COLUMBIA.—Whenever land in the District is needed by the Commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of said District authorized to negotiate for the same, application may be made to the Supreme Court of the District by petition in the name of said commissioners for the condemnation of said land or said right of way and the ascertainment of its value.

Contents of petition.

"SEC. 484. PETITION; WHAT TO SHOW.—Such petition shall contain a particular description of the property selected, with the names of the owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

Jury commission to prepare list of qualified persons.

"SEC. 484a. The jury commission of the District of Columbia shall prepare a special list of persons having the qualifications of jurors, as prescribed by section 215 of this code, and being also freeholders of the District of Columbia. The jury commission shall from time to time as may be necessary write the names contained in said special list on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a special box to be provided for the purpose, and shall thereupon seal and lock said special box, and after thoroughly shaking the same shall deliver it to the clerk of the Supreme Court of the District of Columbia for safekeeping; but the same shall not be unsealed or opened except by said jury commission. From time to time, as ordered by the Supreme Court of the District of Columbia, or one of the justices thereof holding a special term for the trial for condemnation proceedings, the jury commission shall publicly break the seal of said special box and proceed to draw therefrom by lot and without previous examination the names of such number of persons as the said court may from time to time direct to serve as jurors in condemnation proceedings, and certify the names so drawn to the clerk of said court. At the time of each drawing of condemnation jurors from said special box there shall be in said special box the names of not less than one hundred persons possessing the qualifications hereinbefore prescribed. Except as in this section specially provided, sections 198 to 217, inclusive, of this code, so far as the same may be applicable, shall govern the qualifications of said jurors in condemnation cases and the duties and conduct of said jury commissioners under this section. No person shall be elegible to serve as a condemnation juror who has served as such juror within one year.

To be sealed in locked special box.

Drawing of names.

Qualifications.

Vol. 41, pp. 558–560.

Citation to owners.

Vol. 41, p. 565, amended.

"SEC. 485. CITATION TO OWNERS. The said court holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to

the court that there are any owners or other persons interested who are under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a jury of five capable and disinterested persons, 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, appraise the value of the respective interests of all persons concerned in such lands.

Guardian ad litem for persons under disability.

Drawing of jury.

Examination of property, and hearings by jury.

Vol. 31, p. 1266, amended.

"SEC. 486. 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 objection, 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 appraisement of the value of the interests of all persons, respectively, in such land, where said appraisement shall be recorded. In making their decision, the jury shall take into consideration, whenever a part only is taken, the benefit to the remainder of the tract, and shall give their appraisement accordingly.

Appraisement.

Setting aside appraisement, and new jury ordered.

Vol. 41, p. 566, amended.

"SEC. 487. The said court shall hear and determine any objections or exceptions that may be filed to any appraisement of the jury and shall have the power to vacate and set any appraisement aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed as in the case of the first jury: *Provided*, That if vacated in part the residue of the appraisement as to the land condemned shall not be affected thereby: *And provided further*, That the objections or exceptions to the appraisement shall be filed within twenty days after the return of the appraisement to the court: *And provided further*, That the appraisement of the new jury shall be final when confirmed by the court.

Provisos.
Acceptance in part.

Time limit for objections.

Confirmation by court.

Payment of confirmed appraisement.
Vol. 31, p. 1266, amended.

Vol. 34, p. 154.

"SEC. 488. If the appraisement of the jury should not be objected to by the parties interested, it shall be confirmed by the court, or, if the appraisement of the new jury is confirmed by the court, the Commissioners of said District shall pay the amount awarded by the jury out of the appropriation made therefor or deposit the same in the same manner as directed in section 491n of said Code of Law, and thereupon the land condemned shall become and be the property of the District.

Time for return of verdict.
Vol. 31, p. 1266, amended.

"SEC. 489. In every case involving the condemnation of land in the District of Columbia, at the close of the hearing thereof, the court shall fix a time in which the jury shall return its verdict or to report to the court the reasons why said verdict or appraisement can

not be returned by the time fixed: *Provided*, That the court shall have the power, within its discretion, to extend the time for the return of the verdict or appraisement.

Proviso.
Extension.

"SEC. 490. It shall be optional with the commissioners to abide by the verdict of the jury and occupy the land appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the same, without being liable to damage therefor.

Optional acceptance of verdict, etc.
Vol. 31, p. 1266.

"SEC. 491. Nothing herein contained shall affect any suit or proceeding heretofore begun, now pending, or hereafter to be instituted by or on behalf of the United States for the condemnation of land for any purpose; but all such suits and proceedings shall be conducted in accordance with existing law or such laws as hereafter may be enacted."

Suits for condemning land by United States not affected.
Ante, p. 1415.

Approved, March 1, 1929.

March 1, 1929.
[S. 4517.]
[Public, No. 891.]

CHAP. 440.—An Act Authorizing the appropriation of tribal funds of Indians residing on the Klamath Reservation, Oregon, to pay expenses of the general council and business committee, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Indians residing on the Klamath Reservation in the State of Oregon, namely the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, is hereby appropriated to pay the expenses of the General Council and Business Committee (or so-called tribal council) of the said Indians, in organizing and holding councils, conducting tribal elections, maintaining their tribal organization, and generally looking after the affairs of the said tribes, including, among other things, the actual and necessary expenses of its delegation, or legislative committee, in visiting Washington during the second session of the Seventieth Congress or any succeeding Congress; also the expenses incurred, and to be incurred, by the tribal delegation of said Indians in procuring evidence and taking testimony to be used in connection with the three suits instituted by the said Indians against the United States and now pending in the Court of Claims; said sum to be immediately available, and said expenses to be approved by the said business committee and the Commissioner of Indian Affairs and certified to the Secretary of the Interior, and, if so approved and certified, to be paid.

Klamath Indian Reservation, Oreg.
Sum authorized from tribal funds, to pay expenses of General Council, etc., in maintaining tribal organization, etc.

Visit of delegation to Washington, etc.

Procuring evidence in pending suits, etc.

Approved, March 1, 1929.

March 1, 1929.
[S. 4778.]
[Public, No. 892.]

CHAP. 441.—An Act Authorizing the Moundsville Bridge Company to construct a bridge across the Ohio River at or near the city of Moundsville, West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Moundsville Bridge Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near the city of Moundsville, West Virginia, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Ohio River.
Moundsville Bridge Company may bridge, at Moundsville, W. Va.

Construction.
Vol. 34, p. 84.