

CHAP. 733.—An Act To amend the Act entitled "An Act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March second, eighteen hundred and ninety-seven.

February 23, 1905.
[S. 1258.]

[Public, No. 87.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March second, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as by that Act are conferred upon them in respect of real estate in the Territories of the United States.

District of Columbia.
Alien ownership of lands in.
Same rights as exist in Territories extended to.
Vol. 29, p. 619, amended.

SEC. 2. That all laws and parts of laws so far as they conflict with the provisions of this Act are hereby repealed.

Repeal.

Approved, February 23, 1905.

CHAP. 734.—An Act To amend chapter fifty-five of an Act entitled "An Act to establish a code of law for the District of Columbia."

February 23, 1905.
[S. 2654.]

[Public, No. 88.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter fifty-five of 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 striking out sections sixteen hundred and eight, sixteen hundred and nine, sixteen hundred and ten, sixteen hundred and eleven, sixteen hundred and twelve, and sixteen hundred and thirteen, and inserting in lieu thereof the following:

District of Columbia.
Code amendments.

"SEC. 1608. That the Commissioners of the District of Columbia be, and they are hereby, authorized to open, extend, widen or straighten alleys and minor streets in the District of Columbia under the following conditions, namely: First, upon the petition of the owners of more than one-half of the real estate in the square or block in which such alley or minor street is sought to be opened, extended, widened, or straightened, accompanied by a plat showing the opening, extension, widening, or straightening proposed; second, when the Commissioners deem that the public interests require such opening, extension, widening, or straightening; third, when the health officer of said District certifies to the necessity for the same on the grounds of public health: *Provided*, That a minor street shall be of a width of not less than forty feet nor more than sixty feet and shall run through a square or block from one street to another.

Opening of alleys, etc.
Vol. 31, p. 1429, amended.

Petition.

Health.

Proviso.
Width and length of alleys, etc.

Closing of useless alleys.

"SEC. 1608a. That if in the opening, extension, widening or straightening of an alley or minor street, or in the extension or widening of public streets or highways, an alley or part of an alley may have been, or may hereafter be, in the judgment of the said Commissioners rendered useless or unnecessary, said Commissioners are authorized to close the same. That if the alley to be closed is an original alley, they may sell the land contained therein for cash at a price not less than the assessed value of contiguous lots. That if the alley is not an original alley, the title thereto shall revert to the owners of the land abutting thereon, but all such land shall be subject to the assessment for benefits hereinafter referred to.

Sale of.

Reversion of, to owners of abutting land.

"SEC. 1608b. That the said Commissioners are authorized to accept the dedication of an alley or alleys and in connection therewith to close any existing alley or alleys in the square or block in which such dedication is made upon the application of the owners of all the property abutting on such existing alley or alleys. That if the alley proposed to be closed is an original alley, the party or parties making the

Alleys may be closed on dedication of new ones.

Proceedings.

dedication and the parties applying for the closing of the alley or alleys shall present with such application a mutual agreement in writing and under seal, in duplicate, as to the future ownership of the land contained in the alley or alleys to be closed, together with two plats showing the alley or alleys divided into parcels, with the name of the future owner marked on each parcel, in accordance with such agreement. That copies of the order of the Commissioners accepting the dedication and closing the original or subdivisional alley, together with the said agreements and plats in the case of an original alley, shall be forwarded by said Commissioners to the surveyor and recorder of deeds of the District of Columbia for record, and thereafter the title to the land in such subdivisional alley shall revert to the owners of the land abutting thereon, and the title to the land in the original alley shall vest in the parties whose names appear on said plat in accordance with said agreement.

Alleys less than 10 feet wide.
Assent of all abutting owners required.

“SEC. 1608c. That the Commissioners are authorized to close any alley or part of alley the width of which is less than ten feet upon the application in writing of the owners of all the abutting property. If the title to such closed alley is in the United States, the land shall be sold, as provided in section sixteen hundred and eight a hereof; and if the title is not in the United States, the land shall revert as provided in said section.

Alleys owned by one person, etc.

“SEC. 1608d. That whenever the title in fee simple to an entire square is vested in one person or tenants in common or partners, and such owner or owners desire to improve said square by the erection thereon of a building covering not less than two-thirds of the area thereof, or to use said square for the purpose of some business enterprise, the Commissioners are authorized, in their discretion, to order any alley or alleys in such square to be closed, and a copy of said order shall be filed with the surveyor and recorder of deeds of said District for record.

Proceedings in condemnation.

“SEC. 1608e. That whenever it becomes necessary to open, widen, extend, or straighten alleys or minor streets by condemnation the said Commissioners shall institute condemnation proceedings in the supreme court of the District of Columbia, sitting as a district court, by a petition in rem particularly describing the land to be taken, which petition shall be accompanied by duplicate plats to be prepared by the surveyor of said District, showing the courses and boundaries of the alley or minor street proposed to be opened, widened, extended, or straightened, the number of square feet to be taken from each lot or part of lot in the square or block, showing the existing alleys or minor street in said square or block, and such other information as may be necessary for the purposes of such condemnation. Upon the filing of such petition, one copy of the plat, indorsed with the docket number of the case, shall be returned by the clerk of said court to the said surveyor for record in his office.

Notice of proceedings.

“SEC. 1608f. 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, 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 fee of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

Personal service.

"SEC. 1608g. 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 five 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 said marshal, 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 nor 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 opening, extension, widening, or straightening of said alley or minor street and the condemnation of lands for the purposes thereof, and assess the benefits resulting therefrom as hereinafter 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 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 proceedings for the opening, extension, widening, or straightening of said alley or minor street; but all such hearings shall be in the presence of the court and under its supervision and direction. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount found to be due and payable as damages sustained by reason of the said opening, extension, widening, or straightening under the provisions hereof, and of the pieces or parcels of land benefited by such opening, extension, widening, or straightening, and the amount of the assessment for such benefits against the same.

"SEC. 1608h. That if 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 such opening, extension, widening, or straightening, 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.

"SEC. 1608i. 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 in the case, having the qualifications hereinbefore mentioned, 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 the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award: *And provided further*, That if the court is satisfied that part of the verdict or award should be set aside or vacated, then and in that event, at the election of the said Commissioners, the court shall set aside and vacate the entire verdict or award and a new jury shall be summoned in the case as aforesaid. The verdict of a new jury summoned in accordance with the provisions of this section shall be final, and if the amount of damages assessed by any new jury summoned as aforesaid shall not be greater, or if the assessment of benefits shall not be less, than the amount assessed by the jury first summoned, according as the objection to the verdict may have been to the assessment of damages or benefits, the costs of the new jury shall be assessed

Marshal's jury.

Duties.

Hearing of objections.

Verdict.

Determining value of parts of lots.

Review of verdict.

New jury.

Provisos. Filing objections.

Action if vacated in part.

Costs.

against the property of the party or parties objecting, but if the party or parties should prevail by the verdict of the new jury, either in increasing his or their damages, or in diminishing the assessment for benefits, then, and in that event, the costs of the new jury shall be paid by the District of Columbia, and if the Commissioners of the District of Columbia do not elect that the entire verdict shall be set aside, and the same be set aside or vacated in part, the residue of the verdict and award shall not be affected thereby.

Expenses to be assessed on lots benefited.

"SEC. 1608j. That said jury shall assess as benefits accruing by reason of said opening, extension, widening, or straightening an amount equal to the amount of damages as ascertained by them as hereinbefore provided, including five dollars per day for the marshal and five dollars per day for each juror for the services of each when actually employed, and all other expenses of such proceedings upon each lot or part of lot or parcel of land in the square or block in which such alley or minor street is to be opened, extended, widened, or straightened, and upon each lot, part of lot, or parcel of ground in the squares or blocks confronting the square in which such alley or minor street is to be opened, extended, widened, or straightened, which will be benefited by such opening, extension, widening, or straightening, in the proportion that said jury may find said lots, parts of lots, or parcels of land will be benefited.

Payment of award.

"SEC. 1608k. 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 Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrants of the Commissioners of said District, out of any funds available therefor: *Provided*, That in all cases of payments the accounting officers shall take into account the assessment 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.

Proviso.
Deduction of benefits.

Collection of assessments.

"SEC. 1608l. 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 four equal annual installments, with interest at the rate of four per centum per annum from and after sixty days after the date of confirmation until paid. That said court may allow amendments in form or substance in any 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, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

Compensation of jurors.
Vol. 31, p. 1430, amended.

"SEC. 1609. 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.

Appeals not to delay opening of alleys, etc.
Vol. 31, p. 1430, amended.

"SEC. 1610. 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 opening, extension, widening, or straightening of such alley or minor street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law

Proviso.
Payment of final decision.

or in equity, the amount found to be due and payable as damages sustained by reason of the opening, extension, widening, or straightening of said alley or minor street under the provisions hereof shall be paid as hereinbefore provided.

"SEC. 1611. That all money derived from the sale of land in which the United States is interested, under the provisions of this Act, shall be paid into the Treasury of the United States by the Commissioners of the District of Columbia to the credit of the United States.

Disposal of proceeds of sales.
Vol. 31, p. 1430, amended.

"SEC. 1612. That in all cases where plats are required to be made under the provisions of this Act, or where the said Commissioners shall deem it necessary that they shall be made in order to more effectually carry out any provision hereof, such plats shall be made by the surveyor of the District of Columbia, who shall require the person or persons desiring the same to deposit in advance a sum to defray the cost of preparing the same; any amount of such deposit remaining after the cost of such plats has been paid shall be refunded to the party so depositing: *Provided*, That plats ordered by the said Commissioners shall be prepared by said surveyor free of cost.

Plats.
Vol. 31, p. 1430, amended.

"SEC. 1613. That the validity of any condemnation proceeding under the Act of Congress entitled "An Act to provide for the opening of alleys in the District of Columbia," approved July twenty-second, eighteen hundred and ninety-two, or under the Act of Congress entitled "An Act to open, widen, and extend alleys in the District of Columbia," approved August twenty-fourth, eighteen hundred and ninety-four, or under the sections of the code of law for the District of Columbia hereby repealed, shall not be affected by the want of proper notice to any proprietor of land in the square, except as to such proprietor; and if it shall appear to the satisfaction of the Commissioners of the District of Columbia that any such proprietor was not notified as required by said Acts the said Commissioners may proceed under this Act to condemn the land affected by the want of such notice."

Proviso.
Free of cost.

Previous proceedings.
Effect of failure to notify.
Vol. 27, p. 257
Vol. 28, p. 501.

Approved, February 23, 1905.

CHAP. 735.—An Act To designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes.

February 23, 1905.
[S. 3456.]

[Public, No. 89.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of facilitating the assessment and taxation of real property in the territory within the limits of the District of Columbia lying outside of the city of Washington the following system of designating the several subdivisions, blocks, lots, and parcels of land is hereby prescribed, and each and every designation made or given in conformity with said system shall be deemed a sufficient description of the property to which it relates for all purposes of assessment and the collection of taxes and assessments of every kind.

District of Columbia.
Real estate assessments, etc., outside city limits.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be given numbers to all of said blocks or squares, lots or parcels of land as said blocks, squares, lots, or parcels of land have been formed by the highway-extension plan, now of record in the office of surveyor of the District of Columbia, and existing subdivisions, and to place the numbers so given upon the said highway-extension plan: *Provided*, That in all cases where two or more blocks or parts of contiguous existing subdivisions are surrounded as a group by existing streets or roads, or by proposed streets of the highway-extension plan, such group shall be numbered as a block or square upon the recorded plats of the highway-extension plan: *Provided further*, That where lots are numbered in duplicate in any block

Blocks, etc., formed by highway-extension plan, to be numbered.

Provisos.
Parts of subdivisions.

Duplicate numbers.