

Marshal's duties.

SEC. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Bigstone Gap.

Approved, April 22, 1904.

April 22, 1904.  
[H. R. 12147.]

[Public, No. 145.]

CHAP. 1422.—An Act To amend chapter seven hundred and forty-nine, second session Fifty-seventh Congress, approved February twenty-third, nineteen hundred and three, being "An Act to establish United States courts at Wilkesboro, North Carolina."

United States courts,  
North Carolina,  
western district,  
R. S., secs. 572, 658,  
pp. 100, 122.  
Terms at Wilkes-  
boro.  
Vol. 32, p. 852,  
amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter seven hundred and forty-nine, second session of the Fifty-seventh Congress, being "An Act to establish United States courts at Wilkesboro, North Carolina," approved February twenty-third, nineteen hundred and three, be, and the same is hereby, amended by striking out the words "second Monday in July and November," in lines five and six of the first section of said Act, and inserting in lieu thereof the words "fourth Monday in May and November."

Clerk.  
Vol. 32, p. 853,  
amended.

R. S., sec. 621, p. 109,  
amended.

SEC. 2. That said Act be further amended by striking out section two thereof and inserting in lieu thereof the following:

"SEC. 2. That in addition to the clerks provided for the western district of North Carolina, in section six hundred and twenty-one of the Revised Statutes of the United States, the circuit and district judges shall appoint a clerk, who shall reside and have his office at Wilkesboro, North Carolina, and who shall be the clerk of both the circuit and district courts of the United States at that place."

Approved, April 22, 1904.

April 22, 1904.  
[H. R. 14901.]

[Public, No. 146.]

CHAP. 1423.—An Act To provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia.

District of Colum-  
bia.  
Damages to property  
from Union Station to  
be borne by District.  
Vol. 32, p. 912.

*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 the grade of streets, avenues, or alleys authorized by the Act of Congress approved February twenty-eighth, nineteen hundred and three, relating to the construction of a union railroad station in the District of Columbia, 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 completion of the grading of any such street, avenue, or alley.

Appraisal commis-  
sion.

Duties of commis-  
sion.

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.

Petition of owners.

SEC. 3. That the owner of any real property, damaged by the said change of grade, shall have the right within sixty days 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 sixty days 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.*  
Property of infants,  
etc.

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

Filing, etc., of appraisalment.

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 appraisalment 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 change of grade may be entitled, and in every appraisalment of damages the commission, or jury, as the case may be, shall take into consideration any benefits that may have accrued to any such property by reason of the location of said terminal station in proximity to the property alleged to have been damaged.

Jury to consider appeals.

Duties of jury.

SEC. 6. That the 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.

Verdict.

Exception.

SEC. 7. That the members of said commission 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 a 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.

Compensation for services.

Appropriation.

Half from District revenues.

SEC. 8. That the provisions of section five of the aforesaid Act of Congress relative to damages from changes in grade, and all parts of said Act inconsistent with the provisions hereof, are hereby repealed.

Damages provisions repealed.  
Vol. 32, p. 914.

Approved, April 22, 1904.

April 22, 1904.  
[H. R. 15121.]

[Public, No. 147.]

District of Columbia.  
Extension of Twen-  
ty-third street.  
Proceedings to con-  
demn land for.

Assessment of dam-  
ages and benefits.

Notice of proceed-  
ings.  
Advertisement.

Personal notice.

Marshal's jury.

Duties.

Hearing of objec-  
tions.

**CHAP. 1424.**—An Act For the extension of Twenty-third street from S street to California avenue.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That within thirty days after the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Twenty-third street from S street to California avenue with a uniform width of fifty feet.

**SEC. 2.** That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Twenty-third street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of lands the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for.

**SEC. 3.** 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, may cause a copy of said notice to be served by the marshal of the District of Columbia or his deputies upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

**SEC. 4.** 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 seven 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 marshal of the District of Columbia, 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 are 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 extension of said street and the condemnation of lands for the purposes of such extension, 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, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the