

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 of such street: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

Approved, April 22, 1904.

*Proviso.*  
Payment of final decision.

**CHAP. 1419.**—An Act To provide that a term of the circuit and district court of the United States for the district of Vermont may be held at Newport.

April 22, 1904.  
[S. 4165.]

[Public, No. 142.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter in each year one of the stated terms of the circuit and district court of the United States for the district of Vermont may, when adjourned, be adjourned to meet at Newport.

United States courts,  
Vermont judicial district.  
Terms at Newport.  
R. S., secs. 572, 658,  
pp. 101, 122.  
Repeal.

SEC. 2. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved, April 22, 1904.

**CHAP. 1420.**—An Act To amend the first section of an Act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January thirtieth, nineteen hundred and three.

April 22, 1904.  
[H. R. 9648.]

[Public, No. 143.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of the Act providing that the circuit court of appeals for the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, approved January thirtieth, nineteen hundred and three, be, and the same is hereby, amended by striking out the concluding words of said section, to wit, "on the first Monday in September in each year," and inserting in lieu thereof the words "on the third Monday in October in each year."

United States courts.  
Fifth judicial circuit.  
Term at Montgomery, Ala., changed.  
Vol. 32, p. 784,  
amended.

Approved, April 22, 1904.

**CHAP. 1421.**—An Act To authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Bigstone Gap, Virginia.

April 22, 1904.  
[H. R. 11518.]

[Public, No. 144.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a regular term of the district and circuit courts of the United States for the western district of Virginia shall be held in each year in the city of Bigstone Gap, Virginia, on the second Monday in August.

United States courts.  
Virginia western district.  
Term at Bigstone Gap, Va.  
R. S., secs. 572, 658,  
pp. 101, 123.  
Deputy clerk.

SEC. 2. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg, Virginia, shall appoint a deputy clerk who shall be deputy clerk of both the circuit and district courts and who shall reside and keep his office at Bigstone Gap, Virginia, for the purpose of taking charge and custody of the court records and papers, attending the sessions of said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts at Bigstone Gap, Virginia.

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.

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.

Duties of commis-  
sion.

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