

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.

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

Petition of owners.

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 appraisal 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 ap-
praisalment.

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 ap-
peals.

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.