

September 27, 1890.

CHAP. 1001.—An act authorizing the establishing of a public park in the District of Columbia.

<p>District of Columbia. Rock Creek Park established. Location. Description.</p>	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That a tract of land lying on both sides of Rock Creek, beginning at Klingle Ford Bridge, and running northwardly, following the course of said creek, of a width not less at any point than six hundred feet, nor more than twelve hundred feet, including the bed of the creek, of which not less than two hundred feet shall be on either side of said creek, south of Broad Branch road and Blagden Mill road and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known by the name of Rock Creek Park: <i>Provided, however,</i> That the whole tract so to be selected and condemned under the provisions of this act shall not exceed two thousand acres nor the total cost thereof exceed the amount of money herein appropriated.</p>
<p>Dedication.</p>	
<p>Proviso.</p>	
<p>Maximum size and cost.</p>	
<p>Commission to be appointed.</p>	<p>SEC. 2. That the Chief of Engineers of the United States Army, the Engineer Commissioner of the District of Columbia, and three citizens to be appointed by the President, by and with the advice and consent of the Senate, be, and they are hereby, created a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said Engineer Commissioner of the District of Columbia in charge of public highways, which said assistant shall also act as executive officer to the said commission.</p>
<p>Duties.</p>	
<p>Executive officer.</p>	
<p>Map to be filed.</p>	<p>SEC. 3. That the said commission shall cause to be made an accurate map of said Rock Creek Park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land embraced in said Rock Creek Park shall be held as condemned for public uses, and the title thereof vested in the United States, subject to the payment of just compensation, to be determined by said commission, and approved by the President of the United States: <i>Provided,</i> That such compensation be accepted by the owner or owners of the several parcels of land.</p>
<p>Condemnation. Title. Compensation. Proviso.</p>	
<p>Acceptance by owners. Failure to agree.</p>	<p>That if the said commission shall be unable by agreement with the respective owners to purchase all of the land so selected and condemned within thirty days after such condemnation, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land as it has been unable to purchase.</p>
<p>Judicial procedure. Application for assessment.</p>	
<p>Petition and map.</p>	<p>Said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, if known, and their residences, as far as the same may be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land, if known, by personal service, and if unknown, by service by publication, and to ascertain and assess the value of the land so selected and condemned, by appointing three competent and disinterested commissioners to appraise the value or values thereof, and to return the appraisement to the court; and when the value or values of such land are thus ascertained, and the President of the United States shall decide the same to be reasonable, said value or values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said land; and if in any case</p>
<p>Notification.</p>	
<p>Appraisal commission. Ascertainment of value.</p>	
<p>Payment. Title.</p>	

the owner or owners of any portion of said land shall refuse or neglect, after the appraisalment of the cash value of said lands and improvements, to demand or receive the same from said court, upon depositing the appraised value in said court to the credit of such owner or owners, respectively, the fee-simple shall in like manner be vested in the United States.

SEC. 4. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession.

SEC. 5. That no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners. In such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases as soon as the said commission shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken. All proceedings hereunder shall be in the name of the United States of America and managed by the commission.

SEC. 6. That the commission having ascertained the cost of the land, including expenses, shall assess such proportion of such cost and expenses upon the lands, lots, and blocks situated in the District of Columbia specially benefited by reason of the location and improvement of said park, as nearly as may be, in proportion to the benefits resulting to such real estate.

If said commission shall find that the real estate in said District directly benefited by reason of the location of the park is not benefited to the full extent of the estimated cost and expenses, then they shall assess each tract or parcel of land specially benefited to the extent of such benefits as they shall deem the said real estate specially benefited. The commission shall give at least ten days' notice, in one daily newspaper published in the city of Washington, of the time and place of their meeting for the purpose of making such assessment and may adjourn from time to time till the same be completed. In making the assessment the real estate benefited shall be assessed by the description as appears of record in the District on the day of the first meeting; but no error in description shall vitiate the assessment: *Provided*, That the premises are described with substantial accuracy. The commission shall estimate the value of the different parcels of real estate benefited as aforesaid and the amount assessed against each tract or parcel, and enter all in an assessment book. All persons interested may appear and be heard. When the assessment shall be completed it shall be signed by the commission, or a majority (which majority shall have power always to act), and be filed in the office of the clerk of the supreme court of the District of Columbia. The commission shall apply to the court for a confirmation of said assessment, giving at least ten days' notice of the time thereof by publication in one daily newspaper published in the city of Washington, which notice shall state in general terms the subject and the object of the application.

The said court shall have power, after said notice shall have been duly given, to hear and determine all matters connected with said assessment; and may revise, correct, amend, and confirm said assessment, in whole or in part, or order a new assessment, in whole or in part, with or without further notice or on such notice as it shall prescribe; but no order for a new assessment in part, or any partial adverse action, shall hinder or delay confirmation of the residue, or collection of the assessment thereon. Confirmation of any part of the assessment shall make the same a lien on the real estate assessed.

Possession.
Process.

No delay in assessment, etc.

Disputed claims.

Possession.

Proceedings.

Proportionate assessment of cost, etc., on benefited lands.

Notice by publication.

Adjournments of commission.

Record description.

Errors.

Proviso.

Substantial accuracy.

Entries in assessment book.

Hearings.

Commission to file assessment.

Application for confirmation.

Notice.

Powers of court in determining, etc.

Confirmation.

Lien.

Payment of assessment by installments, etc.	Interest.	Separate Treasury fund.	Validity of proceedings.	Court record.	Duplicate assessment book to be filed.	Evidence of recited facts.	Delinquent assessments.	Collection.	Payment of compensation by Treasurer.	Commission orders.	Proceeds in excess of cost.	Compensation of public officers.	Compensation of civilian commissioners.	Delinquent assessment sale deeds.	Evidence of.	Judgment of sale.	Estoppel, etc.	Appropriation. For total cost, etc.	Provisos. Half from the District revenues.	Reimbursed in installments.	Interest.	Maintenance, etc. Half from District revenues.	<p>The assessment, when confirmed, shall be divided into four equal installments, and may be paid by any party interested in full or in one, two, three, and four years, on or before which times all shall be payable, with six per centum annual interest on all deferred payments. All payments shall be made to the Treasurer of the United States, who shall keep the account as a separate fund. The orders of the court shall be conclusive evidence of the regularity of all previous proceedings necessary to the validity thereof, and of all matters recited in said orders. The clerk of said court shall keep a record of all proceedings in regard to said assessment and confirmation. The commission shall furnish the said clerk with a duplicate of its assessment book, and in both shall be entered any change made or ordered by the court as to any real estate. Such book filed with the clerk when completed and certified shall be prima facie evidence of all facts recited therein. In case assessments are not paid as aforesaid the book of assessments certified by the clerk of the court shall be delivered to the officer charged by law with the duty of collecting delinquent taxes in the District of Columbia, who shall proceed to collect the same as delinquent real estate taxes are collected. No sale for any installment of assessment shall discharge the real estate from any subsequent installment; and proceedings for subsequent installments shall be as if no default had been made in prior ones.</p> <p>All money so collected may be paid by the Treasurer on the order of the commission to any persons entitled thereto as compensation for land or services. Such order on the Treasurer shall be signed by a majority of the commission and shall specify fully the purpose for which it is drawn. If the proceeds of assessment exceed the cost of the park the excess shall be used in its improvement, under the direction of the officers named in section eight, if such excess shall not exceed the amount of ten thousand dollars. If it shall exceed that amount that part above ten thousand dollars shall be refunded ratably. Public officers performing any duty hereunder shall be allowed such fees and compensation as they would be entitled to in like cases of collecting taxes. The civilian members of the commission shall be allowed ten dollars per day each for each day of actual service. Deeds made to purchasers at sales for delinquent assessments hereunder shall be prima facie evidence of the right of the purchaser, and any one claiming under him, that the real estate was subject to assessment and directly benefited, and that the assessment was regularly made; that the assessment was not paid; that due advertisement had been made; that the grantee in the deed was the purchaser or assignee of the purchaser, and that the sale was conducted legally.</p> <p>Any judgment for the sale of any real estate for unpaid assessments shall be conclusive evidence of its regularity and validity in all collateral proceedings except when the assessment was actually paid, and the judgment shall estop all persons from raising any objection thereto, or to any sale or deed based thereon, which existed at the date of its rendition, and could have been presented as a defense to the application for such judgment.</p> <p>To pay the expenses of inquiry, survey, assessment, cost of lands taken, and all other necessary expenses incidental thereto, the sum of one million two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: <i>Provided</i>, That one-half of said sum of one million two hundred thousand dollars, or so much thereof as may be expended, shall be re-imbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of three per centum per annum upon the deferred payments: <i>And provided further</i>, That one-half of the sum which shall be annually appropriated and expended for the maintenance and improvement of said</p>
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lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States.

SEC. 7. That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be, as soon as practicable, to lay out and prepare roadways and bridle paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians; and whose duty it shall also be to make and publish such regulations as they deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible.

Approved, September 27, 1890.

Control, etc., of park.

Regulations, etc.

CHAP. 1002.—An act to authorize the Texas-Mexican Electric Light and Power Company to erect wires across the Rio Grande River at Eagle Pass, Texas.

September 27, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texas-Mexican Electric Light and Power Company, a corporation organized and created under and by virtue of the laws of the State of Texas, be, and is hereby, authorized and empowered to construct, own, maintain, and operate its wires across the Rio Grande River between the city of Eagle Pass, in the State of Texas, and the city of Porfirio Diaz, formerly known as Piedras Negras, in the State of Coahuila, in the Republic of Mexico, at such point as may be most convenient to said corporation: *Provided,* That said wires shall not interfere with the free navigation of said river, and in case of any litigation arising from an obstruction or alleged obstruction to the free navigation thereof, caused or alleged to be caused by said wires, the case may be tried before the district court of the United States for the western district of Texas: *And provided also,* That Congress reserves the right to withdraw the power and authority conferred by this act in case the free navigation of the river shall at any time be substantially or materially obstructed by said wires, or for any other reason, and to direct the removal of said wires, or necessary modifications thereof, at the cost and expense of the owners of said wires; and Congress may at any time alter, repeal, or amend this act: *And provided further,* That the consent of the Mexican state of Coahuila and of the proper authorities of the Republic of Mexico shall have been obtained before the construction of said wires shall be commenced.

Texas-Mexican Electric Light and Power Company may wire the Rio Grande River at Eagle Pass, Tex.

Wires.

Location.

Provisos.

Unobstructed navigation, Litigation.

Removal, etc., of wires.

Amendment, etc.

Consent of Mexican authorities, etc.

Approved, September 27, 1890.

CHAP. 1003.—An act to provide an American register for the steam-ship G. W. Jones, of New York.

September 27, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steam-ship G. W. Jones, purchased and wholly owned by an American citizen, and repaired at New York, to be registered as a vessel of the United States under the name of Czarina.

"Czarina." American register granted to foreign-built steam-ship "G. W. Jones," and name changed to.