

Penalty for violation.

SEC. 6. That any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed, and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred. And it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That nothing in this act contained shall apply to trains composed of four-wheel cars or to locomotives used in hauling such trains.

District Attorney to bring suit in United States courts.

Interstate Commerce Commission to lodge information.

Proviso.
Exception.

Extension of time for compliance.

SEC. 7. That the Interstate Commerce Commission may from time to time upon full hearing and for good cause extend the period within which any common carrier shall comply with the provisions of this act.

Employees injured by noncomplying cars, etc., do not assume the risk.

SEC. 8. That any employee of any such common carrier who may be injured by any locomotive, car, or train in use contrary to the provision of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge.

Approved, March 2, 1893.

March 2, 1893.

CHAP. 197.—An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.

District of Columbia.
Permanent system of highways in, outside of cities.

Conforming to street plan of Washington.

Width.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized and directed to prepare a plan for the extension of a permanent system of highways over all that portion of said District not included within the limits of the cities of Washington and Georgetown. Said system shall be made as nearly in conformity with the street plan of the city of Washington as the Commissioners may deem advisable and practicable. The highways provided in such plans shall not in any case be less than ninety feet nor more than one hundred and sixty feet wide, except in cases of existing highways, which may be established of any width not less than their existing width and not more than one hundred and sixty feet in width.

Preparation of plans in sections.

SEC. 2. That the said plans shall be prepared from time to time in sections, each of which shall cover such an area as the Commissioners may deem advisable to include therein, and it shall be the duty of the Commissioners in preparing such plan by sections, as far as may be practicable, to select first such areas as are covered by existing suburban subdivisions not in conformity with the general plan of the city of Washington. The Commissioners in making such plans shall adopt and conform to any then existing subdivisions which shall have been made in compliance with the provisions of the act of Congress approved August twenty-seventh, eighteen hundred and eighty-eight, entitled "An act to regulate the subdivision of land within the District of Columbia," or which shall, in the opinion of the Commissioners, conform to the general plan of the city of Washington: *Provided, however*, That no place or street extending no farther than from one principal street to another, which has been opened under the direction of the Commissioners, or in conformity with any subdivision approved by them prior to August twenty-seventh, eighteen hundred and eighty-eight, and recorded, and which is now paved with asphalt or other sheet pavement, shall be altered, affected, or interfered with by any plan adopted or anything done under or by virtue of this act. Whenever the plan of

Adoption of existing suburban subdivisions.

Vol. 25, p. 451.

Provisos.
Short asphalted streets not to be affected, etc.

any such section shall have been adopted by the Commissioners they shall cause a map of the same to be made showing the boundaries and dimensions of and number of square feet in the streets, avenues, and roads established by them therein; the boundaries and dimensions of and number of square feet in each, if any, of the then existing highways in the area covered by such map, and the boundaries and dimensions of and number of square feet in each lot of any then existing subdivision owned by private persons; and containing such explanations as shall be necessary to a complete understanding of such map. In making such maps the Commissioners are further authorized to lay out at the intersections of the principal avenues and streets thereof circles or other reservations corresponding in number and dimensions with those now existing at such intersections in the city of Washington. A copy of such map, duly certified by the Commissioners, shall be delivered to a commission hereby created, composed of the Secretary of War, the Secretary of the Interior, and the Chief of Engineers, for the time being, who shall make such alterations, if any, therein, as they shall deem advisable, keeping in view the intention and provisions of this act, and the necessity of harmonizing as far as possible the public convenience with economy of expenditure; and if such commission shall see fit, they may cause to be made a new map in place of the one submitted to them. When such commission, or a majority thereof, shall have come to a final determination in the matter, they shall approve in writing the map which they shall adopt, and shall deliver it to said Commissioners of the District of Columbia, and the same shall at once be filed and recorded in the office of the surveyor of the District of Columbia, and after any such map shall have been so recorded no further subdivision of any land included therein shall be admitted to record in the office of the surveyor of said District, or in the office of the recorder of deeds thereof, unless the same be first approved by the Commissioners and be in conformity to such map. Nor shall it be lawful when any such map shall have been so recorded for the Commissioners of the District of Columbia, or any other officer or person representing the United States or the District of Columbia, to thereafter improve, repair, or assume any responsibility in regard to any abandoned highway within the area covered by such map, or to accept, improve, repair, or assume any responsibility in regard to any highway that any owner of land in such area shall thereafter attempt to lay out or establish, unless such landowner shall first have submitted to the Commissioners a plat of such proposed highway and the Commissioners shall have found the same to be in conformity to such map, and shall have approved such plat and caused it to be recorded in the office of said surveyor. In order to enable the said Commissioners to proceed speedily and efficiently to carry out the purposes of this act, they are hereby authorized to appoint two civilians assistants to the Engineer Commissioner, who, with such Engineer Commissioner shall, under the direction of the Commissioners, have immediate charge of the work to be done under this act: *Provided, however,* That the appointment, term of office, and compensation of such civilian assistants shall be subject to the approval of the commission hereinbefore provided for, consisting of the Secretary of War, the Secretary of the Interior, and the Chief of the Engineers, or of a majority of them.

SEC. 3. That when any such map shall have been recorded as aforesaid in the office of the surveyor of the District it shall be lawful for the owner of any land included within such map to adopt the subdivision thereby made by a reference thereto and to this section in any deed or will which he shall thereafter make, and when any deed or will containing any such reference shall have been made and recorded in the proper office it shall have the same effect as though the grantor or grantors in such deed or the maker of such will had made such subdivision and recorded the same in compliance with law.

Map.

Circles, etc., at street intersections.

Certified copies of maps, etc., to go to a commission.

Alterations, etc.

Determination and approval, etc.

Filing and recording.

No further subdivision, to be recorded unless approved, etc.

Abandoned highways not to be improved, etc.

Projected highways subject to approval, etc., of District Commissioners.

Civilian assistants to Engineer Commissioner etc., appointed in charge of work.

Appointments, etc.

Deeds and wills.

Surveys for plans,
etc.

SEC. 4. That for the purpose of making surveys for such plans and maps the Commissioners and their agents and employees necessarily engaged in making such surveys are authorized to enter upon any lands through or on which any projected highway or reservation may run or lie.

Naming of streets,
etc.

SEC. 5. That the Commissioners of the District of Columbia are authorized to name all streets, avenues, alleys, and reservations laid out or adopted under the provisions of this act.

Condemnation pro-
ceedings.

SEC. 6. That within thirty days after any such map shall have been recorded as aforesaid, which shall alter any highway or highways in any then existing subdivision in the area included in such map, or which shall dispense with any highway or highways, or any part thereof, in any such subdivision, the Commissioners of the District of Columbia shall make application to the supreme court of the District of Columbia, holding a special term as a district court of the United States, by written petition, praying the condemnation of a permanent right of way for the public over all the land lying within the limits of such subdivision not already owned by the United States or the District of Columbia, or dedicated to public use as a highway, which shall be included within the highways or reservations laid out by the Commissioners and indicated on such map. Upon the filing of such petition the said court in special term shall proceed to condemn a permanent right of way for the public over said land in the manner hereinafter provided.

Highways not in ex-
isting subdivisions,
etc.

SEC. 7. That as to any highway or highways or part of any highway or highways laid down upon any such map which shall not lie within the limits of any existing subdivision the Commissioners at any time thereafter, when in their judgment the public convenience shall require the opening of the same or of any part thereof, may make application as aforesaid to the supreme court of the District of Columbia, holding a special term as aforesaid, for the condemnation and opening of the same; and said court in special term as aforesaid shall thereupon proceed in the manner hereinafter provided to condemn a permanent right of way for the public over all the land not already owned by the United States or the District of Columbia, or dedicated to public use as a highway, included within the highway or highways or part of a highway or highways described in such application: *Provided*, That in such case the court, after public notice shall have been given as hereinafter directed, shall first hear evidence as to whether the public convenience does in fact require the immediate opening of the highway or highways or part of any highway or highways described in such application, and shall determine that question on the evidence submitted to it; and if the court shall as to any part of the land sought to be condemned decide such question in the negative it shall proceed no further as to such part at that time. And if the court, after such notice and hearing, shall determine that the public convenience does not in fact require the immediate opening of any highway or highways or any part thereof described in such application; no further proceedings shall be had under such application.

Petition, etc.

Provisos.

Hearings, etc.

Determination, etc.

Further proceed-
ings.

Public notice of ap-
plication.

Hearing, etc.

Service of notice.

SEC. 8. That when any application shall have been filed in said court in special term under the preceding sections of this act said court in special term shall cause public notice of not less than thirty days to be given of such application, in such manner as shall be prescribed by a general rule by said court in general term, which notice shall warn all persons having any interest in the proceedings to attend the court at a day to be named in said notice, and to continue in attendance until the court shall have made a final order in the premises. Said court in special term, after such notice shall have been given, shall take no further step until the time thereby limited shall have expired, and shall afford all parties in interest a reasonable opportunity to be heard during the proceedings. In addition to such public notice said court in special term, whenever it shall be practicable to do so, shall cause a

similar notice to be served by the marshal of the District of Columbia, or his deputies, upon each of the owners of the land sought to be condemned; and shall also cause notice to be given to the attorney of the United States for the District of Columbia.

SEC. 9. That when the object of any such application to said court shall be in whole or in part to rectify or change an existing subdivision the court, immediately after the expiration of the time limited in such notice, shall proceed without delay to make the required condemnation, so far as it shall relate to any land within such subdivision, and as to any land not lying within the limits of an existing subdivision which is sought to be rectified or changed the court shall proceed in like manner only after it shall have determined as hereinbefore provided that the public convenience requires the condemnation, and then only to the extent which the public convenience shall require.

SEC. 10. That when any right of way is to be condemned under this act said court in special term 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, and shall administer to the jury an oath or affirmation that they will, without favor or partiality to anyone, to the best of their judgment, determine such questions as may be submitted to them by the court during the proceedings. 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 on all such objections and to excuse any juror and to cause any vacancies in the jury to be filled. When the jury shall have been organized the court and the jury shall hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia or on behalf of the United States or by any person having any interest in the proceedings, and the proceedings shall be conducted as nearly as may be as civil cases triable by jury are now conducted in said District, but the order of proof shall be in the discretion of the court. Upon the motion of any party in interest the court may direct the jury to view the premises under consideration, under such regulations as the court may prescribe. When the hearing is concluded the jury, or a majority thereof, shall render a written verdict in such form as may be prescribed or submitted to the jury by the court, which verdict shall be signed by the jurors, or by a majority of them, and filed in the court. The court shall have power to set aside such verdict when satisfied that the same is unjust or unreasonable. One jury may be sworn and one trial had as to all or any of the parcels of land involved in the proceeding, at the discretion of the court, and where the jury shall have rendered a verdict as to more than one parcel of land the court may set aside the verdict as to one or more parcels and confirm it as to the others. When the verdict of the jury, in whole or in part, shall have been so set aside a new jury shall be summoned and the proceedings continued until the court shall have confirmed a verdict as to all the land involved in the proceeding.

SEC. 11. That where the use of a part only of any parcel or tract of land shall be condemned in such a proceeding the jury in assessing the damages therefor shall take into consideration the benefit the purpose for which it is taken may be to the owner or owners of such tract or parcel by enhancing the value of the remainder of the same, and shall give their verdict accordingly, and the court may require in such case that the damages and the benefits shall be found and stated separately.

SEC. 12. That no trial under this act shall fail by reason of the death or disability of any juror occurring during the proceedings, but the hearing shall proceed with the remaining jurors: *Provided*, That no verdict shall be valid unless concurred in by a majority of a complete jury.

SEC. 13. That no evidence shall be offered or received by the jury as to the persons who will be entitled to receive the compensation that

Condemnation.

Jury.

Composition.

Oath.

Objections to jurors.

Hearing.

Procedure.

Order of proof, etc.

Written verdict.

May be set aside.

Powers of the court as to trials, juries, verdicts, etc.

Confirmation.

Damage where part only of tract condemned.

Death, etc., of juror.

Hearing to proceed.

Proviso.

Validity of verdict.

Evidence.

may be awarded as to any parcel of land. If any question shall arise as to whether any person claiming a right to be heard is in fact interested in the proceedings, the court shall hear and determine the question in a summary way, and in cases of doubt shall permit the party to be heard. The verdict of the jury shall state as to each parcel of land involved in the proceeding only the amount of compensation, less the benefits, if any, which it shall award in respect thereof, and shall not contain any finding as to the ownership of the land or the persons entitled to the compensation.

Contents of verdict.

Compensation of jurors.

SEC. 14. That each of said jurors shall receive a compensation of five dollars per day for his services during the time he shall be actually engaged in such services.

Damages to be equally assessed on benefited lands and District revenues.

SEC. 15. That the amount awarded by said court as damages for each highway or reservation, or part thereof, condemned and established under this act, shall be one half assessed against the land benefited thereby and the other half shall be charged up to the revenues of the District of Columbia; that one-half of the amount awarded by said court as damage for each highway or reservation or part thereof, condemned and established under this act, shall be charged upon the lands benefited by the laying out and opening of such highway or reservation or part thereof and the remainder of said amount shall be charged to the revenues of the District of Columbia. The same jury which shall assess the damages caused by the opening of any highways or reservation or part thereof, or by the abandonment of an existing highway or part thereof, shall ascertain and determine what property is thereby benefited, and shall assess against each parcel which it shall find to be so benefited its proper proportional part of the whole of said one-half of the damages: *Provided*, That in making such assessment for benefits the jury shall, as to any tract a part of which shall have been taken for such highway or reservation, or part thereof, make due allowance for the amount, if any, which shall have been deducted from the value of the part taken on account of the benefit to the remainder of the tract. The proceedings of the court and the jury in making assessments for benefits under this section shall conform as nearly as is practicable to the foregoing provisions of this act relating to the assessment of damages, and the verdict of the jury making an assessment under this section as to any parcel of land shall not be conclusive until the same shall have been confirmed by the court. When confirmed by the court the assessment so made shall be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia have been collected since February twenty-first, eighteen hundred and seventy-one, and shall be payable in five equal annual installments, with interest at the rate of four per centum per annum from the date of the confirmation of the assessment by the court. That no expense for the improvement of any street, circle, reservation or avenue laid out under the provisions of this act, outside the cities of Washington and Georgetown, shall be chargeable to the Treasury of the United States, but such expense shall be paid solely out of the revenues of the District of Columbia.

Damages and benefits to be found by same jury, etc.

Proviso.

Proceedings in assessing benefits to conform to those assessing damages, etc.

Confirmation of verdict by the court. Assessment a lien upon land.

Collection.

Payable in installments. Interest.

Improvement of streets, etc., outside of city lines, chargeable to District revenues only.

Distribution of damages.

Where no controversy as to distribution, etc.

Where there is controversy, etc.

SEC. 16. That when said court shall have assessed the damages to be paid as to any parcel of land the use of which shall have been condemned, or which shall have been injured by the abandonment of a previously existing highway, and there shall be no controversy as to the persons who are entitled to receive the same or as to the distribution of the same among them, said court shall decree such payment to be made, and upon presentation of a duly certified copy of such decree to the Treasurer of the United States he shall report the same to Congress for consideration and action and shall make such payment to the person or persons appearing by such decree to be entitled thereto as Congress may provide; but where any such controversy shall exist or where there shall be any doubt as to the proper disposition of the compensation awarded, the court shall order that the damages assessed by

it involved in such controversy or doubt shall be paid into the registry of the court, and upon the presentation of a duly certified copy of such order to the Treasurer of the United States he shall, when the necessary money is appropriated, pay the amount therein mentioned to the clerk of said court; and the claims of the respective parties thereto shall thereupon be heard and decided by the court as in interpleader suits in equity, under such general rules as may be prescribed by said court in general term.

Payment into court.

Hearing of contending claims, etc.

Questions of law certified to court in general term.

Appeals.

Proviso.
Limitation.

SEC. 17. That said court, in special term as aforesaid, may certify to said court in general term for decision there in the first instance any question of law that shall arise during any proceeding in said court in special term under this act. Any party aggrieved by the final order or decree of said court in special term fixing the amount of damages or the assessment for benefits as to any parcel of land may take an appeal therefrom to said court in general term, and shall be entitled to a bill of exceptions as in civil cases, triable by jury in said court, and said court in general term may affirm, reverse, or modify the order or decree appealed from: *Provided*, That said court in general term shall consider only questions of law arising on such appeal. From a final decree of said court in special term under this act distributing the damages among contending claimants any party aggrieved may in like manner take an appeal to the court in general term, which in such cases shall consider both questions of law and of fact. Any appeal under this act shall be taken within twenty days after the making of the final order or decree appealed from, and not afterwards, and shall be subject to existing laws and rules of court regulating appeals to said court in general term. Cases arising under this act shall have precedence over all other business in said court in special term, and shall have precedence in said court in general term over all other cases except criminal cases, and the decision of said court in general term upon any question arising under this act shall be final.

Final decision.

Possession to be enforced by process.

SEC. 18. That whenever any final decree shall have been made by said court under the provisions of this act for the payment of the damages to the parties or into the registry of the court and when the money has been appropriated and paid the Commissioners shall be entitled to take immediate possession of the parcel of land in regard to which said order of payment shall have been made, and the court shall enforce such right of possession by proper order and by process addressed to the marshal of the United States for the District of Columbia. In case the court shall enter judgment of condemnation in any case, and appropriation is not made by Congress for the payment of such award within the period of six months, Congress being in session for that time after such award or for the period of six months after the meeting of the next session of Congress, the proceedings shall be void, and the land shall revert to the owners.

In certain cases proceedings voided and land reverts.

SEC. 19. That the Commissioners of the District of Columbia shall include in their annual report a full statement of their action under this act, and shall submit annual estimates of the expenditures necessary to be made under its provisions, as other estimates are submitted.

Report and estimates by District Commissioners.

Approved, March 2, 1893.

CHAP. 199.—An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes.

March 3, 1893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the purposes following,

District of Columbia appropriations.
Half from District revenues.