

July 15, 1882.

**CHAP. 293.**—An act abolishing the military reservation at Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead entry and sale the same as other public lands.

Abolition of military reservation at Fort Abercrombie, Minn.

Lands open to entry and sale.

*Proviso.*  
Rights of actual settlers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the military reservation of Fort Abercrombie, in the State of Minnesota, be, and the same is hereby, abolished; and the Secretary of the Interior is hereby authorized to have the lands embraced therein made subject to town site homestead entry and sale the same as other public lands: *Provided*, That the rights of all actual settlers entitled to the benefits of the homestead laws of the United States, who now occupy in good faith any portion of the land embraced within said reservation, shall date from the day of their actual settlement thereon; and in perfecting their titles thereto, under the homestead laws, the time such settlers have occupied and improved their said lands shall be allowed.

Approved, July 15, 1882.

July 17, 1882.

**CHAP. 294.**—An act to increase the water-supply of the city of Washington, and for other purposes.

Increase of water-supply of Washington, D. C.  
Survey, etc.

Reservoir capacity not less than 300,000,000 gallons.

Dam across Potomac River at Great Falls.

Title, etc.

Avenue over line of aqueduct.

*Proviso.*  
Lands not donated, condemned.

Conditions.

Appraisers.

Valuation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War shall cause to be made a survey and map of the land necessary to extend the Washington Aqueduct from its present eastern terminus to the high ground north of Washington near Sixth street extended, and of the land necessary for a reservoir at that point the capacity of which shall not be less than three hundred million gallons; and a like survey and map of the land necessary for a dam across the Potomac River at the Great Falls, including the land now occupied by the dam, and the land required for the extension of said dam across Conn's Island to and upon the Virginia shore; and when surveys and maps shall have been made the Secretary of War and the Attorney-General of the United States shall proceed to acquire to and for the United States the outstanding title, if any, to said land and water-rights, and to the land on which the gate-house at Great Falls stands by condemnation.

And in obtaining title to the right of way for the extension of said aqueduct, the Secretary of War and Attorney-General may, in their discretion, secure title to a strip suitable for an avenue over such part of said aqueduct extended as they think proper: *Provided*, That at least one-half in value of such right of way shall be donated or dedicated by the owners to that public use: *And provided further*, That if it shall be necessary to resort to condemnation, the proceeding shall be as follows.

When the map and survey are completed, the Attorney-General shall proceed to ascertain the owners or claimants of the premises embraced in the survey, and shall cause to be published, for the space of thirty days, in one or more of the daily newspapers published in the District of Columbia, a description of the entire tract or tracts of land embraced in the survey, with a notice that the same has been taken for the uses mentioned in this act, and notifying all claimants to any portion of said premises to file, within its period of publication, in the Department of Justice, a description of the tract or parcel claimed, and a statement of its value as estimated by the claimant. On application of the Attorney-General, the chief justice of the supreme court of the District of Columbia shall appoint three persons, not in the employ of the government or related to the claimants, to act as appraisers, whose duty it shall be, upon receiving from the Attorney-General a description of any tract or parcel the ownership of which is claimed separately, to fairly and justly value the same and report such valuation to the Attorney-General, who thereupon shall, upon being satisfied as to the title to the same, cause to be offered to the owner or owners the amount fixed

by the appraisers as the value thereof; and if the offer be accepted, then upon the execution of a deed to the United States in form satisfactory to the Attorney-General, the Secretary of War shall pay the amount to such owner or owners from the appropriation made therefor in this act.

In making the valuation the appraisers shall only consider the present value of the land without reference to its value for the uses for which it is taken under the provisions of this act.

The appraisers shall each receive for their services five dollars for each day's actual service in making the said appraisements.

Compensation.

Any person or corporation having any estate or interest in any of the lands embraced in said survey and map who shall for any reason not have been tendered payment therefor as above provided or who shall have declined to accept the amount tendered therefor, and any person who, by reason of the taking of said land, or by the construction of the works hereinafter directed to be constructed, shall be directly injured in any property right, may, at any time within one year from the publication of notice by the Attorney-General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damages for the property taken or injury sustained; and the said court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay.

Damages.

*Proviso.*

Judgments in favor of such claimants shall be paid as other judgments of said court are now directed to be paid; and any claimant to whom a tender shall have been made as hereinbefore authorized, and who shall have declined to accept the same, shall, unless he recover an amount greater than that so tendered, be taxed with the entire cost of the proceeding. All claims for value or damages on account of ownership of any interest in said premises, or on account of injury to a property right by the construction of said works, shall, unless a petition for the recovery thereof be filed within one year from the date of the first publication of notice by the Attorney-General as above directed, be forever barred: *Provided*, That owners or claimants laboring under any of the disabilities defined in the statute of limitations of the District of Columbia may file a petition at any time within one year from the removal of the disability.

Judgments, how paid.

Claims for damages barred after one year, etc.

*Proviso.*

Upon the publication of the notice as above directed, the Secretary of War may take possession of the premises embraced in the survey and map, and proceed with the constructions herein authorized; and upon payment being made therefor, or, without payment, upon the expiration of the times above limited without the filing of a petition, an absolute title to the premises shall vest in the United States.

Title to lands to vest in United States, when.

SEC. 2. That the Secretary of War be, and is hereby, authorized and directed to extend the Washington Aqueduct from its present eastern terminus to the high ground north of Washington near Sixth street extended; and that he construct at that point a reservoir of the capacity of not less than three hundred millions gallons, erect the necessary gate-house, and lay such main-connections as may be necessary to furnish to Washington and Georgetown an ample supply of water; and that he complete the dam at Great Falls to the level of one hundred and forty-eight feet above tide, and extend the same at that level across Conn's Island to the Virginia shore; and that he raise the embankment between the Potomac River and the Chesapeake and Ohio Canal above the dam, so as to protect the canal from the increased flooding which the completion of the dam will cause in times of high water, or pay to the canal company, in full satisfaction for all such flooding, the amount hereinafter appropriated for that purpose.

Secretary of War to extend Washington aqueduct, etc.; to build reservoir; capacity; to complete dam at Great Falls and extend the same, etc.

SEC. 3. That the following sums, or so much thereof as may be neces-

Appropriations:

sary, are hereby appropriated out of any money in the Treasury not otherwise appropriated:

**Purchase of land.** To pay for land to extend aqueduct, fifty-one thousand three hundred and seventy dollars.

For extension of aqueduct to the high ground north of Washington near Sixth street extended, five hundred and ninety-nine thousand five hundred and thirty-four dollars and fifty-five cents.

For necessary main-connections, one hundred and sixty-five thousand four hundred dollars.

To pay for land for reservoir, thirty-five thousand two hundred and fifty dollars.

**Material and labor.** For work and material in constructing reservoir and gate-house, four hundred and thirty-one thousand two hundred and seventy-three dollars and seventy-five cents.

**Water rights.** To pay for water rights and land necessary to extend dam at Great Falls to the Virginia shore, forty-five thousand dollars.

**Work and material.** For work and material to complete the dam at Great Falls to the level of one hundred and forty-eight feet above tide, and extend the same to the Virginia shore, one hundred and forty-five thousand one hundred and fifty-one dollars.

**Protection of Chesapeake and Ohio Canal from flooding.** To protect the Chesapeake and Ohio Canal from increased flooding by reason of completing the dam at Great Falls, twelve thousand three hundred dollars.

**Fish-ways.** To provide for the erection of suitable fish-ways at the Great Falls of the Potomac and at the dam to be constructed under the provisions of this act in accordance with plans and specifications to be prescribed by the United States Commissioner of Fish and Fisheries, fifty thousand dollars, or so much thereof as may be necessary: *Provided further,*

**Proviso.** That one-half the cost of said improvement, excluding the fish way, shall be annually computed and stated by the Treasurer of the United States, and charged to a capital account on the books of the Treasury, and that interest at the rate of three per centum per annum thereon shall be annually computed and charged to said account, and that any surplus of water rents over and above the expense of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created, until the same shall be finally extinguished and the water rents shall be so regulated from time to time as to be at least sufficient to pay the expenses of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law. After the extinguishment of said account and until further action by Congress the surplus water rents shall be paid into the Treasury of the United States.

**Surplus of water rents, etc., credited in account.** That one-half the cost of said improvement, excluding the fish way, shall be annually computed and stated by the Treasurer of the United States, and charged to a capital account on the books of the Treasury, and that interest at the rate of three per centum per annum thereon shall be annually computed and charged to said account, and that any surplus of water rents over and above the expense of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created, until the same shall be finally extinguished and the water rents shall be so regulated from time to time as to be at least sufficient to pay the expenses of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law. After the extinguishment of said account and until further action by Congress the surplus water rents shall be paid into the Treasury of the United States.

Approved, July 15, 1882.

July 15, 1882.

**CHAP. 295.**—An act to provide for the erection of a public building at Poughkeepsie, New York.

Poughkeepsie,  
N. Y.  
Public building.  
Purchase of site.

Plans, cost.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Poughkeepsie, in the State of New York, a substantial and commodious public building, with fire proof vaults, for the use and accommodation of the post office and internal revenue offices, and for other government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the