

March 3, 1905.
[H. R. 15609.]

[Public, No. 173.]

CHAP. 1440.—An Act Providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes.

Spokane River,
Wash.
Use of waters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right to the use of the waters of the Spokane River where the said river forms the southern boundary of the Spokane Indian Reservation may, with the consent of the Secretary of the Interior, be acquired by any citizen, association, or corporation of the United States by appropriation under and pursuant to the laws of the State of Washington.

Spokane Indian
Reservation.
Grant of lands of,
for dams, etc.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and empowered to grant such appropriator or appropriators land on said reservation, whether the same has been allotted in severalty to any individual Indians, but which has not been conveyed to the allottee with full power of alienation, or whether the same remains unallotted, on the north bank of the said Spokane River, such as shall be necessary and requisite for overflow rights and for the erection of suitable water, electrical, or power plants, dams, wing walls, flumes, or other needful structures required for the development of power or for the beneficial use of said water: *Provided,* That no lands shall be granted under this Act until after the Secretary of the Interior is satisfied that the person, association, or company applying has made said application in good faith and with intent and ability to use said lands for the purposes above specified and that it requires the quantity of land applied for in such use, and in case objection to the grant of said land shall be made the said Secretary shall afford the parties so objecting a full opportunity to be heard.

Proviso.
Decision of Secre-
tary of the Interior.

Compensation.

SEC. 3. That the compensation to be paid for said land by said applicants shall be determined in the manner prescribed in section three of the Act of March second, eighteen hundred and ninety-nine, entitled "An Act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes."

Vol. 30, p. 991.

Indian lands.

SEC. 4. That if the land allotted in severalty to any individual Indian which has not been conveyed to the allottee with full power of alienation be granted to any such appropriator, the Secretary of the Interior is empowered to use the moneys received for such land so allotted in the purchase of other suitable lands for such allottee.

Rules, etc.

SEC. 5. That the Secretary of the Interior shall make all needful rules and regulations not inconsistent herewith for the proper execution and carrying into effect of this Act.

Approved, March 3, 1905.

March 3, 1905.
[H. R. 15970.]

[Public, No. 174.]

CHAP. 1441.—An Act To amend section eleven hundred and forty-one of the "Act to establish a code of law for the District of Columbia," approved March third, nineteen hundred and one, as amended by the Act approved June thirtieth, nineteen hundred and two.

District of Columbia
Code.
Guardianship.
Vol. 31, p. 1371,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eleven hundred and forty-one of the "Act to establish a code of law for the District of Columbia," approved March third, nineteen hundred and one, as amended by the Act approved June thirtieth, nineteen hundred and two, be, and the same is hereby, amended so as to read as follows:

Ancillary guardians
for nonresident in-
fants and lunatics.

"SEC. 1141. NONRESIDENT INFANT OR LUNATIC.—Whenever an infant or lunatic residing without the District is entitled to property in the District or to maintain any action therein, a general guardian or committee of his estate, appointed by a court of competent juris-

diction in the State or Territory where said infant or lunatic resides, or any person at the request of said guardian or committee, may apply to the court by petition for ancillary letters as such guardian or committee. Said petition must be under oath and be accompanied with duly certified copies of so much of the record and proceedings as shows the appointment of such guardian or committee and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority hereby conferred. The court may thereupon issue to such guardian or committee ancillary letters as such guardian or committee, without citation, or may cite such persons as it may think proper to show cause why the said application should be refused; and the said court shall require from such person or persons the security required by law in like cases from a resident guardian or committee."

Petition.

Appointment.

Bond.

Approved, March 3, 1905.

CHAP. 1442.—An Act For the extension of Nineteenth street from Woodley road to Baltimore street.

March 3, 1905.
[H. R. 16187.]

[Public, No. 175.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within thirty days after the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Nineteenth street from Woodley road to Baltimore street with a uniform width of fifty feet.

District of Columbia.
Extension of Nineteenth street.
Proceedings to condemn land for.

SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Nineteenth street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for.

Assessment of damages and benefits.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia or his deputies upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

Notice of proceedings.
Advertisement.

Personal service.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the

Jury.