

if any of them refuse to attend, he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be stricken off by the parties until the number shall be reduced to twelve, who shall be a jury.

SEC. 14. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage and make report thereof in writing, to be signed by a majority of them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

Assessment of value and damages by jury.

SEC. 15. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one, from time to time, to be conducted in like manner as the first and with like effect until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report, and upon payment of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property or such estate, interest, or use as shall have been valued and described in the inquisition and report, for the purposes hereinbefore specified; and the corporation shall have the right to take away for its own use any material so valued.

Confirmation by the court.

Property to vest in corporation on paying award.

SEC. 16. That Congress reserves to itself the right to alter or repeal this act.

Amendment.

Approved, March 2, 1889.

CHAP. 395.—An act to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River in the State of Louisiana.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands lying in the rear of eighty arpents from and east of the Mississippi River and south of the Bayou Manchac and Amite River, within the limits of townships eight and nine south, of ranges one, two, three, or four east, and township ten south of ranges two, three, and four east, in the late southeastern district in the State of Louisiana, which lands have been reserved from sale because claimed to be embraced within certain French or Spanish land grants, but which have been, or may hereafter be, decided by the courts of the United States not to be legally embraced within any such land grants claimed to have been granted by the French or Spanish Governments within the said limits, shall be restored to the public domain and shall be surveyed; and that so soon as said surveys shall have been made, all persons who have in good faith settled upon said lands within the limits of said townships at the time of the passage of this act, and who occupy the same, shall be entitled to enter the same, not exceeding one hundred and sixty acres each, under the provisions of the homestead laws, and shall be admitted to make their proofs and complete their titles in the same manner as if the said reservation, because of said grants claimed, had not been made; and all lands embraced within said townships not covered by actual settlers shall be subject to

Louisiana. Lands in, restored to public domain.

Surveys.

Homestead entries.

Proviso.
Lands excepted.

Drainage.

No indemnity.

District included in this act.

Swamp lands to Louisiana.

entry, under the provisions of the homestead laws only: *Provided*, That this right of entry shall not extend to any lands within the limits of eighty arpents in depth from the Mississippi River, nor to any confirmed land grants within the limits of said townships; *And provided further*, That all lands disposed of under the provisions of this act shall be subject to all existing servitudes for drainage recognized by the laws of the State of Louisiana: *And provided further*, That neither the claimants under this act as homesteaders nor the State of Louisiana shall be entitled to indemnity from the United States by reason of the passage hereof or of any action under it. That the provisions of this act shall be and are hereby extended to embrace all settlers upon public lands and for the disposition of all public lands embraced in the grant to Daniel Clark so far as decreed invalid by the Supreme Court of the United States and the unconfirmed Conway claim: *Provided*, That the provisions of this act shall be limited to the lands claimed by actual settlers for purposes of cultivation whose titles are now incomplete, within the limits of the Donaldson and Scott, Daniel Clark, and Conway grants, and that after setting apart to each of said settlers, not to exceed one hundred and sixty acres, the residue of the public lands within said grants shall continue to be, as they are now, a part of the public domain: *And provided further*, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the acts of Congress granting swamp lands to the several States of the Union.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 396.—An act to regulate the course at the Naval Academy.

Naval Academy.
Division of fourth class.

Course of study for line and Marine Corps.

Engineer Corps.

Appointments from graduates.

Proviso.
Appointments not to exceed vacancies occurring.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Academic Board of the Naval Academy shall on or before the thirtieth day of September in each year separate the first class of naval cadets then commencing their fourth year into two divisions, as they may have shown special aptitude for the duties of the respective corps, in the proportion which the aggregate number of vacancies occurring in the preceding fiscal year ending on the thirtieth day of June in the lowest grades of commissioned officers of the line of the Navy and Marine Corps of the Navy shall bear to the number of vacancies to be supplied from the Academy occurring during the same period in the lowest grade of commissioned officers of the engineer corps of the Navy; and the cadets so assigned to the line and Marine Corps division of the first class shall thereafter pursue a course of study arranged to fit them for service in the line of the Navy, and the cadets so assigned to the Engineer Corps division of the first class shall thereafter pursue a separate course of study arranged to fit them for service in the Engineer Corps of the Navy, and the cadets shall thereafter, and until final graduation, at the end of their six years' course, take rank by merit with those in the same division, according to the merit marks; and from the final graduates of the line and Marine Corps division, at the end of their six years' course, appointments shall be made hereafter as it shall be necessary to fill vacancies in the lowest grades of commissioned officers of the line of the Navy and Marine Corps; and the vacancies in the lowest grades of the commissioned officers of the Engineer Corps of the Navy shall be filled in like manner by appointments from the final graduates of the Engineer division at the end of their six years' course: *Provided*, That no greater number of appointments into the said lowest grades of commissioned officers shall be made each year than shall equal the number of vacancies which shall have occurred in