

SEC. 2. That the location and terminus of this railway, the width of the right of way and dimension of terminal facilities for buildings, turn-tables, and so forth, for the use of said railway within said reservation, shall be made with and subject to the approval of the Secretary of War, or such person or persons as he may designate, and authority is hereby granted said street railway company to construct a bridge for this purpose and to have the exclusive use thereof over said Republican River, at a point to be selected by said Secretary of War, or such person or persons as he may designate, and to land the north end of this said bridge on said reservation and within fifteen hundred feet west of said Union Pacific Railroad bridge.

Secretary of War to approve location, etc.

Company may bridge Republican River, Geary County, Kans. Exclusive use.

Location of bridge.

Fare.

Maximum.

SEC. 3. That the fare to be charged by said street railway company for the transportation of all persons in the military service of the United States and their families, either to or from Fort Riley to the opposite terminus of the road, shall not exceed the sum of ten cents each.

Completion.

SEC. 4. That if the rights hereby conferred shall not be exercised and the road built within three years next after the passage of this act, all the rights and authority hereby granted shall absolutely cease and determine.

Approved, February 27, 1891.

CHAP. 382.—An act to incorporate the Washington and Arlington Railway Company of the District of Columbia.

February 28, 1891.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That W. H. Randle, D. C. Forney, J. S. Lawrence, Beriah Wilkins, C. G. Lee, James L. Barbour, and their associates and assigns, be, and they are hereby, created a body corporate under the name of the Washington and Arlington Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same, by horse, cable, compressed air or other power to be approved by the Commissioners of the District of Columbia, or electric power, for carrying passengers, parcels, milk, and truck, by the following route, namely: Beginning on Sixth street near B street northwest; along B street and Virginia avenue northwest to Twenty-sixth street; along Twenty-sixth street to M street; along M street and Canal road to a point on the Potomac River at or near the point known as "The Three Sisters," where the said company is hereby authorized to construct and maintain a bridge across the Potomac River on such plans as the Secretary of War may approve; and from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate outside of the cemetery grounds to the south or west line thereof, in the State of Virginia: *Provided*, That said road shall cross the Chesapeake and Ohio Canal on a bridge that shall be so constructed as not to interfere with the use of the bed or tow-path of the canal as a waterway, or as a railway, and in a manner satisfactory to the Secretary of War: *Provided*, That said company shall not operate any part of its line by electric power with overhead wires within the city limits: *Provided*, That should any part of the track herein authorized occupy the same street or avenue with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or,*

Washington and Arlington Railway Company incorporated; granted right of way through Fort Meyer reservation and may bridge Potomac River at Washington, D. C. Incorporators. Tracks, etc.

Power.

Location.

May bridge Potomac River at "The Three Sisters."

Provisos.

Chesapeake and Ohio Canal to be bridged.

Overhead wires in city limits.

Coinciding tracks.

Terms for use of other lines.

<p>Litigation.</p> <p>Secretary of War to approve bridge plans, etc., prior to commencement of road in District.</p> <p>Consent of Virginia.</p> <p>Right of way through Fort Myer reservation, etc.</p> <p>Arlington Cemetery Grounds excepted.</p> <p>Limitation.</p> <p>Regulations, etc.</p> <p>Construction of railway on bridge, etc.</p> <p>Joint approval.</p> <p>Tracks, etc., in District.</p> <p>Paving.</p> <p>Excavations for machinery, etc.</p> <p>Operative buildings, etc.</p> <p>Fare.</p> <p>Tickets.</p> <p>Annual report to Congress.</p> <p>Payment to District in lieu of taxes on personality.</p> <p>Tax-arrearage. Penalty, etc.</p>	<p>in the case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party, and on such reasonable notice to the other party as the court may order: <i>And provided</i>, That no work shall be done on said road in the District of Columbia, until the plans and specifications for the proposed bridge on the Potomac River at or near "The Three Sisters" shall have been approved by the Secretary of War, and the construction of said bridge actually commenced: <i>And provided</i>, That so much of said line as may lie within the State of Virginia shall first receive the approval of the proper authorities of said State. And said company is hereby authorized to run its said railway through the United States reservation known as Fort Myer and such other land of the United States in the State of Virginia, excepting the Arlington Cemetery Grounds, as may be necessary to construct the railway between the points named in this bill: only if the Secretary of War shall deem the same promotive of the public interest and always subject to such conditions and regulations as the Secretary of War may from time to time impose.</p> <p>SEC. 2. That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good materials, and in a substantial manner, with grooved rails of the best pattern, and of a suitable gauge,—all to be approved by the Commissioners of the District of Columbia and the Secretary of War jointly. The tracks of said railway, so far as the same shall lie within the District of Columbia, and the space between the same and for two feet adjacent to the outer rails thereof, shall be at all times kept by said company well paved and in good order to the satisfaction of the Commissioners of the District of Columbia; and it shall be lawful for said company to make all needful and convenient trenches and excavations in any streets or spaces where its railway may be constructed, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the Commissioners of the District of Columbia, and subject to the other provisions of this act; and, also, it shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line not in any avenue, street, alley, or other public place as may be deemed advisable by said company or its board of directors, and subject to the approval and regulations from time to time made by the Commissioners of the District of Columbia over the place or places where the same may be located, an engine house or houses, boiler house or houses, and other buildings necessary for the successful operation of said road.</p> <p>SEC. 3. That the said company may receive a rate of fare not exceeding five cents for each passenger for one continuous ride over the route aforesaid or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for twenty-five cents. Said company shall, on or before the fifteenth day of January of each year, report to Congress the names of all the stockholders thereof and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from different sources and on whatever account for the preceding year ending December thirty-first, which report shall be verified by the affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, four per centum of its gross earnings upon traffic for the preceding year, which amount shall be paid to the collector of taxes at the times and in the manner that other taxes are or may be payable and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof in the</p>
---	--

same manner as is or may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all other assessments upon its personal property in the District of Columbia, used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks shall not be considered real estate for the purpose of taxation.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars, and may be increased to three hundred thousand dollars by order of a majority of the stockholders at a general meeting, in shares of one hundred dollars each. Said company shall require the subscribers to its capital stock to pay in cash to the treasurer, appointed by the corporators hereinbefore named, the amounts severally subscribed by them as follows, to wit: Ten per centum at the time of subscribing and the balance at such times and in such amounts as the board of directors of said company may require; and no subscription shall be deemed valid unless ten per centum thereof shall be paid at the time of subscription, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment or installments as aforesaid, or as required by the resolution of the board of directors, said board may sell at public auction to the highest bidder so many shares of the stock of such defaulting stockholder as shall be necessary to pay said installments, under such general regulations as may be adopted by the by-laws of said company, and for the purposes of such sale the highest bidder shall be deemed and taken to be the person who shall offer to purchase the least number of shares for the assessments due; but no stock shall be sold at such sale for less than the total assessments due and payable at the time thereof; or said company may sue and collect from any delinquent subscriber, in any court of competent jurisdiction, the amount of the assessments at any time due and payable in accordance herewith, and bonds may be issued in amount not exceeding fifty per cent. of the stock subscribed and paid for: *Provided*, That the entire issue of stock and bonds shall not exceed the actual cost of constructing and equipping the road, including the bridge; and *provided, also*, that the total amount of bonds issued shall not exceed double the amount of the paid up stock; and every certificate of stock issued shall show the amount paid on same, to be secured by mortgage or deed of trust upon the property of the company.

SEC. 5. That said company shall place first-class cars on its said railway, with all modern improvements, for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, and according to a schedule to be made from time to time by said company and approved by the Commissioners of the District of Columbia, but no steam cars, locomotives or passenger or other cars for steam railways shall ever be run on the tracks of said railway in the District of Columbia. Said company may buy land on which to construct passenger-rooms, ticket-offices, workshops, depots, and buildings as may be necessary, and as the business of said railway and the convenience of the public may require, at such points along its line as may be approved by the Commissioners of the District of Columbia, as to so much of its railway as lies within the said District, and the Secretary of War as to the remainder of said railway. No person shall be prohibited from riding on the cars of said company or ejected therefrom by the company's employees for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of profane or indecent language, or for refusing to pay the legal fare exacted, or to comply with the lawful general regulations of said company.

SEC. 6. That within thirty days after the approval of this act the corporators above named, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books

Tax on realty.

Proviso.

Tracks exempted.

Capital stock.

Terms of subscription.

Delinquent stockholders.

Provisos.

Maximum stock and bond issue.

Limit of bond issue.

Post, 1114.

Character of cars.

Time schedule.

Steam cars, etc., in District, prohibited.

Purchase of land for buildings.

Ejection, etc., of passengers.

Opening of subscription books.

of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia from nine o'clock in the forenoon until five o'clock in the afternoon for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for), the said corporators shall give notice, by advertisement in two or more of the daily papers published in the city of Washington, District of Columbia, of the time, manner, and the place where said books shall be opened, and subscribers upon said books to the capital stock of said company shall be held to be stockholders therein: *Provided, however,* That every subscriber shall pay at the time of subscription ten per centum of the amount by him subscribed to the treasurer appointed by the corporators aforesaid, or his subscription shall be null and void: *And provided further,* That nothing shall be received in payment of the ten per centum aforesaid except lawful money of the United States or certified checks of any established national bank. And when the books of subscription to the capital stock of said company shall be closed the corporators aforesaid, or a majority of them, and in case any of them refuse or neglect to act, a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet ten days thereafter for the choice of directors, of which meeting notice shall be given by advertisement three times in two public newspapers published daily in the city of Washington aforesaid, and by written personal notice to be mailed to the address of each stockholder by the treasurer aforesaid; and in any meeting of stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

SEC. 7. That the government and direction of the affairs of said company shall be vested in a board of directors, not less than five nor more than nine in number, who shall be stockholders of record and who shall hold office for one year, and until their successors are duly elected and qualified, and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of said company, and shall also elect a vice-president, secretary, and treasurer, the last named of whom shall give a bond, with surety, to said company in such sum as said directors may require, for the faithful discharge of his trust. In case of vacancy in the board of directors by death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors, or in such other manner as the by-laws of said company may prescribe. The directors of said company shall have power to make, prescribe, amend, and alter such by-laws, rules, and regulations as they shall deem needful and proper touching the management of said company, and the disposition and management of its stock, property, estate, and effects.

SEC. 8. That the principal office of said company shall always be situated in the District of Columbia, and the books and papers relating to the business of said company shall be kept thereat, open at all times to the inspection of the stockholders. The meetings of the stockholders, and directors of said company shall be held at said office, and there shall be an annual meeting of the stockholders for choice of directors to be held at such time, under such conditions, and upon such notice as the said company shall by its by-laws prescribe, and said directors shall hold such meetings as may by said by-laws be prescribed, and shall annually make a report, in writing, of their doings to the stockholders and to the Commissioners of the District of Columbia. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election as respects said election, and for the purpose of paying dividends at such lawful and reasonable times

Provisos.
Payments.
First meeting of stockholders.
Voting.
Board of Directors.
Officers.
Filling vacancies.
By-laws, etc.
Principal office.
Annual meeting, etc.
Annual report to stockholders and Commissioners.

before the payment thereof as the by-laws of said company may prescribe.

SEC. 9. That said company shall commence the construction of its said railway within twelve months from the approval of this act, and said railway shall be built its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers within three years from the date of such approval; otherwise this act shall be null and void.

Commencement and completion of railway.

SEC. 10. That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of cars with motive power of the kind described by this act belonging to any individual or corporation legally authorized thereto, upon making just compensation for such use, and in case any dispute shall arise concerning such compensation or manner of use any party in interest may apply to the Supreme Court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and the mode in which such use may be enjoyed.

Use by other companies of bridge tracks, etc.

Terms.

Litigation.

SEC. 11. That if the corporation cannot agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, non compos mentis, or out of the District, the said corporation may apply to the supreme court of the District of Columbia, at any general or special term thereof, and said court after reasonable public notice and hearing shall proceed with the condemnation of such land or property for the use aforesaid.

Construction material, etc.

Acquisition of land, etc.

SEC. 12. That for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the marshal shall accordingly summon eighteen disinterested men, not related to either party; and 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 so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

Condemnation proceedings.

Jury.

SEC. 13. 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 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.

Oath, etc.

Inquisition and report.

Return.

SEC. 14. 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 or tender 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 according to the nature of such condemnation and appropriation for the uses mentioned in this act.

Confirmation to be recorded.

May be set aside and new inquisition ordered.

Payment, etc.

SEC. 15. That said railway shall be constructed in such a manner as not to injure or endanger any of the pipes, fixtures, or apparatus

Protection, etc., of water pipes, etc.

of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War, or other lawful public authority, to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. If in the course of construction of said railway, or at any time thereafter, it shall be deemed by the Secretary of War necessary for the better protection of such water pipes, fixtures, or apparatus, or for other water pipes, fixtures or apparatus that may be laid or applied, to raise or otherwise fix or adjust any avenue, street, road, alley or public place containing or to contain such pipes, or to otherwise adjust the same so as to produce absolute security for all such pipes and apparatus existing or to be laid or arranged at any point or points on or contiguous to the line of said railway, such changes in grade and otherwise, or works, as shall be deemed necessary by the Secretary of War shall be made, done and performed by and at the expense of said railway company, and its successors and assigns, to the satisfaction of the Secretary of War; and the remainder of width of any avenue, street, alley, road, or other public place, at all such points or places, shall be raised, adjusted, repaved and put in condition, safe for all such pipes and apparatus, and in a manner satisfactory to the Secretary of War, and in conformity to any order of the Secretary of War in the matter, and at the expense of said company, and its successors and assigns. Any structure, work in or change in the condition of any such avenue, street, road, alley or public place, not made in conformity with the provisions in this act contained, shall be unlawful.

Necessary changes in street grades, etc., to be made by order of Secretary of War, at expense of company, etc.

Other changes not lawful.

Amendment, etc.

SEC. 16. That Congress hereby reserves to itself the right at any and all times to alter, amend, or repeal this act.

Approved, February 28, 1891.

February 28, 1891.

CHAP. 383.—An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes."

Allotment of land in severalty to Indians on Indian reservations, etc.

Vol. 24, p. 368, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an Act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions: *Provided further*, That

To each located Indian one-eighth of a section.

Provisos.

Allotment pro rata, if lands insufficient, as per legal subdivisions.

Allotment by treaty or act, not reduced.