

provided further, That this act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada."

Approved, May 24, 1890.

Cessation.

CHAP. 355.—An act to amend section twenty-two hundred and ninety-four of the Revised Statutes of the United States, and for other purposes.

May 26, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-two hundred and ninety-four of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

* Public lands.
Homesteads, etc.
R. S., sec. 2294, p. 421,
amended.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, pre-emption, timber culture, or desert land law is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, he or she may make the affidavit required by law before any commissioner of the United States circuit court or the clerk of a court of record for the county in which the land is situated, and transmit the same, with the fee and commissions to the register and receiver.

When applicants may make affidavit before commissioner of United States circuit court or clerk of court.

"That the proof of settlement, residence, occupation, cultivation, irrigation, or reclamation, the affidavit of non-alienation, the oath of allegiance, and all other affidavits required to be made under the homestead, pre-emption, timber culture, and desert land laws, may be made before any commissioner of the United States circuit court, or before the judge or clerk of any court of record of the county or parish in which the lands are situated; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them, with the fee and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, and corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalty as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver shall be as follows:

Proof of residence, etc.
R. S., sec. 2291, p. 420,
amended.

Before United States commissioner, judge, or clerk of court, etc.

Penalty for false swearing.

Fees for entries, etc., thus made.

"For each affidavit, twenty-five cents.

"For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

"For each deposition of claimant or witness prepared by the officer one dollar.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by a fine not exceeding one hundred dollars."

Penalty for excessive fees.

Approved, May 26, 1890.

CHAP. 382.—An act to change the route of the Rock Creek Railway Company, and for other purposes.

May 28, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Rock Creek Railway Company be, and the same is hereby, amended so as to authorize said company to lay its tracks and to run its cars thereon, through and along the following-named streets,

Rock Creek Railway Company, District of Columbia, change of route, etc.
Vol. 25, pp. 199-203,
amended.

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| Route. | avenues, and places: Commencing at the intersection of Connecticut and Florida avenues; thence easterly along Florida avenue formerly known as Boundary street, to Eighteenth street; thence northerly along Eighteenth street to Columbia road; thence westerly, crossing Columbia road and extending through the Cliffbourne tract, to Rock Creek, on such line as shall be approved by the Commissioners of the District of Columbia; thence crossing Rock Creek on a substantial, elevated iron bridge to be erected by said company at its own expense and approved by said Commissioners, which shall be a thoroughfare open to the public, not less than fifty feet wide, including sidewalks; thence northwesterly through Woodley Park to a point near Woodley road in Connecticut avenue extended, on such line as shall be approved by the Commissioners of the District of Columbia; thence northerly along Connecticut avenue extended to the north line of the District of Columbia; also commencing at the intersection of Eighteenth and U streets northwest; thence east, following U street, to Fourteenth street west: <i>Provided</i> , That the said company, at its own expense, shall keep its said tracks within the city limits and on Florida avenue and Eighteenth street to Columbia road, and for the space of two feet beyond the outer rails thereof and also the space between the rails and tracks, at all times well paved with asphalt, or such other pavement as the Commissioners of the District of Columbia shall approve, and keep the same in good repair; and if said company shall fail to pave or repair the said streets in the manner aforesaid the Commissioners of the District of Columbia shall cause the same to be paved or repaired as aforesaid, and the cost of such paving shall be recovered by the Commissioners against said company in any court of competent jurisdiction, and the amount so paid for such paving or repairing by said Commissioners shall be a lien upon all property of said company from the time that said paving or repairing is made until paid by said company. |
| Bridge. | |
| <i>Proviso.</i> To keep tracks, etc., well paved, etc. | |
| In case of failure, District Commissioners to pave, etc., at company's cost, etc. | |
| Lien. | |
| Repeal of old route. Vol. 25, p. 200. | SEC. 2. That so much of the original charter of said company, granted by act which became a law June twenty-second, eighteen hundred and eighty-eight, as prescribed a route or routes for the tracks and road of said company be, and the same is hereby, repealed, and that the route or routes prescribed by this act shall be the only route or routes for the tracks and road aforesaid: <i>Provided</i> , That said company shall not operate any part of its road by electric power with overhead wires within the city limits. |
| <i>Proviso.</i> No overhead electric wires in city limits. | |
| Capital stock. | SEC. 3. That said company is hereby authorized to issue its capital stock to an amount not to exceed the actual cost, more than ten per centum of the right of way, construction and equipment, motive power, and such land and buildings as may be necessary to said road, in shares of one hundred dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and five per centum each thirty days thereafter, until fifty per centum thereof shall have been paid, the balance of such subscription to be paid at such times and such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and |
| Post, p. 836. | |
| Subscriptions. | |
| Delinquent stock sales, etc. | |

payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

And the time in which the work and construction of the road shall begin and be completed is hereby extended so that the work shall be commenced within thirty days and the entire road completed within eighteen months from the passage of this act.

SEC. 4. That when the property owners shall have dedicated for the purposes of a public highway five-sixths in quantity of the land necessary to open a street of such width as the Commissioners of the District of Columbia may prescribe from Columbia road to Connecticut avenue extended and also to prolong said Connecticut avenue extended from the point of meeting of said street therewith to the boundary of the District of Columbia for the full width of one hundred and thirty feet, if any of the remaining owners of property lying within the path of such street or said avenue extended shall refuse or neglect to dedicate their land or lands for the purposes of said street or said avenue, or to sell and convey the same to the District of Columbia at a price to be agreed upon by and between such owners and the said District, then in that event it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized, empowered, and directed, to condemn, in accordance with the provisions of sections two hundred and fifty-seven to two hundred and sixty-seven, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia, the remaining one-sixth of said lands so as aforesaid lying within the path of such street or said avenue extended, or so much thereof as may not have been dedicated or sold, as hereinbefore provided, and to open such street as aforesaid for the width aforesaid, and to open said Connecticut avenue extended for the width of one hundred and thirty feet as a public highway: *Provided*, That the said company shall furnish the money to pay for the purchase or condemnation of said lands and to compensate the owners therefor: *And provided further*, That the track or tracks of said company shall be laid in such portions of such avenues as will least interfere with public travel, the location of the same to be settled by the Commissioners of the District of Columbia.

SEC. 5. That the said company shall continue, subject to all the conditions and limitations of its original charter; and that Congress reserves the right to amend, alter, or repeal the original charter, and this act.

Approved, May 28, 1890.

Commencement and completion extended.

Dedication, purchase, and condemnation of lands for public highway.

R. S. D. C., secs. 257-267, pp. 29-30.

Provisos.
Cost of purchase, etc.

Interference with public travel, etc.

Original charter re-affirmed, etc.

Amendment, etc.

CHAP. 388.—An act to provide for the erection of a public building in the city of Canton, Ohio.

June 2, 1890.

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 is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Canton, and State of Ohio, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of one hundred thousand dollars.

Canton, Ohio.
Public building, etc.
Site.
Building.

Cost.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals to be advertised for.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause

Responses.