

mine the same, after notice to all parties, without the intervention of a jury, and the judgement of the said court shall be final.

SEC. 4. *And be it further enacted*, That this act shall take effect from the date of its passage.

APPROVED, March 18, 1869.

Judgment.  
When act takes effect.

CHAP. III. — *An Act for the further Security of equal Rights in the District of Columbia.*

March 18, 1869.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the word "white," wherever it occurs in the laws relating to the District of Columbia, or in the charter or ordinances of the cities of Washington or Georgetown, and operates as a limitation on the right of any elector of such District, or of either of the cities, to hold any office, or to be selected and to serve as a juror, be, and the same is hereby, repealed, and it shall be unlawful for any person or officer to enforce or attempt to enforce such limitation after the passage of this act.

APPROVED, March 18, 1869.

The word "white" in the laws relating to the District of Columbia, &c. whenever, &c. repealed, &c.

CHAP. V. — *An Act to incorporate the National Junction Railway Company.*

March 29, 1869.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That James A. Magruder, John L. Kidwell, C. H. Cragin, John W. Thompson, Hallet Kilbourn, Alexander R. Shepard, and William H. Tenney, of the District of Columbia, together with such other persons as may become associated with them for that purpose, together with their successors, are hereby created and erected into a body corporate and politic, in deed and in law, by the name and title of the National Junction Railway Company, and by that name have perpetual succession, and shall be able to sue and to be sued, to plead and be impleaded, to defend and be defended, in the courts of law and equity within the District of Columbia, and may use a common seal, and may adopt by-laws for the regulation of its government.

National Junction Railway Company incorporated.  
[Act amended, 1870, ch. 165. Post, p. 167.]

SEC. 2. *And be it further enacted*, That the said corporation is hereby fully authorized and empowered to survey, locate, lay out, construct, collect tolls upon, maintain, and enjoy a railway line, with appurtenances and machinery necessary for one or more tracks, within the District of Columbia, commencing at the northern terminus of the aqueduct bridge, in the city of Georgetown, or at some eligible point on the south shore of the Potomac river above and near said bridge; thence in a north-easterly direction by the most feasible route crossing Rock creek, entering the city of Washington, and passing through either S, T, or U Street west, [north,] around the city of Washington, crossing the branches of the Baltimore and Ohio railroad upon the legally established grades of the city, in such a manner as not to be dangerous to passengers and trains on either road; thence to a point most feasible on the Potomac river, or eastern branch of the same, at or near the navy yard, at a point to be indicated by the Secretary of the Navy, with the rights, powers, and privileges to construct the said road, the grades of the road to be approved by the authorities of the cities of Washington and Georgetown; also the privileges of locating and constructing a grand Union depot on the line of said road, at some point between Third Street west and Fourteenth Street west, in Washington city; also a similar depot at some convenient point in Georgetown, near the said aqueduct.

Powers of corporation.  
Line of railway.  
[Location charged. Post, p. 167.]

Grades to be approved.  
Grand Union depot.  
Other depot.  
Capital stock  
Number of shares, and how transferable.

SEC. 3. *And be it further enacted*, That the capital stock of said National Junction railway shall consist of five thousand shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall provide.

SEC. 4. *And be it further enacted*, That it shall be lawful for the said National Junction Railway Company, if deemed necessary, to borrow from time to time sums of money not exceeding five hundred thousand dollars, and to issue bonds therefor, bearing interest not exceeding seven per centum, payable semiannually, and to mortgage as security therefor all the corporate rights, franchises, property, real and personal, of whatever kind soever, belonging to said company.

SEC. 5. *And be it further enacted*, That the persons herein named as incorporators, or a majority of them, shall, within ninety days after the passage and approval of this act, meet in the city of Washington for the purpose of prescribing regulations for opening books of subscription to said capital stock, at such times and place as they may designate, by public notice of at least ten days in two daily papers in the city of Washington; and said books shall be kept open until two hundred thousand dollars of said stock shall be subscribed, and twenty per centum on all subscriptions shall be paid in lawful money at the time of subscribing, to the person or persons authorized by the corporators to receive the same; and whenever that amount shall have been subscribed, and twenty per centum of the same paid in as above described, it shall be the duty of the above-named corporators (a majority of them shall constitute a quorum for the transaction of business) to call a meeting of the stockholders, at the city of Washington, for the purpose of electing directors of the said corporation, and each share of said stock on which the said twenty per centum has been paid as hereinbefore provided shall entitle the owner to one vote. The corporators herein named shall designate a majority of their number to act as inspectors of elections; which majority of inspectors so designated shall certify, under their names, the directors thus duly elected, and shall notify them of their election and the time and place of the first meeting of the said board of directors. At such meeting the above corporators shall deliver to the said directors the books of subscription to the stock of said National Junction Railway Company, together with the amount paid thereon, with a full report of their proceedings under this act, and thereupon the duties of the corporators hereinbefore named shall cease and determine forever; and thereafter the said directors, with their successors or assigns, shall constitute the said body politic and corporate. The directors thus chosen shall hold their office for one year and until others are elected and qualified to fill their places. A majority of said directors shall constitute a quorum for the transaction of business.

SEC. 6. *And be it further enacted*, That the said directors shall, at their first meeting, elect from their own number a president and vice-president. They may also, from time to time, elect a treasurer, a secretary, chief engineer, and a general superintendent, together with such other officers, agents, and employees as they may deem necessary, each of whom shall hold office or position during the pleasure of said board of directors. The directors shall have power to fill all vacancies in the board which may be caused by death or resignation, except as hereinbefore provided for. The treasurer and secretary shall give bonds with security, as the board shall from time to time require. Meetings of the stockholders of the said corporation for the election of directors, and for the transaction of business, shall be holden annually, and at such other times and upon such notice as may be prescribed by the by-laws. The directors of the said corporation may require the subscribers to the capital stock to pay the amount by them subscribed, respectively, at such times, in such manner, and in such instalments as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalment, as required by a resolution of the board of directors, the said board may forfeit said stock for non-payment, and all previous payments shall revert in law and in equity to the said corporation under such regulations, or

Company may borrow money and issue bonds secured by mortgage, &c.

Books for subscription of stock.

First meeting for the election of directors.

Inspectors of elections.

Corporators to deliver to directors subscription books, &c.

Directors and successors to constitute the corporation; their term of office;

quorum. Officers, agents, and employees of the corporation.

Vacancies.

Bonds.

Annual meetings of stockholders.

Payment of capital stock.

Forfeiture for non-payment, &c.

may sue for and collect the unpaid instalments in any court of competent jurisdiction.

SEC. 7. *And be it further enacted,* That the said corporation is hereby empowered to purchase, lease, receive, and hold such real estate or other property as may be necessary for accomplishing the objects of this act, and may by their agents, engineers, contractors, or workmen immediately enter upon, take possession of, and use all such real estate and property as may be necessary for the construction, maintenance, and operation of said railroad and the accommodations appertaining thereto. But all real estate or property thus entered upon and appropriated by said railroad, and the accommodations appertaining hereto, which are not donations, shall be purchased by said corporation of the owner or owners of the same at a price to be mutually agreed upon between them; and in case of a disagreement as to price, the said corporation, or the owner or owners of such real estate or property, shall apply by petition to a justice of the supreme court of the District of Columbia, particularly describing the property; and the said justice, upon receiving such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein a time and place for hearing the parties; at which time and place, upon proof that the notice directed has been given, the said justice shall direct the manner of ascertaining the true value of said real estate or other property, together with the damages which the owner or owners thereof have sustained, or may sustain by reason of the appropriation, occupation, and use thereof by the said corporation; and the said justice shall appoint not less than three nor more than seven competent and disinterested commissioners, who shall be freeholders in the District of Columbia, and at least one of them shall be a resident of the municipal corporation in which said real estate or other property may be situated, and who shall, under the direction of said justice, view said premises or property, take such testimony as they may deem proper, make appraisement, and determine said damages, and report the same under oath and in writing to said justice. The report shall contain a minute and accurate description of the real estate and other property appraised, together with all the evidence taken by the commissioners in the case. It shall be the duty of said justice to examine the report of said commissioners, and upon application of either party he shall give the parties a hearing in relation thereto; and he shall have power to increase or diminish said appraisal or damages if he shall become satisfied upon such hearing that injustice has been done. Upon proof to the said justice, to be made within sixty days after his determination of payment to the owner or owners, or depositing to the credit of the owner or owners, or their legal representatives, in such banking institution as said justice shall direct, the amount of said award, and the payment of all expenses attending the same, including an allowance of three dollars per diem to each of the aforesaid commissioners, the said justice shall order or decree, particularly describing said real estate or other property, and reciting the appraisement of damages and the mode of making it, together with such facts as he may deem pertinent; and when the said order or decree shall be recorded in the recorder's office of the county or city in which such real estate or other property is situated, the said corporation, or its successors or assigns, shall be legally or equitably seized and possessed of such real estate or other property for the use and for the purposes hereinbefore described. In case any married woman, infant, idiot, insane person, or non-resident of the district in which said real estate or other property may be situated, shall be interested in such real estate or other property, the said justice shall appoint some competent disinterested person to appear before said commissioner and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

Corporation may purchase and hold real estate;

may take possession of property, necessary, &c.

Proceedings when the corporation and owners of property cannot agree upon the price.

Petitions to court.

Hearing.

Commissioners.

Damages and report.

Power of justice over the report;

as to damages.

Decree of the court.

Effect of decree when recorded.

Property of persons under disability.

Wilful injury to the property of the company, punished by fine, or, &c.

SEC. 8. *And be it further enacted*, That if any person shall wilfully do or cause to be done an[y] act or acts whatever, whereby any building, structure, or other work, or any engine, car, or machine, or other property appertaining to said railroad shall be injured, impaired, or destroyed, or stopped, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction shall be punished by a fine, at the discretion of the court, of not more than five thousand dollars, or by imprisonment of not more than two years, or both, at the discretion of the court, and also forfeit and pay to the said company, its successors and assigns, the amount of damages sustained by means of such offences, to be recovered by said company with costs of suit by any action of debt or case.

Damages.

Company not to grant exclusive right to carry freight or passengers.

SEC. 9. *And be it further enacted*, That said company shall not grant to any railroad or other corporation the exclusive right to transfer passengers or freight over said railroad; but any privilege granted to one corporation shall be extended to all who may make application for such privilege on the same terms, conditions, and rates, and shall not sell, transfer, or lease their corporate rights to any company that will not check baggage or commute fares with all connecting railroads upon the terms specified in this section.

Equal privileges to all.

Corporate rights not to be sold to, &c.

Road when to be commenced and completed.

SEC. 10. *And be it further enacted*, That the said corporation shall, as soon as practicable after the election of directors, as hereinbefore provided, so commence and prosecute the work of constructing and equipping said railroad that it shall be fully completed and equipped in three years from and after the first board of directors have been elected.

Congress may regulate fares.

SEC. 11. *And be it further enacted*, That Congress shall have the right to regulate the rate of fares collected by said company from passengers and the rate of charges for transporting freight; and all property owned by said company shall be subject to taxation by the proper municipal authority.

Taxation.

Act may be altered, &c.

SEC. 12. *And be it further enacted*, That this act may be at any time amended or repealed.

APPROVED, March 29, 1869.

April 3, 1869.

CHAP. IX. — *An Act to abolish the Office of Chief of Staff to the General of the Army.*

Office of chief of staff to the General of the army abolished.

Repealing clause.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the office of chief of staff with the rank of brigadier-general to the General commanding the army be, and the same is hereby, abolished.

SEC. 2. *And be further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, April 3, 1869.

April 5, 1869.

1867, ch. 164.

Vol. xiv. p. 430. First and second sections of the act of 1867, ch. 164, repealed.

CHAP. X. — *An Act to amend "An Act regulating the Tenure of certain civil Offices."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first and second sections of an act entitled "An act regulating the tenure of certain civil offices," passed March two, eighteen hundred and sixty-seven, be, and the same are hereby, repealed; and in lieu of said repealed sections the following are hereby enacted:

Persons holding civil offices, by consent of Senate, to hold for the term of their appointment, unless, &c.

That every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.