

persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 19. That the said railway company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 20. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 21. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

SEC. 22. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

SEC. 23. That all plans relating to the location and construction of said railway shall be subject to the approval of the Commissioners of the District of Columbia, or their successors, and all work shall at all times be subject to their supervision. The said corporation shall, from time to time, deposit with the collector of taxes, District of Columbia, such amounts as may be deemed necessary by said Commissioners to cover the cost of inspection, supervision, pavement, and repairs.

SEC. 24. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Washington and Marlboro Electric Railway Company shall be complied with by any and all the successors to and assigns of said Company.

SEC. 25. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, March 2, 1895.

Crossings.

Proviso.
Not to hinder travel.

Ejection, etc., from cars.

Condemnation proceedings.

Deposit as guaranty.

Forfeiture.

Approval of plans, etc.

Assigns to comply with conditions, etc.

Amendment, etc.

CHAP. 168.—An Act To incorporate the Capital Railway Company.

March 2, 1895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John B. Stetson, Augustus Burgdorf, Clarence F. Norment, Arthur E. Randle, Harry Upson Sims, Henry C. Longnecker, W. Frederick Snyder, Joseph B. Lewis, and William Henry Randle, of _____, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Capital Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States, and may make and have a common seal. And said

District of Columbia.
Capital Railway Company incorporated.
Incorporators.

- May construct street railway.** corporation is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices in the District of Columbia, and run cars thereon for carrying passengers, parcels, milk, and truck by and along the following route: Beginning at a point on the District line near the Potomac River, southeast of Shepherds Ferry, thence north by such route as shall be approved by the District Commissioners to the south side of the Eastern Branch or Anacostia River, thence across the same by transfer ferry to First street or South Capitol street, as may be approved by the District Commissioners, to M street, over the same route to the beginning; also commencing at Anacostia railroad tracks and Harrison street, Anacostia; thence along Harrison street and Good Hope Road, Good Hope Road extended, to the District line, and return over same route. These routes may be modified or extended at the will of Congress, and the Capital Railway Company shall comply with such modifications or extensions.
- Route.**
- Widening roads.** SEC. 2. That whenever the roadway of any street occupied by the Capital Railway Company is widened, one-half of the cost of widening and the improvement of such widened part shall be charged to the said railway company, and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.
- Vol. 18, p. 119.**
- County roads.** SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road.
- Construction.** SEC. 4. That the said railway shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be approved by the Commissioners of the District of Columbia.
- Condition of roadway.** SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia, or their successors, may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.
- To maintain light if overhead wire power.** SEC. 6. That if the said railway be operated by overhead wires, the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.
- Altering grades, etc.** SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewerage thereof; in such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.
- Construction.** SEC. 8. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permission of the District Commissioners therefor, to make all needful and convenient trenches

and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

Changes of pipes, etc.

SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States, to the credit of the Washington Aqueduct, such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

Deposit to defray inspection, etc., expenses.

Provisos.
Disbursement.

Return of balance.
Orders.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of its railroad.

Engine houses, etc.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within three years from date of the passage of this Act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this Act shall immediately cease and determine.

Commencement and completion.

SEC. 12. That the said company may run public carriages propelled by cable, electric, or other mechanical power; but nothing in this Act shall allow the use of steam power in locomotives, or of overhead trolleys within the limits of the city: *Provided*, That if electric power by trolley be used, that the said company shall be liable for all damages made thereby to subsurface metal pipes, and to other public and private property: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route, and shall have the right to construct ferry slips and to operate and maintain a steam transfer ferry from a point at or near the foot of South Capitol street to the opposite shore of the Anacostia River, for the purpose of transferring its passengers, and so forth, or cars, subject to the approval of the Commissioners of the District of Columbia: *Provided further*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby

Motive power.

Provisos.
Damages if trolley used.

Crossings.

Ferry.

Use of coinciding tracks.

authorized and empowered to use such tracks in common upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

No general stopping places on coinciding tracks.

Existing stations.

Repairs, etc.

First-class equipment to be used.

SEC. 13. That the said company shall furnish and maintain passenger houses, as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table to be subject to the approval of the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

Penalty.

Regulation of speed.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Meeting to receive subscriptions.

SEC. 15. That within thirty days after the passage of this Act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving of subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum in cash of the amount by him subscribed to the treasurer appointed by the corporation, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of the subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily

Provisos.
Ten per cent must be paid.

Lawful money, etc., required.

First meeting of stockholders.
Notice.

newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 16. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, who shall give bond with surety to said company, in such sums as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise of any director the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 17. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

SEC. 18. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time in the District of Columbia, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 19. That said company is hereby authorized to issue its capital stock to an amount not to exceed the estimated cost of the construction and equipment of the road in shares of fifty dollars each, and to issue bonds not to exceed the cost of construction of the road, but such stock and bonds shall not exceed in the aggregate more than the actual cost of the right of way, construction, and equipment of said road. 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 the balance of such subscription to be paid at such times and in 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 the 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 installments, 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 payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction: *Provided*, That no certificates of stock shall be issued until the same has been paid for in money at its face value.

SEC. 20. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 21. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners

Board of directors.

Officers.

Vacancies.

By-laws, etc.

Annual meeting of stockholders.

Issuing capital stock.

Subscribers.

Payments.

Sale of stock in default.

Provido.
Certificates.

Lost articles.

Annual report.

Contents.	of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on 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, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: <i>Provided</i> , That its tracks shall not be taxed as real estate.
Tax.	
Sale for nonpayment of taxes.	
<i>Proviso.</i> Tracks not realty.	
Fare.	SEC. 22. That said company may receive a rate of fare not exceeding five cents per passenger; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: <i>Provided</i> , That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.
Exchanges. <i>Proviso.</i> Tickets.	
Penalty for obstructing cars, etc.	SEC. 23. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.
Crossings.	SEC. 24. That the Capital Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: <i>Provided</i> , That it shall not interrupt the travel of such other railways in such construction.
<i>Proviso.</i> Not to hinder travel.	
Ejection, etc., of passengers.	SEC. 25. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.
Condemnation of right of way.	SEC. 26. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding twenty feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and

regulations as said court may prescribe for such purposes: *Provided*, That any property owner shall have the right of trial by jury in such issue. *Proviso.*
Jury.

SEC. 27. That should the Capital Railway Company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, all rights, franchises, and privileges herein granted shall cease and determine. *Rights, etc., forfeited on failure to build.*

SEC. 28. That all plans of location and construction of tracks and other structures in public places pertaining to said railway shall be subject to the approval of the Commissioners of the District of Columbia, and all work thereof shall at all times be subject to their supervision. The said company shall, from time to time, deposit with the collector of taxes of the District of Columbia such amounts as may be deemed necessary by said Commissioners to cover the costs of inspection, supervision, changes to water pipes and sewer connections, changes of curb and pavement, and work not otherwise provided for, which may be made necessary by the location, grade, or underground conduits of said railway. Any unexpended balance remaining after construction of said road shall be returned to said company with an account in full of the disbursement of such deposits. *Commissioners to approve plans, etc.*
Deposit for inspection, etc.

SEC. 29. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Capital Railway Company shall be complied with by any and all the successors to and assigns of said company. *Assigns to comply with conditions.*

SEC. 30. That this Act may at any time be altered, amended, or repealed by the Congress of the United States. *Amendment, etc.*

Approved, March 2, 1895.

CHAP. 169.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-six. *March 2, 1895.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, for the purposes and objects hereinafter expressed, namely: *Agricultural Department appropriations.*

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY: For compensation of Secretary of Agriculture, eight thousand dollars; Assistant Secretary of Agriculture, four thousand five hundred dollars; chief clerk in said Department, who shall be superintendent of the Department buildings, two thousand five hundred dollars; private secretary to the Secretary of Agriculture, two thousand dollars; stenographer to the Secretary of Agriculture, one thousand four hundred dollars; private secretary to the Assistant Secretary of Agriculture, one thousand six hundred dollars; one librarian, one thousand eight hundred dollars; one assistant librarian, one thousand four hundred dollars; chief of stationery and property division, two thousand dollars; one telegraph and telephone operator, one thousand two hundred dollars; two clerks of class four, three thousand six hundred dollars; three clerks of class three, four thousand eight hundred dollars; four clerks of class two, five thousand six hundred dollars; ten clerks of class one, twelve thousand dollars; ten clerks, at one thousand dollars each, ten thousand dollars; six clerks, at eight hundred and forty dollars each, five thousand and forty dollars; one engineer, who shall be captain of the watch, one thousand six hundred dollars; one fireman, who shall be a steam fitter, nine hundred dollars; one assistant fireman, seven hundred and twenty dollars; one assistant fireman, six hundred dollars; two night watchmen, and two *Pay of Secretary, Assistant, clerks, etc.*