

said District of a notice, served in like manner as notices in regard to assessment and permit work are required by law to be served, directing the owner, agent, or other person or persons owning or controlling the land, structure, or other property upon which such fence or barrier exists to remove the same.

SEC. 4. That any person violating any of the provisions of this Act shall, upon conviction thereof in the police court of said District, be fined not more than ten dollars for each day such violation shall continue.

Penalty.

SEC. 5. That in case the owner, agent, or other person or persons in control of the property along which such fence, barrier, or obstruction unlawfully exists can not be found within five days after the issue of such notice, the Commissioners shall publish such notice twice a week for two successive weeks in one daily newspaper of general circulation published in the District of Columbia. If within five days after the last publication of said notice the fence, barrier, or obstruction therein described be not removed, the inspector of buildings of said District shall immediately cause such fence, barrier, or obstruction to be removed, and the expense of such removal shall be paid out of the assessment and permit fund; and the cost of such removal, together with the cost of said advertising, shall be assessed against said property and collected as general taxes in said District are assessed and collected; and the funds from which said payments are made shall be reimbursed from such collections.

Notice by publication.

Removal by inspector of buildings.

—costs.

Approved, July 8, 1898.

CHAP. 641.—An Act To incorporate the Washington and University Railroad Company of the District of Columbia.

July 8, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That J. D. Croissant, Frederick C. Kennedy, A. O. Humphrey, David D. Stone, John J. Flynn, V. K. Nash, and Charles S. Lord, and their associates, successors, and assigns, are hereby created a body corporate under the name of the Washington and University Railroad Company of the District of Columbia.

District of Columbia.

Incorporation of Washington and University Railroad.

Corporators. Amended, post, p. 1343.

ROUTE.

Route.

SEC. 2. That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at or near the intersection of the Tennallytown road and Quincy street; thence westerly on Quincy street to Forty-fourth street; thence northerly on Forty-fourth street to Vallejo street; thence westerly on Vallejo street to Forty-seventh street; thence northerly on Forty-seventh street to Flint street; thence west on Flint street to Boundary avenue; thence southerly on Boundary avenue to Forty-eighth street; thence southerly on Forty-eighth street to Brandywine street; thence easterly on Brandywine street to Forty-seventh street, as shown upon the plans of the third section of highway extensions: *Provided*, That where this route lies within the lines of a proposed highway the company shall acquire a right of way not less than thirty feet wide in the center thereof, and all rights of way acquired within the lines of proposed highways shall be dedicated to the use of the public before a permit is issued for the construction of a railroad therein.

Proviso. To acquire right of way in proposed highways.

MOTIVE POWER.

Motive power.

SEC. 3. That the motive power shall be electricity, and if the trolley system is used a return wire of equal capacity to the feed wire, and similarly insulated, must be provided, and each car shall be equipped with a double trolley. No portion of the electrical circuit shall, under any circumstances, be allowed to pass through the earth, and neither pole of any dynamo furnishing power to the line shall be grounded.

Plans, approval of

PLANS.

SEC. 4. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

Excavations.

EXCAVATIONS.

SEC. 5. That excavations in the highways shall be made under permits from the Commissioners, and subject to regulations prescribed by them.

Construction.

CONSTRUCTION.

—inspection.

—changes.

SEC. 6. That the railway and its appurtenances shall be constructed in a substantial and durable manner. Such construction shall at all times be subject to District inspection. All changes to existing structures in public space shall be made at the expense of the company.

Deposits.

DEPOSITS.

SEC. 7. That the company shall deposit such sums as the Commissioners may require to cover the cost of District inspection and the cost of changes to public works in the streets.

Care of roadway.

CARE OF ROADWAY.

Change of grade
etc.

—expenses.

Vol. 20, p. 105.

SEC. 8. That the company shall keep the space between its rails and tracks and two feet exterior thereto in good condition, to the satisfaction of the Commissioners; and said spaces shall be kept in such condition that vehicles can readily and easily pass from one side of the tracks to the other. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary; and when any highway occupied by the company is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section five of the Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight.

Completion.

COMPLETION.

SEC. 9. That the road shall be in operation for its entire length within the District of Columbia within two years from the approval of this Act.

Deposit to guarantee
construction.

GUARANTEE DEPOSIT.

SEC. 10. That within sixty days from the approval of this Act the company shall deposit one thousand dollars with the collector of taxes of the District of Columbia to guarantee the construction of its railway within the prescribed time. If this sum is not so deposited this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed said one thousand dollars shall be forfeited to the District of Columbia and this charter shall be void.

Cars.

CARS.

SEC. 11. That the cars shall be first class, and shall be kept in good condition, to the satisfaction of the Commissioners.

Time-table.

TIME-TABLE.

SEC. 12. That the cars shall be run as often as the public convenience requires, on a time-table satisfactory to the Commissioners and approved by them.

SPEED.

Speed.

SEC. 13. That the speed of cars shall be subject to the police regulations of the District of Columbia.

EJECTION FROM CARS.

Ejection from cars.

SEC. 14. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof.

ARTICLES LEFT IN CARS:

Articles left in cars.

SEC. 15. That as far as possible articles left in cars shall be cared for by the company, to the end that they may be restored to the rightful owner.

FARE.

Fare.

SEC. 16. That the rate of fare within the District of Columbia shall not exceed five cents per passenger, and six tickets shall be sold for twenty-five cents.

BUILDINGS.

Buildings.

SEC. 17. That the company is authorized to erect and maintain the buildings necessary to the operation of its road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners, and proper conveniences for the public shall be provided at such rooms and stations.

-transfer stations, etc.

LAND.

Land.

SEC. 18. That the company is authorized to acquire, by purchase or condemnation, the necessary land for its authorized right of way.

ORGANIZATION.

Organization.

SEC. 19. That the corporators shall open books of subscription to the capital stock of the company within three months from the approval of this Act, of which previous notice shall be given every day for one week by advertisement in a newspaper published in the city of Washington. The corporators herein named shall be individually liable for moneys received for subscriptions to the capital stock prior to the organization of the company by the stockholders. Within six months from the approval of this Act the company shall be organized by the stockholders, for which purpose the corporators shall call a meeting of the stockholders, notifying them of the purpose, time, and place of such meeting by a letter mailed to each, and giving additional notice, by advertisement in a newspaper published in the city of Washington, every day for one week previous to such meeting; and thereafter the stockholders shall meet at least once a year, and such notice shall be given of each meeting. Each share of paid-up stock shall entitle the holder to one vote. The stockholders are empowered to elect a president, a treasurer, a secretary, a board of directors, and other officers, and to make by-laws and regulations for the government of the company.

Subscription to capital stock.

Meeting of stockholders.

Election of officers.

CAPITAL STOCK.

Issue of capital stock and bonds.

SEC. 20. That the company is authorized to issue bonds and capital stock, said stock to be in shares of ten dollars each: *Provided, however,* That the total issue of said bonds and stock shall not in the aggregate exceed the amount necessary for the cost of construction and equipment of its railway and buildings; and before any bonds or stock shall be issued the amount thereof shall be ascertained and fixed by the Commissioners of the District of Columbia; and for this purpose said

Provido. -limit.

Commissioners to determine amount of issue, etc.

Commissioners are hereby authorized to subpoena and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of issue: *And provided further*, That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia. And all bonds or stock issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provisions of this Act, shall be null and void. Stock sold by the company shall be fully paid for before delivery to purchaser. Stockholders shall be individually liable to the extent of the value of the stock held by them.

—appeal.

Excessive issue void.

Payment for stock.

Taxes.

TAXES:

SEC. 21. That the Washington and University Railroad Company shall annually pay to the District of Columbia a franchise tax of five-eighths of one per centum of the entire gross earnings of such company, and a personal tax of two per centum per annum on the entire gross earnings of said company. There shall also be levied and collected upon all of the real estate of said company a tax in the same manner and to the same extent as upon all other real estate in the District of Columbia; said taxes shall be due and payable, subject to the same penalties on arrears, and collectible in the same manner as other taxes in the District of Columbia.

Penalties.

PENALTIES.

SEC. 22. That each and every violation of the requirements of this Act shall be punishable by a fine of from twenty-five to one thousand dollars, in the discretion of the court; such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

Amendment.

AMENDMENT; REPEAL.

SEC. 23. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, July 8, 1898.

July 8, 1898.

CHAP. 642.—An Act To increase the number of post quartermaster-sergeants in the United States Army.

Army.
Post quartermaster-sergeants, increase in number.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number of post quartermaster-sergeants of the Army be increased by the addition of twenty-five post quartermaster-sergeants, to be appointed by the Secretary of War in the manner now provided for by law.

Approved, July 8, 1898.

July 8, 1898.

CHAP. 643.—An Act Providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska.

Supreme Court.
Transfer to, from circuit court of appeals. Ninth circuit, of certain appeals from district court of Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all cases, civil and criminal, filed on appeal from the district court of the United States for the district of Alaska in the United States circuit court of appeals for the ninth judicial circuit, and pending on appeal therein on and prior to the thirtieth day of December, eighteen hundred and ninety-seven, of