

**CHAP. 638.**—An Act To amend “An Act for the preservation of the public peace and protection of property in the District of Columbia,” approved July twenty-ninth, eighteen hundred and ninety-two.

July 8, 1898.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an Act entitled “An Act for the preservation of the public peace and the protection of property within the District of Columbia,” approved July twenty-ninth, eighteen hundred and ninety-two, be, and the same is hereby, amended to read as follows:

District of Columbia. Injury to public and private property forbidden. Vol. 27, p. 322, amended.

“That it shall not be lawful for any person or persons to destroy, injure, disfigure, cut, chip, break, deface, or cover or rub with or otherwise place filth or excrement of any kind upon any property, public or private, in the District of Columbia, or any public or private building, statue, monument, office, dwelling, or structure of any kind, or which may be in course of erection, or the doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches, or halls, or the walls or sides, or the walls of any inclosure thereof; or to write, mark, or paint obscene or indecent words or language thereon, or to draw, paint, mark, or write obscene or indecent figures representing obscene or indecent objects; or to write, mark, draw, or paint any other word, sign, or figure thereon, without the consent of the owner or proprietor thereof, or, in case of public property, of the person having charge, custody, or control thereof, under a penalty of not more than fifty dollars for each and every such offense.”

—penalty.

That said Act be further amended by striking out sections five and six and inserting in lieu thereof the following:

“That it shall not be lawful for any person or persons within the District of Columbia to congregate and assemble in any street, avenue, alley, road, or highway, or in or around any public building or inclosure, or any park or reservation, or at the entrance of any private building or inclosure, and engage in loud and boisterous talking or other disorderly conduct, or to insult or make rude or obscene gestures or comments or observations on persons passing by, or in their hearing, or to crowd, obstruct, or incommode the free use of any such street, avenue, alley, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or inclosure; that it shall not be lawful for any person or persons to curse, swear, or make use of any profane language or indecent or obscene words, or engage in any disorderly conduct in any street, avenue, alley, road, highway, public park or inclosure, public building, church, or assembly room, or in any other public place, or in any place wherefrom the same may be heard in any street, avenue, alley, road, highway, public park or inclosure, or other building, or in any premises other than those where the offense was committed, under a penalty of not more than twenty-five dollars for each and every such offense.”

Disorderly assembly, etc., forbidden.

Obstructing street.

Swearing, etc.

—penalty.

That the said Act be further amended by striking out the eighth section and inserting in lieu thereof the following:

“That all vagrants, all idle and disorderly persons, persons of evil life or evil fame, persons who have no visible means of support, persons repeatedly drunk in or about any of the streets, avenues, alleys, roads, highways, or other public places within the District of Columbia, persons repeatedly loitering in or around tippling houses, all suspicious persons, all public prostitutes, and all persons who lead a lewd or lascivious course of life, shall upon conviction thereof be fined not to exceed forty dollars, or shall be required to enter into security for their good behavior for a period of six months. Said security shall be in the nature of a recognizance to the District of Columbia, to be approved by the court, in a penalty not exceeding five hundred dollars, conditioned that the offender shall not, for the space of six months, repeat the offense with which he or she is charged and shall in other respects conduct themselves properly.”

Vagrants, prostitutes, etc.

—penalty on conviction.  
—to give bond for good behavior.  
—penalty of recognizances, etc.

That section nine be amended by inserting, after the words "public square," where it occurs the second time in said section, the words "or public or private building," so that said section shall read:

Indecent exposure  
forbidden.

"That it shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person or their persons in any street, avenue or alley, road or highway, open space, public square, or other public place or inclosure, in the District of Columbia, or to make any such obscene or indecent exposure of person in any dwelling or other building or other place wherefrom the same may be seen in any street, avenue, alley, road or highway, open space, public square, or public or private building or inclosure, under a penalty not to exceed two hundred and fifty dollars for each and every such offense." That the taking and carrying away of the property of another in the District of Columbia without right so to do shall be a misdemeanor, punishable by a fine not to exceed forty dollars.

Taking and carrying  
away property.

Approved, July 8, 1898.

July 8, 1898.

**CHAP. 639.**—An Act To amend the criminal laws of the District of Columbia.

District of Colum-  
bia.  
Police court

Security for appear-  
ance for trial in minor  
offenses.

Deduction on pay-  
ment of fine for time  
served in jail.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That persons charged in the police court of the District of Columbia in cases in which the only penalty upon conviction for the offense is a fine not to exceed fifty dollars may give security for their appearance for trial or for further hearing, either by giving bond to the satisfaction of the court or by depositing money as collateral security in such amount as the court may direct.

**SEC. 2.** That in all cases in the District of Columbia where a defendant is sent to jail or to the workhouse in default of the payment of a fine he shall be released upon the payment of the balance of the fine due by him, after crediting thereon as paid an amount equal to the proportion the time thus served by him in the jail or workhouse bears to the whole time he was to serve under the sentence.

Approved, July 8, 1898.

July 8, 1898.

**CHAP. 640.**—An Act To regulate the construction of barbed-wire fences in the District of Columbia, and for other purposes.

District of Colum-  
bia.  
Barbed-wire fences.  
—prohibited within  
fire limits.

—outside fire limits,  
permits.

Notice to remove  
etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no fence, barrier, or obstruction consisting or made, in whole or in part, of what is commonly called barbed wire shall be erected, constructed, or maintained along the line of or in or upon any street, avenue, alley, road, or other public walk, driveway, or public or private parking within the fire limits of the District of Columbia.

**SEC. 2.** That no fence, barrier, or obstruction made, in whole or in part, of what is commonly called barbed wire shall be erected, constructed, or maintained within the said District of Columbia, outside of the fire limits, along the line of or in or upon any street, avenue, alley, road, or other public walk, driveway, or public or private parking without a permit therefor from the Commissioners of said District.

**SEC. 3.** That whenever, under the provisions of the above sections, any barbed wire now in use in whole or in part, for a fence, barrier, or obstruction, along the line of or in or upon any street, avenue, alley, road, or other public walk, driveway, or public or private parking within the District of Columbia is required to be removed, said wire shall be removed by the owner of the building or other property upon which such fence, barrier, or obstruction exists, or his or her agent, within thirty days from the service by the inspector of buildings of

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

which the Supreme Court of the United States would have had jurisdiction under the then existing law, if a proper appeal had been taken thereto at the time said cases were filed on appeal in said circuit court of appeals, be, and the same are deemed and treated as regularly filed on appeal in the Supreme Court of the United States as of the date when filed in said circuit court of appeals. The clerk of said circuit court of appeals is directed to transmit to the Supreme Court of the United States, as soon as practicable, the records of such cases, and the clerk of said Supreme Court is directed to receive and file the same for hearing and determination in the Supreme Court of the United States when regularly reached on the docket, subject to any rules made or to be made by said court which may be applicable.

Transmission of records, etc.

Approved, July 8, 1898.

**CHAP. 644.**—An Act Fixing pay and allowances of chaplains for volunteer regiments.

July 8, 1898.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all chaplains in the volunteer service shall have the pay and allowances of a captain mounted.

Volunteer Army.  
Pay of chaplains.

Approved, July 8, 1898.

**CHAP. 645.**—An Act Granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company.

July 8, 1898.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Cripple Creek Short-Line Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colorado, as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colorado, thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railroad company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided,* That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted: *And provided further,* That the right of way herein granted shall not interfere with the right of way on Government land through the Pikes Peak Timber-land Reserve, granted by Act of Congress, entitled: "An Act granting right of way through the Pikes Peak Timber-land Reserve and the public lands to the Cripple Creek District Railway Company," approved June twenty-seventh, eighteen hundred and ninety-eight.

Cripple Creek Short-Line Railway granted right of way through Pikes Peak Timber Land Reserve.  
Vol. 27 p. 1006, etc.

Location.

Right of way to Cripple Creek, Colo.

Vol. 18, p. 482.

Provisos.  
Timber.

Cripple Creek District Railway.  
*Ante,* p. 493.

Approved, July 8, 1898.