

CHAP. 181.—An Act To provide a register for the schooner barge Astoria.

August 1, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the ship Astoria, purchased and owned by George Grall and repaired in American ports and converted into a schooner barge, to be registered as a vessel of the United States.

Approved, August 1, 1894.

"Astoria."
American register to foreign built schooner barge.

CHAP. 189.—An Act To authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

August 2, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company, incorporated under the Act of Congress approved the first day of July, anno Domini eighteen hundred and sixty-four, be, and the same is hereby, required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this Act shall subject the said company to a fine of twenty-five dollars for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

District of Columbia.
Metropolitan Railroad Company to use new cars.
Vol. 13, p. 326.

Penalty for refusal.

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with an underground electric system for propulsion of such cars: *Provided,* That the change to an underground system shall be completed upon its north and south line within one year and upon its east and west line within two years after the approval of this Act: *Provided* there shall be completed an extension thereof on East Capitol street from Ninth street east to Fifteenth street east, around both sides of Lincoln Square, and also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west. And in default of such completions all Acts or parts of Acts chartering or extending the said road are hereby repealed.

Underground electric motive power to be used.

Provisos.
Completion of change.

Extension of tracks.

SEC. 3. That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required and the expenses incident to the change to be made as provided in this Act, but not in excess of such cost. And said bonds shall not be sold or disposed of at less than their face or par value.

Bonds may be issued.

SEC. 4. That a transcript of the record of the case of the District of Columbia against the Metropolitan Railroad Company of the District of Columbia, at law Numbered Twenty-two thousand four hundred and fifty-eight, in the Supreme Court of the District of Columbia, together with the original papers and record entries therein, duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the Court of Appeals of the District of Columbia, which said Court of Appeals is hereby vested with original authority and jurisdiction to hear and determine said case without a jury upon the pleas and issues and proofs therein other than the pleas and issues relating to the statute of limitation or plea of failure of notice to said company of any act required of it, and to determine from and upon said record and

Court of appeals, District of Columbia, to hear suit against company.

Statute of limitations etc., to be waived.

Judgment.	<p>pleadings and proofs therein contained, and such other proof in the course of said hearing as said court may determine to be necessary in order to dispose of the case upon its merits, what, if any, indebtedness is due to the District of Columbia from the said railroad company in respect of the cause of action stated in the declarations filed in said case, assuming that due and proper notice has been given to said company of all acts required in the premises, and to enter judgment against said company in favor of the District of Columbia for any sum or sums of money that said Court of Appeals shall find due from said company in respect of said cause of action, for the amount of which said judgment execution may issue out of said court, and said judgment shall immediately become a lien upon all the property of said company, to be enforced in the manner now provided by law for the enforcement of other liens, and shall be paid within ninety days from the date thereof:</p>
<i>Provisos.</i> Waiver by company.	<p><i>Provided</i>, That unless said company shall file in said Court of Appeals its consent in writing to the aforesaid transfer of the said case, and also a waiver of all its rights and defenses under the statute of limitation and from want of notice as hereinbefore provided for, and also a waiver of all rights, benefits, advantages, and defenses that it has or may have by reason of the decision and judgment of the Supreme Court of the United States made and entered in said case within thirty days after the approval of this Act, then all rights granted to said company by this Act shall cease and be determined: <i>Provided</i>, That the judgment of the said Court of Appeals shall be final and that there shall be no appeal therefrom: <i>And provided further</i>, That the cost of said transfer and of the hearing of said case in the Court of Appeals shall be paid by said railroad company.</p>
Judgment final.	
Costs.	
Transfers with connecting lines.	<p>SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this Act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: <i>Provided</i>, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.</p>
Reciprocal use of tracks.	
Compensation, etc.	
<i>Provisos.</i> All companies to transfer with connecting lines.	
Tax for failure to change motive power.	<p>SEC. 6. That on and after one year from the approval of this Act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this Act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on any line owned or controlled by the said company.</p>
Amendment, etc.	<p>SEC. 7. That Congress reserves the power to alter, amend, or repeal this Act.</p>

Approved, August 2, 1894.

CHAP. 190.—An Act To provide an American register for the steamer *Oceano*, of New York, New York.

August 3, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Oceano*, purchased and owned by Alfred S. Lascelles of New York City, New York, and repaired in American ports, to be registered as a vessel of the United States.

"*Oceano.*"
American register granted to foreign-built steamer.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said vessel, steam boilers, steam pipes, and the appurtenances of said boilers, and cause to be granted the proper and usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied in the inspection of said boilers, steam pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save the fact that said boilers, steam pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States and are of unstamped iron shall not be an obstacle to the granting of the usual certificate, if said boilers, steam pipes, and appurtenances are found to be of sufficient strength and safety.

Inspection.

Approved, August 3, 1894.

CHAP. 191.—An Act Granting jurisdiction and authority to the Court of Claims in the case of the towboat *Future City*, her barges, cargoes, and so forth.

August 3, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claims of the legal or equitable owners or claimants of the steam towboat *Future City*, her barges in tow, cargoes thereon, freight and personal effects contained in them, alleged to have been sunk, lost, or greatly damaged by collision with the United States vessels of war *Atlanta*, *Galena*, and *Richmond*, in the Mississippi River, at the city of New Orleans, on or about the seventh day of May, eighteen hundred and eighty-eight, be referred to the Court of Claims, with jurisdiction and authority to hear and determine the same to judgment, with the right of appeal, as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof: *And provided further*, That no judgment shall be rendered against the Government unless it shall affirmatively appear, from the evidence adduced, that such collision was the result of negligence on the part of the officers in command of said vessels of war.

"*Future City.*"
Claim of owners of sunken steamer, etc., referred to Court of Claims.

Provisos.
Liwit.

Condition.

Approved, August 3, 1894.

CHAP. 192.—An Act To promote the efficiency of the naval militia.

August 3, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized and empowered to loan temporarily to any State, upon the written application of the governor thereof, a vessel of the Navy, to be selected from such vessels as are not suitable or required for general service, together with such of her apparel, charts, books, and instruments of navigation as he may deem proper; said vessel to be used only by the regularly organized naval militia of the

Naval militia.
Loan of vessels to States for drill, etc.