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Amendment.

SEC. 4. That Congress may at any time alter, amend or repeal this act.

Received by the President August 9, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

August 22, 1888.

CHAP. 912.—An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

District of Columbia. Georgetown and Tennallytown Railway Company incorporated.

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John W. Thompson, Richard H. Goldsborough, William J. Thompson, Henry H. Dodge, W. K. Ryan, Osceola C. Green, and Norval W. Burchell, of the District of Columbia; Arthur E. Bateman, T. W. Pearsall, and Harvey Durand, of the city and State of New York; and Nathaniel W. Bowe and John A. Coke, of the city of Richmond, State of Virginia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown and Tennallytown, Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same by cable or electric power

Location.

for carrying passengers in the District of Columbia, from the Potomac River near High street, to, and along High street in Georgetown to the Tennallytown road, but wholly outside of the limits of said road, and along the side of the said road to the District line; also the privilege of laying such conduits beneath the surface of Water street for the purpose of conveying or communicating power from any suitable point along said Water street to said High street, as may be found necessary, and subject to the approval of the Commissioners of the District of Columbia: *Provided, however*, That such conduits shall be laid so as not to impair the surface of said Water street for traffic and wagon travel. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of other duly incorporated street railway companies in the District of Columbia, either or both company may use the said track when necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event 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 hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable power or such other motive power as it is authorized to use to propel its own cars over the routes prescribed in this act, and may repair and construct such portions of its road as may be upon the line or route, or routes, of any other road thus used; and in case of any disagreement regarding such construction or repairs with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding five cents for each passenger for any distance between the termini of said railway, and shall sell tickets in packages six for twenty-five cents. Said railway shall be constructed of good materials and in a substantial

Proviso.
Conduits.

Coinciding tracks.

Motive power.

Fare.

manner, with rails of the most approved patern, the gauge to correspond with that of other city railroads, all to be approved by the Commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and two feet beyond the outer rails thereof, where the streets are now paved, or shall hereafter be paved, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good order, and on streets and roads not paved said corporation shall keep said tracks and the space between them in good repair, at its own expense, and subject to the approval of the District Commissioners. It shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any streets or places where said corporations may be authorized to construct and operate its roads, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along the line as may seem most desirable to the board of directors of said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house, and other buildings necessary for the successful operation of such cable or electric railroad. The rate of speed on said road shall not exceed twelve miles an hour, under a penalty of fifty dollars, recoverable by the Commissioners of the District by suit in any court of competent jurisdiction in the District of Columbia. Said company shall, on or before the fifteenth of January of each year, make a report to Congress 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 the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal taxes for the next ensuing year four per centum of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are 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 may be 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.

Tracks.

Construction.

Rate of speed.

Annual report.

Taxation.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars in shares of fifty dollars each. 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, as follows, namely: Ten per centum at the time of subscribing, and the balance of such subscriptions 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 time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors, the board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due), 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

Capital stock.

Subscription.

Equipments to be first-class.

the same from any delinquent subscriber, in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require. And according to a published schedule to be filed with the District Commissioners, and be approved by them. The said company may buy, lease, or construct passenger rooms, ticket offices, workshops, depots, and buildings as they may deem necessary, at such points along its line as may be approved by the Commissioners of the District, and as the business of the railway and the convenience of the public may require. Whenever one-half of the said whole capital stock of said company so subscribed, as aforesaid, shall have been paid in, the said corporation shall have the right to issue bonds to an amount equal to half the stock subscribed, to be secured by mortgage of its franchise and property, real and personal: *Provided*, That no larger amount of stock and bonds shall be issued than the actual cash cost of the construction and equipment of the road: *Provided*, That the moneys raised on said bonds shall be used and expended for the improvement and completion of the said road, and not for the purpose of repaying the said corporation for the moneys expended by it on said road. Within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept opened, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, 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 banking-house. And when the books of subscription to the capital stock of said company shall be closed, the corporators 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 meeting notice shall be given in a public newspaper published daily 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.

Bonds.

Provisos.
Limit of stock and bonds.

Money to be used for construction only.

Opening subscription books.

Payments.

Meeting of stockholders.

Directors.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the 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 company; and they shall also choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum 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. The direct-

Officers.

Filling vacancies.

ors shall have 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. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, 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 and to the Commissioners of the District of Columbia. Said company shall have at all times the free and uninterrupted use of the railway; and if any person or persons shall willfully or mischievously, unnecessarily obstruct or impede the passage of the cars of said railway 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 said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom by the company's employees for any other cause than of being drunk, disorderly, or contagiously diseased, or for the use of obscene or profane language, refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company. The said Georgetown and Tennallytown 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. The principal office of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat, and open at all times to the inspection of the stockholders. The meeting of the stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

By-laws, etc.

Annual meeting.

Punishment for injuries to franchise, etc.

Right of way across other roads.

SEC. 4. That the said work shall commence within one year from the passage of this act, and be completed its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within two years from the date of the passage of this act; otherwise this charter shall be null and void.

Commencement and completion.

SEC. 5. That Congress hereby reserves to itself the right to at any time alter, amend, or repeal this act.

Amendment.

Received by the President August 10, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 913.—An act authorizing an increase in pensions in cases of deafness.

August 27, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all persons on the pension-rolls of the United States, or who may hereafter be thereon, drawing pensions on account of loss of hearing, shall be entitled to receive, in lieu of the amount

Pensions.
Rate for deafness increased.

R. S., sec. 4698, p. 915.