

business within the District of Columbia, shall publish in at least two daily papers printed in the District of Columbia semi-annually, during the months of March and September of each year, a full statement, under oath, showing their capital stock and the amount paid in on account of the same, assets, liabilities, debts, deposits, dividends and dues, as well as their current expenses during six months ending January and July preceding.

Penalty for failure.

Proviso.
Fraternal, etc., societies excepted.

SEC. 2. That any such company, association, or institution failing to publish statements as required by the first section of this act shall forfeit its right to do business in said District, and thereupon it shall be the duty of said Commissioners to revoke its license or permit to do business in said District: *Provided*, That fraternal beneficiary associations or societies doing business on the lodge plan and paying death benefits be exempted from the provisions of this act.

Approved, July 29, 1892.

July 29, 1892.

CHAP. 322.—An act to incorporate the Washington and Great Falls Electric Railway Company.

Washington and Great Falls Electric Railway Company incorporated.
Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That W. C. Codd, and James F. Morrison, of the State of Maryland, and James L. Barbour, James Robbins, Smith Pettit, John G. Slater, Edwin Baltzley, Edward Baltzley, J. P. Clark, Simson De. F. Jennings, and Edward B. Cottrell, of the District of Columbia, and their associates and successors, are hereby created a body politic and corporate, in fact and in law, by the name of the Washington and Great Falls Electric 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, and may make and have a common seal, and alter the same at their pleasure; and the said corporation is hereby authorized to locate, construct, equip, maintain, and operate a continuous line of single or double track railway, and all necessary sidings, stations, switches, turn-outs, and other devices, and to operate the same by electricity through and along the following named streets, avenues, and roads, to wit: Beginning at a point, to be located by the Commissioners of the District of Columbia, west of the north end of the Aqueduct Bridge, and running thence west over the Canal road on an elevated railway of iron columns and beams, with wood cross-ties and guards, to be built so as not to interfere with the use of the Chesapeake and Ohio Canal and so as to preserve to the public the full use of the Canal road. The said company shall submit the plans of said elevated railway to the Commissioners of the District of Columbia for their approval, and no work shall be done on said railway by said company before such approval in writing. In respect of everything that may pertain to the strength of the structure and to the safety and convenience of the public the construction and operating of said elevated railway shall at all times be subject to the control and approval of the said Commissioners, and the said company shall make good to the District of Columbia all damages done by it or by its contracting agents to the Canal road and other roads belonging to the District of Columbia, and shall also make good to the District of Columbia all the costs of inspection of the company's work by the authorized agents of the said District. In respect of everything that may pertain to the safety of the United States water mains in the Canal road, the plans, the construction, and the operating of said elevated railway shall be subject to the control and approval of the Secretary of War. For the safety of travel on said Canal road, and before commencing to run its cars on said elevated railway, and subject to the inspection and approval of the Commissioners of the

May construct electric railway.

Route.
Elevated roads.

District Commissioners to approve plans, etc.

Safety of water mains.

Wall on Canal road.

District of Columbia, the said company shall, at its own expense, construct a substantial masonry wall between said Canal road and the Chesapeake and Ohio Canal throughout the entire distance on said road occupied by said elevated railway; and the said company also at its own expense and within the same time and subject to the same approval and acceptance, shall pave the said portion of said road with granite blocks or vitrified brick in the best manner. From the Canal road the route of said railway is to run westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than six hundred feet from the western boundary of said land; thence across said land but at no point less than two hundred feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to Cabin John Creek, returning thence along the same line, by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, on land to be acquired by the corporation: *Provided*, That there shall be but one railway parallel to and near the Conduit road and there shall never be more than one double track on or over the Canal road, and all acts or parts of acts granting the use of the surface of the Canal road, or any part thereof, for laying railway tracks thereon and operating cars thereon are hereby repealed; and wherever the route specified in this act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, whether in the District of Columbia or in Maryland shall be referred to and determined by the Secretary of War and matter in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington and Great Falls railway shall not at any place on the line of said railway be less than one hundred feet from the middle of the paved portion of the Conduit road. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct as provided in this act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no works shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. So much of said railway as may be in the State of Maryland must first have the approval of the authorities of said State. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of five thousand dollars, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of

Surface road.

Branch line.

Proviso.
Only one railway permitted parallel to Conduit road and over Canal road.

Use of coinciding tracks.

Determining disputes.

Secretary of War to approve route, etc., across Aqueduct lands.

Deposit to defray expenses of inspection, etc.

the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this act, as far as applicable shall apply to any extension of this railway in the State of Maryland that may be granted by the authorities of said State; and the said Washington and Great Falls Railway may cross the projection of the United States land at a point on the south side of the Conduit road just west of the distributing reservoir, and the provisions of section fifteen of the act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the privileges granted by this act to the Washington and Great Falls Electric Railway Company, and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and, for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great Falls Railway Company shall where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across any other road outside the District of Columbia, pave the same between the rails and sets of rails and two feet outside thereof with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities, the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company. That the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner: *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aqueduct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and

Disbursement.

Crossing at distributing reservoir.

Protection of mains, etc.

Vol. 26, p. 793.

Construction.

Gauge.

Paving.

Failure to repair.

Erection of poles for wires.

Proviso.
Protection of Government telephone line.

protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall, before operating said railway, erect and maintain subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, four feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable openings and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways. That the said corporation shall, at its own expense, maintain electric lights along the entire length of its railway during the hours after night-fall that its cars shall run, and at least until twelve o'clock and thirty minutes antemeridian, which lights shall be located so as to light all roads on and across which it shall pass, and shall be placed at such points along the proposed road as the Secretary of War shall direct, and shall also light Chain Bridge in the same manner and during the same hours. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this act. The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street, and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus. Efficient signals by gong or bell shall be made by every car before and during the crossing of the Conduit road. The rate of speed at which the cars may run on said road shall not exceed five miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed ten cents each way per passenger, and this amount may be divided into divisions of five cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make the deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses and other buildings necessary to the operation of said road. The said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per centum at the time of subscribing, and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the fifty per centum thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take the least number of shares for the assessments due shall be taken as the highest

Fence.

Electric lights.

Mains in streets, etc.

Signals.

Speed.

Regulation of construction and operating.

Capital stock.

Payments.

Sale of stock for default in payment.

bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchise and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad, which sum shall first be ascertained and authorized upon petition therefor to the Supreme Court of the District of Columbia, under such rules and regulations as the chief justice and judges thereof shall prescribe efficient to limit the stock of such corporation in the aggregate to the actual and necessary cost thereof. That if it shall be desired by such corporation to issue bonds upon its said property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for such court, or the chief justice or justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of the court, to permit the issuance of such bonds and mortgage if desired: *Provided, however*, that an amount of stock equal to the bonds so issued shall be first canceled, and adjudged annulled: *Provided*, That if in the course of the construction and equipment of such railroads it should appear that the amount of stock authorized as provided herein should not be sufficient for the purposes desired, the said Court may upon further petition and hearing authorize the issuing of such further stock as in its judgment may be deemed necessary to carry out the purposes of this act: *And provided further*, that such stock and bonds may be issued as the work progresses.

SEC. 3. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from ten o'clock in the forenoon until four o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the 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 place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, fifty per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; 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

Passenger rooms.

Bonds.

Provisos.
Use of proceeds.

Maximum stock issue.

Bonds and mortgage.

Cancelling stock.

Increase of capital.

Issue of stock and bonds.

Meeting of corporators.

Subscription to stock.

Proviso.
Payments.

First meeting of stockholders.

directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, whose route shall be substantially the same as the route herein provided for; and any such consolidation shall of itself operate as a forfeiture of this charter. If the charter or franchise herein granted be sold or transferred to any company or person before the road shall have been fully constructed, such sale or transfer shall of itself operate as a forfeiture of this charter.

SEC. 4. That the government and direction of the affairs of the company shall be vested in the board of directors, which shall consist of seven members, who shall be stockholders of record and shall hold their office for one year and until others are duly elected and qualified, 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, each of whom shall give bond, with surety, to the company, in such sum as the directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors from any cause such vacancy shall be filled by the remaining directors. The directors shall have power to make such rules, regulations, and by-laws as they may deem needful and proper for the management of the stock, property, estate, and effects of the company not contrary to the charter or the laws or ordinances in force in the District of Columbia. There shall be an annual meeting of the stockholders for the choice of directors, to be held at such time and place and under such conditions and upon such notice as the said company in its by-laws may prescribe, and the said directors shall annually make a report, in writing, of their doings to the stockholders. Said company shall have at all times, except as otherwise provided, a free and uninterrupted use of the railway, and if any person or persons shall willfully, mischievously or unnecessarily obstruct or impede the passage of cars on the railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operators while in transit, or destroy or injure the cars of said railway, or depot, or stations, or other of the property belonging to the 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 be recovered as other fines and penalties are recovered in the jurisdiction in which the offense may be committed; and shall be liable in addition to said penalty for any loss or damage occasioned to said company by his or her or their acts as aforesaid, to be recovered by said company for its use before any court of competent jurisdiction. No person shall be prohibited the right to travel on the cars of the said road or be ejected therefrom by the company for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of obscene language, or refusing to pay the legal fares exacted, or to comply with the lawful regulations of the company. The said company shall have the right of way across all duly authorized railways 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 railway in such construction nor shall it cross any steam railroad at grade: *And provided also*, That the said Washington and Great Falls Electric Railway, and all railways crossed by it shall be subject to such provisions and regulations for the safety of passengers at said crossings as the proper authorities may prescribe. The principal office of said company shall be situated in the city of Washington, and all books and papers belonging to the business of said company shall be kept thereat and open at all

Consolidation to forfeit charter.

Forfeiture on sale before completion.

Board of directors.

Officers.

Rules, etc.

Annual meeting of stockholders.

Penalty for obstructing, etc., road.

Ejection of disorderly, etc., persons.

Railway crossings.

Proviso.
No grade crossings, etc.

Regulations.

Principal office.

times to the inspection of the stockholders. The book in which transfers of the stock are entered and recorded shall be closed, for the purpose of such transfers, thirty days before the annual meeting.

Taking land for stations, etc. SEC. 5. That for the purpose of locating, constructing, maintaining, and operating the stations, tracks, railroads, shops, and other structures or buildings herein provided for, said company is hereby authorized and empowered to take, acquire, and hold in fee simple the land necessary for such purposes; but before proceeding so to do the said company shall first obtain the assent of the owner or owners of said land, and if such owner or owners shall be absent from the said city of Washington, or the District of Columbia, or shall refuse to give such assent on such terms as such company shall approve, or by reason of infancy, coverture, or insanity, or any other cause, shall be legally incapable of giving such assent, it shall be lawful for said company to make application, in writing, to the Supreme Court of the District of Columbia, or a judge thereof, for the appointment of three commissioners to estimate the damages which the owner or owners of the land or other property sought to be taken shall sustain by the taking thereof by the said company. Said application shall describe the land or other property sought to be taken, and give the name or names of the owners thereof, as far as the same may be known to said company; and said supreme court of the District of Columbia, or a judge thereof, shall thereupon appoint three discreet and disinterested freeholders of said District of Columbia, none of whom shall be residents or owners of property upon or adjoining the line of said railroad, or interested therein, or related to any person interested in said land or a stockholder in said company; and before said commissioners shall act the clerk of said court shall administer an oath or affirmation to each of them that he will justly and impartially estimate the compensation that the owner or owners of such lands or other property will be entitled to by reason of the taking of the same by the company, and the said supreme court of the District of Columbia, or a judge thereof, shall appoint a time not less than ten nor more than twenty days after due notice to the parties in interest, which notice shall be given in the form required by the order of said supreme court of the District of Columbia, or a judge thereof, appointing said commissioners, and said commissioners shall proceed to estimate, after viewing the premises, the value of the land so proposed to be taken by said company, and the damages, if any, to the residue of the tract so taken or occupied, or to be taken or occupied, or the material so used or taken away, as the case may be, having due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owner or owners of said land or materials in consequence of the making or opening of said railroad and of the construction of the works connected therewith, and after having made a fair and just comparison of said advantages and disadvantages they shall estimate and determine whether any, and, if any, what amount of damages have been or may be sustained, and to whom payable, and make report in writing signed by them, or a majority of them, and file the same with the clerk of the supreme court of the District of Columbia; and if any damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment execution may issue thereon as in the case of other judgments of said court for the sum so awarded, and the cost and expenses incurred shall be defrayed by the said railroad company, and each of said commissioners shall be entitled to ten dollars per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such railroad company. Said return of said commissioners shall be confirmed by said court or a judge thereof, at any time after the expiration of ten days from and after the date of the filing of said report with the clerk of said court,

Consent of owner.

Application for condemnation.

Commission to assess values, etc.

Oath.

Estimating value.

Report.

Payment of damages.

Confirmation of return.

unless an appeal from said award shall be taken and perfected as hereinafter provided; and either party may appeal to the said court within ten days from and after the return of the said award to said court by filing notice of such appeal with the clerk of said court, and upon said appeal the case shall be docketed in said court in the ordinary form, in which the company shall be plaintiff and the other parties shall be defendants, and shall be tried by a jury, if either party shall require the same, according to the ordinary course of trial by jury in said court. Should said company desire to take possession of the land and property mentioned in its said application prior to the determination of the appeal, it shall have the right so to do upon filing with the clerk of said court a bond in the penal sum of double the amount of said award, conditioned to pay such judgment as may be given by said court upon the trial of the appeal. The sureties on said bond and the form thereof shall be approved by said court. In case the judgment rendered by the court upon said appeal, either with or without a trial by jury, shall be for a sum less than the amount awarded by the commissioners aforesaid, then the costs shall be paid by the parties defendant; in case the judgment shall be for a greater sum than the amount awarded by the commissioners, then the costs shall be paid by the company, and judgment for costs shall be rendered accordingly. Upon payment of the judgment rendered by said court, either upon the confirmation of the award or upon trial of the appeal, or upon tender of such payment, the company shall be entitled to all the rights, interests, and estate of the parties to the proceeding to the same extent as if the same had been legally conveyed by them in fee simple to said company, unless the said company shall within ten days after the rendition of said judgment disclaim the taking of said property, which shall be done in writing and filed in said case. An appeal shall lie from the judgment of said court to the supreme court in general term or to the Supreme Court of the United States, as now allowed by law in other cases, and the said company shall be, and is hereby authorized and empowered to construct, operate, and maintain said tracks, and in addition thereto tracks to and into the yards and stations aforesaid, and any of them in connection with the tracks or any of them hereinbefore authorized or prescribed.

SEC. 6. That the work on said road shall commence within one year from and after the passage of this act, and shall be complete its entire distance, and have cars running thereon for the accommodation of the public within two years from the passage of this act; otherwise this charter shall be null and void.

SEC. 7. That said railway 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 bonded and other indebtedness and 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 if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; 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. Its real estate

Appeal.

Possession pending appeal.

Costs on appeal.

Title on paying judgment.

Appeal from decision of court.

Commencement and completion.

Annual report to Congress.

Failure to report to forfeit charter.

Payment in lieu of personal tax.

Real estate.

Proriso.
Elevated structure
not to be taxed as real
estate.
Amendment, etc.

shall be taxed as other real estate in the District: *Provided*, That its tracks and elevated railway structure shall not be taxed as real estate.
SEC. 8. That Congress may at any time amend, alter, or repeal this act.

Approved, July 29, 1892.

July 29, 1892.

CHAP. 323.—An act to prohibit the use of "one horse" cars within the limits of the city of Washington after the first day of January, eighteen hundred and ninety-three, and for other purposes.

District of Columbia.
One horse cars in
Washington prohib-
ited.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the first day of January, eighteen hundred and ninety-three, it shall be unlawful for any street railway company owning or operating any line of street railway within the limits of the city of Washington, or the greater part of which lines lies within said city limits, to use upon such road any "one horse" cars. After said date, all cars used within the said limits shall, if drawn by horse power, be of the size and style known as "two horse cars," and each car shall be in the charge of a conductor, and such conductor shall not act as a driver: *Provided* this act shall not apply to any company operating street railways outside the limits of the city of Washington or through unimproved and sparsely settled sections of the same, until such time as the Commissioners of the District of Columbia shall deem necessary for the public needs, Any railroad company violating the provisions of this act shall be subject to a fine of twenty-five dollars per day for each car, and for every day it may be so operated, to be recoverable by action instituted in the name of the Commissioners of the District of Columbia in any court of competent jurisdiction within the District, and all fines collected on such account shall, when collected, be paid into the Treasury for the use of the District of Columbia. It is hereby made the duty of the Commissioners of said District to see that this act is strictly enforced.

Proriso.
Railways in sparsely
settled sections, etc.

Penalty for viola-
tions.

Enforcement.

Approved, July 29, 1892.

July 30, 1892.

CHAP. 327.—An act to authorize the construction of a bridge over the Tennessee River at or near Deposit, Alabama.

Gurleys and Paint
Rock Valley Railroad
Company may bridge
Tennessee River at
Deposit, Ala.

Railway, etc., bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Gurleys and Paint Rock Valley Railroad Company, of Alabama and Tennessee, a corporation duly and legally incorporated under the laws of the States of Alabama and Tennessee, its successors or assigns, to construct and maintain a bridge over the Tennessee River at or near Deposit, in Marshal County, Alabama. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

Lawful structure
and post route.

SEC. 2. That any bridge built under the provisions of this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over the said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post roads in the United States; and the United States shall have the right