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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 no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture, or apparatus. The said railroad shall be subject to the requirements 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." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sums shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of their disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. 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.

Protection of water pipes, etc.

Vol. 26, p. 793.

Deposit to defray expenses.

Disbursements.

Return of balance.

Rights to terminate on neglect, etc.

Increase of capital stock.

SEC. 2. That said company is authorized to increase its capital stock three hundred thousand dollars for the purpose of enabling it to extend and equip its line as provided in this act, and to redeem bonds issued to take care of present indebtedness incurred in building and equipping the road already constructed, and no additional bonds shall be issued by said company without special authority of Congress.

Commencement and completion.

Post, p. 445.

Proviso.

Grades, etc.

SEC. 3. That unless said extensions are commenced within three months and the cars run thereon within one year from the passage of this act, except as otherwise expressly provided for, the authority hereby granted shall be void: *Provided*, That said railroad shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Amendment, etc.

SEC. 4. That Congress reserves the right to alter, amend, or repeal this act.

Approved, July 5, 1892.

July 5, 1892.

CHAP. 144.—An act to incorporate the District of Columbia Suburban Railway Company.

District of Columbia Suburban Railway Company incorporated.

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard K. Cralle, Charles E. Creecy, John T. Mitchell, M. F. Morris, J. W. Denver, L. G. Hine, Gilbert Moyers, S. E Mudd, Robert A. Howard, W. I. Hill, John W. Childress, J. F. Kenney, D. W. Glassie, Harry Barton, Philemon W. Chew, T. C. Daniel, G. P. Davis, Jere Johnson and L. C. Loomis, and their associates successors, and assigns, are hereby created a body corporate by the name, style, and title of "The District of Columbia

Suburban 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 within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, through and along the following routes: Beginning at the dividing line between the District of Columbia and the State of Maryland, on the Bladensburg road, and running thence along the said road so that the outer rail of said railway shall not be more than five feet from the eastern boundary of said Bladensburg road, to H. street east; thence west on H. street east to Seventh street east, over the tracks of the Columbia Railroad.

May lay tracks, etc.

Routes.

Bladensburg road.

Also beginning at the junction of Philadelphia and Twelfth streets in Brookland and running south along Twelfth street; thence by such line as may be authorized by the Commissioners of the District of Columbia to the intersection of Patterson avenue with the Fairview road; thence along the Fairview, Corcoran and Mt. Olivet roads to Twelfth street extended; thence along Twelfth street extended to the junction of Twelfth street east and Florida avenue.

Brookland.

Also beginning at the junction of Frankfort and Twenty-fourth streets in Langdon; thence along Twenty-fourth street to Cincinnati street; thence along Cincinnati street to and across Chapel road to Lafayette avenue; thence along Lafayette avenue and in line to Capitol street, Ivy City; thence along Capitol street to Mt. Olivet road; thence along Mt. Olivet road to Twelfth street extended.

Langdon.

Also from the intersection of Florida avenue with Twelfth street northeast, to H street northeast, on Twelfth street; thence west on H street over the tracks of the Columbia road to Seventh street east; thence south on Seventh street by single track to G street east; thence west on G street by single track to First street west; thence by a route to be laid down by the Commissioners of the District of Columbia across New Jersey avenue to the tracks of the Capitol, North O and South Washington Railroad; thence on the tracks of the last-named road on G street to Fourth street, continuing west on G street west to Fifth street; thence south on Fifth street west, in part over the tracks of the Metropolitan Railroad, to Louisiana avenue; thence south-westerly by double track on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia east of Seventh street west. Returning north-easterly on Louisiana avenue to Fifth street west; thence over the tracks of the Metropolitan Railroad along Judiciary Square to Fourth street west; thence north on Fourth street west by single track to E street west; thence east on E street by single track to Eighth street east; thence north by single track on Eighth street to H street; thence east over the tracks of the Columbia railroad to Twelfth street; thence north on Twelfth street to Florida avenue: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia, and those portions of said road between the District line and Florida avenue shall be fully constructed before the cars of the said District of Columbia Suburban Railroad shall be run over any part of the said route within the limits of the city of Washington; Whenever a permanent system of streets and highways shall have been established and laid out in the suburban portion of the District contiguous to the route of this railroad, said company shall, when required by the Commissioners of the District, cause such changes to be made in the location of its tracks as said Commissioners shall require in order to make the route of said road conform to such streets and highway system. Wherever the route of this road coincides with that of a country road the railway shall be constructed along and outside of such road. Said company shall keep the space

In Washington City.

Proviso.

Approval of routes by Commissioners.

Changes.

County roads.

between its tracks, and two feet outside of its tracks in such condition as may be required by said Commissioners.

Motive power.

SEC. 2. That said company may run public carriages propelled by

Provisos.

cable, electric, or other mechanical power: *Provided*, That if electric wires or cables be used within the limits of the city of Washington,

Electric wires to be under ground.

the wires shall be placed underground, and the power used shall be subject to the approval of the said Commissioners; but nothing in this act shall allow the use of steam power or any motor which shall in its operation cause any noise or other disturbance which in the judgment of said Commissioners shall be inimical to the public safety or comfort:

Crossings.

Provided further, That for the purpose of making a continuous connection the said company shall have the right to cross all streets, avenues, and highways necessary for this purpose: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such

Use of coinciding tracks.

Terms.

fair and equitable terms as may be agreed upon by said companies; and in the event the 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 immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided*

No general stopping places on coinciding tracks.

further, That neither of the companies using such tracks in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary

Existing stations.

halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered

Use of tracks of other lines.

to propel its cars over the line of any other road or roads, which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this act, in accordance with the

Repairs, etc.

conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be determined summarily upon the application of either road to any court in said District having competent jurisdiction. Whenever more than one of the tracks of said railway shall be constructed on any of the public highways in the District, the width of space between the tracks shall not exceed four feet, unless otherwise ordered by the Commissioners of the District of Columbia.

Fare.

SEC. 3. That said company shall receive a rate of fare not exceeding five cents per passenger for any distance on its route within the District of Columbia, and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within

Proviso. Tickets.

the District limits six tickets shall be sold for twenty-five cents.

Annual report.

SEC. 4. That said company shall, on or before the fifteenth of January of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders

Contents.

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, and such other facts as may be required by any general law of the District of Columbia, 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, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; 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 time 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 four 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 shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Tax.

Sale for nonpayment of taxes.

Proviso. Track not real estate.

SEC. 5. That the said railway shall be constructed of good materials and in a substantial and durable manner, with the rails of the most approved pattern, to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways.

Construction.

SEC. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times in as good order as the streets and highways through which it passes subject to the approval of the said Commissioners, without expense to the United States or to the District of Columbia.

To keep tracks, etc., in repair.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering and improving such streets and avenues and highways, and the sewerage thereof, as may be under its authority and control; and in such event it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established.

Altering grades, etc.

SEC. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets, or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company: *Provided*, That wherever the railroad shall be built along any road, the space between the inner rail of said railroad and the roadway shall be graded and put in good order for public use at the expense of the company and subject to the approval of the Commissioners of the District of Columbia: *Provided also*, That the construction of said railroad 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 no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture or apparatus.

Construction.

Provisos. Space between inner rail and roadway.

Approval of Secretary of War for work on streets having water mains, etc.

The said railroad shall be subject to the requirements of section fifteen of the act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to incorporate the

Protection of water pipes, etc.

Vol. 26, p. 793.

Washington and Arlington Railway Company of the District of Columbia." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War. 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.

Deposit to defray expenses.

Disbursement.

Return of balance.

Rights to terminate on neglect, etc.

Engine houses, etc.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a cable-motor, electric, pneumatic, or other railroad.

Speed to be regulated by Commissioners.

SEC. 10. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the said District.

Commencement and completion.

SEC. 11. That the line of said railway company shall be commenced within six months and completed within two years from the passage of this act, otherwise this act shall be of no effect.

Amount of capital stock.

SEC. 12. That said company is hereby authorized to issue its capital stock to an amount not to exceed two hundred and fifty thousand dollars in shares of one hundred 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 by them as follows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; excepting that fifty per centum shall be paid in within twelve months, and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said instalments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be

Subscribers.

Payments.

Sale of stock in default.

sold for less than the total assessments due and payable or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Meeting to receive subscriptions.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving subscriptions to the capital stock of the company: *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 bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, 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 public notice shall be given for five days in two daily newspapers published 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: *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, and any such consolidation shall of itself operate as a forfeiture of this charter. Nor shall the charter or franchise herein granted be sold or transferred to any company or person until the road shall have been fully constructed.

Provisos.

Ten per cent must be paid.

Money only received for subscription.

First meeting of stockholders.

Notice.

Consolidation forbidden.

Sale before construction forbidden.

Equipment to be first-class.

SEC. 14. That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require; the time table or schedule of time to be approved by the said Commissioners of the District of Columbia.

Time table.

Purchase, etc., of necessary buildings, etc.

SEC. 15. That the company may buy, lease, or construct such passenger rooms, ticket-offices, workshops, depots, lands, and buildings as may be necessary, at such points on its line as may be approved by the said Commissioners.

Lost articles.

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Board of directors.

SEC. 17. That the government and direction of affairs of the company shall be vested in a 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 board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give 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.

Officers.

Vacancies.

By-laws, etc.

SEC. 18. That the directors shall have the 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.

Annual meeting of stockholders.

SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden 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.

Report.

Penalty for obstructing passage of cars, etc.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of its roadway, and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of cars of said railway company 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 company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 21. That the said District of Columbia Suburban 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 in a manner to be approved by the Commissioners of the District: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Proviso.
Not to hinder travel.

Ejection, etc., of passengers.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Amendment, etc.

SEC. 23. This act may at any time be altered, amended, or repealed by the Congress of the United States.

Condemnation proceedings to secure lands, etc.

SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding one hundred feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Approved, July 5, 1892.

July 5, 1892.

CHAP. 145.—An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming.

Idaho judicial district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Idaho shall constitute one judicial district.

Terms of circuit court.

SEC. 2. That the circuit court of the United States in and for the State of Idaho shall be held at the times and places provided by law for the holding of the United States district court in and for said district, and one grand and one petit jury only shall be summoned to serve in both said courts when held at the same place.

Divisions for district court.

SEC. 3. That for the purpose of holding terms of the district court said district shall be divided into three divisions, to be known as the