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to construct and lay down a single or double track railway, and to operate the same as provided in the Act incorporating said company, westerly along Rhode Island avenue to North Capitol street, to connect with the tracks of the Eckington and Soldiers' Home Railway Company, and thence southerly on said street over the tracks of said last-mentioned company to F street; the price for the use or purchase of said tracks to be fixed by the board of directors of said companies, and on their failure to agree as to the price it shall be fixed by the supreme court of the District of Columbia, upon petition to be filed on the equity side of said court by either company. The said extension shall be completed within the time hereinbefore provided for with reference to the original line of said railway: *Provided*, That nothing in this Act shall operate to authorize the erection of overhead wires within the limits of the city of Washington.

Extension of track.

Proviso.
Overhead wires not authorized.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Repeal.

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

Amendment, etc.

Approved, March 2, 1895.

CHAP. 167.—An Act To authorize the Washington and Marlboro Electric Railway Company, of Maryland, to extend its line of road into and within the District of Columbia.

March 2, 1895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Marlboro Electric Railway Company, incorporated by an act of the general assembly of Maryland, entitled "An Act to incorporate the Washington and Marlboro Electric Railway Company," and so forth, approved on the eighth day of April, eighteen hundred and ninety, is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, and run cars thereon through and along the following routes:

District of Columbia.
Washington and Marlboro Electric Railway may lay street railway, etc.

Beginning at and on the southeasterly boundary line of the District of Columbia where the line of railway of said company within the State of Maryland shall reach the same, and running thence by Suitland road, Bowen road, and Branch avenue, or other practicable route which may be approved by the Commissioners of the District of Columbia, to connect with Pennsylvania avenue extended; thence by and with said avenue to and across the tracks of the Baltimore and Ohio Railroad on Railroad avenue; thence along Railroad avenue to Naylor road and by the same to the Anacostia River; thence across the Anacostia River by a steel or iron truss bridge resting on masonry piers built parallel to the direction of the current, with pile or other secure and approved foundations, and with spans not less than those of the Pennsylvania avenue bridge, and with a wide drawspan over the channel. The plans of said bridge shall be approved in writing by the Secretary of War, and the bridge shall be built by said company over and above the tracks of the Baltimore and Potomac Railroad in such manner and at such height as not to interfere with the use of said railroad; and thence to the intersection of Pennsylvania avenue and Fifteenth street southeast by a route to be approved by the Commissioners of the District of Columbia; thence north on Fifteenth street east, to Florida avenue; thence northwesterly on Florida avenue to Seventh street northwest; also, when the proposed extension of Pennsylvania avenue shall have been completed to Bowen road, then the route of said railroad may be extended from the intersection of Branch avenue therewith to Bowen road, and by further practicable route as may be approved by the Commissioners of the District of Columbia to the boundary line of the said District at or near the Suitland road: *Provided*, That such extension

Route in the county.

Bridge.

Secretary of War to approve plans, etc.

Route in the city.

Proviso.
Extension.

of the road shall be made within one year after the opening of Pennsylvania avenue to the Bowen road. These routes may be modified or extended at the will of Congress, and the said railway company shall comply with such modifications or extensions.

Widening streets.

SEC. 2. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section 5 of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

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County roads.

SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road.

Construction.

SEC. 4. That the said railway shall be constructed in a substantial and durable manner; and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be of approved pattern.

Pavements, etc., to be kept in good repair.

SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners, the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Vol. 20, p. 106.

Overhead wires.

SEC. 6. That if the said railway be operated by overhead wires the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

Not permitted in the city.

Altering grades, etc.

SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewerage thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Excavations, etc.

SEC. 8. That it shall be lawful for said railway company, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said company 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 same manner and by the means aforesaid. 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, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

Deposit to defray expenses.

SEC. 9. That 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 consider 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.

Provisos. Disbursement.

Orders.

Engine houses, etc.

SEC. 10. 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.

Commencement and completion.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within two years from the passage of this Act.

Motive power.

SEC. 12. That the said company may run public carriages propelled by cable, electric, or other mechanical power; but nothing in this Act shall allow the use of steam power in locomotives: *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 that may be deemed 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 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 further*, That neither of the companies using such track 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 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 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 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 summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Provisos. Crossings.

Use of coinciding tracks.

Terms.

No general stopping place on coinciding tracks.

Existing stations.

Repairs, etc.

Passenger houses.

SEC. 13. That the said company shall furnish and maintain passenger houses as required by the Commissioners of the District of Columbia, and shall place first-class cars on said railway with all the modern

Equipment, etc.

improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, according to a time-table approved by the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

Fines.

Regulations as to speed, etc.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Penalty.

Lost articles.

SEC. 15. 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.

Annual report.

Contents.

SEC. 16. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, 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, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the 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 the privileges and rights herein granted, 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 within the District of Columbia, 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: *Provided*, That the payment of the said four per centum of its gross earnings shall not be required during the period of five years after the commencement of the operation of said railway, or any part thereof. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided further*, That its tracks shall not be taxed as real estate.

Tax on gross earnings.

Sale for nonpayment.

Provisos.
Tax not required for five years.

Track not real estate.

Fare.

SEC. 17. That said company may receive a rate of fare not exceeding five cents per passenger; 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 roads: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Exchanges.

Proviso.
Tickets.

Penalty for obstructing passage of cars.

SEC. 18. That the said company shall have at all times the free and uninterrupted use of the roadway, and if any person or persons shall willfully, mischievously, and unlawfully 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 the 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 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. 19. That the said 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.

Proviso. Not to hinder travel.

Ejection, etc., from cars.

SEC. 20. 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, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Condemnation proceedings.

SEC. 21. That in the event 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 fifty 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.

Deposit as guaranty.

SEC. 22. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

Forfeiture.

Approval of plans, etc.

SEC. 23. That all plans relating to the location and construction of said railway shall be subject to the approval of the Commissioners of the District of Columbia, or their successors, and all work shall at all times be subject to their supervision. The said corporation shall, from time to time, deposit with the collector of taxes, District of Columbia, such amounts as may be deemed necessary by said Commissioners to cover the cost of inspection, supervision, pavement, and repairs.

Assigns to comply with conditions, etc.

SEC. 24. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Washington and Marlboro Electric Railway Company shall be complied with by any and all the successors to and assigns of said Company.

Amendment, etc.

SEC. 25. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, March 2, 1895.

CHAP. 168.—An Act To incorporate the Capital Railway Company.

March 2, 1895.

District of Columbia.

Capital 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 B. Stetson, Augustus Burgdorf, Clarence F. Norment, Arthur E. Randle, Harry Upson Sims, Henry C. Longnecker, W. Frederick Snyder, Joseph B. Lewis, and William Henry Randle, of , their associates and assigns, be, and they are hereby, created a body corporate under the name of the Capital 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