

and eighty-nine, upon condition of paying for such lands the price prescribed in said Act.

Rights not assign-
able.

SEC. 3. That the right of homestead entry conferred by the provisions of this Act shall not be assignable, and no conveyance, sale, or transfer of the land so entered shall be valid or of any effect if made before patent has issued.

Approved, June 3, 1896.

June 3, 1896.

CHAP. 317.—An Act To amend an Act entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company."

District of Columbia.
Washington and
Great Falls Electric
Railway Company.
Vol. 27, p. 326; Vol.
28, p. 492.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," approved July twenty-ninth, eighteen hundred and ninety-two, and the amendment thereto approved August twenty-third, eighteen hundred and ninety-four, be, and the same are hereby, amended as follows:

Route modified.
Location.

Section one shall be amended to read as follows, commencing with the word "beginning," in line seventeen:

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence 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, except in the vicinity of Washington Aqueduct boundary stone numbered thirty-one, as hereinafter described, 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, and a branch line north, beginning and connecting at a point on its main line, about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road; thence northerly on land to be acquired by said corporation, except across and along streets, where necessary, to a point on the Georgetown and Tenallytown Railway at or near the junction of the Loughboro road with the River road. Also, beginning and connecting on Thirty-seventh street northwest at its junction with Prospect avenue; thence north along Thirty-seventh street one hundred and twenty feet; thence easterly on land to be acquired by said corporation two hundred and forty feet; thence southerly on land to be acquired by said corporation one hundred and twenty feet to Prospect avenue and to connect with its present tracks: *Provided*, That there shall be but one railway parallel to and near the Conduit road; 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

Branch lines.
To Chain Bridge.

To Tennallytown
road.
Loop.

Provisos.
But one road paral-
lel to Conduit road.

Use of same tracks.
Penalty for violation.

as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, in the District of Columbia shall be referred to and determined by the Secretary of War; and matters 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, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than fifty feet from the middle of the paved portion of the Conduit road; and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone numbered thirty-one and a planted stone south thirty-six degrees forty-three minutes west, and distant two hundred and six and five-tenths feet from Washington Aqueduct boundary stone numbered sixty-seven, at which place the inner rail of the tracks shall be not less than sixty-five feet from the middle of the paved portion of the Conduit road: *Provided, however*, That said Washington and Great Falls Electric Railway Company, being authorized thereto by a vote of the majority of its stockholders of record, may contract with any street railway company in the State of Maryland or the District of Columbia, owning or operating a connecting or intersecting line, for the joint management, lease, or purchase of such line or lines, and operate the same in connection and as an extension with its present line, and in case of such contract may provide the means necessary by an increase of its capital stock not to exceed the actual consideration paid or the actual cost of the necessary construction, completion, equipment, and maintenance thereof. And for the purpose aforesaid said company is hereby authorized and empowered to issue its bonds to aid in paying for such construction, completion, motive power, equipment, and maintenance aforesaid and to secure the said bonds by mortgage or deed of trust of its right of way and all its property and franchise of whatsoever kind, whether real, personal, or mixed, on the whole of said line, its extensions, and branches, and connections, the stock and bonds authorized to be issued and negotiated by said company, to the amount of six hundred and fifty thousand dollars, under the decree of the supreme court of the District of Columbia being hereby confirmed. 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 work 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. 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, or such other sum as the Secretary of War may deem proper, 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 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

Disputes.

Distance from Conduit road.

Lease or purchase permitted.

Issue of bonds.

Secretary of War to approve route, etc., on public lands.

Steam power prohibited.

Deposit for expenses of inspection, etc.

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 said State; 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 the Conduit road or any road outside of 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 protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall 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 cattle guards, 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.

Disbursement.

Protection of mains,
etc.
Vol. 26, p. 793.

Construction.

Gauge.

Paving.

Repairs.

Erection of poles for
wires, etc.Protection of Gov-
ernment wires.

Fence, etc.

"That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until twelve o'clock antemeridian, which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct. 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 crossings over the Conduit road shall be made to conform to all changes of grade of this road. 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, and, if the Secretary of War shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop. 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 deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

"Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or to cause to be inspected, from time to time, the cars operated on said road, and to require of said company that all cars and stations shall be of the first class, and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall and Conduit roads, shall subject the company to a fine of fifty dollars for each such failure, which fine may be recovered in any court of competent jurisdiction."

Section two shall be amended to read as follows:

"SEC. 2. That the capital stock of said company shall be six hundred and 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

Electric lights.

Mains in streets, etc.

Signals.

Speed.

Fares.

Operating regulations, etc.

Crossing Foxhall road.

Inspection, etc.

Penalties.

Capital increased.
Vol. 27, p. 329.

Payments for stock.

Sale for default.	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 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
Buildings.	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: <i>Provided</i> , 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: <i>Provided, however</i> , That an amount of stock equal to the bonds so issued shall be first canceled and adjudged annulled: <i>And provided further</i> , That such stock and bonds may be issued as the work progresses."
Bonds.	
<i>Provisos.</i> Use of proceeds.	
Stock limit.	
Stock to be canceled for bonds.	
Issue.	
Meeting of corporators. Vol. 27, p. 330.	Section three shall be amended to read as follows: "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: <i>Provided</i> , 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 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."
Stock subscriptions.	
<i>Proviso.</i> Payments.	
First meeting of stockholders.	
Repeal, etc.	SEC. 2. That all acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.
Amendment, etc.	SEC. 3. Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 3, 1896.