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six, shall not apply to such school districts: *Provided*, That before any bonds shall be issued the mayor and common council of the municipal corporation, composing in whole or in part such school district, shall cause an election to be held in such district, and said mayor and common council shall cause to be published in a newspaper of general circulation, published in said district, a notice of the time and place or places of holding such election. Such notice shall be given at least thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the school district. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall certify the result to the board of education, and said board shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such school district shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding four per centum, and the interest shall be paid semiannually, and none of said bonds shall be sold at less than their par value: *Provided further*, That no school district under this Act shall issue bonds in excess of six per centum of the valuation according to the last preceding assessment of the school district issuing the same.

Provisos.
Election.

Notification.

Qualified voters.

Two-thirds vote required.

Sinking fund.

Maximum rate of interest.

Excess issue forbidden.

Approved, June 19, 1902.

CHAP. 1136.—An Act Regulating the use of telephone wires in the District of Columbia.

June 20, 1902.

[Public, No. 166.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all telephone poles and the wires attached thereto not the property of the United States or the District of Columbia now upon the streets and avenues within the section of the District of Columbia bounded by a line beginning at Second and B streets southeast and running thence along B street south, Third street west, Missouri avenue, Sixth street west, B street north, Twenty-third street west, Rock Creek, Cincinnati street, Columbia road, Sixteenth street west (extended), Park street, Whitney avenue, Eleventh street west, R street north, New Jersey avenue, C street north, and Second street east to the point of beginning, except as hereinafter provided, shall from time to time, as may be prescribed by the Commissioners of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Commissioners, and it is hereby made the duty of said Commissioners to enforce compliance with the provisions of this Act as expeditiously as may be consistent with the public interests; and the said Commissioners are hereby empowered from time to time to authorize any individual, company, or corporation now operating and maintaining a telephone plant or system, partly overhead and partly underground, in the District of Columbia, to extend and enlarge its system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said city and District as may be requisite and necessary for the purposes of this Act and for the reception of such other cables and wires as may be reasonably required in the future by the growth of such individual, company, or corporation or to adequately meet the requirements of the public for telephone service.

District of Columbia. Removal of telephone poles and wires. Area of removal.

Duty of the Commissioners.

Extension of underground conduits, etc.

SEC. 2. That upon the approval of this Act, and from time to time thereafter, any individual, company, or corporation now maintaining

Commissioners to approve plans.

and operating a telephone plant or system in said District, partly overhead and partly underground, shall prepare and submit to the said Commissioners a plan or plans, or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof, and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Commissioners. Said Commissioners are empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Commissioners of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the section in said District described in section one of this Act the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be, without impairing the efficiency of the telephone service in said District, the individual, company, or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and wires except such as said Commissioners may, in accordance with the provisions of this Act, permit to remain for the purpose of distributing wires for house connections.

Diligent prosecution of the work required.

Wires for house connections.

Penalty for violation.

SEC. 3. That any individual, company, or corporation owning and maintaining such poles and wires attached thereto on or over any street or avenue within the section of the District described in section one of this Act who shall willfully neglect or refuse to remove the same, as provided in section two hereof, shall be liable to a penalty of not more than twenty-five dollars for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

Erection and maintenance of poles in alleys, etc.

SEC. 4. That said Commissioners be, and they are hereby, empowered to authorize the erection and maintenance of poles in the alleys of said city and District and the stringing thereon of telephone conductors from alley poles or house-top fixtures in one square to alley poles or house-top fixtures in another square for the purpose of enabling house connections to be made, and also to authorize the erection of telephone poles in the District of Columbia outside the limits of the section of said District described in section one of this Act and the stringing thereon of telephone conductors for house connections or for connection with lines outside the District of Columbia; also to authorize the erection of such poles and the stringing thereon of such wires in the streets and avenues of said city and District in the parts thereof in which there are no public alleys, and in such other places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Commissioners impracticable to advantageously place or operate such lines underground.

In certain streets.

Temporary permits.

During the progress of the work provided for in section one of this Act said Commissioners are also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, but where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Commissioners; but in issuing such temporary permits said Commissioners shall bear in mind the purpose and policy of this Act, which is to cause to be removed from the streets and avenues within the section of said District described in section one of this Act all poles and wires attached thereto, except as hereinbefore provided, as expe

ditiously as may be without interfering with or impairing the efficiency of the telephone service in said District and without denying to the public reasonable telephone facilities at all times.

Regulations.

SEC. 5. That all subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this Act shall be subject to such reasonable regulations as the Commissioners of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires: *Provided*, That in all conduits so constructed such space shall be furnished to the District of Columbia as may be necessary for its fire-alarm or police-patrol wires or cables, carrying low potential currents of electricity, free of charge: *And provided further*, That the number of ducts so reserved in any one conduit shall not be more than three.

Proviso.
Fire alarm, etc., wires.

Maximum of ducts reserved.

Repairs and renewals.

SEC. 6. That the said Commissioners are empowered to authorize any such individual, company, or corporation now owning and operating any lines of street poles and wires and any alley poles or alley-pole line within the District of Columbia and outside of the section described in section one of this Act to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for the purpose of making house connections or for connecting with telephone lines outside the District of Columbia.

Amendment.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 20, 1902.

June 21, 1902.
[Public, No. 167.]

CHAP. 1137.—An Act To fix the fees of United States marshals in the Indian Territory, and for other purposes.

Indian Territory.
Fees of marshals and deputies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in felony cases before United States commissioners for preliminary examination, and in all cases in the district courts, whether arising under the laws of the United States or under the statutes of Arkansas, as made applicable to the Indian Territory, section eight hundred and twenty-nine of the Revised Statutes of the United States shall be applicable to the services rendered by United States marshals and their respective deputies in said Territory, and all deductions and disallowances made by the accounting officers under the decision of the Comptroller of the Treasury of the United States shall be allowed, except so far as the marshals have been reimbursed for the amounts of such deductions and disallowances; but before any item of such deductions or disallowances shall be allowed, proof satisfactory to the Auditor for the State and other Departments shall be made that the amount of such item has not been reimbursed to the marshal.

R. S., sec. 829, p. 155.

Deductions, etc., allowed.

Submission of proof.

Witnesses' fees.

SEC. 2. That all witnesses in felony cases before United States commissioners, and all witnesses in civil and criminal cases in the district courts of said Territory, shall be entitled to the fees provided in section eight hundred and forty-eight of the Revised Statutes of the United States, except that clerks and other officers of the United States shall be entitled to the compensation provided in section eight hundred and fifty of the Revised Statutes of the United States.

R. S., sec. 848, p. 160.

R. S., sec. 850, p. 160.

Repeal.

SEC. 3. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved, June 21, 1902.