

Agricultural colleges.
Vol. 12, p. 508.

Ordnance stores, etc.

Proviso.
Detail of engineer officers of the Navy.
Vol. 20, p. 322.

R. S., sec. 1260, p. 219.
Repeal provisions.

lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe keeping thereof, and for the return of the same when required": *Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled "An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;" and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section twelve hundred and sixty of the Revised Statutes.

SEC. 2. That the said section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by the said act of Congress approved July fifth, eighteen hundred and eighty-four, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

Approved, September 26, 1888.

September 26, 1888.

CHAP. 1038.—An act to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

Georgetown Barge, Dock, Elevator, and Railway Company incorporated.
Incorporators.

Docks.

Railway.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Anthony Hyde, William A. Gordon, Robert B. Tenney, Henry H. Dodge, Morris J. Adler, Edward L. Dent, John A. Baker, John Marbury, and Henry M. Sweeny, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown Barge, Dock, Elevator, and Railway Company, with authority to build and maintain a dock or docks on the Potomac River west of Rock Creek, and to receive therein, and send therefrom, barges, vessels, cargoes, and railway cars, from and to any points on the Potomac River and its tributaries and coastwise; and to construct and maintain single or double track railways in the city of Georgetown or West Washington, District of Columbia, through and along Water street, beginning at a point on the west side of the Aqueduct Bridge, through and along said Water street, under said bridge to the eastern terminus of said Water street at Rock Creek, with the privilege of extending its tracks from the intersection of Water street and Washington or Thirtieth street along Washington or Thirtieth street to the Potomac River, and from the intersection of Virginia avenue and Washington or Thirtieth street along Virginia avenue to Rock Creek, with sidings, turn-outs, turn-tables, and switches necessary for the delivery of cars to warehouses and depots along said streets; and also to construct and maintain warehouses,

depots, and elevators in said city of Georgetown or West Washington, with the right to receive and dispatch boats and freight of all kinds, and to run cars on said tracks, sidings, switches, turn-outs, and turn-tables, propelled by steam, horse, or electric power; and to charge and receive for the use of the docks, railway, warehouses, depots, elevators, and barges of said company, such rates as may be fixed by the directors, with the approval of the Commissioners of the District: *Provided*, That when said lines coincide with the duly authorized lines of any duly incorporated street railway of the District of Columbia, said company shall lay separate and independent tracks in the original construction of the said lines whenever, in the judgment of the Commissioners of the District of Columbia, it shall be deemed by them possible and practicable so to do. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks, when, on account of the width of the streets, or for other sufficient reason, it shall be deemed by the Commissioners of the District to be necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said company 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 hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, laid upon an even surface with the pavement of the street, with the gauge to correspond with that of the Baltimore and Ohio and Baltimore and Potomac Railroad Companies, all to be approved by the Commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good repair at its own expense and subject to the approval of the Commissioners aforesaid. And if the corporation shall fail to make the necessary repairs within ten days after notice by the Commissioners, the repairs shall be made by the Commissioners, and the cost of such repairs be recovered by the Commissioners before any court of competent jurisdiction. It shall be lawful for said corporation, its successors, or assigns, to operate its said road by steam, horse, or electric power. 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 said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the operation of a steam, horse, or electric motor railroad. The main line of said road shall be completed within two years from the passage of this act; and if work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void.

Elevators, etc.

Charges.

Proviso.

Tracks coinciding with other lines.

Terms for use of other lines.

Construction.

Repairs to pavement.

Motive power.

Commencement and completion.

Capital stock.

Provisos
Bonds.

SEC. 2. That the capital stock of said company shall not exceed fifty thousand dollars and be not less than twenty-five thousand dollars, in shares of fifty dollars each; but if said company shall find it necessary to purchase or construct barges and tug-boats then the said company shall have the right to issue additional stock or bonds, not exceeding fifty thousand dollars: *Provided, however*, That no bonds shall be issued hereunder until at least fifty per centum of the capital stock shall have been actually paid into the treasury of the company upon stock subscriptions, and that no bonds shall be issued for

a greater sum than the sum actually paid into the treasury of the company upon stock subscriptions. And 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 five per centum each thirty days thereafter until fifty per centum thereof shall have been paid; the balance of such subscriptions to be paid at such times and in such amounts as the board of directors may require; 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 a 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 installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall buy, lease, construct, and maintain workshops, depots, lands, and buildings as they may deem necessary at such points along its line as may be approved by the Commissioners of the District, and as the business of the company may require: *Provided*, 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 cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the stock shall be sooner subscribed; and said corporators shall give public notice, by advertisement in two of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *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 and the additional installments hereinbefore provided for, except lawful money or certified checks from any 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 in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Terms of subscription.

Delinquent stockholders.

Organization.

First installment on stock.

Payments to be in cash.

Board of directors.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the directors (a majority of whom shall be a quorum) shall elect one of their number to be President of the board, who shall be

president of the company; and they also shall choose a vice-president, a secretary, and a treasurer, who shall give a 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. The directors shall have 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. There shall be an annual meeting of the stockholders for election of directors, to be held 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. If any person or persons shall willfully, mischievously, or unnecessarily obstruct or impede the passage of the cars, engines, or barges of said company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with operatives while in transit, or destroy or injure the tracks, barges, cars, or other property belonging to said company, 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 of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. That the Commissioners of the District shall make such reasonable regulations as may be deemed proper to prevent the said railroad company from obstructing any of the streets the tracks of said company may cross, and for the violation of said regulations the said company shall be subject to a penalty not exceeding one hundred dollars, to be recovered in any court of competent jurisdiction. The principal offices of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

By-laws, etc.

Elections.

Penalty for obstructions, etc.

Regulations by District Commissioners.

Principal offices.

SEC. 4. That each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to the amount of the par value of the stock held by such stockholder, until the same shall have been fully paid up.

Liability of stockholders.

SEC. 5. That the said company shall, on or before the fifteenth day 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 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 the affidavit of the president and secretary of the 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 proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, five per centum of its gross earnings for the preceding year, as shown by said verified statement, 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, 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

Annual report.

Taxes.

shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, including its docks and barges, cars, and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate.

Proviso.
Tracks.

Water front to be
unobstructed.

Amendment.

SEC. 6. That the water front at the end of all public streets and highways shall be and remain open to the use of the public.

SEC. 7. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, September 26 1888.

September 26, 1888.

CHAP. 1039.—An act amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June eighteenth, eighteen hundred and eighty-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last clause of the second section of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June eighteenth, eighteen hundred and eighty-eight be, and the same is hereby, so amended as to read as follows, and constitute the third section of said act:

Postal crimes.
Ante, p. 187.

Indecent, libelous,
etc., matter on wrap-
pers, etc., non-mail-
able.

"SEC. 3. That all matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal-card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another may be written or printed, or otherwise impressed or apparent, are hereby declared non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall, for each and every offense, upon conviction thereof, be fined not more than five thousand dollars, or imprisoned at hard labor not more than five years, or both, at the discretion of the court."

Punishment for
mailing.

SEC. 2. That section thirty-eight hundred and ninety-three of the Revised Statutes, as amended by the act of July twelfth, eighteen hundred and seventy-six, is hereby so amended as to read as follows:

Obscene, etc., mat-
ter declared non-mail-
able.

R. S., sec. 3893, p. 758,
amended.

Letters added.

"SEC. 3893. Every obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, letter, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where or how, or of whom, or by what means any of the hereinbefore mentioned matters, articles, or things may be obtained or made, whether sealed as first-class matter or not, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same,