

the metes and bounds of said reserved tract in a satisfactory manner, and to include therein such portions as he may deem advisable of certain lands in the eastern part of the reservation, which the Indians desire shall be reserved for them; and the said Secretary is authorized by order to establish such diminished reservation accordingly; and in all other respects said act shall continue and remain in force.

Amendment.

SEC. 9. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, October 17, 1888.

October 18, 1888.

CHAP. 1194.—An act to provide for warehousing fruit brandy.

Fruit brandy.
Provisions for warehousing.
Vol. 19, p. 393.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March third, eighteen hundred and seventy-seven, be extended and made applicable to brandy distilled from apples or peaches, or from any other fruit the brandy distilled from which is not now required or hereafter shall not be required to be deposited in a distillery warehouse: *Provided,* That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or of a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

Proviso.

Custody.

Approved, October 18, 1888.

October 18, 1888.

CHAP. 1195.—An act to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Maryland.

Life-saving station.
Established on coast of Delaware or Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the coast of Delaware or Maryland, at such point between Indian River Inlet, Delaware, and Ocean City, Maryland, as the General Superintendent of the Life-Saving Service may direct.

Approved, October 18, 1888.

October 18, 1888.

CHAP. 1196.—An act to incorporate the Brightwood Railway Company of the District of Columbia.

District of Columbia.
Brightwood Railway Company incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That M. M. Parker, A. A. Thomas, C. M. Anderson, C. B. Pearson, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name of the Brightwood Railway Company of the District of Columbia, and may make and use a common seal, and by that name may sue and be sued, plead and be impleaded, with authority to construct and lay down a single or with the approval of the Commissioners of the District a double track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections, necessary to operate the same by horse, cable, or electric power, in the District of Columbia, through and along Brightwood avenue, from Boundary street to the boundary-line of the District of Columbia, with the right to run public carriages thereon propelled by horse, electric, or cable power. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly

Location.

Coinciding tracks.

incorporated street-railway company in the District of Columbia, both companies shall use the same tracks, upon such fair and equitable terms as may be agreed upon by said companies; and in the event 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 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 corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable-power, or such other motive power as it shall use to propel its own cars with on the routes prescribed in this act, and may repair and construct such proportions of its road as may be upon the line or route or routes of any other road thus used; and in case of any disagreement regarding such construction or repairs, with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding five cents for each passenger, for each continuous ride between all points of its line, but shall sell six tickets for twenty-five cents: *Provided*, If electric wires or cables are used the same shall be placed under ground:

Compensation for use.

Motive power on other tracks.

Disagreements as to repairs.

Fare.

Proviso.
Electric wires.

Annual report.

SEC. 2. That the said railway company shall, on or before the fifteenth 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 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, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars and motive power, for each year, four per centum of its gross earnings upon its traffic, 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 upon its personal 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 its tracks shall not be taxed as real estate.

Taxes.

SEC. 3. That the said railway shall be laid upon such part of the road as may be designated by the Commissioners of the District, and must be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the District, laid upon an even surface with the pavement of the street, and in such a manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

Construction.

SEC. 4. That the said corporation shall, at its own expense, keep its tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved and in good repair, so as to impede the general travel as little as possible.

Repairs.

SEC. 5. That in the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the tracks of this corporation it shall be the duty of said company to change its said rail-

Changes of grade.

road so as to conform to such grade as may have been thus established at its own expense.

Permission to dig streets, etc.

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections, 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; and said sewer connections shall have such traps or other devices as may be required by the Commissioners of the District of Columbia; 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, 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 successful operations of an electric or cable-motor railroad.

Engine house, etc.

Maximum speed.

SEC. 7. 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 fifteen miles per hour; and for each violation of this provision said corporation, its 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 District of Columbia.

Commencement and completion.

SEC. 8. That the said railway shall be commenced within three months and completed to Brightwood within twelve months from the passage of this act; and the entire line to be completed in two years from the passage of this act.

Capital stock.

SEC. 9. That the capital stock of said company shall not exceed, if horse power is to be used, sixty thousand dollars. If electric motor power is to be used, the capital stock shall not exceed one hundred and two thousand dollars. If propelled by cable, the capital stock shall not exceed two hundred and four thousand dollars; that the stock shall be divided into shares of fifty dollars each, transferable in such manner as the by-laws of said company may direct; and said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of said road; and if any stockholder shall refuse or neglect to pay any installment, 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 said 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 under such general regulations as may be made in the by-laws of said company; but no stock shall be 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.

Payments.

Failure to pay assessments.

Equipment.

SEC. 10. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a table or schedule fixed by the company, a copy of which shall be filed with the Commissioners of the District of Columbia and approved by them.

Shops, depots, etc.

SEC. 11. That the company shall 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 Commissioners of the District.

SEC. 12. 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, and if said property remains unclaimed for one year the company may sell the same after five days' notice.

Lost articles.

SEC. 13. That within thirty days after the passage of this act the incorporators named in the first section, 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 incorporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said incorporators shall give public notice by advertisement in at least two 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 incorporators, 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 national bank. And when the books of subscription to the capital stock of said company shall be closed, the incorporators named in the first section, 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 newspapers published daily in the city of Washington, and by written personal notice to 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.

Organization.

Provisos.
Ten per cent. to be subscribed.

Payments to be in money only.

First meeting of stockholders.

SEC. 14. That the government and direction of the affairs of the company shall be vested in a board of nine directors, 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 said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bonds with good and sufficient surety to said company in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, or otherwise the vacancy so occasioned shall be filled by the remaining directors.

Government of the company.
Officers.

SEC. 15. That the directors shall have the power to make 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 and the management of its business, not contrary to this charter or to the laws of the United States and the ordinance of the District of Columbia.

Directors to make by-laws, etc.

SEC. 16. That there shall be an annual meeting of the stockholders to choose 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.

Annual meeting.

SEC. 17. That said company shall have at all times the free and uninterrupted use of its road-way; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the

Punishment for obstructing, etc., franchise.

passage of the cars of said railway 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, or other property belonging to said railway, 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 also be liable to said company, 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. 18. That said 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 unnecessarily interrupt the travel of such other railways in such construction.

Proviso.

Amendment.

SEC. 19. That Congress reserves the right to alter, amend, or repeal this act.

Approved, October 18, 1888.

October 18, 1888.

CHAP. 1197.—An act to amend section forty-four hundred and seventy-four of the Revised Statutes of the United States.

Petroleum as fuel.
R. S., sec. 4474, p.
866, amended.

Petroleum may be
used on steamers not
carrying passengers,
without certificate

Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and seventy-four of the Revised Statutes of the United States be, and the same is hereby, amended, by adding thereto the following: "*Provided, however*, That the Secretary of the Treasury may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the Supervising Inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of the Treasury in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of the Treasury a penalty of five hundred dollars shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment."

Approved, October 18, 1888.

October 19, 1888.

CHAP. 1208.—An act authorizing the President to appoint and retire Alfred Pleasonton, with the rank and grade of major.

Alfred Pleasonton.
President may ap-
point major on retired
list of the Army.

Proviso.
Pension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purpose of this act, and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Pleasonton, late a major-general of volunteers in the Army of the United States, a major, and thereupon to place him, the said Alfred Pleasonton, upon the retired-list of the Army with the rank and grade of major without regard and in addition to the number now authorized by law of said retired-list: *Provided*, That from and after the passage of this act no pension shall be paid to the said Alfred Pleasonton, but this proviso shall be no bar to any claim for pension that the widow or children or heirs of the said Alfred Pleasonton may have after his decease.

Approved, October 19, 1888.