

striking out the word "horse" and inserting in lieu thereof the word "steam," so that the proviso will read, *Provided*, That steam power shall not be used on said line for traction purposes, and that, if electric wires or cables are used to propel its cars over any of the routes hereby authorized within the limits of the city of Washington, the same shall be placed under ground."

Exclusion of steam instead of horse traction.

And in section three, by striking out the words "one year," and inserting in lieu thereof the words "two years," so that the section, as amended, will read "That, unless said extensions are commenced within three months, and the cars run thereon within two years from the passage of this act, except, as otherwise expressly provided for, the authority hereby granted shall be void: *Provided*, That said railroad shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia"

Time for construction extended.

Ante, p. 66.

Approved, February 13, 1893.

CHAP. 105.—An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property.

February 13, 1893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Bills of lading.

Stipulations for non-liability in certain cases prohibited.

SEC. 2. That it shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to exercise due diligence properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

Covenants avoiding exercise of due diligence, etc., void.

SEC. 3. That if the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or charterers shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel nor shall the the vessel, her owner or owners, charterers, agent, or master be held liable for losses arising from dangers of the sea or other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service.

Limitation of vessel owner's liability.

SEC. 4. That it shall be the duty of the owner or owners, masters, or agent of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping document, stating, among other things, the marks necessary for identification, number of

Bills of lading to be issued.

Contents.

packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described.

Penalty for violations.

SEC. 5. That for a violation of any of the provisions of this act the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding two thousand dollars. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

Fine to be a lien.

Disposition of penalty.

Present liabilities not affected.

R. S., Secs. 4281-4283, pp. 826, 827.

SEC. 6. That this act shall not be held to modify or repeal sections forty-two hundred and eighty-one, forty-two hundred and eighty-two, and forty-two hundred and eighty-three of the Revised Statutes of the United States, or any other statute defining the liability of vessels, their owners, or representatives.

Live animals.

SEC. 7. Sections one and four of this act shall not apply to the transportation of live animals.

In effect July 1, 1893.

SEC. 8. That this act shall take effect from and after the first day of July, eighteen hundred and ninety-three.

Approved, February 13, 1893.

February 14, 1893.

CHAP. 106.—An act authorizing Velasco and Surfside Terminal Railway Company to construct a bridge across the Galveston and Brazos Canal.

Velasco and Surfside Railway Company may bridge Galveston and Brazos Canal, Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Velasco and Surfside Railway Company, a corporation chartered under the laws of the State of Texas, is hereby authorized and empowered to erect, construct, maintain, and operate a bridge over and across the Galveston and Brazos Canal, in Brazoria County, Texas. Said bridge shall be constructed to provide for the passage of railway trains on and over a double or single track, as said Velasco and Surfside Railway Company may elect.

Railway bridge.

Draw.

SEC. 2. That said bridge shall be constructed with a draw or turn of sufficient capacity to afford free passage to such vessels and boats as navigate said channel: *Provided*, That said bridge shall be opened promptly upon reasonable signal for the passage of boats and other water craft, except when trains are passing over the draw or turn; but in no case shall unnecessary delay occur in opening the draw or turn after the passage of trains or at any other time; and the said Velasco and Surfside Railway Company shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the United States Light-House Board shall prescribe. And no bridge shall be erected and maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said canal; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and such obstructions be removed at the expense of the owner of said bridge. And in case of any obstruction, or alleged obstruction, to the navigation of said canal caused, or alleged to be caused, by said bridge, the case may be brought in the circuit court of the United States in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing

Provision.

Opening draw.

Lights, etc.

Free navigation.

Litigation.

Existing laws not affected.