

CHAP. 181.—An Act To provide a register for the schooner barge Astoria.

August 1, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the ship Astoria, purchased and owned by George Grall and repaired in American ports and converted into a schooner barge, to be registered as a vessel of the United States.

Approved, August 1, 1894.

"Astoria."
American register to foreign built schooner barge.

CHAP. 189.—An Act To authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

August 2, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company, incorporated under the Act of Congress approved the first day of July, anno Domini eighteen hundred and sixty-four, be, and the same is hereby, required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this Act shall subject the said company to a fine of twenty-five dollars for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

District of Columbia.
Metropolitan Railroad Company to use new cars.
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Penalty for refusal.

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with an underground electric system for propulsion of such cars: *Provided*, That the change to an underground system shall be completed upon its north and south line within one year and upon its east and west line within two years after the approval of this Act: *Provided* there shall be completed an extension thereof on East Capitol street from Ninth street east to Fifteenth street east, around both sides of Lincoln Square, and also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west. And in default of such completions all Acts or parts of Acts chartering or extending the said road are hereby repealed.

Underground electric motive power to be used.

Provisos.
Completion of change.

Extension of tracks.

SEC. 3. That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required and the expenses incident to the change to be made as provided in this Act, but not in excess of such cost. And said bonds shall not be sold or disposed of at less than their face or par value.

Bonds may be issued.

SEC. 4. That a transcript of the record of the case of the District of Columbia against the Metropolitan Railroad Company of the District of Columbia, at law Numbered Twenty-two thousand four hundred and fifty-eight, in the Supreme Court of the District of Columbia, together with the original papers and record entries therein, duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the Court of Appeals of the District of Columbia, which said Court of Appeals is hereby vested with original authority and jurisdiction to hear and determine said case without a jury upon the pleas and issues and proofs therein other than the pleas and issues relating to the statute of limitation or plea of failure of notice to said company of any act required of it, and to determine from and upon said record and

Court of appeals, District of Columbia, to hear suit against company.

Statute of limitations etc., to be waived.

pleadings and proofs therein contained, and such other proof in the course of said hearing as said court may determine to be necessary in order to dispose of the case upon its merits, what, if any, indebtedness is due to the District of Columbia from the said railroad company in respect of the cause of action stated in the declarations filed in said case, assuming that due and proper notice has been given to said company of all acts required in the premises, and to enter judgment against said company in favor of the District of Columbia for any sum or sums of money that said Court of Appeals shall find due from said company in respect of said cause of action, for the amount of which said judgment execution may issue out of said court, and said judgment shall immediately become a lien upon all the property of said company, to be enforced in the manner now provided by law for the enforcement of other liens, and shall be paid within ninety days from the date thereof: *Provided*, That unless said company shall file in said Court of Appeals its consent in writing to the aforesaid transfer of the said case, and also a waiver of all its rights and defenses under the statute of limitation and from want of notice as hereinbefore provided for, and also a waiver of all rights, benefits, advantages, and defenses that it has or may have by reason of the decision and judgment of the Supreme Court of the United States made and entered in said case within thirty days after the approval of this Act, then all rights granted to said company by this Act shall cease and be determined: *Provided*, That the judgment of the said Court of Appeals shall be final and that there shall be no appeal therefrom: *And provided further*, That the cost of said transfer and of the hearing of said case in the Court of Appeals shall be paid by said railroad company.

Judgment.

Proviso.
Waiver by company.

Judgment final.

Costs.

Transfers with connecting lines.

Reciprocal use of tracks.

Compensation, etc.

Proviso.
All companies to transfer with connecting lines.

Tax for failure to change motive power.

Amendment, etc.

SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this Act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.

SEC. 6. That on and after one year from the approval of this Act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this Act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on any line owned or controlled by the said company.

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

Approved, August 2, 1894.