

to the city of Buffalo, Wyoming, for lots seven and eight, section three, township fifty north, range eighty-two west of the sixth principal meridian, embraced within the abandoned Fort McKinney Military Reservation, upon the payment by the authorities of said town of the appraised price of said lots.

Approved, February 27, 1903.

**CHAP. 856.**—An Act To provide for a union railroad station in the District of Columbia, and for other purposes.

February 28, 1903.

[Public, No. 122.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Philadelphia, Baltimore and Washington Railroad Company, (a corporation duly created by consolidation and merger of the Philadelphia, Wilmington and Baltimore Railroad Company and the Baltimore and Potomac Railroad Company, their respective capital stocks, railroads, properties and franchises) or the terminal company provided for in section ten of the Act of Congress approved February twelfth, nineteen hundred and one, entitled "An Act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," be, and each of them is hereby, authorized and required to locate, construct, maintain, and operate a double-track railroad, commencing at a point on the railroad of said Philadelphia, Baltimore and Washington Railroad Company at or near the crossing of Second street southwest, at the elevation of said railroad provided for in the said Act of Congress relating to the Baltimore and Potomac Railroad Company approved February twelfth, nineteen hundred and one; thence curving toward the north, crossing over Virginia avenue with a clearance of fifteen feet above the present curb thereof, crossing over First street southwest and Delaware avenue southwest, at a point about forty feet north of the north house line of E street, with a clearance of not less than sixteen feet; thence curving to the northward, crossing over Canal street and South Capitol street with a clearance of not less than fourteen feet above the curbs thereof; thence passing under the intersection of D street with New Jersey avenue, C street southeast, and B street southeast at the intersection with First street; thence continuing under the west side of First street to near E street northeast; thence curving to the eastward, crossing under the proposed circle at Massachusetts avenue to a connection with the tracks in the proposed terminal station to be built on the north side of Massachusetts avenue hereinafter provided for; thence running from the said north line of Massachusetts avenue on the terminal station structure hereinafter mentioned northeastwardly to Delaware avenue; thence, still on said terminal structure, and on the easternmost part of the viaduct, hereinafter mentioned, to be located in Delaware avenue, to the north side of M street northeast; thence northwardly still on Delaware avenue, crossing Florida avenue overhead, by means of a girder bridge, or by masonry arches, to the north side of said avenue; thence by a line, still northwardly, curving to the east, and crossing under New York avenue, by the most practicable route, in a general northeasterly direction, to a point on the north line of Montana avenue, as projected, and shown on plan filed as required by this Act, from which terminal point the Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, shall be, and is hereby, authorized to locate, construct, maintain, and operate a line of railroad, of two or more tracks, by the most practicable route, to a point of connection with its present railroad near Magruder Station, in the State of Maryland, and

District of Columbia.  
Union railroad station.  
Philadelphia, Baltimore and Washington Railroad, etc.  
New terminal and track privileges granted to.

Vol. 31, p. 775.

Location of tracks.

Vol. 31, p. 767.

Magruder station connection.

to acquire, from time to time, such lands between Montana and Florida avenues, and east of the present Metropolitan Branch of the Baltimore and Ohio Railroad, as it may need for sidings, switches, yard tracks, with suitable structures and appliances, and other proper corporate purposes in connection therewith, and to use the same accordingly, subject to the approval of the Commissioners of the District of Columbia; and a right of way one hundred feet in width for said line of railroad as it shall be located through and upon lands belonging to the Reform School of the District of Columbia is hereby granted to and vested in said Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, on such terms as the Attorney-General shall prescribe: *Provided, however,* That the portion of said line of railroad lying south of Florida avenue within the limits of the city of Washington shall be used for passenger trains only, except in cases of temporary emergency, and then for a period not exceeding twenty-four hours, unless with the consent of the Commissioners of the District of Columbia.

*Proviso.*  
Restrictions.

Joint construction.

#### JOINT CONSTRUCTION.

Division of cost.

It is the intention of this Act that the portion of the line of railroad above authorized lying between the north line of Massachusetts avenue and the north line of Florida avenue, if constructed by said Philadelphia, Baltimore and Washington Railroad Company, shall be constructed jointly with the said terminal company, and, with the viaduct and elevated terminal carrying the same above or over the streets and avenues of the city, be continuous with the elevated terminal and viaduct of said terminal company; and in that case the cost of said joint works shall be borne by said railroad company and said terminal company in such proportions as they may agree on, or, in case of a disagreement, as may be determined by the supreme court of the District of Columbia in such manner as that court shall prescribe. If, however, the Philadelphia, Baltimore and Washington Railroad Company shall deem it expedient or advisable, and shall so elect, that the whole or any portion of the railroad hereby authorized south of the point hereinbefore designated, on the north line of Montana avenue, should be constructed and owned by said terminal company, then and thereupon the said Philadelphia, Baltimore and Washington Railroad Company shall acquire, by purchase, from the said Baltimore and Ohio Railroad Company one-half of the whole then issued capital stock of the terminal company, and be entitled to subscribe for and acquire equally with said Baltimore and Ohio Railroad Company all thereafter issued stock of said terminal company; and, upon such election, said terminal company shall have as full power and authority to locate, construct, maintain, and operate said line of railroad as it is possessed of with reference to the other works, specified in this Act, to be constructed by it, or which it is authorized to construct under the said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one.

Construction by terminal company alone.

Vol. 31, p. 775.

#### UNION STATION.

Main passenger station, etc.

SEC. 2. That the main passenger station and terminals for the accommodation of the passenger traffic of both the Baltimore and Ohio Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company, and the passenger traffic of such other companies as may be moved over the railroads of either of said two companies, as provided in section eleven, shall be constructed by said terminal company within the area described as follows, namely:

Post, p. 918.

Location.

Beginning on the north side of Massachusetts avenue at a distance of three hundred feet northwest from the west side of Delaware avenue

measured at right angles thereto; thence by a line parallel with Delaware avenue and three hundred feet therefrom northeastwardly to a point in the south line of I street northeast; thence by a straight line northeastwardly to a point in the intersection of the west line of Delaware avenue with the south line of L street northeast; thence eastwardly, along the south line of L street northeast, to a point in the intersection with the west line of Second street northeast; thence south, along the west line of Second street northeast, to a point about eighty feet north of the north line of H street northeast; thence by a line parallel with and distant three hundred feet measured at right angles thereto eastwardly from the east line of Delaware avenue, southwestwardly to a point in the north line of Massachusetts avenue; thence by the said north line of Massachusetts avenue to the point of beginning.

The terminal station contemplated by this Act shall cost not less than four million dollars and shall be monumental in character, and the plans thereof shall be subject to the approval of the Commissioners of the District of Columbia.

And for the purposes of said passenger station and terminal said terminal company is fully authorized and empowered to acquire, take, and use all the lands and property lying within said area, or so much thereof as it may deem necessary: *Provided*, That on the westerly side of said railway station sufficient land for a street not less than forty feet in width shall be dedicated to the District of Columbia by the said railroad companies and said terminal company.

Cost and character of station.

Acquiring lands.

*Proviso.*  
Dedication of land for street.

VIADUCT.

Viaduct.

SEC. 3. That the viaduct leading northwardly from the passenger station and terminal between the south side of L street and the north side of M street may occupy so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and forty feet westwardly therefrom: *Provided, however*, That said terminal station and viaduct shall be so constructed as to permit H, K, L, and M streets, and Florida avenue to be passed and continued under the same through openings or spaces of sufficient clearance to permit the use of said streets and avenues in the form and manner and of the dimensions shown and indicated on the plan and profiles agreed upon between the Baltimore and Ohio Railroad Company, the terminal company, and the Philadelphia, Baltimore and Washington Railroad Company and the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner; and the said terminal company shall also grade and pave the said passages at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavements and roadways shall be provided for as in the case of other public highways in the District of Columbia.

Location.

*Proviso.*  
Passage for streets.

Grading and paving.

Said viaduct shall be of sufficient width to carry, in addition to the tracks authorized by said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, such tracks as may be required to accommodate the traffic of the said Philadelphia, Baltimore and Washington Railroad Company, and one or more freight tracks for the Baltimore and Ohio Railroad Company, to be located on the west side thereof.

Width of viaduct.  
Vol. 31, p. 774.

YARDS AND SWITCHES FOR TERMINAL COMPANY.

Said terminal company is also expressly authorized and empowered, subject to the approval of the Commissioners of the District of Columbia, to acquire and become possessed of such lands in the District of Columbia, outside the city limits, as may be from time to time needed

Yards, switches, etc.

for the purpose, and thereon to construct, maintain, own, and operate yard tracks, switches, roundhouses, shops, and other structures to adequately accommodate the handling, shifting, housing, storing, cleaning, and repairing of the locomotives and cars of such companies as shall be entitled to use the said passenger station and terminal; and also to establish, maintain, and operate the necessary tracks connecting the same with the tracks on Delaware avenue: *Provided*, That said roundhouses and shops shall be located as designated on plans to be approved by the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner.

*Proviso.*  
Location of round-  
houses, etc.

BALTIMORE AND OHIO FREIGHT TRAFFIC.

Additional freight  
facilities for Balti-  
more and Ohio Rail-  
road.

Vol. 31, p. 774.

In Eckington.

In city limits.

SEC. 4. That in order to provide terminal facilities for the freight traffic of the Baltimore and Ohio Railroad Company in lieu of those which said company is now authorized to have within the area to be occupied by the passenger station and terminal, described in the Act relating to it, approved February twelfth, nineteen hundred and one, the said Baltimore and Ohio Railroad Company be, and it is hereby, authorized and empowered (in addition to the power and authority conferred upon it by the provisions of said Act relating to it, approved February twelfth, nineteen hundred and one) to locate, construct, maintain, and operate tracks, switches, sheds, warehouses, other structures, and facilities necessary or proper for a freight-delivery yard and terminal in Eckington, in, over, and upon the bed of Quincy street and Third street between New York avenue and R street, and in and upon the property bounded by New York avenue, Florida avenue, Eckington place, and R street, outside the limits of the city of Washington; and also within the city of Washington in, over, and upon the bed of Second street between M and N streets and in and upon squares seven hundred and eleven, seven hundred and twelve, and seven hundred and thirteen; and also to extend its tracks and switches north of V street on the east side of the main tracks of its Metropolitan Branch Railroad to Rhode Island avenue extended; and said company is hereby authorized to acquire, by purchase or condemnation, as provided in this Act, the lands and property necessary for the additional freight facilities above mentioned.

STREETS TO BE VACATED.

Streets to be vacated.

Vol. 31, p. 775.

In Eckington.

*Provisos.*  
Restrictions.

SEC. 5. That to accomplish the purposes of this Act the following-named streets, in addition to the streets vacated, abandoned, and closed by the provisions of said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, are hereby vacated, abandoned, and closed, to wit: In Eckington, T street shall be closed between the west line of Seventh street and the right of way of the Metropolitan Branch of the Baltimore and Ohio Railway Company; Thomas street from the west line of Seventh street westward; Seaton street from Sixth street to Seventh street; S street from Sixth street to the Brentwood road; Brentwood road from the west side of Seventh street to the south side of S street; Third street from the south side of R street to Florida avenue; Quincy street shall be closed and abandoned: *Provided*, That no streets or avenues shall be closed or abandoned under the provisions of this Act or of the Acts relating to the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, until all of the property abutting on the streets or avenues, or portions thereof, provided to be closed in said Acts, shall have been acquired by said railroad company or companies or the terminal company referred to herein, either by condemnation or purchase, as hereinafter provided. No streets or avenues, except

Streets to be ele-  
vated.

Ninth, Twelfth, and Fifteenth streets and New York avenue, shall be opened across the railroads constructed under authority of this Act between Florida and Montana avenues; and said Ninth, Twelfth, and Fifteenth streets, when and as opened, shall be carried above the railroads by suitable viaduct bridges, the cost whereof, with their approaches within the limits of the right of way, shall be paid by the terminal company, but shall be maintained as in the case of other public highways in the District of Columbia: *Provided*, That the Baltimore and Ohio Railroad Company shall make adequate and suitable provision for carrying T street over the railroad right of way to the west line of Seventh street east in a manner satisfactory to the Commissioners. And the terminal company shall construct the necessary tunnels or viaducts to permit New York avenue to be carried with its full width between parking lines over their rights of way as herein authorized; and shall fill said avenue to a like width to the grade approved for said avenue for the purposes of this Act across said right of way and westward to Florida avenue, and shall support the sides of said avenue with embankments or retaining walls wherever it abuts upon property belonging to said railroad, and nothing contained in the provisions heretofore made for the vacating of Third street and Brentwood road across said avenue shall operate to close said avenue in any way as a public thoroughfare at its full established width: *And provided further*, That the Baltimore and Ohio Railroad Company shall dedicate to the District of Columbia the necessary land to widen Eckington place on its east side to its full width in accordance with the recorded plans for street extensions, and the Philadelphia, Baltimore and Washington Railroad Company shall dedicate to the District of Columbia the necessary land to form a western exit from Ivy street to Canal street as shown on the plan filed by said company as required by this Act. Also, in the city of Washington the following-named streets are hereby vacated, abandoned, and closed, to wit: Ivy street between South Capitol street and a point two hundred and twenty feet east thereof; Second street northeast, between N street and Delaware avenue, and, between the north side of M street and the south side of L street, so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and forty feet westerly therefrom; also all parts of streets included within the area of the terminal herein described, except H and K streets, it being the intention of this Act that all streets, avenues, ways, and alleys within the area to be occupied and used for said terminal and terminal tracks shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the company constructing such terminals for the purposes of the same, except that H and K streets shall be carried under said terminal and terminal tracks substantially in accordance with the plans agreed upon between the Baltimore and Ohio Railroad Company, the terminal company, and the Philadelphia, Baltimore and Washington Railroad Company and the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner.

T street.

New York avenue.

Widening Eckington place.

Streets to be vacated in city.

MASSACHUSETTS AVENUE PLAZA.

Massachusetts avenue plaza.

Acquisition of land authorized.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed as provided in this Act, and in accordance with the intent thereof; and also to lay out a circle or plaza at the intersection of Massachusetts avenue and Delaware avenue, and to lay out and open streets leading to such circle, and to change the lines of certain other adjacent streets and of Ivy street, as shown on a plan filed in the office

of the said Commissioner, and also to make such changes in the lines and grades of any existing street, avenue, or way and in the recorded plans of street extensions as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized. And authority is hereby given said Commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the proceedings authorized by this Act, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder.

And authority is hereby given the District Commissioners to sell or equitably exchange any portion of existing public space abandoned by reason of the adjustment of streets as an approach to the plaza or circle at Massachusetts avenue: *Provided*, That the provisions of section three of the Act of February twelfth, nineteen hundred and one, in relation to new terminals for the Baltimore and Ohio Railroad Company which vacate, abandon, and close D and E streets between First street and North Capitol street and Delaware avenue between C street and the south line of Massachusetts avenue be, and the same are hereby, repealed, and said streets are restored to the same status and ownership in all respects as they were prior to the passage of said Act.

#### DAMAGES.

All damages to adjacent property owners resulting from, incidental to, or connected with changes in the grades of the streets or alleys authorized by this Act shall be borne, paid for, and defrayed by the District of Columbia, and shall be recoverable by action of law against the said District on the part of the owners of the property so damaged. Fifty per centum of the amounts so recovered shall be refunded to the said District by the United States: *Provided*, That in determining the damages as herein provided the jury shall take into consideration any benefits that may have accrued by reason of the elimination of grade crossings or of the location of said station in proximity to the property alleged to have been damaged.

#### TAXATION.

SEC. 6. That the property owned or occupied by the terminal company, or by the Philadelphia, Baltimore and Washington Railroad Company, or by the Baltimore and Ohio Railroad Company under authority of this Act, or otherwise, together with the improvements that may be put thereon, shall be subject to taxation in the District of Columbia in the same manner and to the same extent as other property in the District, and all tracks and sidings shall be taxed as real estate: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the stations, terminals, and lines of railroad located, constructed, or maintained under the authority of this Act in excess of that which would or could be lawfully made, laid, or levied if said stations, terminals, and lines of railroad were located, constructed, and maintained without the use of bridges, tunnels, viaducts, retaining walls, or other structures necessary or properly employed to elevate or to depress the same as required by this Act; it being the true intent and meaning hereof that the lines of railroad and terminals hereby authorized shall be assessed and valued for the purpose of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, tunnels, viaducts, retaining walls, and other structures: *Provided*, That such portions of the terminal structure or viaduct as may be constructed and used for storage or like commercial purpose shall be subject to taxation in the same manner as other property in the District of Columbia.

Sale, etc., of abandoned land.

*Proviso.*  
Streets reopened.  
Vol. 31, p. 775,  
amended.

Payment of damages by the District.

United States to refund one-half.  
*Proviso.*  
Benefits.

Basis of taxation.

*Proviso.*  
Cost of bridges, etc., exempt.

Structures for commercial use taxable.

PLANS.

SEC. 7. That before any portion of the work of construction within the District of Columbia herein described shall be begun, plans thereof in accordance with the provisions of this Act shall be prepared by the company undertaking such work, and shall be submitted for approval to the Commissioners of the District of Columbia; also in so far as public parks and reservations may be affected, for approval also of the Secretary of War; and also in so far as underground construction is involved, for approval also of the Superintendent of the Library of Congress. Duly authenticated copies of said plans shall, after approval, be filed with the Commissioners of the District of Columbia, and all work shall be done in accordance therewith. The company undertaking such work shall deposit with the collector of taxes such sums of money as the Commissioners of the District may reasonably require to cover the cost of District inspection.

Approval of plans by District Commissioners.

Deposit for cost of inspection.

LIMIT OF TIME FOR COMPLETION.

SEC. 8. That of the works herein described, the lines of railroad leading northward and southward from the main passenger station and terminal connecting the same with lines of the Baltimore and Ohio Railroad Company and lines of the Philadelphia, Baltimore and Washington Railroad Company, respectively, shall be completed, and the main passenger station and terminals shall be ready for occupancy, within five years from the date of the passage of this Act. The construction of said passenger station and terminal and viaduct by said terminal company, in accordance with the provisions of this Act, shall be deemed and taken to be a full compliance by the Baltimore and Ohio Railroad Company with the requirements in that regard of the said Act relating to it, approved February twelfth, nineteen hundred and one, and the respective periods of five and six years from the passage of said Act, as mentioned in section eight thereof, are hereby extended respectively for five and six years from the passage of this Act. Except as modified by this Act, all the provisions of said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, shall be and remain in full force and effect.

Time of construction.

Vol. 31, p. 778.

REMOVAL OF TRACKS FROM THE MALL.

The construction of the lines of railroad hereinbefore mentioned, connecting the railroad of said Philadelphia, Baltimore and Washington Railroad Company with said main passenger station and terminal, whether constructed wholly by said Philadelphia, Baltimore and Washington Railroad Company or said terminal company, or partly by each, shall relieve said Philadelphia, Baltimore and Washington Railroad Company of any and all duties and obligations respecting relocation of its present passenger tracks and terminal, and location, construction, and operation of new passenger station and new terminal tracks, as prescribed in the Act relating to the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one; and upon completion either by said Philadelphia, Baltimore and Washington Railroad Company or said terminal company, or in part by one and in part by the other, of said connecting lines of railroad ready for use, in connection with said main passenger station and terminal, as contemplated by this Act, and within five years from the passage of this Act the said Philadelphia, Baltimore and Washington Railroad Company shall be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including the tracks on Sixth

Removal of tracks from the Mall.

Vol. 31, p. 767.

Conveyance of old station to United States.  
Surrender of railroad rights to the Mall.

street, and its western connection via Maryland avenue, and to convey its passenger station building to the United States. And in consideration thereof, and of the relinquishment and surrender by said Philadelphia, Baltimore and Washington Railroad Company of its right to occupy and use the portion of the Mall, and to maintain thereon a new passenger station and terminals, granted to the Baltimore and Potomac Railroad Company by the Act aforesaid in consideration of and as a contribution toward the large expenditures to be made by said company in the relocation and improvement of its line of railroad and elimination of grade crossings resulting therefrom, as required by said Act, the sum of one million five hundred thousand dollars shall be paid to said Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, out of any moneys in the Treasury of the United States not otherwise appropriated, and said sum of one million five hundred thousand dollars is hereby expressly appropriated for this purpose, and shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that said passenger station and terminal and connecting lines of railroad contemplated by this Act are ready for occupancy. Except as modified by this Act, all provisions of said Act relating to the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, and all rights, powers, remedies, and processes thereby conferred on said last-named company, or upon Southern Railway Company, shall remain and continue in full force, and with like effect as if herein reenacted at length; and all rights, powers, and privileges granted to, or duties imposed upon, said Philadelphia, Baltimore and Washington Railroad Company by this Act shall accrue to and devolve upon its successors and assigns, as provided with respect to the Baltimore and Potomac Railroad Company by section fifteen of said Act relating to said Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, and all provisions of said section shall be applicable thereto in all respects, and in like manner as they are made applicable to the rights, privileges, and duties granted to or imposed upon said company by said last-mentioned Act.

Appropriation for payment to company.

Time of payment.

Prior rights, etc., continued.

Vol. 31, p. 767.

Rights accrue to successors, etc.

#### CONDEMNATIONS.

Condemnation proceedings.  
Vol. 31, pp. 767, 774.

R. S., D. C., secs. 648-663, pp. 78, 79.

Proviso.  
Possession.

Proceedings to compel appropriation of lands.

SEC. 9. That in the execution of the powers conferred by this Act, or by either of said before-mentioned Acts, approved February twelfth, nineteen hundred and one, by the terminal company, the Philadelphia, Baltimore and Washington Railroad Company, or the Baltimore and Ohio Railroad Company, each of said companies may acquire, by purchase or condemnation, the lands and property necessary for all and every the purposes contemplated by each of said last-mentioned Acts and this Act respectively; and such condemnation shall be effected in the manner and by the methods and processes provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby continued in full force and effect, and, for the purposes contemplated by this section, are hereby specially enacted, with like effect as if the same were incorporated herein at length: *Provided*, That in every case wherein an assessment of damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceeding shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid: *And provided further*, That any property owner whose land is included within such location shall have the right, within two years, to begin proceedings

to compel the appropriation of said land by said company and the payment of damages in the same manner as if the proceedings had been instituted by the company under the provisions of this Act.

The said terminal company, in respect of the additional works hereby authorized to be undertaken by it, shall be vested with and may exercise all the powers, authorities, rights, and privileges granted by the provisions of sections six hundred and eighteen to six hundred and seventy-six, both inclusive, of the Revised Statutes relating to the District of Columbia, to the same extent as if said provisions were fully set forth and enacted herein, and shall also be vested with and enjoy all the powers, authorities, rights, and franchises conferred or granted by said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, except the power to sell all its railroad and works and property to the Baltimore and Ohio Railroad Company, as provided in said last-mentioned Act: *Provided, however,* That the Philadelphia, Baltimore and Washington Railroad Company shall have the right to acquire, own, and hold one-half of the capital stock of said terminal company, whether now or hereafter issued, and said Baltimore and Ohio Railroad Company shall make necessary transfers thereof accordingly.

Additional works.

R. S. D. C., secs. 618-676, pp. 74-81.

Vol. 31, p. 774.

Exception.

Proviso.  
Capital stock.

POWER TO CONTRACT.

The Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, and the said terminal company shall have power to contract each with the other, or with both the others, or with any other railroad company or companies whose passenger traffic may be moved over the railroads of either of said two railroad companies as provided in section eleven, in regard to the construction, maintenance, use, or operation of any line or lines of railroad, terminals, terminal tracks, stations, or other works or properties, held, owned, or possessed by any of said companies within the District of Columbia, or authorized so to be, or for the lease of the same upon such terms as may be agreed upon between the parties to any such contract. Said terminal company shall also have the right and power, exercisable at any time, to sell and convey, either to the Baltimore and Ohio Railroad Company or to the Philadelphia, Baltimore and Washington Railroad Company, so much of the line of railroad constructed by the said terminal company under the authority of this Act, north of the north line of Florida avenue, as may be set apart for the exclusive use of the traffic of either of said railroad companies by their mutual consent.

Traffic contracts.

Post, p. 918.

Sale by terminal company.

MAGRUDER STATION LINE.

SEC. 10. That in the location, construction, and maintenance of the connecting line of railroad which the Philadelphia, Baltimore and Washington Railroad Company is by this Act authorized and empowered to locate, construct, maintain, and operate, from the point hereinbefore mentioned on the north line of Montana avenue to a point of connection with its railroad near Magruder Station, in the State of Maryland, said Philadelphia, Baltimore and Washington Railroad Company shall have, be possessed of, and exercise the powers and processes of condemnation as prescribed by section nine of this Act, and also all authorities, rights, powers, privileges, and franchises conferred upon or vested in the Baltimore and Ohio Railroad Company by the twelfth section of said Act relating to it, approved February twelfth, nineteen hundred and one, in respect to the line of railroad therein authorized, and shall be subject to the same limitations and restrictions as in said twelfth section set forth.

Magruder station line.

Location, etc., of tracks.

Ante, p. 916.

Vol. 31, p. 780.

Intersecting high-ways.

INTERSECTING HIGHWAYS.

Subways, etc.

Any and all streets or highways within the District of Columbia now or hereafter planned or projected to cross any line of steam railroad in the District of Columbia, which may be hereafter opened to public use, shall be located, constructed, and maintained either beneath such railroad by a suitable subway, or above the same by a suitable viaduct bridge at such altitude as will not interfere with the free and safe operation thereof. The cost and expense of opening said streets or highways within the limits of such railroad company's right of way, including the cost of constructing the portion of any viaduct bridge, within said limits, shall be borne and paid half by such railroad company, its successors and assigns, and half by the District of Columbia and the United States, but after construction the cost of maintenance shall be wholly borne and paid as in the case of other public highways in the District of Columbia; and the portions of such streets now or hereafter planned or projected as above which lie within a right of way belonging to such railroad company shall be dedicated by such company as a public thoroughfare when the portions of such street adjoining such right of way have been similarly dedicated or otherwise acquired.

Cost of opening streets, etc.

Maintenance.

Use by other roads.

SEC. 11. That any railroad company now or hereafter, lawfully existing and authorized to extend a line of railroad into the District of Columbia, or having secured the right to operate over the lines of any other then existing railroad, to a point of connection with the tracks of said terminal company, shall have the right to the joint use of said station and terminals upon the payment of a reasonable compensation for the use of the same; and if the parties be unable to agree upon such terms, then the same shall be prescribed by the supreme court of the District of Columbia, upon petition of either party in interest, under such rules of procedure as the said court shall prescribe.

Compensation.

Substation at Long Bridge.

SEC. 12. That the Philadelphia, Baltimore and Washington Railroad Company shall establish and maintain a substation with suitable accommodation for passenger travel at a convenient location north of the Long Bridge and at a point to be approved by the Commissioners of the District of Columbia.

AMENDMENT AND REPEAL.

Amendment.

SEC. 13. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 28, 1903.

February 28, 1903.

[Public, No. 123.]

CHAP. 857.—An Act To authorize the construction of a bridge across the Missouri River and to establish it as a post road.

Missouri River,  
Kansas City, Park-  
ville and Saint Joseph  
Electric Railway Com-  
pany may bridge, at  
Kansas City, Mo.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the Kansas City, Parkville and Saint Joseph Electric Railway Company (a corporation organized under the laws of the State of Missouri), its successors or assigns, to construct a bridge across the Missouri River at a point on the north boundary line of Kansas City, Missouri, to a point opposite the said Kansas City, Missouri, on the north side of said river, in Clay County, in the State of Missouri, said bridge to be so placed as to be erected between what is known as the Hannibal Bridge and Troost avenue, in Kansas City, Missouri; that said bridge may be constructed for railway and postal service and a passage for persons and vehicles, with single or double tracks for railway traffic,