

ment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening of such street: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

Approved, March 3, 1905.

Proviso
Payment of final
decision.

March 3, 1905.
[S. 2606.]

[Public, No. 143.]

CHAP. 1410.—An Act To authorize the appointment of Acting Assistant Surgeon Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy.

Navy.
Appointment of
Leopold Herbert
Schwerin as assistant
surgeon in, author-
ized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Assistant Surgeon Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy, with the rank of lieutenant (junior grade), to take rank and position at the foot of the list, whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

Approved, March 3, 1905.

Examination.

March 3, 1905.
[S. 2697.]

[Public, No. 144.]

CHAP. 1411.—An Act To amend an Act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pennsylvania, to commemorate the valorous deeds of certain regiments and batteries of the United States Army.

*Gettysburg National
Park.*
Erection of monu-
ments to Regular
Army regiments, etc.
Vol. 32, p. 838,
amended.
Battery E, Fourth
Artillery, added.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, in the State of Pennsylvania, to commemorate the valorous deeds of certain regiments and batteries of the United States Army, approved the eighteenth of February, nineteen hundred and three, be, and hereby is, amended by adding to the names of batteries therein mentioned Battery E, Fourth United States Artillery. And for the purpose of carrying out the provisions of said Act as hereby amended the sum of one thousand five hundred dollars is hereby appropriated out of any money not otherwise appropriated.

Approved, March 3, 1905.

Appropriation.

March 3, 1905.
[S. 3343.]

[Public, No. 145.]

CHAP. 1412.—An Act To authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

District of Columbia.
Anacostia, Surratt-
sville and Brandywine
Electric Railway Com-
pany may extend line
in.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia, Surrattsville and Brandywine Electric Railway Company, a body incorporated under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia, with single or double tracks, equip and operate the same for the carry-

ing of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, and necessary mechanical devices, along the following-named route: Beginning where the Walker road intersects the line dividing the District of Columbia and Prince George County, State of Maryland, designated on the map of the District of Columbia; thence along said Walker road northwesterly to Goodhope, District of Columbia; thence westerly along Goodhope road as designated on the map of the District of Columbia to its intersection with Harrison street, Anacostia, District of Columbia; thence westerly along Harrison street to its intersection with Monroe street, Anacostia, District of Columbia, to a junction with the street railway of the Anacostia and Potomac River Railroad Company: *Provided*, That the said company shall acquire hereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated road or street of the said District until it shall have obtained the written consent of the owners of the real property covered thereby, or acquire said right of way by condemnation: *Provided*, That when the route described coincides with that of a county road of less width than sixty feet the railway shall be constructed entirely outside the road: *And provided further*, That whenever said road shall be widened the Commissioners of the District of Columbia are authorized to require that the tracks of said railway company shall be located in the center of the road as widened: *Provided*, That if at any time in the future any part of the right of way of the company shall be included within the lines of public highways, such part of the said right of way shall be dedicated to the public without expense to the District of Columbia.

SEC. 2. That the Anacostia, Surrattsville and Brandywine Electric Railway Company and the Anacostia and Potomac River Railroad Company shall have the power to make any contracts that they may deem necessary to enable the said companies to run passenger cars of each over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company. That in case of failure to reach an agreement upon terms mutually agreeable to each of said companies, then the supreme court of the District of Columbia is hereby authorized and directed to give hearings to the interested parties and fix the terms of joint trackage. Payments for the use of the tracks shall be made monthly, in advance; default in such payments shall suspend the right of the company to use the tracks until such payments are made; that the motive power shall be cable, electric, compressed air, or mechanical power other than steam locomotive power; and wherever the trolley system is used a return wire, similar in capacity, situation, and insulation to the feed wire, shall be provided for the current, and each car shall be provided with a double trolley; and no dynamo furnishing power to the road, or any portion thereof, shall have either of its poles connected with the earth.

SEC. 3. That all plans of location and construction shall be subjected to the approval of the Commissioners of the District of Columbia.

SEC. 4. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia, and subject to regulations prescribed by them.

SEC. 5. That the said railway and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

SEC. 6. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require to cover the cost

Description of route.

Provisions.
Right of way.

County roads.

Location of tracks.

Dedication to the public.

Use of tracks, etc., with Anacostia and Potomac River Railroad.

Failure to agree.

Payments.
Default, etc.

Plans.

Highway excavations.

Construction and changes.

Cost of inspection etc.

of inspection and the cost of changes to public works in the streets caused by the construction of said railway.

Repairs to pavements.

SEC. 7. That the company shall keep the space between its rails and tracks and two feet exterior thereto in good condition, to the satisfaction of the Commissioners of the District of Columbia. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary, and when any highway occupied by the company is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section five of the Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight.

Vol. 20, p. 105.

Cars.

SEC. 8. That the cars shall be first-class and shall be kept in good condition, to the satisfaction of the Commissioners of the District of Columbia.

Time-table.

SEC. 9. That the cars shall be run as often as public convenience requires, on a time-table satisfactory to the Commissioners of the District of Columbia.

Speed.

SEC. 10. That the speed of the cars shall be subject to the police regulations of the District of Columbia.

Ejection of passengers.

SEC. 11. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof.

Lost articles.

SEC. 12. That as far as possible articles left in the cars shall be cared for by the company, to the end that they may be returned to the rightful owner.

Rate of fare.

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed five cents per passenger, and six tickets shall be sold for twenty-five cents.

Buildings.

SEC. 14. That the company is authorized to erect and maintain the buildings necessary to the operation of this road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct.

Tax on gross receipts.

SEC. 15. That the said company, through its proper officers, shall annually, on or before August first, make return under oath to the board of personal tax appraisers of the District of Columbia of the amount of its gross receipts in the District of Columbia during the preceding year ending June thirtieth, and shall pay to the collector of taxes of the District of Columbia, at the same time and in the same manner as other personal taxes are paid, an amount equal to four per centum per annum thereon in lieu of other personal taxes; that the real estate of the said company in the District of Columbia shall be assessed and taxed as is other real estate in said District.

Real estate.

Right to alter grades, etc., not affected.

SEC. 16. That nothing in this Act shall prevent the District of Columbia, at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, highways, and the sewerage thereof; and the company shall change its railway construction and pavements so as to conform to such grades and improvements as may have been or may be established.

Telegraph, etc., rights.

SEC. 17. That said company is authorized to construct and operate, for its own use only, telegraph and telephone lines along its railway, as herein provided for, subject to the approval of the Commissioners of the District of Columbia.

SEC. 18. That the construction of said extension on the lines of said railway company within the District of Columbia shall be commenced within one year of the passage of this Act, and be completed and cars running thereupon for passenger traffic within two years from the passage of this Act, in default of which this Act shall be void and of no effect.

Time of construction.

SEC. 19. That all the conditions, requirements, and obligations imposed by this Act shall be complied with by any of the successors to and assigns of said company within said District.

Compliance with conditions, etc.

SEC. 20. That within sixty days from the approval of this Act, the company shall deposit one thousand dollars with the collector of taxes of the District of Columbia, to guarantee the construction of this railroad within the prescribed time, and if this sum is not so deposited this Act shall be null and void. If the sum is so deposited, and the road is not in operation as herein prescribed, said one thousand dollars shall be forfeited to the District of Columbia, and this Act shall be void.

Deposit of guaranty.

Forfeiture.

SEC. 21. That the construction, adoption of motive power, erection of buildings, regulation of schedule and speed of running shall be at all times under the supervision and control of the Commissioners of the District of Columbia.

Construction, etc., under control of Commissioners.

SEC. 22. That each and every violation of the requirements of this Act, or of the regulations of the Commissioners of the District of Columbia made under the authority thereof, shall be punishable by a fine of from twenty-five to one thousand dollars, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

Penalty for violation.

SEC. 23. That the Anacostia, Surrattsville and Brandywine Electric Railway 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 interrupt the travel of such other railways in such construction.

Right of way across other railways.

Proviso.
Interruption of travel prohibited.
Annual report.

SEC. 24. That the company shall, on or before the first day of February in each year, make a report to each the Senate and House of Representatives, as prescribed in section ten of the Act of June tenth, eighteen hundred and ninety-six, entitled "An Act to extend the routes of the Eckington and Soldiers' Home Railway Company, and of the Belt Railway Company of the District of Columbia, and for other purposes."

Vol. 29, p. 320.

SEC. 25. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, March 3, 1905.

CHAP. 1413. — An Act To provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise.

March 3, 1905.
[S. 4069.]

[Public, No. 146.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of a vacancy occurring, by reason of death or otherwise, in the office of appraiser or assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate some officer or employee within the district to perform the duties of the office, without additional compensation, until the vacancy shall have been filled.

Customs.
Filling vacancies in appraiser's office authorized.

SEC. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser of merchandise in any customs collection district it shall be lawful for the appraiser to nominate,

Appraiser may nominate, etc.