

homestead laws, as though such former entry had not been made, except that commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this section of this Act.

—for forfeiture.

Proviso.
Purchasers of Flathead Indian lands, Montana, included.
Vol. 25, p. 371.

SEC. 3. That any person who prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost or forfeited the same shall be entitled to the benefits of the homestead laws as though such former entry had not been made: *Provided, That* persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March second, eighteen hundred and eighty-nine, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase.

Approved, June 5, 1900.

June 5, 1900.

CHAP. 717.—An Act Relating to the allowance of exceptions.

United States courts.
Bills of exceptions.
R. S., sec. 953, p. 130,
amended.

What is sufficient authentication.

Inability of trial judge to sign.

—other judges may sign, etc.

Pending cases included.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine hundred and fifty-three of the Revised Statutes be so amended as to read as follows:

"SEC. 953. That a bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion, and allow and sign said bill of exceptions, then he may in his discretion grant a new trial to the party moving therefor."

SEC. 2. That this Act shall apply to all causes now pending, and to all causes pending for hearing upon motion for new trials, and to all causes pending for the allowance of a bill of exceptions.

Approved, June 5, 1900.

June 5, 1900.

CHAP. 718.—An Act Relating to certain railway corporations owning or operating street railways in the District of Columbia.

District of Columbia.
Certain street railways may contract mutually for the use of their respective roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company of the District of Columbia, the Capital Railway Company, the City and Suburban Railway Company, the Columbia Railway Company, the

Georgetown and Tennallytown Railway Company, the Metropolitan Railroad Company of the District of Columbia, and the Washington and Great Falls Electric Railway Company may, under the authority of this Act, and the Washington and Rockville Railway Company, the Washington, Woodside and Forest Glen Railway and Power Company, and the Washington and Glen Echo Railroad Company may also, if not inconsistent with the laws of Maryland, from time to time, by their respective boards of directors, enter into contracts with each other, or with any of the others, for the use of their respective roads or routes, or any part thereof. No such contract shall take effect until the same shall have been approved by the written consent of the owners of record of at least three-fourths of the capital stock of each corporation, or by the vote of the owners of three-fourths of such capital stock represented at a special meeting called and held as prescribed by law: *Provided*, That in case any corporation enters into any such contract it is hereby authorized to change its corporate name to any other corporate name not then lawfully used by any existing corporation incorporated or organized in the said District. Such change may be made by a certificate signed and acknowledged by a majority of the directors of such corporation and filed with the recorder of deeds for the District of Columbia.

Stockholders to approve contract.

Proviso.
Change of corporate name.

SEC. 2. That the Washington and Great Falls Electric Railway Company may acquire and hold stock in any street railway corporation specifically named above with which it is authorized by the terms of this Act to enter into a contract for the use of its road or route, and may provide for payment for the same by issuing additional amounts of its own capital stock in such classes and with such preferences as it may determine, or by issuing its bonds, secured by mortgage or deed of trust upon its right of way, property, and franchises, or other obligations, or by issuing both such stock and bonds or other obligations to an amount not exceeding the amounts of the actual consideration paid or payable for the stock so acquired, and may also issue further amounts of its stock or bonds or other obligations not exceeding the amounts of the actual consideration paid, or to be paid, for any equipment or extensions of any such road or route or for electric power therefor: *Provided*, That the capital stock of said company shall at no time exceed fifteen million dollars. Whenever the said Washington and Great Falls Electric Railway Company shall have acquired a majority of all the stock issued by any such corporation, it shall have power to guarantee the bonds or other obligations of such corporation and to purchase such bonds or other obligations. The Washington and Great Falls Electric Railway Company may also agree with any corporation specifically named above with which it is authorized by this Act to enter into a contract for the use of its road or route for the purchase of the estate, property, rights, and franchises of such other corporation, and for payment for the same in cash or in the stock or bonds or other obligations of said Washington and Great Falls Electric Railway Company, to be issued in the manner and subject to the limitation hereinbefore provided; and each such corporation is hereby empowered, with the consent in writing of the owners of three-fourths of its capital stock, to enter into such contract of purchase and sale through its board of directors.

Washington and Great Falls Electric Railway may acquire stock in companies named.
—may issue bonds, etc., in payment.

Proviso.
Limit capital stock. May guarantee bonds of acquired company.

—may purchase, etc.

Upon the execution of such contract of purchase and the payment or delivery of the consideration therein agreed upon the estate, property, rights, and franchises of the corporation selling the same shall vest in and be held and enjoyed by the Washington and Great Falls Electric Railway Company as fully and entirely, without change or diminution, as the same were before held and enjoyed by the company selling the same, and shall be managed and controlled by the board of directors of the said Washington and Great Falls Electric Railway Company in its

Control of purchased property.

corporate name or in such other name as it shall adopt by the filing of a certificate as hereinbefore authorized: *Provided*, That the existing liabilities of the selling corporation and the rights of its creditors shall not be affected thereby: *And provided further*, That no action or proceeding to which any corporation whose estate, property, rights, and franchises shall be acquired as herein provided is a party shall abate in consequence thereof, but the same may be continued in the name of the party by or against which the same was begun, unless the court shall order the said Washington and Great Falls Electric Railway Company to be substituted in its place.

Provisos.
Existing liabilities unaffected.
Pending actions not to abate.

Stockholders approval to contract of sale; how given.

Filing certificate of sale, etc.

Dissent of stockholder to contract of sale.

—appraisal of his shares.

—procedure.

—appraisers.

—refusal to accept award, etc.

—failure of company to pay award, etc.

The approval of stockholders herein provided for may be given by the consent in writing of the owners of record of three-fourths of the capital stock of each company, or by the vote of the owners of three-fourths of the capital stock of each company, represented at a special meeting called and held as prescribed by the by-laws of the respective companies or by law. Whenever a certificate shall be filed with the recorder of deeds for the District of Columbia, signed and acknowledged by a majority of the board of directors of each of the corporations to be affected thereby, showing that a contract of purchase and sale has been made and approved as herein provided, such certificate shall be presumptive evidence of the facts therein set forth. Upon the filing of such certificate a notice shall be mailed to each stockholder of record in such corporations, setting forth the time when and place where such certificate was filed, and if within thirty days after the mailing of such notice any stockholder of any of the companies affected thereby shall give notice in writing to the said Washington and Great Falls Electric Railway Company that he dissents from such contract, it shall be the duty of the said company, within sixty days after the filing of such certificate, to institute a proceeding for the appraisal of the shares of such dissenting stockholder. If any stockholder shall omit to give such notice of dissent, he shall be deemed to have assented to such contract. Said proceeding for appraisal may be begun by filing with the supreme court of the said District a petition praying for the appointment of three persons to appraise the value of such stock. The court shall thereupon appoint three such appraisers and designate the time and place of their first meeting. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and after being sworn honestly and faithfully to discharge their duties, shall appraise such stock at its full value, without regard to any appreciation or depreciation thereof in consequence of such contract of purchase and sale; and said award, when confirmed by the court, shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the said Washington and Great Falls Electric Railway Company. If the person entitled to receive the amount of the award shall refuse to accept the same, or if for any reason it shall not be possible to make payment of the amount of the award to such person entitled to receive the same, without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder, such stockholder shall cease to have any interest in said appraised stock or in the property or franchises represented thereby, and the said Washington and Great Falls Electric Railway Company shall receive back from the corporation whose estate, rights, property, and franchises it has acquired, that portion of the consideration for such sale, or of the proceeds thereof, which otherwise would have been distributed to such dissenting stockholder. If such payment or deposit is not made within thirty days from the confirmation of the appraisal, the amount of the award, with interest from the date of con-

firmation, shall be a judgment against the said Washington and Great Falls Electric Railway Company, and may be entered, docketed, and collected as other judgments in said court are by law collectible. If the said company shall omit to institute the proceeding hereinbefore required, within the time hereby limited, the stockholder giving such notice may institute such proceeding by a proper petition on his own behalf or, at the election of such stockholder, the estate, rights, property, and franchises of the selling corporation shall revert in such corporation, and the consideration received therefor shall be repaid to the said Washington and Great Falls Electric Railway Company.

—or to institute proceedings.

All obligations imposed by law upon the Washington and Great Falls Electric Railway Company in respect to the time and mode of constructing its railway, or the motive power to be employed, or the speed or frequency at which cars are to be run, or in respect to any other matter affecting the interests of the United States, or of the general public, or the people of the said District, except as such obligations are expressly modified or repealed by this Act, shall continue to be applicable to the road or route now belonging to said corporation, and shall be confined thereto: *Provided*, That the Washington and Great Falls Electric Railway Company, on the purchase of the property or franchises of any or all of said railroad companies as in this bill authorized, shall be empowered to charge over the said route or routes thus acquired the rates of fare now authorized by law to be charged thereon by the respective companies owning or operating the same, and no more: *And provided further*, That the right or privilege granted by section one of the Act approved July twenty-ninth, eighteen hundred and ninety-two, entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," by which said company is authorized to charge a fare of ten cents per passenger for transportation over the line of railway authorized and described by said Act, be, and the same hereby is, amended so as to limit the rate of fare on said line of railway to five cents per passenger, and said Washington and Great Falls Electric Railway Company is hereby required to sell tickets at the rate of six for twenty-five cents, each good for the transportation of one passenger over the whole or any part of its said line of railway authorized and described by said Act within the District of Columbia.

Existing obligations of company continued.

Provisos.
Rate of fare.

Vol. 27, p. 326.

—six tickets for 25 cents.

All obligations imposed by law upon any corporation whose road or route is acquired in accordance with the provisions of this Act, except as the same may be expressly modified or repealed by this Act, shall continue to be applicable to such acquired road or route and shall be confined thereto, and such road or route shall be acquired subject to such obligations and with all the rights and powers possessed by the selling corporation.

Existing obligations of acquired road continued.

SEC. 3. That the Washington and Great Falls Electric Railway Company may acquire and hold shares of the capital stock or other securities of any company supplying or under contract to supply electric power in the operation of its railway to it or to any of the corporations whose shares of stock or whose property and franchises it is authorized to acquire under this Act; and as a part of any contract for the supply of said power the said Washington and Great Falls Electric Railway Company may exchange its stock and securities for the stock and securities of any such electric power company, and may guarantee the securities of any such power company, but in no event shall said railway corporation be authorized to receive a transfer of the property or franchises of such electric power company.

Company may acquire stock of electric power companies, etc.

SEC. 4. That the Washington and Great Falls Electric Railway Company is hereby authorized from time to time to make such changes in the number of its directors as its by-laws may provide, and also to limit and regulate in its by laws the times and conditions of the exam-

Changes in number of directors.

Examination of books by stockholders.

Proviso.
—stock and transfer books.

ination of its books and records by stockholders: *Provided*, That the stock and transfer books shall at all times, during business hours, be open to the inspection of stockholders.

Repeal.

SEC. 5. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Amendment.

SEC. 6. That Congress reserves the power to alter, amend, or repeal this Act.

Approved, June 5, 1900.

June 6, 1900.

CHAP. 779.—An Act To amend an Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama.

Muscle Shoals Power Company canal and power stations.
Vol. 30, p. 1351.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an Act entitled "An Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama," approved March third, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to read as follows:

Time extended to complete work.

"SEC. 2. That unless the work herein authorized be commenced within two years, and completed within four years from the date hereof, the privileges hereby granted shall cease and be determined."

Approved, June 6, 1900.

June 6, 1900.

CHAP. 780.—An Act To create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

Sioux City and Pacific Railroad.
Commission to adjust indebtedness of to Government created.

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, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment of the Sioux City and Pacific Railroad Company's indebtedness to the Government of the United States; and to that end may receive and determine upon any proposition or propositions from said Sioux City and Pacific Railroad Company or from any other person or persons, corporation or corporations, and may sell or assign the mortgage given by said company to the United States and do any and all things proper and necessary to effect such settlement and adjustment and secure to the United States the largest sum possible in the payment of said indebtedness up to the full amount thereof: *Provided*, That they deem the same for the best interests of the Government; and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

—powers.

Approved, June 6, 1900.

Proviso.
—qualification, etc.

June, 6, 1900.

CHAP. 781.—An Act Establishing terms of the United States circuit court at Newbern and Elizabeth City, North Carolina.

North Carolina eastern judicial district.
Terms of court at Newbern and Elizabeth City.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That terms of the circuit court of the United States for the eastern judicial district of North Carolina shall be held at Newbern and Elizabeth City, in said district, at the times now fixed by law for holding the terms of the district court of the United States at said places, Newbern and Elizabeth City.

Effect.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved, June 6, 1900.