

versed or affirmed in the Supreme Court of the United States, upon a writ of error, the citation being signed by the chief justice, or judge, or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner, and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a court of the United States; and the proceeding upon the reversal shall also be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the same, and award execution, or remand the same to an inferior court. This act shall not apply to the case of any person who is or may be held in the custody of the military authorities of the United States, charged with any military offence, or with having aided or abetted rebellion against the government of the United States prior to the passage of this act.

APPROVED, February 5, 1867.

Citation, how signed

Effect of writ.

Proceedings upon reversal. Supreme Court may award execution, or remand to the lower court.

This act not to apply to certain cases.

CHAP. XXIX. — *An Act to authorize the Extension, Construction, and Use of a lateral Branch of the Baltimore and Potomac Railroad into and within the District of Columbia.*

Feb. 5, 1867.

WHEREAS it is represented to this present Congress that the Baltimore and Potomac Railroad Company, incorporated by an act of the General Assembly of Maryland, entitled "An act to incorporate the Baltimore and Potomac Railroad Company," passed the sixth day of May, eighteen hundred and fifty-three, are desirous, under the powers which they claim to be vested in them by the provisions of the before-recited act, to construct a lateral branch from the said Baltimore and Potomac Railroad to the District of Columbia: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Potomac Railroad Company, incorporated by the said act of the General Assembly of Maryland, shall be, and they are hereby, authorized to extend into and within the District of Columbia a lateral railroad, such as the said company shall construct or cause to be constructed in a direction towards the said District, in connection with the railroad which they are about to locate and construct from the city of Baltimore to the Potomac river, in pursuance of their said act of incorporation; and the said Baltimore and Potomac Railroad Company are hereby authorized to exercise the same powers, rights, and privileges, and shall be subject to the same restrictions, in the extension and construction of the said lateral railroad into and within the said District, as they may exercise or are subject to under and by intent of their said charter or act of incorporation, in the extension and construction of any railroad within the State of Maryland; and shall be entitled to the same rights, compensation, benefits, and immunities, in the use of the said road, and in regard thereto, as are provided in their said charter, except the right to construct any lateral road or roads within the said District from the said lateral branch or road hereby authorized; it being expressly understood that the said Baltimore and Potomac Railroad Company shall have power only to construct from the said Baltimore and Potomac Railroad one lateral road within the said District to some point or terminus within the city and county of Washington, to be determined in the manner hereinafter mentioned.

The Baltimore and Potomac Railroad Company may extend lateral railroad into the District of Columbia.

Powers, privileges, and restrictions.

Rights and immunities.

One lateral road only to be constructed.

SEC. 2. *And be it further enacted,* That before the Baltimore and Potomac Railroad Company aforesaid shall proceed to construct any railroad which they may lay out or locate on, through, or over any land or improvements, or to use, take for use, any earth, stone, or other materials necessary for the construction of said road, on any land within the said District, they shall first obtain the assent of the owner of such land, improvements, or materials; or if such owner shall be absent from said District, or shall refuse to give such assent on such terms as the said company

Before locating road upon, or using materials from, lands of another, the assent of the owner to be obtained.

Proceedings where owner is absent or under

disability, or terms cannot be agreed upon.

Jury.

Notice.

Proceedings as to warrant and jury;

as to estimating and valuation of damages, &c.

Proviso.

Crossing or intersecting streets or ways.

Wagon ways across railroad.

Lots, &c. owned by the United States, not to be entered upon or used.

Road to enter Washington and pass where, &c.

Level and grade of road in Washington.

shall approve, or because of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving such assent, then it shall be lawful for the said company to apply to a justice of the peace of the county of Washington, who shall thereupon issue his warrant, under his hand and seal, directed to the marshal of the said District, requiring him to summon a jury of twenty citizens of the said District, none of whom shall be interested or related to any person interested in the land or materials required for the construction of the said railroad, or a stockholder, or related to any stockholder in the said company, to meet on the land, or near to the other property or materials so required, on a day named in such warrant, not less than ten nor more than twenty days after issuing the same, to proceed to value the damages which the owner or owners of any such land or other property will sustain by the use or occupation of the same required by the said company, and the proceedings, duty, and authority of the said marshal in regard to such warrant and jury, and the oath or affirmation to be administered, and inquisition to be made and returned, shall be the same as are directed and authorized in regard to the sheriff by the thirteenth section of the said act of the General Assembly of the State of Maryland, incorporating the said Baltimore and Potomac Railroad Company; and all the other proceedings in regard to such jury, and the estimating and valuation of damages, and the payment or tender of payment of any damages ascertained by such valuation and effect thereof, and of the view of any lands, or other property, or materials, as to giving the said company a right to use the same for the use or construction of any railroad within the said District, as hereby authorized, shall in every case and in every respect be the same as is provided in and by the above-mentioned act of corporation, in regard to the railroad thereby authorized to be constructed by the said company: *Provided*, That whenever, by the said act, the inquisition of the jury is required to be returned to the clerk of the circuit court, to be confirmed by the said court at its next session, if not sufficient cause to the contrary be shown, the inquisitions under this act shall be returned by the marshal to the supreme court of the District of Columbia, which court shall have the same jurisdiction and powers over the subject-matter as the said circuit court have under the act aforesaid.

SEC. 3. *And be it further enacted*, That whenever the said company, in the construction of a railroad into or within the said District, as authorized by this act, shall find it necessary to cross or intersect any established road, street, or other way, it shall be the duty of the said company so to construct the said railroad across such established road, street, or other way, as not to impede the passage or transportation of persons or property along the same; and where it shall be necessary to pass the said railroad through the land of any individuals within the said District, it shall be the duty of the said company to provide for such individuals proper wagon ways across the said railroad, from one part of *his* [their] land to another; but nothing herein contained shall be so construed as to authorize the entry by said company upon any lot or square, or upon any part of any lot or square owned by the United States within the limits of the city of Washington, for the purposes of locating or constructing the said road, or of excavating the same, or for the purpose of taking therefrom any material, or for any other purpose or uses whatsoever; but the said company, in passing into the District aforesaid, and constructing the said road within the same, shall enter the city of Washington at such place, and shall pass along such public street or alley, to such point or terminus within the said city as may be allowed by Congress upon presentation of survey and map of proposed location of said road: *Provided*, That the level of said road within the said city shall conform to the present graduation of the streets, unless Congress shall authorize a different level.

SEC. 4. *And be it further enacted*, That the rate actually charged and

received on all that part of said road within the District shall not exceed eight cents per ton per mile for both tolls and transportation, and shall be the same each way: *And provided also*, That the privileges granted by this act to the aforesaid railroad company shall be upon the condition that the said company shall charge the same rate of toll upon the same articles going either way between Baltimore and Washington.

Rates for tolls and transportation.
Proviso.

SEC. 5. *And be it further enacted*, That the said company are also hereby empowered to make such special contract with any duly authorized officer or agent of the United States, for the conveyance of the mail, or the transportation of persons or property for the use of the United States, on any railroad which has been or shall be constructed by the said Baltimore and Potomac Railroad Company, on such terms as shall be approved of by the competent officer or authority, and in all such instances to receive the compensation so agreed for, according to the terms of each contract.

The company may make special contract for carrying the mail, and transporting persons or property for the United States.

SEC. 6. *And be it further enacted*, That the said railroad company may charge and receive for taking up and setting down any passenger or traveller, within the District, conveyed a shorter distance than four miles, a sum not exceeding twelve cents.

Passenger fares within the District.

SEC. 7. *And be it further enacted*, That unless the said company shall commence the said lateral road within two years, and complete the same with at least one set of tracks, within four years from the passage of this act, then this act, and all rights and privileges thereby granted, shall cease and determine.

Lateral road to be commenced in two years and completed in four.

SEC. 8. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent the Congress of the United States from granting the same or similar privileges to those hereby granted, to any other company or companies incorporated or to be incorporated by the State of Maryland, or by Congress, or from authorizing, by any future law, such additional railroads or roads, in connection with the said road, so as to extend the same road, or to construct others connected therewith, to such parts of the District as from time to time may be required by the convenience of those parts of the District into which the said company are now restrained from carrying said road, or from enacting such rules and regulations, prescribing the speed of cars or carriages passing over said road, and any other matters relating thereto, necessary for the security of the persons and property of the inhabitants of the District, in such manner as to the present or any future Congress shall seem expedient: *And provided, nevertheless*, That nothing herein contained shall be construed to give any rights or privileges to the said company beyond the limits of the District of Columbia: *And provided further*, That Congress shall have power to alter, amend, or repeal this act.

Congress may grant to other corporations privileges like those in this act;

may authorize additional railroads or roads;

may prescribe rules as to speed of cars, &c. and the security of persons and property.

No rights given beyond the District.

Act may be altered or repealed.

APPROVED, February 5, 1867.

CHAP. XXX. — *An Act exempting certain Property of Debtors in the District of Columbia from Levy, Attachment, or Sale on Execution.*

Feb. 5, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following property, being the property of the head of a family or householder, shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court in the District of Columbia: *Provided, however*, That this exemption shall not interfere with the foreclosure of any mortgage or deed of trust executed before the passage of this act, to wit:

All wearing apparel belonging to all persons, and to all heads of families, being householders; all beds, bedding, household furniture, stoves, cooking utensils, and so forth, not exceeding three hundred dollars in value; provisions for three months' support, whether provided or growing; fuel for three months; mechanics' tools and implements of the debtor's trade

Property of a head of a family or householder in the District of Columbia exempt from levy sale, &c.

Proviso.

Schedule of property exempt.