

imprisonment in the workhouse for not more than thirty days, or both, for each squirrel or chipmunk trapped, caught, killed, injured, or pursued, or for each rabbit or other animal killed as aforesaid: *Provided*, That any wild animal may be killed when suffering from injury or disease.

*Proviso.*  
Exception.

SEC. 3. That no person in the District of Columbia shall kill any English sparrow or any wild animal suffering from injury or disease, by means of any gun, air gun, rifle, air rifle, parlor rifle, pistol, revolver, or other firearm, without a special written permit so to do from such official as the Commissioners of the District of Columbia may, by regulation or order, from time to time charge with that duty, under a penalty of five dollars or imprisonment in the workhouse for not more than thirty days, or both, for each sparrow or animal so killed.

Killing birds, etc., with firearms prohibited.

Penalty.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such usual and reasonable police regulations, in addition to those already made under the Act of January twenty-sixth, eighteen hundred and eighty-seven, and the joint resolution approved February twenty-sixth, eighteen hundred and ninety-two, as they may deem necessary for the regulation of firearms, projectiles, explosives, or weapons of any kind in the District of Columbia.

Regulations of firearms, etc.

Vol. 24, p. 365.

Vol. 27, p. 394.

SEC. 5. That no person in the District of Columbia shall at any time hunt, pursue, or needlessly disturb any wild duck, goose, or other waterfowl, on any of the waters of the District of Columbia, with any boat propelled by any means other than oars, under a penalty of ten dollars or imprisonment in the workhouse for not more than thirty days, or both, for each offense.

Waterfowl. Restriction on hunting.

Penalty.

SEC. 6. That all Acts or parts of Acts inconsistent herewith be, and the same are hereby, repealed. But nothing in this Act shall prevent the hunting of game birds on the marshes of the Anacostia River, or Eastern Branch, north of the Anacostia bridge, and on the marshes on the Virginia shore of the Potomac River east of the Aqueduct Bridge: *Provided*, That said birds are not hunted within two hundred yards of any bridge or dwelling.

Repeal.

Marsh hunting.

*Proviso.*  
Restriction.

Approved, June 30, 1906.

**CHAP. 3933.**—An Act To incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

June 30, 1906.  
[H. R. 14396.]

[Public, No. 402.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That to facilitate interstate commerce between the Great Lakes and the Ohio and Mississippi rivers, Edward J. Lloyd, George A. Kelly, junior, John H. Jones, Henry Buhl, junior, Thomas P. Roberts, William J. East, George W. Stewart, Emil Swensson, Charles A. Fagan, George M. Lehman, James W. Wardrop, Burd S. Patterson, and John E. Shaw, together with such persons as may become associated with them and their successors, are hereby created a body corporate under the name and style of "The Lake Erie and Ohio River Ship Canal Company," and by that name, style, and title shall have perpetual succession, may sue and be sued, plead and be impleaded, make and use a common seal; and said corporation shall have and possess full power and authority to construct, equip, maintain, and operate the canals with appurtenances herein-after described, and with power to take, receive, acquire, purchase, hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey all such real and personal property and rights of property as may be requisite and needed in and about the construction, equipment, maintenance, and operation of said canals or anything

Ship canal.  
Lake Erie and Ohio River Ship Canal Company, incorporated.  
Incorporators.

General powers.

appertaining thereto. Said corporation is hereby vested with full and complete power to pledge, encumber, and mortgage any or all of its property and franchises for the purpose of raising, obtaining, and securing such funds or moneys as may be needed for the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto.

Right of eminent domain.

SEC. 2. That the company, in addition to the powers expressed or implied in this Act, shall have the right of eminent domain, which shall be exercised as provided in the case of railroad and ship canal companies organized under the laws, respectively, of the States of Pennsylvania and Ohio.

Capital stock.

SEC. 3. That the capital stock of the company shall not exceed four hundred thousand dollars per mile of canal proposed to be constructed, divided into shares of one hundred dollars each, and the bonded indebtedness authorized by this Act shall not exceed four hundred thousand dollars per mile of canal proposed to be constructed, so that the sum total of stock issued and bonded debt created shall not exceed eight hundred thousand dollars per mile of canal proposed to be constructed:

Bonded indebtedness.

*Provided, however,* That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value: *Provided further,* That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canals and works pursuant to and in compliance with all the provisions of this Act; and said company is hereby authorized to issue its bonds, secured by mortgage or deed of trust upon its property and franchises, and the same shall be a first and prior lien to all other claims or demands upon the company: *Provided further,* That all stock, bonds, and other evidences of indebtedness issued in excess of that allowed under the provisions of this Act shall be absolutely null and void.

Provisos. Restriction.

Amount of stock and debt limited.

Bond issue authorized. To be first lien.

Excessive stock, etc., issue null and void.

Dividends.

SEC. 4. That no dividends shall be declared or paid whereby the capital of the company shall in any manner be reduced or impaired; nor shall any dividend be paid by the issue of additional capital stock or the creation of additional indebtedness.

Sinking fund.

SEC. 5. That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

Shareholders' meeting.

SEC. 6. That as soon as at least five thousand dollars of stock for every mile of canal proposed to be constructed is subscribed and paid for in cash, the incorporators named herein, or a majority of them, shall call a general meeting of the shareholders, to be held in the city of Pittsburgh, Pennsylvania, for the purpose of electing a board of directors of said company, consisting of not less than nine of the shareholders, and of transacting any other business that may be done at a shareholders' meeting. At such meeting the shareholders shall decide by a majority vote of the capital stock represented, either in person or by proxy, the length of the term or terms of the directors, and if the majority decide to elect a portion of their directors for a term or terms longer than one year, it may and shall be legal for such company to divide the directors who are to be chosen into two, three, or four classes, and to elect the first class to serve for the term of one year, and the second, third, and fourth classes to serve for two, three, or four years, respectively; and at all ensuing elections of such company the shareholders shall elect only the number of directors necessary to take the place of those whose term of office shall then expire, and such directors shall be elected for the longest term for which any class may have been elected as hereinbefore provided; and notice in writing signed by or on behalf of the incorporators, or a majority

Election of directors.

Terms, etc.

Notice of meeting.

of them, fixing the date and place of holding the same, mailed, postage prepaid, to the post-office address of each shareholder not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.

SEC. 7. That the directors of said company, a majority of whom shall constitute a quorum, shall hold office until their successors shall have been elected and qualified. They shall elect a president, secretary, and treasurer and may provide for such other officers and employees as may be deemed advisable, and may make by-laws for the control and management of the works, property, and business of the said company.

SEC. 8. That the main office of the company shall be at the city of Pittsburgh, in the State of Pennsylvania, and the annual meeting of the shareholders shall be held on the third Tuesday of January in each year.

SEC. 9. That Congress hereby reserves the right to regulate, as to interstate and foreign commerce, the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all interstate and foreign transportation thereon shall be subject to all the provisions of an Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts supplemental thereto and amendatory thereof, now or hereafter enacted.

SEC. 10. That the company is hereby empowered to survey, ascertain, locate, fix, mark, and determine a route for a ship canal from some point on the Ohio River, between Beaver, Pennsylvania, and Pittsburgh, Pennsylvania; thence by the way of the Ohio, Beaver, and Mahoning rivers in the State of Pennsylvania, and the Mahoning River in the State of Ohio, to a point at or near Niles, Ohio; thence northwardly through the State of Ohio to an accessible harbor on Lake Erie, between the Pennsylvania and Ohio State line and the mouth of the Grand River, in the State of Ohio, including said river, also a branch canal from the mouth of the Shenango River, in the State of Pennsylvania; thence along the Shenango River to a point at or near Sharon, Pennsylvania; also a branch canal from a point at or near Niles, Ohio; thence along the Mahoning River in the State of Ohio to a point at or near Warren, Ohio; and thereupon and therein to erect, construct, maintain, and operate such canals; the said main canal connecting the Ohio River and Lake Erie to be of such dimensions as to make and construct navigable channels of at least twelve feet in depth and having a standard cross section of not less than one thousand eight hundred square feet of area; to construct, maintain, and operate all such locks, dams, towpaths, basins, tunnels, aqueducts, feeders to supply water from any lakes, rivers, streams, or water courses, reservoirs, cuttings, apparatus, appliances, and machinery as may be necessary for the construction and operation of said canals; and such locks on such main canals shall not be less than three hundred and forty feet long between quoins, not less than forty-five feet wide between lock walls, and not less than twelve feet depth of water over miter sills, and between the Ohio River and Lake Erie the total lockage shall not exceed six hundred feet.

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section two of this Act may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals, feeders, and other works of the company hereby authorized, and it shall have the authority, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, to alter

Powers of directors.

Main office.

Tolls, fares, and rates.  
Right to regulate reserved.

Vol. 24, p. 379.

*Ante*, p. 584.

Survey of routes.  
Main canal.

Branch canal.

Dimensions of main canal.

Locks, dams, etc.

Measurement of locks.

Total lockage.

Right of eminent domain.  
*Ante*, p. 810.

Highways, waterways, railroads, etc.  
Authority to alter, granted.

- any and all highways, waterways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals, feeders, and other works of the company.
- Right to use water supplies.  
*Ante*, p. 810.
- Control, etc., waters of rivers.
- Provisos.*  
Restriction.
- Protection to Niagara Falls, etc.
- Diversion of water from Niagara River limited.  
*Ante*, p. 626.
- Terminals, etc.
- Telegraph, etc., lines.
- Vessels, etc.
- Motive power.
- Wharves, docks, piers, etc.
- Improving navigation of rivers, etc.
- Secretary of War to approve plans, etc.
- SEC. 12. That the said company in the exercise of its right of eminent domain as granted in section two of this Act may, subject to the rights of and in conformity with the laws of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same, obtain, take, and use for the construction and operation of the said canals, feeders, and other works from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized; control and regulate the flood waters of the Allegheny River above Franklin, Pennsylvania, and the Beaver, Mahoning, Grand, Ashtabula, Shenango, and Little Shenango rivers, and Sandy Creek, and the tributaries of said streams by regulating dams, weirs, reservoirs, and impounding dams, and divert, alter, or impound the waters of any river, lake, brook, stream, and the tributaries of said streams or water courses when the same is necessary to the making, maintaining, and operating of the said canals, feeders, and other works hereby authorized: *Provided*, That nothing herein contained shall authorize said company to impair the navigability of any river or stream, or to diminish at any time the water supply of any city, village, or municipality below the reasonable requirements of such city, village, or municipality, or in any manner to pollute the same: *Provided*, That no water shall be drawn for the purposes of said canal, its branches, or feeders, from above Niagara Falls, either from Niagara River or its tributaries, unless approved and allowed by the Secretary of War: *And provided*, That no greater amount of water shall be diverted from Niagara River or its tributaries above Niagara Falls than shall be specified in any general law of the United States limiting the same.
- SEC. 13. That the said company may construct, maintain, acquire, operate, and lease, or otherwise dispose of the terminals, docks, harbors, piers, wharves, elevators, warehouses and appurtenances, and telegraph and telephone lines along the said canals that may be necessary or useful in the construction, operation, and maintenance thereof, and may acquire or make any vessel, craft, mechanism, or appliance whatsoever necessary for constructing, maintaining, and operating said canals, and use, lease, or dispose of the same; and develop, acquire, use, and dispose of any motive power whatsoever in connection with or as part of the works herein authorized.
- SEC. 14. That the said company, subject to and in conformity with the laws of the respective States through which said canal is constructed, may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or lands covered with the waters of the rivers, lakes, brooks, streams, water courses, reservoirs, or ponds, on or at which the said canals may start from, traverse, cross, or terminate as may be necessary for the wharves, docks, piers, buildings, feeders, or other works of the company, and may also construct such works as may be necessary to improve the navigation of said rivers and to stop the waste of waters therefrom and economize and utilize the same for the uses herein provided for.
- SEC. 15. That the company shall prepare and file with the Secretary of War, for his approval, the plans, locations, dimensions, and all necessary particulars of its canals, feeders, and other works between the Ohio River and Lake Erie, and before such approval the construction thereof shall not be begun; and should any change in said plans be proposed during the progress of construction, such change shall be submitted to the Secretary of War and be by him approved before

such change shall be made. Upon notice of the approval of the Secretary of War, the company may forthwith begin the construction of its canals, feeders, and other works, or any part thereof, according to this Act.

Notice of approval.

SEC. 16. That the said company, at its own expense, shall maintain on its works, from sunset to sunrise, during the season of navigation, such lights and signals as may be prescribed by the United States Light-House Board.

Lights and signals.

SEC. 17. That the said canals shall be open to the use and navigation of all suitable and proper vessels or other water craft, by whomsoever owned or operated, upon fair and equal terms, conditions, rates, tolls, and charges; and the said company may demand, take, and recover for its own proper use, for all persons and things of whatsoever description transported upon the said canals, feeders, and other works, or in vessels and craft using the same, just and reasonable charges, rates, and tolls; but all such charges, rates, and tolls shall be equal to all persons, vessels, and goods under certain classifications to be established by the company and approved by the Interstate Commerce Commission; and no rebate, reduction, drawback, or discrimination of any sort on such charges, rates, and tolls shall ever be made directly or indirectly. And the said charges, rates, and tolls for the ensuing year shall be fixed, published, and posted on or in every place where they are to be collected, on or before the fifteenth day of February of each year, and shall not be changed except after thirty days' public notice, which notice shall plainly state the changes proposed to be made in the charges, rates, and tolls then in force and the time when the changed charges, rates, and tolls will go into effect; and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Interstate Commerce Commission may, in its discretion and for good cause shown, allow changes upon less notice than herein specified or modify the foregoing requirements in respect to publishing and posting of such schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

Open to the use of vessels, etc.

Rates and tolls.

No rebate, etc.

Posting rates and tolls.

Public notice of changes.

New schedule of changes.

*Proviso.*  
Interstate Commerce Commission may modify requirements.

SEC. 18. That the canals, feeders, and other works hereby authorized shall be lawful military and post routes, which the United States may forever use for the transmission of mails, dispatches, troops, munitions of war, supplies, and public stores, at fair and reasonable rates of compensation not exceeding that paid by private parties for the same service.

Lawful military and post routes.

Compensation.

SEC. 19. That if the construction of the main canal hereby authorized shall not have been commenced, and a sum equal to ten per centum of the capital stock of the company shall not have been expended thereon within three years after the passage of this Act, or if the main canal shall not have been finished within ten years after the passage of this Act, the franchise herein granted shall cease and be null and void; but in calculating the time aforesaid delays caused by the acts of God or the public enemy shall not be included.

Time of construction.

Forfeiture of franchise.

SEC. 20. That any person, association, or corporation, municipal or otherwise, which shall suffer any damage or loss to person or property by reason of the construction, operation, or maintenance of the said canals, feeders, or any of the works thereof, by reason of the exercise of any of the powers herein conferred or shall have any right of action against said company or its property, shall be entitled to all the rights and remedies therefor allowed by the laws of the State wherein said injury was suffered or loss sustained, or right of action accrued, and any action therefor may be brought in the courts of the State having jurisdiction thereof.

Damages.

Condemnation proceedings. SEC. 21. That the said company when exercising the right of eminent domain shall proceed under the laws and in the courts of the State where the property sought to be condemned is located.

Taxation. SEC. 22. That the corporation hereby created shall be subject in the respective States in which it does business, to taxation upon its property and franchises as are other corporations.

Nonliability of the United States, etc. SEC. 23. That nothing contained in this Act shall be construed as creating a liability upon the United States for the payment of the stocks, bonds, or other indebtedness of the corporation hereby created. Nor shall it be construed as imposing an obligation upon the United States to purchase, take charge of, or operate the canal herein named.

Amendment. SEC. 24. That the right to amend, modify, or repeal this Act is hereby reserved by Congress.

Approved, June 30, 1906.

June 30, 1906.  
[H. R. 17345.]

**CHAP. 3934.**—An Act Creating a United States court for China and prescribing the jurisdiction thereof.

[Public, No. 403.]

China. United States court established in. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section two of this Act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

Sessions.

Seal. That the seal of the said United States court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China."

The seal of said court shall be provided at the expense of the United States.

Issue of process. All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue.

Jurisdiction of consuls in minor cases continued. SEC. 2. The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed five hundred dollars United States money and in criminal cases where the punishment for the offense charged can not exceed by law one hundred dollars fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China: *Provided, also,* That appeal may be taken to the United States court for China

Arrests, etc.

Appeals.

*Proviso.*  
Korean cases.