

ROCK CREEK RAILWAY COMPANY.

FEBRUARY 3, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ROWELL, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill H. R. 2017.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia, submit the following report:

The bill proposes an incorporation for the purpose of building a street railway from the intersection of Connecticut avenue and Boundary street, along Connecticut avenue extended and Woodley road to and across Rock Creek, through Woodley Park, with permission to extend to Tennallytown.

The road is proposed to be built almost exclusively on land belonging to the proposed incorporators, only a small portion occupying public ways.

The purpose is to render accessible the lands adjoining and beyond the line of the road and not now supplied with street-railway facilities.

Your committee recommend the passage of the bill, with the following amendments:

Amend by inserting the parts printed in *italics* and omitting the parts inclosed in brackets.

Also insert at the end of line 40, section 1, after the word "package," the following words:

Provided, That whenever the net receipts of said company from its business upon said road shall for any year exceed ten per centum of the actual cost of such road, then said company shall, under the direction of said Commissioners, reduce the rate of passenger fare to an amount, as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed ten per centum of the actual cost for the construction thereof.

So that the bill will read as follows:

A BILL to incorporate the Rock Creek Railway Company, of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gardiner G. Hubbard, George Truesdell, Samuel W. Woodward, Otis F. Presbrey, John F. Waggaman, Benjamin K. Plain, John Ridout, Albert F. Stevens, Le Roy Tuttle, Lawrence Sands, Edward C. Dean, James B. Wimer, Samuel S. Shedd, Le Roy Tuttle, jr., Robert J. Fisher, jr., and Pitman Mann, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and *politic* under the name of the Rock Creek Railway Company, of the District of Columbia, *and may make and use a common seal, and by that name sue and be sued, plead and be impleaded*, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices, and sewer

connections necessary to operate the same by horse, cable, or electric power, in the District of Columbia, through and along the following streets, avenues, and roads: Beginning for the main line of said road at the intersection of Connecticut avenue and Boundary street; thence along the west side of Columbia road to Woodley road; thence along Woodley road *by single track on west side thereof* to Woodley Park; thence *diverging from Woodley road* through said park by such route as may be satisfactory to the owners of said park, to the westerly line of said park, and returning by the aforesaid route through Woodley Park to the intersection of Woodley Road and Connecticut avenue extended; thence along Connecticut avenue extended to California avenue, formerly Oakland avenue; thence along California avenue to its intersection with Columbia Road, and thence along Columbia Road to the place of beginning; also with the privilege of building and constructing a branch of said road from the westerly line of said Woodley Park [along] *near Woodley Road* to its intersection with the Tonnallytown road, returning over the same route and connecting at said westerly line of Woodley Park with the main line of said road. Said company shall receive a rate of fare not exceeding five cents for each passenger for each continuous ride between all points of its main and branch lines, but shall sell tickets in packages of six each for not exceeding twenty-five cents per package. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, *subject to approval by the Commissioners*, laid upon an even surface with the pavement of the street or road imbedded in concrete where the same passes over the surface of the paved streets of the District of Columbia, with the gauge to be approved by the [Engineer Commissioner] *Commissioners* of the District of Columbia. The track of said railway, the space between the tracks and two beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation in good [order,] *repair*, at its own expense, and subject to the approval of the [Engineer Commissioner] *Commissioners* aforesaid, and *if the corporation shall fail to make the necessary repairs within ten days after notice by the Commissioners of the District of Columbia the repairs shall be made by the said Commissioners, and the cost of such repairs be recovered by the Commissioners before any court of competent jurisdiction.* It shall be lawful for said corporation, its successors, or assigns, to operate its said road by horse, cable, or electric power, and to make all needful and convenient trenches and excavations and sewer connections in any of said streets, roads, or places where said corporation may have the right to construct and operate its road, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the Engineer Commissioner. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the [Engineer Commissioner] *Commissioners* of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operation of a cable or electric motor railroad. The rate of speed on said road shall not exceed fifteen miles an hour. The work upon the main line of said road shall be commenced within ninety days, and the same shall be completed within one year from the date of the passage of this act, and the work upon the branch line thereof shall be commenced within one year and completed within two years from the said date, and if the said work on the main line of said road shall not be so commenced and completed then the privileges and powers herein granted to said corporation shall be void. The corporators herein named or the corporation hereby created shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided.

SEC. 2. [That the capital stock of said company shall not be less than fifty thousand and not more than two hundred thousand dollars.] *That the capital stock of said company shall not exceed, if horse-power is to be used for main line, thirty-two thousand dollars, which may be increased when work is commenced on the branch eleven thousand dollars. If electric motor power is to be used, the capital stock for the main line shall not exceed sixty thousand two hundred and fifty dollars, which may be increased when work is commenced on the branch twenty thousand dollars. If cable power is to be used, the capital stock for the main line shall not exceed one hundred and twenty-two thousand dollars, which may be increased when work is commenced on the branch forty thousand dollars, in shares of fifty dollars each.* Said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the corporators, the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and twenty per centum each thirty days thereafter until fifty per centum thereof shall have been paid, the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription

shall be deemed valid unless ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors after ten days' notice, in writing, of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments (and [the highest bidder shall be taken to be] the person who offers to purchase the least number of shares for the assessment due), [under] *shall be taken as the highest bidder, and the sale shall be conducted according to such general regulations* as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all [necessary] *modern* improvements [for] *necessary* to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, *in accordance with a schedule or time-table to be adopted by said board of directors, a copy of which shall be filed with the Commissioners of the District of Columbia, and to be approved by them, and shall not take on any of its cars more passengers than can be accommodated, and shall cause its cars to be heated during the winter season, subject to regulations to be prescribed by the [board of] Commissioners of the District of Columbia.* The said company shall buy, lease, or construct passenger-rooms, ticket-offices, workshops, depots, lands, and buildings as they may deem necessary, at such points along its line as may be approved by the [Engineer Commissioner] *Commissioners* of the District, and as the business of the railway and the convenience of the public may require; [and the said corporation shall have the right to issue bonds, secured by mortgage of its franchise and property, real and personal; and the said bonds to be issued shall not exceed ten thousand dollars for horse or electric, or twenty thousand dollars for cable motor for each mile of construction of single track: Provided, That no bonds shall be issued as aforesaid, until the whole amount of the capital stock herein provided for shall have been paid in current funds into the hands of the treasurer of said company, and three-fourths of such amount be expended in the construction and equipment of said railway.] Within thirty days after the passage of this act, the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia from nine o'clock in the forenoon till four o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the whole stock shall be sooner subscribed [for]) and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void; Provided further, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national banking-house.* And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for seven days in two [public] newspapers published *daily* in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of *seven* directors, [seven in number] who shall be stockholders of record and who shall hold their office for one year, and until [others] *their successors* are duly elected and qualified, [to take their places as directors] and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall be the president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, [who] *the latter of whom shall give a bond, with surety, to said company in such sum as the said directors may require, for the faithful discharge of his trust.* In [the] case of a vacancy in the board of directors by [the] death, resignation, or otherwise of any director, [the vacancy occasioned thereby] *it shall be filled by the remaining directors by majority vote of a quorum thereof.* The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, *and require bond and security of any of its officers other than those herein specified, not contrary to the*

charter or to the laws of the United States and the laws and ordinances of the District of Columbia: *Provided*, That said board of directors shall not have the power to sell [and] or lease the said road, or any part thereof, or to purchase or lease any other railroad, or any part thereof, without first obtaining the written consent of two-thirds of said stockholders. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders. The said company shall have at all times the free and uninterrupted use of [the] its roadway, and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the *motive* powers of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars [to said company], to be recovered as other fines and penalties [of] in said District, and shall [remain liable], in addition to said penalty, *be liable to said company* for any loss or damage occasioned by his, her, or their acts as aforesaid. [No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom by the company's employees, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, for the use of obscene and profane language, refusing to pay the legal fare, a failure to comply with the lawful regulations of the company.] The principal offices of said company shall [always] be situated in the District of Columbia, and all books and papers relating to the business of said company shall be kept thereat, and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

SEC. 4. The said Rock Creek Railway Company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by the *affidavit* of the president and secretary of said company; and if said deposit is not made at the time specified or within ten days thereafter, it shall be the duty of the Commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, of taxes for the [next ensuing] each year [three] four per centum of its gross earnings for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided for by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its *personal* property; [both real and personal, used solely and exclusively in the operation and management of said railway, except as required under this act for the maintenance of that portion of the street, avenues, and roads occupied by its tracks, and for two feet on each side thereof.] *but the real estate of the company may be taxed as other real estate in the District, provided that the tracks of the company shall not be taxed as real estate.*

[Sec. 5. This act may at any time be altered, amended, or repealed by the Congress of the United States.]

Sec. 5. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which shall be open to the inspection of the public; but when such property has been unclaimed for one year the company may sell the same.

Sec. 6. Congress reserves the right to alter, amend, or repeal this act at any time.