

the passage of trains; and the said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Lights, etc.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules or conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Other companies may use.

Secretary of War to decide terms, etc.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and if said bridge is not commenced within two years and completed within four years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Secretary of War to approve plans, etc.

Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Amendment.

SEC. 7. This act shall be null and void unless the construction of the bridge hereby authorized shall be commenced within two years and be completed within four years from the date of the approval of this act.

Commencement and completion.

Approved, June 22, 1888.

CHAP. 478.—An act to incorporate the Rock Creek Railway Company of the District of Columbia.

June 23, 1888.

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, junior, Robert J. Fisher, junior, 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

Rock Creek Railway Company, District of Columbia, incorporated. Incorporators.

Location. 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 middle 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, and subject to the approval of the Commissioners of the District of Columbia, 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 near Woodley Road to its intersection with the Tenallytown Road, returning over the same route and connecting at said westerly line of Woodley Park with the main line of said road.

Fare. 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 Commissioners of the District of Columbia. The track of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation in good repair, at its own expense, and subject to the approval of the 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, and the amount so paid by the Commissioners shall be a lien upon all property of said company from the time that said repairs are made until paid by said company. 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 Commissioners. 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 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

Track.

Speed.

Commencement and completion.

To use horse, cable, or electric power.

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 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 person who offers to purchase the least number of shares for the assessment due), 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 modern improvements 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 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 Commissioners of the District, and as the business of the railway and the convenience of the public may require. Within thirty days after the passage of this act, the corporators named in the first section, and 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) 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

Capital stock.

Subscriptions.

Cars, etc.,

Shops, etc.

Opening subscription books for stock.

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. 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 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.

Directors. SEC. 3. That the government and direction of the officers of the company shall be vested in the board of seven directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly selected and qualified; and the said directors, a majority of whom shall be a quorum, shall select 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, 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 case of a vacancy in the board of directors, by death, resignation, or otherwise, of any director, 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 or lease the said road, or any part thereof, or to purchase or lease any other street railroad, or any part thereof, without first obtaining the written consent of two thirds of said stockholders and of the Commissioners of the District of Columbia: *Provided*, That said company shall have no power to sell or lease the said road or any part thereof until after the main line has been constructed and operated. 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 its roadway; and if any person or persons shall willfully and 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 be recovered as other fines and penalties in said District, and shall 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 be

Provisos.
Subscriptions.

Payments.

Directors.

Provisos.
Sale.

Annual meeting.

Injuring property.

ejected therefrom by the company's employees, for any other cause than that of being drunk, disorderly, or contagiously diseased, for the use of obscene and profane language, refusing to pay the legal fare, or a failure to comply with the lawful regulations of the company. The principal offices of said company shall 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.

Offices.

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 the said report 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, as taxes for each year, 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 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, but the real estate of the company shall be taxed as other real estate in the District, provided that the tracks of the company shall not be taxed as real estate.

Report.
Contents.

Taxes.

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.

Lost articles.

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

Amendment.

Received by the President June 12, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 486.—An act providing for an additional associate justice of the supreme court of the Territory of Utah, and for other purposes.

June 25, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the supreme court of the Territory of Utah shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as a judge of a district court.

Utah.
Supreme court in-
creased to four jus-
tices.
R. S., sec. 1864, p. 330.