

March 3, 1875. **CHAP. 161.**—An act to incorporate the Capitol, North O Street, and South Washington Railway Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Williams, William J. Murtagh, Hallet Kilbourn, Benjamin F. Fuller, William J. Cowing, Samuel R. Bond, William Saunders, George W. Goodall, George A. McLlhenny, L. A. Bartlett, and L. H. Chandler, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Capitol, North O Street, and South Washington Railway Company, with authority to construct and lay down a single or double track railway, with the necessary switches and turn-outs, in the city of Washington, in the District of Columbia, through and along the following streets and avenues: commencing on First street west in front of the Capitol grounds, and running thence due north along said First street west to G street north; thence west along G street north to Fourth street west; thence along Fourth street west; thence along O street north to Eleventh street west; thence south along Eleventh street west to E street north; thence west along E street north to Fourteenth street west; thence south on Fourteenth street west to Ohio avenue; thence along said avenue to its intersection with Twelfth street west; thence south along said Twelfth street west to Virginia avenue; thence southeast along Virginia avenue to its intersection with Maryland avenue; thence northeast along Maryland avenue to First street west, the place of beginning, with the right to run public carriages thereon, drawn by horse-power, receiving therefor a rate of fare not exceeding five cents a passenger for any distance on said road, from its beginning to its terminus on First street west: *Provided*, That wherever the foregoing route may coincide with the route of any other duly-incorporated street-railroad-company in the District, or connect portions of such route, but one set of tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street-railroad-company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and the dropping of passengers.*

**SEC. 2.** That the road of said company, with all its property and franchises, shall be liable to taxation as is or may be provided by law, and their cars or vehicles shall be subject to the provisions of such laws as to license and fees therefor.

**SEC. 3.** That the said railway shall be laid as near the center of the streets and avenues in the city of Washington as practicable (without interfering with, or passing over, the water or gas-pipes) in the most approved manner adapted to street-railways, with rails of the most approved pattern, with a flat bearing for street vehicles of not less width, exclusive of the car-wheel bearing, than that now in use on the Washington and Georgetown railroad, laid upon an even surface with the pavement of the streets and avenues; and the space between the two tracks (where two are laid) shall not be less than four feet nor more than six feet in width, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Columbia Street Railway.

Corporators of Capitol, North O Street, and South Washington Railway Company.

Route.

Fare.

Coinciding routes.

One track, joint use.

Terms of joint use.

Taxation of company.

License of cars.

Construction of road.

SEC. 4. That the said corporation hereby created shall be bound to keep said tracks, and a space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times well paved and in good order, in such manner and with such material as may be directed by the board of commissioners of the District of Columbia, and if there be at any time no such board, then by the Secretary of War, without expense to the United States or the said city.

Paving of track.

SEC. 5. That nothing in this act shall prevent the Government, or the proper authorities of the District of Columbia, at any time, at its option, from altering the grade, or otherwise improving all avenues and streets occupied by said road, or the said District, from so altering and improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company, at its own expense, to change their said railway so as to conform to such grade and pavement.

Right to alter grade of streets, &c., reserved.

SEC. 6. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Company to conform to altered grade.

Right of repeal, &c.

SEC. 7. That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token or device, scrip, or other evidence of debt, to be used as currency.

Issue of currency not authorized.

SEC. 8. That the capital stock of said company shall not be less than two hundred thousand dollars nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

Capital stock, shares.

SEC. 9. That the said company shall place first class cars on said railway, with all the modern improvements, for the convenience and comfort of passengers, and shall run cars thereon during the day, and as late at night as eleven o'clock, and as often as every ten minutes.

Cars.

Hours of running.

SEC. 10. That the said company shall provide such passenger rooms, offices, stables, and depots at such points as the business of the road and the convenience of the public may require; and said company is hereby authorized to lay such rails through transverse streets or avenues as may be necessary not exceeding one block in distance in any one place, for connecting the said stables, depots, and offices with the main tracks; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above named, and not to exceed two hundred thousand dollars in value.

Passenger rooms, depots, &c.

Rails to connect stables, &c., with main track.

Purchase, &c., of lands.

SEC. 11. That all articles of value that may be left in any of the cars or other vehicles of said company shall be taken to its principal depot and entered in a book of record of unclaimed goods; which book shall be open to the inspection of the public at all reasonable hours.

Record of articles left in cars.

SEC. 12. That within thirty days after the passage and approval of this act, the corporators named in the first section, or a majority of them, or, if any refuse 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 or places in the city of Washington, for a period, to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and 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 no one individual shall be allowed to subscribe for more than two hundred shares of said stock: *Provided further*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer of said company, or his subscription shall be null and void; and said payment shall in no case be withdrawn or loaned to any member of said company. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse

Opening books of subscription.

Notice of opening books.

Limit of subscription.

Payment on subscribing.

Payment not to be withdrawn or loaned.

- 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 seven directors, of which public notice shall be given for three days, in not less than two newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the secretary or clerk of the said 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. 13.** That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, or until others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom shall constitute a quorum) shall elect one of their number to be president of the board, and who shall also be president of the company; and they shall also choose a treasurer, who shall be a stockholder, and who shall give bonds, with security, to said company, in such sum as the said directors may require, for the faithful discharge of his trust; and said board shall also elect a secretary, who shall also be a stockholder, and who shall perform such duties as usually pertain to said office. In case of a vacancy in the board of directors, by death resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.
- SEC. 14.** That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or the laws of the United States or of the District of Columbia: *Provided*, That the directors of said company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed, at such time, (after the first installment,) in such manner, and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment, (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 such general regulations as may be adopted in the by-laws of said company; or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction; and no part of the capital paid in shall at any time be withdrawn by said company or any member thereof.
- SEC. 15.** That there shall be an annual meeting of the stockholders for choice of directors, to be holden 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 of their doings to the stockholders in general meeting.
- SEC. 16.** That if any person or persons shall willfully and unnecessarily obstruct or impede the passage of the cars of said railway, or destroy or injure the cars, depot, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense the sum of ten dollars to said company, to be recovered and disposed of as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.
- SEC. 17.** That unless said corporation shall commence to lay the said track within four months and complete their said railway within sixteen months after the passage of this act, then this act shall be null and void, and no rights whatever shall be acquired under it.
- First meeting of stockholders to choose directors.
- Voting of stockholders
- Board of directors, term.
- Quorum.
- President of board and company.
- Bond of treasurer.
- Secretary of board.
- Vacancy in board.
- Power of directors to make by-laws, &c., for management of property.
- Power of directors to regulate payments of subscriptions.
- Default of payment, sale of stock.
- Collection of assessments by suit.
- Capital not to be withdrawn.
- Meeting for choice of directors.
- Annual report of directors.
- Obstruction of passage of cars, injuring property.
- Limitation of suit.
- Limit of time for construction.

SEC. 18. That no person shall be prohibited the right to travel on any part of said road, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company. Exclusion from cars.

SEC. 19. That each of the stockholders in the said railway company shall be liable individually for all the debts and liabilities of the said company to an amount equal to the amount of stock held by such stockholder. Individual liability.

SEC. 20. That all the provisions of the act incorporating the Columbia Railway Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the company herein incorporated, which shall make reports as in said act required. Act incorporating Columbia Railway Company applied.

Approved, March 3, 1875.

**CHAP. 162.**—An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes. March 3, 1875.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, there shall be levied, upon all real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of one dollar and fifty cents on each one hundred dollars. Tax on real and personal property in D. C.

SEC. 2. That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment to be made by the commissioners of the District of Columbia, or their successors in office: *Provided,* That before any of said fund shall be expended, said apportionment shall be established and published by said commissioners at least six times, consecutively, in a daily newspaper of the District of Columbia; and said published apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided further,* That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund. Apportionment of taxes collected.

SEC. 3. That one-half of the tax levied by this act upon real and personal property shall become due and payable on the first day of October, eighteen hundred and seventy-five, and the other one-half of such tax shall become due and payable on the first day of April, eighteen hundred and seventy-six; and in every case where the tax levied by this act shall be paid in instalments as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal pro rata proportion of the payments so made shall be carried to the credit of the respective funds. Advertisement of apportionment.

SEC. 4. That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid on or before the first day of October, eighteen hundred and seventy-five, said instalment shall thereupon be in arrears and delinquent; and there shall be added, to be collected with such taxes, a penalty of two per centum upon the amount thereof on the first day of each succeeding month until payment of said instalment and penalty. And if said instalment shall not be paid on or before the first day of April, eighteen hundred and seventy-six, together with the one-half of said original tax due on or before said first day of April, a like penalty shall be added on said last one-half of such tax; and the whole together shall constitute the delinquent tax on Deficiency of one fund supplied from surplus of another.

Installments of tax; when due.

Distribution of installments to several funds.

Delinquent installments to several funds.

Delinquent tax.