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Federal and local legislation relating to canals and ...

United States

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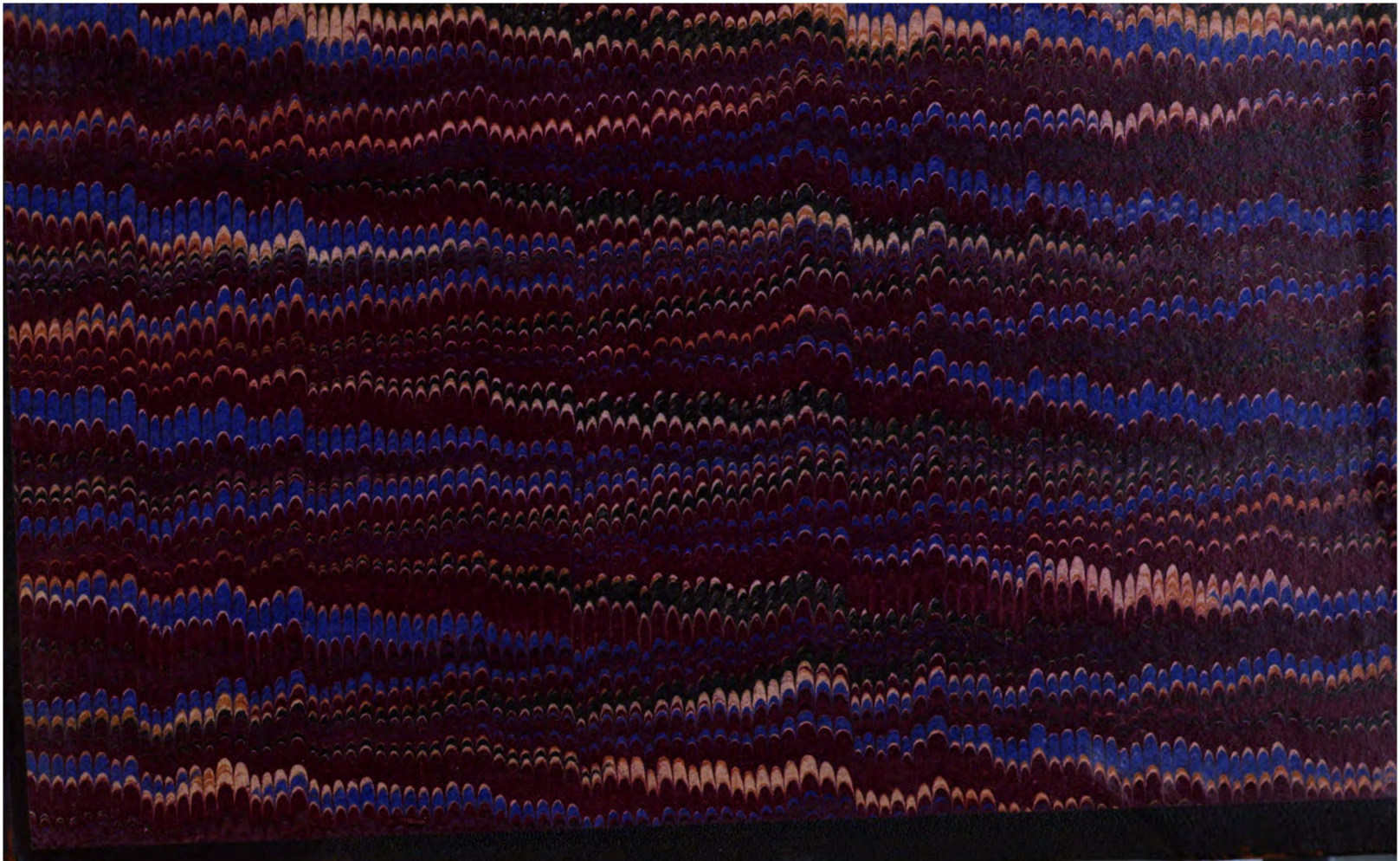

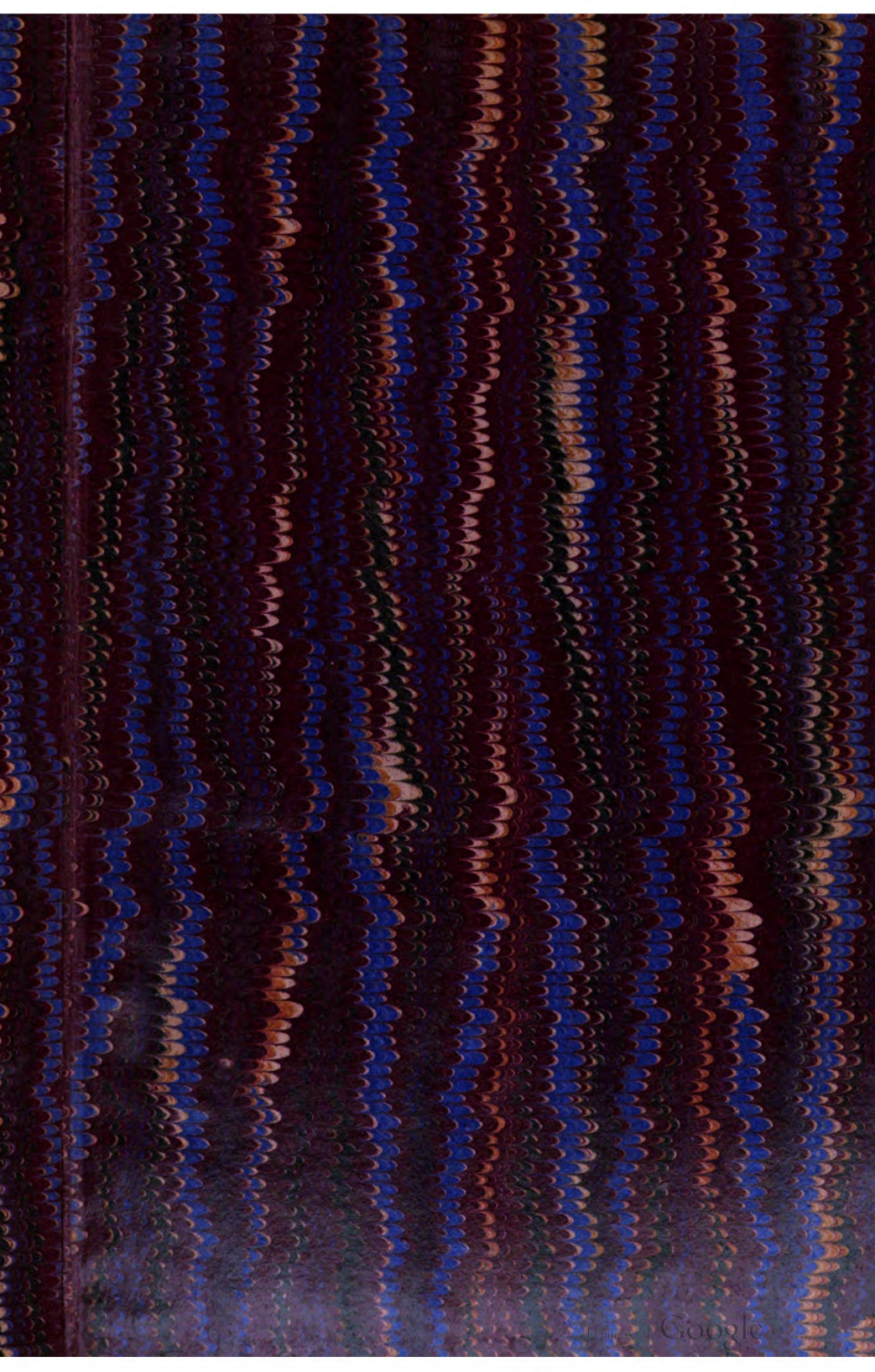
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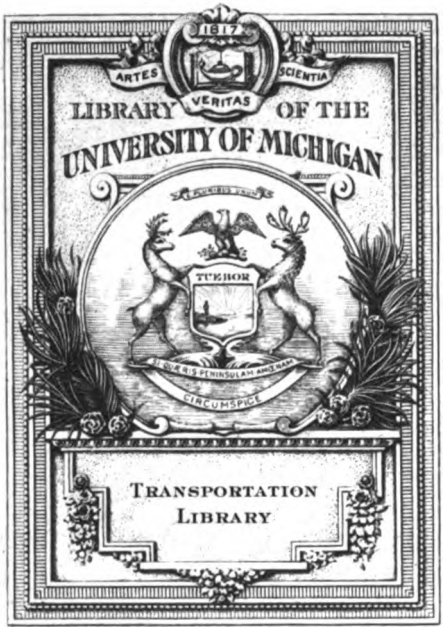

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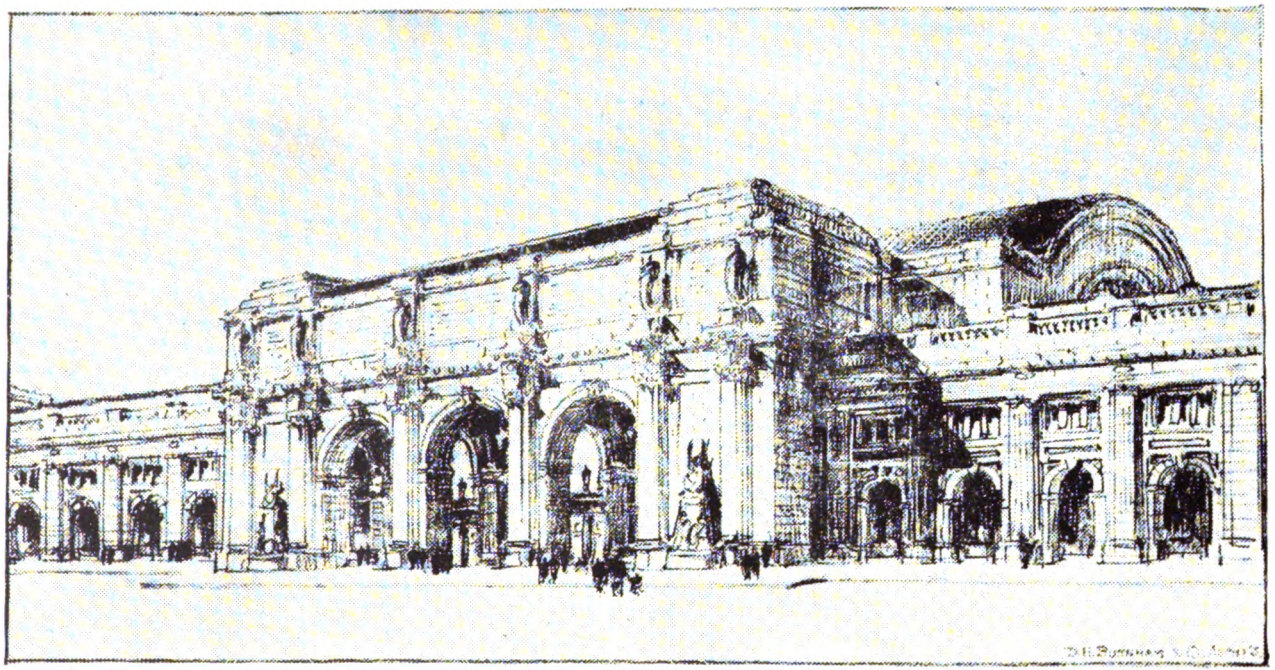

SKETCH OF THE UNION RAILROAD STATION PROVIDED FOR IN THE ACT OF FEBRUARY 28, 1903.

Daniel H. Burnham & Co., Chicago, architects.

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57TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 220.

FEDERAL AND LOCAL LEGISLATION

RELATING TO

CANALS AND STEAM RAILROADS

IN THE

DISTRICT OF COLUMBIA,

1802-1903.

COMPILED BY

CHARLES MOORE,

Clerk of the Senate Committee on the District of Columbia.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1903.

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LAWS RELATING TO CANALS IN THE DISTRICT OF COLUMBIA.

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LAWS RELATING TO CANALS IN THE DISTRICT OF COLUMBIA.

THE WASHINGTON CANAL COMPANY.

[Extract from "An Act [of Congress] to abolish the Board of Commissioners in the city of Washington, and for other purposes," approved May 1, 1802.]

May 1, 1802.

Books of subscriptions to be opened for completing the canal from the Potomac to the Eastern Branch.

SEC. 9. *And be it further enacted*, That it shall and may be lawful to open books in the city of Washington, for receiving and entering subscriptions for opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, under the management of Thomas Tingey, Daniel Carroll of Duddington, Thomas Law, and Daniel Carroll Brent, which subscriptions shall be made personally, or by power of attorney; the said books shall be opened for receiving subscriptions, and continue open until the sum of eighty thousand dollars shall be filled up, in shares of one hundred dollars each; and that each person shall, at the time of subscribing, pay down ten dollars, being one tenth of each share; and after fourteen days previous notice, by advertisement, there shall be a meeting of the subscribers, and they are hereby declared to be incorporated into a company, by the name of the "Washington Canal Company," and may sue and be sued, as such, and make all necessary by-laws and regulations for the proper management of the business thereof. And such of the subscribers as shall be present at the said meeting, or a majority of them, are hereby impowered and required to elect a president and four directors for conducting the said undertaking, and managing the said company's business for, and during such time not exceeding three years, as the said subscribers, or a majority of them, shall think fit. Each member shall be allowed one vote for every share, by him or her held at the time in the said company, and any proprietor by a writing under his or her hand, executed in presence of two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Under whose direction.

Sum to be raised, amount of shares.

Act of May 31, 1832, ch. 112.

Subscribers incorporated.

Empowered to choose a president and four directors.

Shares to entitle the holders to an equal number of votes.

A proxy may act.

An Act to incorporate a company for opening the Canal in the City of Washington.

Feb. 16, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert Brent, Samuel N. Smallwood, Daniel Carroll of Duddington, John Law, William Brent, Frederick May,

Commissioners, &c., appointed for receiving subscriptions.

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Elias B. Caldwell, James D. Barry, Griffith Coombe, and George Blagden, or any five of them be, and they are hereby appointed commissioners to open, or cause to be opened, a book for receiving and entering subscriptions for raising a capital stock not exceeding one hundred thousand dollars, in shares of one hundred dollars each, for the purpose of opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, and that one month's notice be given in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time and place of opening the said subscription book, and that the same be kept open until the sum of forty thousand dollars be subscribed: *Provided*, that no subscription shall be received unless the sum of ten dollars be paid into the hands of the persons authorized to receive the same, on each share subscribed for.

Stockholders to have a meeting and appoint directors, &c.

SEC. 2. *And be it further enacted*, That as soon as the aforesaid sum of forty thousand dollars be subscribed, the said commissioners, or any five of them, shall call a meeting of the stockholders at the city of Washington, by advertisement in one of the newspapers printed in Washington, Georgetown, and Alexandria, appointing a fit and convenient time and place of meeting; and the said stockholders shall proceed in person, or by proxy, to the election, by ballot, of a president and six directors for conducting the said undertaking, and managing the business of the company, for and during the term of one year from the time of their appointment.

Style of the company.

SEC. 3. *And be it further enacted*, That the said stockholders and their successors, from the time of the said first meeting, shall be, and they are hereby declared to be, incorporated by the name of the "Washington Canal Company," and by that name may sue and be sued, implead and be impleaded, answer and be answered, and may make all necessary by-laws and regulations for the proper management of the business of the company: *Provided*, that the same be not contrary to the laws of the United States, or the laws in force in the district of Columbia.

Proviso.

Term of service of the directors, &c., &c.

SEC. 4. *And be it further enacted*, That the said president and directors shall continue in office one year from the time of their election, and the directors may fill any vacancy which may happen in their own body during the term for which they were elected, and in case of the death, resignation or disqualification of the president, they may elect a president to serve for the residue of the term; and the said stockholders, in one year after the day on which the election of president and directors shall be first made, and on the same day in every year thereafter, (except the same shall happen on Sunday, in that case on the day succeeding) shall elect by ballot from among the stockholders one person as president, and six persons as directors; and the president and directors, for the time being, shall give public notice in one of the newspapers printed in Wash-

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ington, Georgetown, and Alexandria, for a new election, at least ten days previous to the expiration of the time for which they were elected; and each stockholder shall be allowed one vote for every share by him or her held at the time in said company; and any stockholder, by a written authority, under his or her hand, and executed in the presence of two witnesses, may depute any other stockholder to vote and act as proxy for him or her at any general meeting.

Powers of the directors of the Washington Canal Company.

SEC. 5. *And be it further enacted*, That the said president and directors so elected, and their successors, shall be and they are hereby authorized and empowered to agree with any person or persons, on behalf of said company, to cut the canal, as laid down on the plan of the city of Washington, erect such locks, and perform such other works as they shall judge necessary, for opening the canal aforesaid, and the forks thereof; and out of the monies arising from subscriptions, wharfage and tolls, to pay for the same; and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to settle their respective wages.

Treasurer of the company to give bond, &c.

SEC. 6. *And be it further enacted*, That the treasurer of the said company shall, before he acts as such, give bond to the company in such penalty, and with such security as the said president and directors shall direct, conditioned for the faithful performance of the duties of his office.

Stockholders to pay up the remaining nine tenths of their shares, &c., &c.

SEC. 7. *And be it further enacted*, That the said president and directors so elected, and their successors, shall have full power and authority to demand and receive of the stockholders, in equal proportions, the remaining nine tenths of the shares, from time to time, as they shall judge necessary; and if any of the stockholders shall neglect or refuse to pay their proportions, within one month after the same shall have been ordered, the share or shares of such defaulter shall be forfeited: *Provided*, that notice shall be given, by advertisement, in one of the newpapers printed in Washington, Georgetown, and Alexandria, of the time when the same shall be ordered to be paid.

Proviso.

When tolls shall be receivable.

SEC. 8. *And be it further enacted*, That the said company shall not begin to collect wharfage or tolls, until the canal is made navigable for boats and scows drawing three feet water to pass through the same, from the Potomac river to the eastern branch thereof: And if at any time the said canal shall become obstructed, so that boats and scows drawing three feet water cannot pass through the same, from the Potomac river to the Eastern branch thereof, it shall not be lawful for the said company to collect any wharfage or tolls, until such obstruction shall have been removed.

President and directors to be sworn.

SEC. 9. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or

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affirmation that he will well and faithfully discharge the duties of his office; and any four of the directors, with the president, shall constitute a quorum for transacting any business of the company.

Shares to be personal property—made liable to executions, as such.

SEC. 10. *And be it further enacted*, That the shares in the said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct, and that the shares held by any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from any such individual, in like manner as other personal property may be.

Annual meetings to be held of the stockholders.

SEC. 11. *And be it further enacted*, That there shall be a general meeting of the stockholders on the first Monday in June, and the first Monday in December, in every year, in the city of Washington, to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings; and on finding them justly and fairly stated, the stockholders then present, or a majority of them, shall give a certificate thereof; and at such half yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements or contingent charges, an equal dividend of all the nett profits arising from the wharfage and tolls hereby granted, shall be ordered, and made to and among all the stockholders of the said company, in proportion to their several shares: *Provided*, that if the nett profits shall, in any year, exceed fifteen per centum on the sum actually expended by the said company, in opening the said canal, and completing the same, the fifteen per centum only of the nett profits shall be divided among the stockholders, and the excess shall be paid to the mayor and city council of the city of Washington, for the use of the said city.

Dividends to be made.

Proviso.

Tolls.

SEC. 12. *And be it further enacted*, That for and in consideration of the expenses the said stockholders shall incur in cutting the canal, erecting locks, and in maintaining and keeping the same in repair, and in the enlargement and improvement of the same, the said company is hereby authorized to collect on all articles and materials landed on each side of the canal, from on board any boat or scow, or placed on either side of the said canal, for the purpose of being taken therefrom by any boat or scow, according to such rates as the president and directors may, from time to time, by their by-laws, order and direct: *Provided*, that the said rates shall, at no time hereafter, and in no particular, exceed the rates which are, or may be established by the owners of wharves in the city of Washington. And it shall and may be lawful for the said company to demand and receive, at the most convenient place, for all articles carried through the said canal, tolls not exceeding the following rates, that is to say: for each unloaded boat or scow twenty-five cents; for each barrel of flour two cents; for each barrel of beef or pork two cents; for each barrel of whiskey or brandy three cents; for each hogs-

Proviso.

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head or pipe six cents; and upon all other articles, packages and commodities, one sixth part of the amount of tolls allowed by law to be received by the Potomac Company, at the Great Falls of the river Potomac. And the said company shall also have the exclusive right to establish a packet boat or boats upon the said canal for carrying passengers, and no other packet boat or boats, but such as are established or permitted by them, shall be allowed to carry passengers through the same for hire.

Public property free of toll.

SEC. 13. *Provided always, and be it further enacted*, That all public property shall pass through the said canal free of toll, and also, that in case the said canal and one of the forks thereof, shall not be completed within the term of seven years from the passage of this act, in such manner as to admit boats and scows drawing three feet water to pass through the same, that the said canal shall revert to the United States, and all right and authority hereby granted to the said company shall cease and determine.

Limitation of the time when the canal shall be finished.

Bridges may be erected over the canal.

SEC. 14. *And be it further enacted*, That the said company shall, from time to time, whenever and wherever the mayor and city council shall order and direct, suffer bridges to be erected across the canal, and shall suffer the same when erected to be repaired: *Provided*, that every bridge so erected, shall be at least six feet above high water mark.

Proviso.

Annual statement of the receipts and expenditures to be laid before Congress.

SEC. 15. *And be it further enacted*, That the president and directors of said company, after the said canal shall be opened and made passable for boats and scows drawing three feet water, shall annually, in the month of January, lay before the Congress of the United States, a just and true account of their receipts and expenditures, with a statement of the clear profits thereof.

Approved, February 16, 1809.

THE CHESAPEAKE AND OHIO CANAL COMPANY.

March 3, 1825.

AN ACT confirming the act of the legislature of Virginia entitled "An act incorporating the Chesapeake and Ohio Canal Company," and "An act of the state of Maryland, confirming the same."

The act of the legislature of Virginia incorporating the Chesapeake and Ohio Canal Company, ratified, &c. to a certain extent.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act of the legislature of the state of Virginia, entitled "An act incorporating the Chesapeake and Ohio Canal Company," be and the same is hereby ratified and confirmed, so far as may be necessary for the purpose of enabling any company that may hereafter be formed by the authority of said act of incorporation, to carry into effect the provisions thereof, in the District of Columbia, within the exclusive jurisdiction of the United States, and no further.

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Should the state of Virginia or Maryland desire, at any time, to avail itself of the right secured to it by the twenty-first section of the act aforesaid, the President is to depute three skilful commissioners of the United States' corps of engineers to examine the route of said canal.

SEC. 2. *And be it further enacted*, That, should the state of Virginia or Maryland desire, at any time, to avail itself of the right secured to it, by the twenty-first section of the act aforesaid, to take and continue a canal, from any point of the Chesapeake and Ohio canal, to any other point within the territory of the District of Columbia, or through the same, on application to the President of the United States, by the executive of the state, the President is authorized and empowered to depute three skilful commissioners of the United States' corps of engineers, to survey and examine so much of the route of such canal, as may effect, in any manner, the navigation of the Chesapeake and Ohio canal. The said commissioners, or a majority of them, shall ascertain, as far as practicable, whether the canal proposed to be constructed by the state aforesaid, will injure or impede the navigation of the Chesapeake and Ohio canal, and report to the President of the United States the facts and reasons on which they may ground their judgment thereupon; which report shall be submitted to the Congress of the United States, at their session next ensuing the date thereof for their decision thereon; and if Congress shall be of opinion that the said canal may be cut in the manner proposed, as aforesaid, without impending or injuring the navigation of the Chesapeake and Ohio canal, the same shall be conclusive thereon.

Approved, March 3, 1825.

THE WASHINGTON CANAL COMPANY.

May 20, 1826.

AN ACT to extend the width of the Washington canal.

Washington Canal Company authorized to increase the width of the Washington canal.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Washington Canal Company, be, and are hereby, authorized to increase the width of the Washington Canal, from Seventh street west, to its western extremity, by removing its southern boundary to a distance not exceeding one hundred and fifty feet from its northern boundary; and also to form a basin on the canal between Sixth and Seventh streets west, according to such plan as shall be approved by the President of the United States.

Duty of the canal company.

SEC. 2. *And be it further enacted*, That it shall be the duty of the said canal company, within five years from and after the passing of this act, to cause the bed of the said canal, through its whole length, to the eastern branch, to be so constructed as to contain water at least one foot in depth at ordinary low tide.

Approved, May 20, 1826.

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THE CHESAPEAKE AND OHIO CANAL COMPANY.

AN ACT authorizing a subscription to the stock of the Chesapeake and Ohio Canal Company. May 24, 1828.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to subscribe, in the name and for the use of the United States, for ten thousand shares of the capital stock of the Chesapeake and Ohio Canal Company, and to pay for the same, at such times, and in such proportions, as shall be required of and paid by the stockholders, generally, by the rules and regulations of the company, out of the dividends which may accrue to the United States upon their bank stock in the bank of the United States: *Provided*, That not more than one fifth part of the sum, so subscribed for the use of the United States, shall be demanded, in any one year, after the organization of the said company; nor shall any greater sum be paid on the shares so subscribed for, than shall be proportioned to assessments made on individual or corporate stockholders: *And provided, moreover*, That, for the supply of water to such other canals as the state of Maryland, or Virginia, or the Congress of the United States, may authorize to be constructed, in connection with the Chesapeake and Ohio Canal, the section of the said canal leading from the head of the Little Falls of the Potomac river, to the proposed basin, next above Georgetown, in the District of Columbia, shall have the elevation, above the tide of the river at the head of the said falls, and shall preserve, throughout the whole section aforesaid, a breadth, at the surface of the water, of not less than sixty feet, and a depth, below the same, of not less than five feet, with a suitable breadth at bottom.

Secretary of the Treasury in the name of the United States, to subscribe for 10,000 shares of the capital stock of the Chesapeake and Ohio Canal Company.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the said Secretary of the Treasury shall vote for the president and directors of the said company, according to such number of shares as the United States may at any time hold in the stock, thereof, and shall receive, upon the said stock, the proportion of the tolls which shall, from time to time, be due to the United States for the shares aforesaid; and shall have and enjoy, in behalf of the United States, every other right of a stockholder in the said company.

Secretary of the Treasury to vote for president, &c., of said company, according to the number of shares purchased for the United States.

Approved, May 24, 1828.

AN ACT giving the assent of the United States to an act of the general assembly of Maryland, passed at their December session, in one thousand eight hundred and thirty-one, entitled "An act further to amend the act incorporating the Chesapeake and Ohio Canal Company." July 14, 1832.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the assent of the United States be, and the same is hereby, given to an act of the General Assembly of Maryland,

Act of May 23, 1828, ch. 85.

Assent of the United States given to act of Maryland.

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entitled "An act further to amend the act incorporating the Chesapeake and Ohio Canal Company," which passed the general assembly of Maryland at December session, one thousand eight hundred and thirty-one: *Provided*, that nothing therein contained shall be construed to impair any right possessed by the said company anterior to the passage of said act, nor to authorize any individual to obstruct the free access of all persons to the said canal along the berm bank, or other lands condemned for the construction and use thereof, nor to prevent the engineers, superintendents, or officers of the said company, from passing up and down the said canal without obstruction along the grounds condemned therefor, in order to inspect the condition of the said canal, or to make, at any time, suitable repairs thereof.

Proviso.

Approved, July 14, 1832.

THE WASHINGTON CANAL COMPANY.

March 2, 1833.

AN ACT in addition to, and in alteration of, an act entitled "An act vesting in the corporation of the city of Washington all the rights of the Washington Canal Company," and for other purposes.

Secretary of the Treasury to pay $150,000 to city of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury is hereby authorized to pay, out of any moneys in the treasury not otherwise appropriated, unto the mayor, aldermen, and common council of the city of Washington, the sum of one hundred and fifty thousand dollars, to aid them in fulfilling the objects and requirements of an act entitled "An act vesting in the corporation of the city of Washington all the rights of the Washington Canal Company, and for other purposes; approved May thirty-first, one thousand eight hundred and thirty-two: *Provided*, That the said mayor, aldermen, and common council, relinquish all title to the land vested in them by the eighth section of the act above named, and, also, relinquish all rights and privileges granted by the eighth, tenth, eleventh, twelfth, thirteenth, and fourteenth sections of said act: *And provided, also*, That the sum herein granted shall be applied to pay and extinguish any debt which has been, or may be contracted in the purchase either of the Washington City Canal, or in the completion of the same, and shall not be applicable to any other object or purpose until said debts be extinguished.

Act of May 31, 1832, ch. 113.

Proviso.

Proviso.

Public walks to be enclosed and improved.

SEC. 2. *And be it further enacted*, That the commissioner of the public buildings is hereby authorized to cause all the open grounds belonging to the United States which, in the original plan of the city, were reserved for public walks, lying between the Maryland and Pennsylvania Avenues, to be enclosed with a wooden fence, and to lay down the same, according to such plan for the improvement thereof as the President of the United States may approve, in grass, and intersect it by suitable paths and

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roads for intercourse and recreation: *Provided*, That there shall not be more than three streets or roads across the same to connect the streets on the north and south sides of said public grounds. Proviso.

SEC. 3. *And be it further enacted*, That there be paid out of any unappropriated money in the treasury, for the purposes of the second section of this act, the sum of five thousand dollars. Appropriation.

Approved, March 2, 1833.

CHESAPEAKE AND OHIO CANAL COMPANY.

AN ACT for the relief of the several corporate cities of the District of Columbia. May 20, 1836.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to assume, on behalf of the United States, and discharge, to the holders of the evidences of debt contracted and entered into between the cities of Washington, Alexandria, and Georgetown, and certain individuals in Holland, negotiated by Richard Rush, Esquire, on behalf of said corporate bodies, the entire obligation of paying said debts, with the accruing interest thereon, together with the interest now due and remaining unpaid, according to the terms of said contract. Debt contracted in Holland assumed by the United States.

SEC. 2. *And be it further enacted*, That before the said Secretary of the Treasury, shall execute the duties prescribed by the first section of this act, the said corporate authorities of said cities shall deposite in the hands of the said Secretary of the Treasury, the stock in the Chesapeake and Ohio Canal Company, held by them respectively; and the said Secretary of the Treasury may, at such time within ten years, as may be most favorable for the sale of said stock, dispose thereof at public sale, and reimburse to the United States such sums as may have been paid under the provisions of this act; and if any surplus remain after said reimbursement, he shall pay over said surplus to said cities, in proportion to the amount of stock now held by them respectively. Corporations to deposite the stock with the Treasurer of the United States, &c.

Approved, May 20, 1836.

AN ACT further to amend the act incorporating the Chesapeake and Ohio Canal Company. (a) March 3, 1837.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the General Assembly of Virginia, entitled "An act further to amend the act incorporating the Chesapeake Act of May 23, 1828, ch. 85. Act of General Assembly of Va., passed 27th Feb., 1829, assented to.

a See Appendix No. 2, Statutes at Large, 24th to 28th Congress, for act of the General Assembly of Virginia amending the act to incorporate the Chesapeake and Ohio Canal Company.

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and Ohio Canal Company," passed the twenty-seventh day of February, eighteen hundred and twenty-nine, be, and the same is hereby assented to and approved.

Persons within the D. C., wickedly, &c., injuring the Chesapeake and Ohio canal, its embankments, &c., liable to fine, &c.

SEC. 2. *And be it further enacted*, That if any person or persons shall, within the District of Columbia, wickedly, or maliciously, do injury to the Chesapeake and Ohio canal, its embankments, walls, moles, tow-paths, bridges, culverts, drains, or to any part necessary to the uses and purposes of said canal, he, she, or they, shall be liable to a fine of not less than five or more than fifty dollars, to be recovered before any justice of the peace of the District of Columbia; and any such justice may, on his own view, or on application verified by affidavit, to said justice made, issue his warrant, describing the injury committed, and, upon conviction, the said justice shall have authority to commit the offender to close jail, without bail or mainprise, until said fine and costs be paid, or until said defendant be discharged by due course of law: *Provided, however*, That nothing in this act contained shall be so construed as to prevent said canal company from recovering damages from any person or persons who may commit any of the trespasses aforesaid.

Proviso.

Condemnations of land by the marshal of D. C., &c.

SEC. 3. *And be it further enacted*, That all condemnations of land for the use and purposes of said canal company, which have heretofore been made by the marshal of said District, or any lawful deputy marshal, shall be as valid as though the same had been situated in the State of Maryland, and had been condemned in pursuance of the laws of said State, through the action and agency of a sheriff of any of the counties of said State.

Approved, March 3, 1837.

WASHINGTON CANAL COMPANY.

[Extract from sundry civil appropriation bill for year ending June 30, 1850.]

Mar. 3, 1849

For clearing out and deepening that portion of the Washington city canal which passes through and along the public grounds, twenty thousand dollars, to be expended under the direction of the Secretary of the Treasury: Provided, The corporation of Washington shall expend a like sum in cleaning out and deepening the other portions of said canal: And provided, also, That all transportation on said canal for the use of the government of the United States shall be free of toll.

Approved, March 3, 1849.

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CHESAPEAKE AND OHIO CANAL COMPANY.

AN ACT giving the assent of the United States to an act of the general assembly of Maryland, passed at the December session, eighteen hundred and forty-four, chapter two hundred and eighty-seven.

Sept. 20, 1850.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of the United States be, and the same is hereby, given to the act of the General Assembly of Maryland, passed at its December session, eighteen hundred and forty-four, chapter two hundred and eighty-seven, entitled "An Act supplementary to an Act entitled 'An Act to amend the act incorporating the Chesapeake and Ohio Canal Company,' passed at December session, eighteen hundred and thirty-one, chapter two hundred and ninety seven," and to each and every provision thereof; and that the same be, and are hereby, extended to so much of the said canal as lies within the District of Columbia, in as full and effectual a manner as if the several provisions aforesaid were hereby formally enacted.

Approved, September 20, 1850.

WASHINGTON CANAL COMPANY.

[Extract from the sundry civil appropriation bill for the year ending June 30, 1852.]

Mar. 3, 1851.

For completing, cleaning out, and repairing that portion of the Washington City Canal which passes through and along the public grounds, twenty thousand dollars, to be expended under the direction of the Secretary of the Treasury: Provided, The corporation of Washington shall expend a like sum in cleaning out and repairing the other portions of said canal.

Approved, March 3, 1851.

CHESAPEAKE BAY AND POTOMAC RIVER TIDE-WATER CANAL COMPANY.

An Act to authorize "The Chesapeake Bay and Potomac River Tide-water Canal Company" to enter the District of Columbia, and extend their Canal to the Anacostia River at any Point above Benning's Bridge.

July 26, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "The Chesapeake Bay and Potomac River Tide-water Canal Company," incorporated by the general assembly of the State of Maryland, at the January session thereof, eighteen hundred and sixty-six, by an act entitled "An act to incorporate the Chesapeake Bay and Potomac River

The Chesapeake Bay, &c. Canal Company may extend its canal to Anacostia River;

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Tide-water Canal Company," be, and the same are hereby, authorized to extend their canal from the point where it strikes the boundary line of the District of Columbia, thence in and through the said District to the Anacostia River at any point thereon above Benning's bridge.

may take and hold property necessary for proper construction of extension, &c.

SEC. 2. *And be it further enacted*, That the said company are hereby authorized and empowered to take, purchase, and hold, for the purpose[s] of this act, so much real estate and other property as shall be necessarily required for the proper construction of the extension aforesaid, and for the construction of all proper and convenient basins, locks, reservoirs, docks, and wharves, to be connected with said extension. And where the said company shall not be able to procure such real estate by purchase from the owner thereof, or the owner thereof shall be a femme covert, infant, non compos mentis, imprisoned, or resident beyond the District of Columbia, then application may be made by the president of said company to the chief justice of the supreme court of the District of Columbia, for the appointment of three persons, who shall be freeholders in said District, as a commission of inquest of damages, and who shall go upon and inspect any property proposed to be taken by said company for the purposes contemplated by this act; and before any person so appointed as such commissioner shall proceed to act, he shall take an oath or affirmation that he will fairly and truly value the damages sustained by the owner or owners of any property by the use and occupation of any such real estate, water rights, or other property, by said company; and said commission shall reduce their inquisition or finding to writing, and sign and seal the same, and it shall then be returned to the said chief justice, who shall file the same in the office of the register of deeds of the city of Washington. But no such inquisition shall be had until after ten days' notice thereof has been served on the owner of the real estate so to be taken, when he resides in the District of Columbia, or by publication of notice in one or more of the daily newspapers published in the city of Washington, for twenty days where such owner resides beyond said District. When the owner is a femme covert, the notice shall be to her and her husband; when he is a minor, to his guardian; and when he is non compos mentis, to his committee, or the person having charge of his estate. The said report shall be confirmed by the supreme court of the District of Columbia at its next term after the return of said report, unless for cause shown to the contrary. And where good cause is thus shown, the said chief justice shall set aside said inquest, and appoint another similar commission, who shall qualify in the same manner, and whose inquisition shall be taken, returned, filed, and confirmed, or set aside for good cause shown, in the same manner as the first inquisition was taken, returned, filed, and confirmed, or set aside. And such commission and inquisition shall be renewed as often as may be necessary, until the inquisition made shall be confirmed.

Proceedings where land can not be purchased, or the owner is under disability.

Commission of inquest of damages.

Report to be made.

Notice.

Report to be confirmed.

Inquest may be set aside.

New commission and inquisition from time to time.

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Such inquisition shall describe the property taken by metes and bounds, and the valuation thereof shall be paid or tendered within ten days after the confirmation of such inquisition by said district court; and when such valuation or damages are so paid or tendered, said company shall have a full and perfect right to enter upon, use, occupy, and enjoy any property so valued during its corporate existence, and all expenses incurred by such inquisition shall be paid by said company.

Property taken to be described, and valuation paid.

Company to pay expenses of inquisition.

SEC. 3. *And be it further enacted*, That it shall be lawful for said company to levy, demand, and receive such even tolls and rents for the use of the wharves and docks of said company on said extension, or for freight transported by said company, or for the passage through said extension of boats, rafts, or any other water craft, as a majority of the directors at any regular meeting shall assess therefor: *Provided*, That the Congress of the United States shall at all times have power to increase or reduce such tolls or rents.

Tolls and rents.

SEC. 4. *And be it further enacted*, That the said canal extension, when completed, shall forever thereafter be esteemed and taken to be a public highway for the transportation of all goods, commodities, or produce of every kind and description, and for all canal boats, rafts, or other water crafts of every kind whatever, upon the payment of such tolls or rents as are authorized to be imposed by this act.

Canal extension to be a public highway.

SEC. 5. *And be it further enacted*, That the said company shall permit all public property belonging to the United States to pass through said canal extension free of all charge or toll; and the said company shall, from time to time, as may be required, lay before Congress a just and true account of their receipts and expenditures on said extension, with a statement of the clear profits thereof.

Public property of the United States to go through free of tolls.

Company when required to give Congress an account of receipts and expenditures, &c.

SEC. 6. *And be it further enacted*, That, subject to the aforesaid provisions of this act, all and singular the provisions of the aforesaid act of the general assembly of the State of Maryland, entitled "An act to incorporate the Chesapeake Bay and Potomac River Tide-water Canal Company," relating to the powers, liabilities, and authority of said company, in operating and using their canal, shall take effect and apply to the extension aforesaid in the District of Columbia.

Provisions of charter to apply to extension, subject, &c.

SEC. 7. *And be it further enacted*, That this act shall be deemed a public act, and shall take effect and be in force from and after its passage, and shall be subject to alteration or repeal by Congress.

Act to be a public act, and when to take effect.

Approved, July 26, 1866.

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WASHINGTON CANAL COMPANY.

[Extract from sundry civil appropriation bill for year ending June 30, 1871.]

July 15, 1870.

Commission for dredging, &c., the Washington City canal.

Vol. xvii, p. 10.

SEC. 5. *And be it further enacted*, That the mayor of the city of Washington, the Secretary of the Interior, the commissioner of public buildings and grounds, the architect of the Capitol extension, and their successors in office, together with two men to be appointed by the mayor of the city of Washington, by and with the advice and consent of the board of aldermen of said city, are hereby appointed a commission who shall cause the Washington City canal, either in whole or in part, to be dredged, or, if deemed best, dredged and narrowed, or arched and converted into a sewer; and for the purpose of making this improvement, the corporate authorities of the city of Washington are hereby authorized and directed to levy and collect a tax of one hundred thousand dollars upon all taxable property in said city, for defraying part of the expenses thereof, and the sum of fifty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of defraying in part the expenses of the same; and out of any moneys arising from the sale of any real estate, should any take place belonging to said canal, the government shall first be indemnified for any moneys hereby appropriated; the improvements aforesaid to be paid for at the rate of one third by the government and two thirds by the city as the work progresses, and the total expenditure not to exceed the amount herein provided for.

Tax of $100,000 may be levied, &c., by Washington therefor.

Appropriation.

Government how to be indemnified.

Expenses of improvements how to be borne.

Approved July 15, 1870.

[Extract from the general deficiency appropriation bill for the year ending June 30, 1871, and for additional appropriations for the year ending June 30, 1872.]

Apr. 20, 1871.

SEC. 17. That from and after the passage of this act all powers conferred upon certain persons as commissioners by the act approved June twenty-first, eighteen hundred and seventy, for the improvement of M street northwest, and by the act approved July fifteenth, eighteen hundred and seventy, for the improvement of the Washington City Canal, shall be transferred to the board of public works of the District of Columbia; and the persons acting as commissioners under said acts are hereby directed to transfer to said board of public works, all books, papers, and other property in their possession pertaining to the works under their charge; and private property shall be assessed for the improvement of M street, and Seventh street southwest, from B street to the river, heretofore authorized by law, as provided in the act of February twenty-first, eighteen hundred and seventy-one. And in case said board

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shall, under said act of July fifteenth, eighteen hundred and seventy, decide to open said canal, they are hereby empowered to open both its branches, so as to connect with the government canal at the arsenal: Provided, That the cost of said work shall not exceed the amount already fixed by law for that purpose.

Approved, April 20, 1871.

[Extract from the sundry civil appropriation bill for the year ending June 30, 1873.]

To pay the board of public works of the District of Columbia the proportion of the cost properly payable by the United States government for the filling of the canal from Seventh street west to Seventeenth street west, and of the cost of the intersecting sewer along the canal adjoining the property of the United States government, said work being under the direction of the board of public works, sixty-eight thousand three hundred and sixty-five dollars, or so much thereof as may be necessary: Provided, That all payments made under this and the preceding appropriation shall be made only upon vouchers approved by the officer in charge of public buildings and grounds of the District; and no portion of the money herewith appropriated shall be used by the board of public works for any other purpose whatever than the purpose that is named in the said last two paragraphs. And the land made by the filling up of the said canal is hereby declared to be the property of the United States. And the said appropriations shall not be construed to create or imply any obligation on the part of the United States, in any respect whatever in future. June 10, 1872.

Approved, June 10, 1872.

[Extract from the sundry civil appropriation bill for the year ending June 30, 1875.]

For improving the grounds of the old canal, ten thousand dollars. June 23, 1874.

Approved, June 23, 1874.

CHESAPEAKE AND OHIO CANAL COMPANY.

[Extract from an act entitled "An act to increase the water supply of the city of Washington, and for other purposes." Approved July 15, 1882.]

To protect the Chesapeake and Ohio Canal from increased flooding by reason of completing the dam at Great Falls, twelve thousand three hundred dollars. July 15, 1882.

Approved, July 15, 1882.

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NATIONAL AND LOCAL LEGISLATION RELATING TO STEAM RAILWAYS IN THE DISTRICT OF COLUMBIA.

19

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BALTIMORE AND OHIO RAILROAD COMPANY.

CONGRESSIONAL LEGISLATION.

An Act to authorize a railroad within the District of Columbia. May 9, 1828.

Assent of Congress given to the constructing a railroad.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the assent of Congress to the constructing a railroad by a company incorporated by the legislature of Maryland, from Baltimore to the city of Washington, be and the same is hereby given to the extent that Congress has jurisdiction of the soil over which it may pass; conceding to said company to exact such tolls, and to enjoy such benefits and privileges, as the act of incorporation of the state of Maryland gives to said corporation within the limits of the state of Maryland: *Provided*, In the location of the road it shall not be lawful for said company to pass through any of the reserved squares or open spaces of the city without the consent of Congress.

Proviso.

Approved, May 9, 1828.

RESOLUTION instructing the committee appointed to attend to the interests of the corporation before Congress to present a memorial to Congress on the subject of the bill pending in the House of Representatives in relation to the lateral branch of the Baltimore and Ohio Railroad.

Resolved by the board of aldermen and board of common council of the city of Washington, That the committee appointed to represent the interests of this corporation before Congress be instructed to present, without delay, a memorial to Congress, praying that the bill now pending in the House of Representatives entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad into and within the District of Columbia," may be so amended that the lateral railroad, proposed to be made from the Baltimore and Ohio Railroad to the District of Columbia, shall terminate within the City of Washington at such point as shall be agreed on between the Baltimore and Ohio Railroad Company and the corporation of the City of Washington.

Approved January 8, 1831; Twenty-eighth Council, chap. 149, p. 59.

RESOLUTION relative to the termination of the Baltimore and Ohio Railroad within the city of Washington.

Resolved by the board of aldermen and board of common council of the city of Washington, That the committee appointed to attend to the interests of the corporation before Congress be instructed to represent

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to Congress that the assent of the *corporate authorities* of the said city to the location and construction of the proposed railroad from Baltimore to Washington, within the limits of the said city, will be given only upon the conditions following, viz:

(1) That the said railroad shall enter the city of Washington at such place, pass along such street or alley (preserving the graduation thereof now established), and shall terminate at such point within the said city east of the west side of Seventh street west as shall be agreed upon by the railroad company and the corporation of Washington City.

(2) That the said corporation shall have the right to direct the rate at which the rail-cars shall move after they enter the said city, and establish such other regulations in relation thereto as shall be found expedient and proper for the convenience of said city and the safety of its citizens.

(3) That this assent shall extend to and be in force for twenty-five years, and until Congress shall otherwise direct.

Approved February 22, 1831; Twenty-eighth Council, chap. 152, p. 60.

March 2, 1831. An Act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio railroad, into and within the District of Columbia.

WHEREAS it is represented to this present Congress that the Baltimore and Ohio Railroad Company, incorporated by an act of the General Assembly of Maryland, entitled "An act to incorporate the Baltimore and Ohio Railroad Company," passed the twenty-eighth day of February, eighteen hundred and twenty-seven, 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 Ohio railroad to the District of Columbia. Therefore,

Authority for lateral road.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Baltimore and Ohio 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 have located, and are constructing, from the city of Baltimore to the Ohio river, in pursuance of their said act of incorporation: And the said Baltimore and Ohio 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 virtue 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

Powers, rights, &c.

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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 Ohio Railroad Company shall have power only to construct from the said Baltimore and Ohio 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: *Provided, always, and be it enacted*, That before the Baltimore and Ohio 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, 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 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 inhabitants 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 three nor more than fifteen 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 fifteenth section of the said act of the General Assembly of the state of Maryland, incorporating the said Baltimore and Ohio 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 abovementioned act of incorporation in regard to the railroads thereby authorized to be constructed by the said company: *Provided, also, and be it enacted*, That whenever the said company, in the construction of a railroad into or within

Restriction.

Proviso: proceedings for appropriation of lands, &c.

Proviso: other roads not to be obstructed.

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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 individual within the said district, it shall also be the duty of the said company to provide for such individual, proper wagon ways across the said railroad, from one part of his land to the other; but nothing herein contained shall be so construed as to authorize the entry by the said company upon any lot or square, or upon any part of any lot or square, owned by the United States, or by any other body or bodies politic or corporate, or by any individual or individuals, within the limits of the city of Washington, for the purposes aforesaid, 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 the said company shall find best calculated to promote the objects of said road: *Provided*, That the level of said road within the said city shall conform to the present graduation of the streets, unless the said corporation shall agree to a different level: *And provided also*, That the said company shall not be permitted to take or terminate the said road west of the west side of seventh street west: *And provided also*, That the said road shall not cross, or interfere with, or infringe on the existing Washington City Canal or the Chesapeake and Ohio Canal, their waters or basins, or any other canal which may hereafter be projected and executed to connect the said Chesapeake and Ohio Canal with the aforesaid Washington City Canal in its whole extent to the eastern branch of the Potomac: *Provided also*, The rate actually charged and received on all that part of said road within the district shall not exceed three cents a ton per mile for toil and three cents a ton per mile for transportation, except as hereinafter specified, and shall be the same each way: *Provided also*, That the privileges granted by this bill 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 east and west between Baltimore and Washington.

Wagon ways to be provided.

City lots, &c.

Proviso: level.

Proviso: limit.

Proviso: Canals protected.

Proviso: Rate of tolls, &c.

Proviso.

SEC. 2. *And be it further enacted*, That in addition to the charges authorized by said act of incorporation to be made by the Baltimore and Ohio Railroad Company aforesaid, the said company shall be authorized, within the said district, to make any special contract with any corporation, company or individual, for the exclusive use of any car,

Contracts for use of cars.

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or of any part of, or place in, any car, or other carriage, on any railroad constructed by the said company, for a specified time or distance, or both, or for the receipt and delivery, or the transportation of merchandise or other valuable articles, in boxes, parcels, or packages weighing less than one-tenth of a ton, on such terms as may be mutually agreed on between the parties: *Provided*, That the charge for the transportation of merchandise or other valuable articles shall not exceed one cent per mile for any single box, parcel, or package weighing less than fifty pounds, and measuring in size not more than two cubic feet; and for any heavier or larger box, parcel, or package, weighing less than one-tenth of a ton, not more than two cents per mile. And the said company, in all cases where the whole of the merchandise, produce, or other property, transported on their railroad within the said district, at any one time, belonging to the same person, copartnership, or corporation, shall weigh less than a ton, and more than half a ton, shall be entitled to charge and receive, for the transportation thereof, at the same rate per mile as if it weighed a full ton; and if the same shall weigh less than half a ton, the charge per mile may be the same as for half a ton; always estimating a ton weight to be two thousand pounds.

Proviso: the charges to be restricted.

SEC. 3. *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 Ohio 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.

Conveyance of mail, &c.

SEC. 4. *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 and a half cents.

Passengers.

SEC. 5. *And be it further enacted*, That unless the said company shall commence the said lateral railroad within one year, 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 the rights and privileges thereby granted, shall cease and determine.

Condition.

SEC. 6. *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 Virginia, or by Congress, or from authorizing, by any future law, such additional railroads or roads, in connection with said road, so as to extend the

Saving of right to authorize other roads, &c.

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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 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.

Proviso.

Same rights, &c. to state of Maryland.

SEC. 7. *And be it further enacted*, That if the state of Maryland shall determine to construct a railway between the city of Baltimore and the District of Columbia, or shall incorporate a company for the same purpose, then similar rights, privileges, immunities, and powers, conferred by this act on the Baltimore and Ohio Railroad, be, and the same are hereby, conferred on the state of Maryland, or any company which may be incorporated by it for the same purpose, within one year after the passage of this act.

Approved, March 2, 1831.

Feb. 26, 1834.

AN ACT to further continue in force "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad into and within the District of Columbia."

Act of March 2, 1831, ch. 85.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the period limited and allowed to the Baltimore and Ohio Railroad Company, within which they are required by the fifth section of the act entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad, into and within the District of Columbia," approved second March, one thousand eight hundred and thirty-one, to commence the road, and complete one set of tracks, be, and the same is hereby extended, and the said act shall remain in force, and all the rights and privileges thereby granted shall be vested in said company: *Provided*, They shall commence the said lateral road within one year, and complete the same, with one set of tracks, within four years from the passage of this act.

Period of construction extended.

Proviso.

Approved, February 26, 1834.

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RESOLUTION in relation to the lateral branch of the Baltimore and Ohio Railroad within the limits of the city of Washington.

Resolved by the board of aldermen and board of common council of the city of Washington, That the assent of this corporation be, and it is hereby, given to the passage of a bill, now under consideration in the Committee on the District of Columbia of the House of Representatives of the United States, entitled "A supplement to an act entitled 'An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad, into and within the District of Columbia:'" *Provided*, That the following amendment (or an amendment or amendments equivalent thereto), be made therein:

To the end of the second section of said bill add: "*Provided, however*, That the main stem of said road, after passing through said squares or any of them, shall be made and constructed through any street or streets which may be agreed upon between the corporation of said city and the said railroad company, and shall terminate in Sixth street west, between Missouri street and that part of the Washington Canal passing through the mall between Third and Sixth streets west: *And provided*, That the graduation of said main stem and the branches therefrom shall be made to conform to such levels or elevation as shall be approved by the surveyor of said city, or such engineer or engineers as shall be appointed for that purpose by the authority of the corporation of said city: *And provided also*, That all bridges and culverts through or under said main stem and the branches therefrom, which shall be required by the corporate authorities of said city, for the free passage of streams of water and the proper drainage of said city, shall be made and constructed under the direction of said corporate authorities, and at the proper costs and expense of the railroad company aforesaid: *And provided further*, That the said railroad company shall not use or employ any steam-engines in propelling or drawing the cars, wagons, and other vehicles on any part of the said road or branches therefrom within the limits of said city, except on such parts as may be agreed to by the corporate authorities thereof.

Resolved, That the mayor be requested to transmit copies of the foregoing resolution, properly attested, to the committees of both Houses of Congress on the District of Columbia, respectively.

Approved, February 3, 1835; Thirty-second council, chap. 18, p. 32.

AN ACT supplementary to an act entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio railroad into and within the District of Columbia," passed December, eighteen hundred and twenty-nine.[a]

March 3, 1835.

1831, ch. 85.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Baltimore and Ohio Railroad Company be, and they

Construction of road within the District of Columbia.

[a] The following decision of the Supreme Court is introduced, as it is one of the occasions in which the Baltimore and Ohio railroad has been the subject of the legislation of Congress.

The state of Maryland, in 1836, passed a law directing a subscription of three millions of dollars to be made to the capital stock of the Baltimore and Ohio Railroad Company, with the following proviso, "that if the said company shall not locate the said road in the manner provided in this act, then and in that case, they shall for-

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are hereby, authorized to locate and construct their said road within the city of Washington, through squares nine hundred and nine, eight hundred and eighty-eight, eight hundred and fifty-eight, eight hundred and thirty-two, nine hundred and eight, eight hundred and eighty-seven, eight hundred and fifty-six, eight hundred and fifty-seven, eight hundred and thirty-one, eight hundred and seven, seven hundred and seventy-six, seven hundred and fifty-one, seven hundred and eighteen, in the same manner, and with the same rights and privileges which are granted to them by the act to which this is a supplement, for the construction of their said road within the District of Columbia, beyond the limits of the city of Washington, any thing in the said act contained to the contrary notwithstanding, and the assent of Congress is hereby given to the construction of the said railroad through or over any of the said lots or parts of lots which are owned by the United States.

Extension of the road.

SEC. 2. *And be it further enacted*, That the main stem of the said railroad, after passing through the squares or lots above-named, or any of them, shall not be constructed west or south of a point at the intersection of H street north, with Delaware Avenue, until the route from that point to the final termination of the main stem of said road shall be surveyed and approved by the mayor, board of aldermen, and board of common council of the city of Washington; and when the said route shall be so surveyed and approved, the said company shall be, and they are hereby, authorized to construct the said railroad on the said route, under such restrictions and conditions as may be agreed upon by the said railroad company and the mayor, board of aldermen, and board of common council of the said city of Washington.

Road may pass through unimproved lots or squares.

SEC. 3. *And be it further enacted*, That if the said route from the intersection of H street and Delaware Avenue should pass through any unimproved lots or squares, except public reservations, the said railroad company shall be, and they are hereby, authorized to construct their road through or over the same, upon the same terms, and with the same privileges, as are prescribed for passing

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feit one million of dollars to the state of Maryland, for the use of Washington county." In March, 1840, the state passed another act, repealing so much of the prior act as made it the duty of the company to construct the road by the route therein prescribed, remitting and releasing the penalty, and directing the discontinuance of any suit brought to recover the same. Held, that the proviso was a measure of state policy, which it had a right to change, if that policy was afterwards discovered to be erroneous; and neither the commissioners, nor the county, nor any one of its citizens, acquired any separate or private interest under it, which could be maintained in a court of justice. State of Maryland *v.* The Baltimore and Ohio Railroad Company, 3 Howard, 534.

It was a penalty, intended to be imposed on the company for disobeying the law; and the assent of the company to it, as a supplemental charter, was not sufficient to deprive it of the character of a penalty. *Ibid.*

A clause of forfeiture in a law is to be construed differently from a similar clause in an engagement between individuals. A legislature can impose it as a punishment; but individuals can only make it a matter of contract. Being a penalty, imposed by law, the legislature had a right to remit it. *Ibid.*

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through the squares enumerated in the first section of this act.

Branches may be constructed.

SEC. 4. *And be it further enacted*, That the said company are further authorized to construct branches of their road from the main stem thereof, within the said city, to such place or places, and in such number of tracts, as the corporate authority of the city of Washington shall assent to or permit: *Provided*, That the said branches shall not pass through any of the public reservations.

Proviso.

Company may obtain, hold, and improve lots.

SEC. 5. *And be it further enacted*, That it shall be lawful for the said company, and they are hereby empowered to obtain, by gift or purchase, any lot or lots adjacent to any street or avenue along which the said company shall construct their said road or branches, and to hold and improve the same in such manner as may be necessary for the purposes of said company, or for the beneficial use of said road, or the branches thereof; and the said company shall be authorized to extend and construct tracks of railway into any lot or lots so held by them, in connection with the tracks in any adjacent street or avenue: *Provided*, That the free use of any street or avenue shall not be impaired thereby: *And provided, also*, That the said company shall not use or employ any steam engine in drawing or propelling the cars, wagons, or other vehicles, on any part of the said road within the city of Washington, except in such parts as may be agreed to by the corporate authorities of said city.

Proviso.

SEC. 6. *And be it further enacted*, That such provisions of the act to which this is a supplement, as are inconsistent herewith, be, and the same are hereby, repealed.

Approved, March 3, 1835.

MUNICIPAL LEGISLATION.

AN ACT declaring the assent of the corporation of the city of Washington to the route adopted by the Baltimore and Ohio Railroad Company for the lateral branch of said road within the limits of said city.

Whereas, in pursuance of the provisions of an act of Congress approved March third, eighteen hundred and thirty-five, entitled "An act supplementary to an act entitled 'An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad into and within the District of Columbia,'" the Baltimore and Ohio Railroad Company has caused the route of so much of the lateral branch of said road as is by the said act of Congress authorized to be extended and constructed within the city of Washington to be surveyed and marked out, and has transmitted to this corporation an official copy or plan of said survey, together with the plan of profile of said road, exhibiting the elevation or levels thereof, as approved by the surveyor of the city of Washington: Therefore,

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the assent of the corporation of the city of Washington be, and the same is hereby, given to the provisions

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of the act of Congress aforesaid, and to the extension and construction of the lateral branch of the Baltimore and Ohio Railroad into and within the city of Washington, according to the plans or drawings thereof transmitted by a committee of the Baltimore and Ohio Railroad Company with their letter to the mayor of this city, dated the thirty-first day of March, eighteen hundred and thirty-five: *Provided*, That all bridges or culverts through or under said lateral branch which may be now and at all times hereafter required by the corporation of this city for the convenient draining of the city shall be constructed of the materials, in the manner, and of the dimensions required by the mayor of this city for the time being, at the cost and expense of said railroad company: *And provided also*, That the alterations necessary to be made in the grade of North Capitol street and Second street east to conform to the level of said lateral branch of said road shall be made at the expense of said company and agreeably to the directions of the mayor.

SEC. 2. *And be it enacted*, That the mayor be requested to cause the said plans to be verified by the certificate of the mayor and register under the seal of this corporation and deposited with the other public plans in the office of the surveyor of this city.

SEC. 3. *And be it enacted*, That the said railroad company shall be, and they are hereby, authorized to use any steam engine or engines in drawing or propelling cars, wagons, and other vehicles to any point on said lateral branch of said road to the northward and eastward of the intersection of the west side of New Jersey avenue with C street north, until otherwise directed by an act or ordinance of this corporation, and to no point to the west or south of said intersection: *Provided however*, That nothing in this act contained shall be so construed as to prevent this corporation, at any and at all times hereafter, when the same shall be considered necessary, to limit and regulate by law the speed at which any cars, wagons, or other vehicles shall be permitted to be drawn or propelled on any part of said lateral branch of said railroad within the limits of the city of Washington.

Approved April 9, 1835; Thirty-second council, chap. 46, p. 20.)

AN ACT for releasing the claim of the corporation of Washington against the Baltimore and Ohio Railroad Company for graduating Second street east, between K and I and I and H streets north, and for building a bridge over the railroad at the intersection of said street.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the mayor be, and he is hereby, authorized to grant a release to the Baltimore and Ohio Railroad Company from all further claim on the part of the corporation of Washington for the graduation of Second street east, required to be done for the said railroad company, for the accommodation of the streets between K and I and I and H streets north, in said Second street east, in the city of Washington; upon condition that the said railroad company shall first pay the sum of $3,166.75, which sum shall be placed to the credit of the Fourth ward.

SEC. 2. *And be it enacted*, That for the purpose of erecting a substantial wooden bridge, of at least 25 feet in width, over the railroad where it crosses Second street east, and for improving said street from

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square 725 to said bridge, the sum of $750 be, and the same is hereby, appropriated, payable out of the fund of the Fourth ward when the aforesaid sum of $3,166 75 shall be received and placed to the credit of said ward.

Approved August 3, 1835; Thirty-third council, chap. 8, p. 53.

JOINT RESOLUTION for carrying into effect certain arrangements with the Baltimore and Ohio Railroad Company in relation to the removal of their depot.

Resolved by the board of aldermen and board of common council of the city of Washington, That the mayor, in conjunction with the joint committee heretofore appointed in relation to the removal of the Baltimore and Ohio Railroad Company in this city, be, and they are hereby, authorized and empowered to carry into effect the arrangement agreed upon by the said joint committee, in the conference with the committee of the Baltimore and Ohio Railroad Company, and referred to in the report of said joint committee, made the 24th day of May, 1849, as follows: That the Baltimore and Ohio Railroad Company shall proceed to erect a permanent depot on square numbered 632, and shall pay to this corporation $7,200, to be expended by said corporation in the improvement of C and D streets north, between Second street west and North Capitol street; and in case of surplus after improving those streets, that surplus to be applied to the improvement of New Jersey avenue, between C and D streets north; in consideration of which the corporation of Washington to extend the privilege now enjoyed by the said railroad company of using steam engines on the present line of their road to the intersection of the east side of New Jersey avenue with the north side of C street north (that is, to and into square 632) for the period of thirty years from and after the passage of this resolution: *Provided, however*, That the said company shall agree, in manner to be approved by the attorney of this corporation, that all real estate which now belongs, or which shall hereafter belong, during the said period of thirty years to the said company, with the exception of the track of the railroad of said company, shall be subject to the same assessment, rate of taxation, and sale for nonpayment of taxes, during the said period of thirty years, as other real estate in the city of Washington.

Act approved May 30, 1849, chapter 204; Forty-sixth council, p. 92.

JOINT RESOLUTIONS appointing a committee to enter into arrangements with the Baltimore and Ohio Railroad Company in relation to the removal of their depot in this city.

Resolved by the board of aldermen and board of common council of the city of Washington, That a committee, to consist of the mayor and two members from each board, be and the same is hereby appointed to enter into such an arrangement as the said committee may deem just and expedient on the part of this corporation, with the Baltimore and Ohio Railroad Company, in relation to the removal of the depot of the said company in this city from its *present position on Pennsylvania avenue* to some more suitable location, in which arrangement the

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said committee is hereby authorized and empowered, on behalf of this corporation, to grant permission to the said railroad company to use steam engines in propelling cars on the present line of the Washington branch of the Baltimore and Ohio Railroad from its entrance into this city to such point on said line, east of the eastern side of New Jersey avenue, as may be selected for the new location of the depot, for any *period not exceeding thirty years from the* passage of this act, upon the same terms and conditions as steam engines are now used in propelling cars on the said railroad within the limits of this city, upon the *following conditions*, viz:

First. That the said Baltimore and Ohio Railroad Company remove their depot in this city from its present location, and shall select some convenient and suitable location for a new depot at some point on the present line of the Washington branch of said railroad east of the intersection of said branch railroad with the eastern side of New Jersey avenue, and shall take up the remainder of said branch railroad west and south of said eastern side of New Jersey avenue, and relinquish forever the use of the same as a railroad.

Second. That said railroad company shall, within twelve months after the passage of these resolutions, erect at such point as may be selected for a new depot suitable and permanent buildings and improvements for a depot, on such a scale as may be necessary to afford ample accommodations for the freight and travel on the said branch railroad.

Third. That said railroad company shall pay to this corporation the sum of *eight thousand dollars* within sixty days after the passage of these resolutions, the same to be expended by this corporation in improving C and D streets north between Second street west and North Capitol street; and any surplus, after improving said streets, to be expended in the improvement of New Jersey avenue between C and D streets north; and,

Fourth. That the said railroad company shall, at the same time, pay to this corporation the taxes in arrears on the property (other than the road and the cars and engines used upon it) held by the said railroad company in this city, and shall at the same time also dismiss all legal or other proceedings which may have been instituted by the said railroad company in relation to the said taxes or the right of this corporation to impose and collect the same.

Resolved, That the joint resolution entitled "A joint resolution for carrying into effect certain arrangements with the Baltimore and Ohio Railroad Company in relation to the removal of their depot," approved May 30, 1849, be and the same is hereby repealed. (Act approved May 31, 1850, chap. 271, Forty-seventh Council, p. 383.)

John W. Maury and Benjamin B. French, esquires, of the board of aldermen, and George S. Gideon, and Ephraim Wheeler, esquires, of the board of common council, were appointed on the committee pursuant to the foregoing resolution.

E. J. MIDDLETON,
Secretary to the Board of Aldermen.

AN ACT authorizing the improvement of C and D streets north, between Second street west and North Capitol street, and for other purposes.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the mayor be, and he is hereby, authorized and required to have C and D streets north, between Sec-

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ond street west and North Capitol street, graded and graveled, and a bridge with stone abutments built over the Tiber at D street north, the work to be done by contract with the lowest competent and responsible bidder, after ten days' public notice: *Provided*, That the grade of said street shall be in conformity with the suggestions of the late surveyor, Randolph Coyle, esq., as contained in his letter of the 17th of May, 1847, so far as the same applies thereto: *And provided further*, That no contract shall be made under this act by which this corporation shall be required to expend a greater sum in said improvements than is appropriated by the second section of this act.

SEC. 2. *And be it enacted*, That for the purpose of carrying into effect the improvements authorized by the first section of this act, the sum of $8,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, payable out of the money to be paid to this corporation by the Baltimore and Ohio Railroad Company, under the third condition of the agreement entered into with the said company on the 15th day of June, 1850, in pursuance of the joint resolutions of this corporation, entitled "Joint resolutions appointing a committee to enter into arrangements with the Baltimore and Ohio Railroad Company in relation to the removal of their depot in this city," approved 31st of May, 1850.

SEC. 3. *And be it enacted*, That any surplus which may remain of the said appropriation of $8,000 after the completion of the improvements authorized by the first section of this act shall be, and the same is hereby, directed to be applied, under the direction of the mayor, to the improvement of New Jersey avenue between C and D streets north. (Act approved July 5, 1850, chap. 2; Forty-eighth council, p. 3.)

[NOTE.—In the message of the mayor of Washington to the board of aldermen and board of common council under date of August 25, 1851, containing a summary of the affairs of the corporation for the past year, will be found under head of general fund receipts, "Baltimore and Ohio Railroad Company, $8,000." Also see statement of the register of the city for the fiscal year ending June 30, 1851, of the general fund receipts, among which appears: "Baltimore and Ohio Railroad Company, $8,000."]

GEORGETOWN AND CATOCTIN RAILROAD COMPANY.

CONGRESSIONAL LEGISLATION.

AN ACT to incorporate the Georgetown and Catoctin Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the State of Maryland shall by law incorporate a company to lay out and construct a railroad from any point, in connexion with the Baltimore and Ohio railroad at or near the Point of Rocks, to Georgetown, in the District of Columbia, the right of way, not exceeding sixty-six feet wide, be, and is hereby, granted to such company: *Provided*, That before any such road, depots, and its necessary fixtures shall be located in Georgetown, the assent of said city shall first be obtained: *And provided, also*, That the same provisions for the condemnation of and payment for the

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land or other property for the use of the said road, as may be made by any act for the incorporation of such company by the State of Maryland shall be, and hereby are, extended to the condemnation of and payment for land or other private property for the use of the said road within the District of Columbia.

Approved March 3, 1853.

METROPOLITAN RAILROAD COMPANY.

MARYLAND LAW.

AN ACT to incorporate the Metropolitan Railroad Company. (Passed January session, 1853.)

SECTION 1. *Be it enacted by the general assembly of Maryland*, That John W. Maury, William W. Corcoran, Wm. W. Seaton, David English, Francis Dodge, Ferdinand W. Risque, of the District of Columbia; Charles E. Trail, Jacob M. Kunkel, and Meredith Davis, of Frederick county; Robert T. Dade, Wm. Lingan Gaither, Francis C. Clopper, of Montgomery county; Daniel Weisel, James Wason, and Elias Davis, of Washington county, be and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Metropolitan Railroad Company hereby incorporated; and they, or a majority of them, may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, to which any person, corporation, or association of individuals may subscribe, after giving such notice of the times and places of opening the same as they may deem proper; and that upon the first opening of said books they shall be kept open for at least ten successive days, from ten o'clock a. m. until two o'clock p. m.; and if, at the expiration of that period, such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened from time to time, after the expiration of the said ten days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of the company shall be subscribed, if not sooner subscribed; and if any of the said commissioners shall die, resign, or refuse to act during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them.

SEC. 2. *And be it enacted*, That the capital stock of said Metropolitan Company shall be two millions of dollars, in shares of fifty dollars each; and as soon as ten thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Metropolitan Railroad Company, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, real, personal, and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no further, and shall have perpetual succession; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall

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have power to alter and renew at their pleasure, and shall have, enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do for the purposes mentioned in this act.

SEC. 3. *And be it enacted*, That upon every such subscription there shall be paid at the time of subscribing to the said commissioners, or to their agents appointed to receive such subscriptions, the sum of five dollars on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company: *Provided*, That not more than one-third of the subscription be demanded in any one year from the commencement of the work; nor any payment demanded until at least sixty days' public notice of such demand shall have been given by the said president and directors, by advertisement published once a week for three successive weeks in some newspaper or newspapers printed in Washington city, Rockville, Frederick, and Hagerstown; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said president and directors for the benefit of the company; but the president and directors may remit any such forfeiture on such terms as they shall deem proper.

SEC. 4. *And be it enacted*, That, at the expiration of the ten days for which the books are first opened, if ten thousand shares of said capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within one year after the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the subscribers at such time and place as they may appoint, and shall give at least twenty days' public notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, shall elect twelve directors by ballot to manage the affairs of said company for the term of one year, and until others shall be appointed in their place; and these twelve directors, or a majority of them, shall have the power of electing a president of said company, either from amongst the directors or others, to serve for the term of one year, and until another shall be appointed in his place; and the president and directors respectively shall be allowed such compensation for their services as the stockholders, in general meeting assembled, shall prescribe; and on all occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him or her; and every stockholder may depute any other person to vote and act for it, him, or her, as its, his, or her proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

SEC. 5. *And be it enacted*, That a general meeting of the stockholders of said company shall be held annually at such time and place as the stockholders shall appoint. They may be called at any time and to meet at any convenient place during the interval between said annual meetings by the president and directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time and place of holding the same, by advertisement published once a week for

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three successive weeks in some newspaper or newspapers published in Washington city, Rockville, Frederick, and Hagerstown; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the case; and if at any such called meetings a majority (in value) of the stockholders of said company are not present in person, or by proxy, such meetings shall be adjourned from day to day without transacting any business for any time not exceeding three days, and if within said three days stockholders having a majority (in value) of the stock subscribed do not thus attend, such meeting shall be dissolved.

SEC. 6. *And be it enacted*, That at the regular annual meetings of the stockholders of said company it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; that at any called meetings of the stockholders a majority of those present may require similar statements from the president and directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders a majority (in value) of all the stockholders in said company may fill any vacancy that may occur in the office of directors, and may remove from office any president or any of the directors of said company, and may appoint others in their stead.

SEC. 7. *And be it enacted*, That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

SEC. 8. *And be it enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine by contract the compensation of all the engineers, officers, agents, or servants in the employ of said company, and to determine by their by-laws the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfers of stock in said company; and that they, or a majority of them, shall have power to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect: *Provided only*, That such by-laws shall not be contrary to the laws of the United States and of the State of Maryland, or any of the provisions of this act.

SEC. 9. *And be it enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time to increase the said capital stock by the addition of as many shares as they may deem necessary, for which they may at their option cause subscriptions to be received in the manner prescribed by them, or may sell the same for the benefit of the company for any sum not under their par value; and that they, or a majority of them, shall have power to borrow money for the objects of this act, to issue certificates or other evidence of such loans, and to pledge the property of the company for the payment of the same and its interest.

SEC. 10. *And be it enacted*, That the president and directors of said

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company shall be and they are hereby invested with all the rights and powers necessary to the construction and repair of a railroad from Georgetown, in the District of Columbia, by the most eligible and central route through Montgomery county, crossing the Baltimore and Ohio railroad at a point not exceeding five miles from the Monocacy viaduct, by the line of said railroad to the city of Frederick, in Frederick county, thence by the most convenient and practicable route through Frederick county and Washington county to Hagerstown, not exceeding sixty-six feet wide, with as many sets of tracks as the said president and directors, or a majority of them, may deem necessary; and they, or a majority of them, may cause to be made, or contract with others for making said railroad, or any part of it; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon and use and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road or its works; and that they may build bridges, may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of any part of said road, or any of its works, and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of said road.

SEC. 11. *And be it enacted*, That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or of any of their works, for the purchase or use and occupation of the same; and if they cannot agree, or if the owner or owners, or any of them, be a *femme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such land or materials shall be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related nor in anywise interested, to meet on the land or near to the other property or materials, to be valued on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at said time and place any of said jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance to furnish a panel of twenty jurors in attendance, and from them, each party, or its, his, or their agent, if either be not present in person or by agent, the sheriff for him, her, it, or them, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages; and before they act as such the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the same required by the company; and the jury, in estimating such damages, shall take into the estimate the benefits resulting to the said owner or owners from conducting such railroad through, along, or near to the property of said owner or owners, but only in extinguishment of the claim for

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damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of his county, as the case may be, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed shall be recorded by said clerk at the expense of said company; but if set aside the said court may direct another inquisition to be taken in the manner above described; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued for the company, and such valuation, when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received from the company without costs by the said owner or owners, or his, her, or their legal representative or representatives.

SEC. 12. *And be it enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct the said road across such established road or way as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways across said road or roads from one part of his land to the other.

SEC. 13. *And be it enacted*, That the president and directors shall annually, or semi-annually, declare and make such dividends as they may deem proper of the net profits arising from the resources of the company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same amongst the proprietors of the stock of said company in proper proportion to their respective shares: *Provided, however*, That no dividend of the earnings of said road shall be paid to the stockholders until after the entire line of said railroad shall have been completed from Georgetown, in the District of Columbia, to Frederick city, and from Frederick city to Hagerstown, in Washington county; but the same shall be used and applied by the president and directors to the construction and completion of said road as aforesaid to Hagerstown, and in lieu thereof certificates of the capital stock of said company shall be issued the stockholder according to the amount of their dividends respectively.

SEC. 14. *And be it enacted*, That the said president and directors, or a majority of them, shall have power to purchase with the funds of said company and place on any railroad constructed by them under this act all machines, wagons, vehicles, or carriages of any description whatsoever which they may deem necessary or proper for the purposes of transportation on said road, and they shall have power to charge for tolls upon and the transportation of persons, goods, produce, merchandise, or property of any kind whatsoever transported by them along said railway, any sum not exceeding the following rates, viz: on all goods, produce, merchandise, or property of any description whatever transported by them, one cent a ton per mile for toll, and three cents a ton per mile for transportation; and for the

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transportation of passengers not exceeding three cents per mile for each passenger; and it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any of the roads of said company, or to transport persons, merchandise, produce, or property of any description whatsoever along said roads, or any of them, without the license or permission of the president and directors of said company; and that the said road or roads, with all their works, improvements, and profits, and all machinery of transportation used on said road, are hereby vested in the said company incorporated by this act and their successors forever; and the shares of the capital stock of the said company shall be deemed and considered personal estate.

SEC. 15. *And be it enacted*, That as soon as this act shall have been passed by the legislature of Maryland, books may be opened, subscriptions received, and the said company organized, and that when organized, the said company and the president and directors of the same shall have all the powers, rights, and privileges granted by this act, and shall be subject to all its regulations in constructing or repairing any of the said railroads or other necessary works or buildings which may or can be constructed within the limits of the State of Maryland, and in transporting persons, goods, merchandise, or property of any description along any of said roads, and that the provisions of this act shall be wholly in force as to all the property of the company which may be situated or may be within the State of Maryland, and which said company is permitted to hold under this act.

SEC. 16. *And be it enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for: *Provided*, That in forming such connexion no injury shall be done to the works of the company hereby incorporated.

SEC. 17. *And be it enacted*, That the president and directors of said company shall have power to issue bonds or certificates of indebtedness, under the seal of said company, in such sum or sums of a denomination not less than one hundred dollars, as said company may prefer, and to sell and dispose of the same upon such terms as to said company may seem proper, and to pledge the property and profits of said company to secure the payment thereof; and also with power to convert the bonds so issued into capital stock of said company, upon such terms as may be agreed upon between the holder or holders of said bonds and said president and directors: *Provided*, That said company shall not be authorized to issue any certificate, note, or scrip, or other device to be used as currency.

SEC. 18. *And be it enacted*, That the president and directors of said company shall have full power and authority to connect the railroad which may be constructed under the provisions of this act with any other railroad now existing or which may hereafter be constructed, and also to make such arrangements with the president and directors of such railroad for the through transportation of passengers and merchandise, and all property of what kind soever, in the cars or carriages of either company as may appear to said president and directors convenient and advantageous: *Provided, however*, That the charge for all passengers travelling on the railroad hereby authorized to be made, in cars of the same class, shall be uniform, and any arrange-

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ment made or participated in by said company, by which, through means of through tickets, or otherwise, any one passenger travelling on the said road shall be charged a less sum than any other passenger travelling thereon the same distance in cars of the same class, shall be a forfeiture of this act of incorporation, and the same may be enforced by *scire facias* in the usual way.

SEC. 19. *And be it enacted*, That said company shall start and run their cars for transportation of passengers and property at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and at the usual stopping places established for receiving and discharging way passengers and freight for that train, and shall take, transport and discharge such passengers and property at, from, and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved in an action for damages for any neglect or refusal in the premises.

SEC. 20. *And be it enacted*, That if the road authorized by this act to be made shall not be commenced within two years from the passage of this act, and shall not be completed within five years after it shall have been commenced, then this act shall be void and the powers conferred by it shall cease.

SEC. 21. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved May 5, 1853.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

MARYLAND LAW.

AN ACT to incorporate the Baltimore and Potomac Railroad Company.

Act of incorporation passed May 6, 1853.

Be it enacted by the general assembly of Maryland, That Thomas G. Pratt, John D. Sellman, Charles R. Stewart, Rezin Hammond, George Wells, Owen Disney, John T. Hodges, James S. Owens, Thomas F. Bowie, George Morton, Wm. R. Barker, William P. Brooke, Dr. Charles Duvall, W. W. W. Bowie, Charles C. Hill, Thomas I. Marshall, Nicholas H. Shipley, P. W. Crain, William B. Stone, John Matthews, John W. Jenkins, Francis Thompson, Uzial Nalley, Walter Mitchell, Edward Perry, George Thomas, Richard H. Miles, Edward I. Plowden, John C. Brune, John S. Gittings, James Carroll, Edward Reynolds, Henry Garrett, Francis Neale, Zenos Barnum, and

Commissioners appointed.

William Baker be, and are hereby, appointed commissioners, under the sanction of any five of whom subscriptions may be received to the capital stock of the Baltimore and Potomac Railroad Company, hereby incorporated, and they or any five of them may cause books to be opened at such times and places as any five of them may direct,

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for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper, and upon the first opening of the said books they shall be kept open, for at least five successive days, from ten o'clock a. m. to two o'clock p. m., and if, at the expination of that period, such a subscription to the capital stock of the said company as is necessary to its incorporation shall not have been obtained, the said commissioners or any five of them may cause the said books to be opened from time to time, after the expiration of the said five days, within the space of five years thereafter, or until the amount of stock necessary to the incorporation of said company shall have been subscribed; and if any of the said commissioners shall die, resign, or refuse to act during the time for the continuance of the duties imposed on them by this act another or others may be appointed by the remaining commissioners or a majority of them.

Capital stock.

SEC. 2. *And be it enacted*, That the capital stock of the Baltimore and Potomac Railroad Company shall be one million of dollars, and as soon as two thousand five hundred shares of said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns and their associates by subsequent subscriptions, shall be, and they are hereby declared to be, incorporated into a company by the name of the Baltimore and Potomac Railroad Company, and by that name shall have perpetual succession and be capable in law of purchasing, holding, selling, buying, and conveying estate, real, personal, and mixed, so far as the same shall be necessary for the purposes hereinafter mentioned, and no further, and by said corporate name may sue and be sued, may have and use a common seal, and shall have and enjoy and may exercise all the powers which other corporate bodies may lawfully do for the purposes named in this act.

Corporate name, and powers.

At the time of subscription two dollars per share to be paid.

SEC. 3. *And be it enacted*, That upon every subscription of stock there shall be paid at the time of subscription to the said commissioners, or their agent or agents appointed to receive such subscriptions, the sum of two dollars on every share subscribed, and the remainder shall be paid in such installments and at such times as may be required by the directors of said company: *Provided*, No payment shall be demanded until at least thirty days' public notice of said demand shall have been given by the said president and directors; and if any subscriber shall fail or neglect to pay any installment or part of subscription thus demanded for the space of sixty days after the same shall be due, the stock on which it is payable shall be forfeited to the company, and may be sold by the said president and directors for the benefit of said company; but the president and directors may, in their discretion, remit any such forfeiture, and institute and sustain, in the name of the company, an action or actions before any tribunal in this State having jurisdiction of the subject-matter, to recover from any

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subscriber thus making default any installment or part of subscription as aforesaid demanded.

Act null and void if subscriptions are not obtained within five years.

SEC. 4. *And be it enacted*, That if the subscription herein made necessary for the incorporation of said company shall not be obtained within five years after the first opening of the subscription by the commissioners, then this act, and all subscription under it, shall be null and void; and the said commissioners, after discharging all expenses incurred by them in the premises, shall return the residue of the money paid in upon such subscriptions to the several subscribers in proper proportions to the sums respectively paid in by them.

General meeting to be called.

SEC. 5. *And be it enacted*, That as soon as two thousand five hundred shares of the said capital stock shall have been subscribed, if within five years after the first opening of the books, the said commissioners or any five of them shall call a general meeting of the subscribers, at such time and place as they shall appoint, having given by advertisement at least thirty days' notice thereof, and at the meeting so called the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or those holding or representing a majority of the stock subscribed, shall elect seven directors by ballot to manage the affairs of the said company, and the said directors, or a majority of them, shall elect a president either from among the directors or others, and may allow him such a compensation for his services as president as they may think proper; and in said election and on all other occasions when a vote of the stockholders is to be taken each stockholder shall be entitled to one vote for each share of stock owned by him, her, or it, and every stockholder may depute any other person to vote and act for him, her, or it as his, her, or its proxy, and the commissioners aforesaid, or any three or more of them, shall be the judges of the first election of directors: *Provided, nevertheless*, That no person shall be elected president or a director of said company unless he be a stockholder, and the president or a majority of the directors shall be citizens of the State of Maryland.

Citizenship of president and directors.

Seven directors to be chosen annually.

SEC. 6. *And be it enacted*, That to continue the succession of the president and directors of said company, seven directors shall be chosen annually on the first Wednesday in June of each year by the stockholders of the said company and the directors of the said company, or a majority of them shall have power to appoint judges of all elections by the stockholders, and to elect a president of said company, either from among the directors or others, subject to the restrictions contained in the fifth section of this act, and to allow him such compensation as they may deem proper, and if any vacancy shall occur by death, resignation, or refusal to act of any president or director before the year for which he was elected has expired, a person to fill such vacant place for the remainder of the year may be appointed by the president and directors of the said com-

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pany or a majority of them, and the president and directors of said company shall hold and exercise their offices until a new election of president and directors, and all the elections which by this act or by the by-laws of the said company are to be made on a particular day or at a particular time, if not made on such a day or such a time, may be made at any time three months thereafter: *Provided, however*, That a failure to hold an annual meeting of the stockholders for the purpose of electing directors or a failure to elect directors during any one or more years shall not be held or taken to make a forfeiture or to constitute an abandonment of this act of incorporation; but the directors chosen at any time shall continue to hold and exercise the office until such time as a new election shall be made according to the provisions of this act. Proviso.

SEC. 7. *And be it enacted*, That a general meeting of the stockholders shall be held annually at the time appointed for the election of president and directors of the said company, and general meetings of the stockholders may be held at any time during the interval between the said annual meetings by the president and directors or a majority of them, or by stockholders owning at least one-fourth in amount of the stock actually subscribed, upon giving thirty days' public notice of the time of holding the same, and when such meeting may be called by the stockholders, the notice shall specify the object of the call; and if at any such called meetings a majority in value of the stockholders are not present in person or by proxy, the meeting shall be adjourned from day to day without the transaction of any business for any time not exceeding three days, and if within three days stockholders having a majority of the stock subscribed do not attend, the meeting shall be dissolved; and all general meetings of the stockholders shall be held at the place where the principal office of the Company, for the transaction of business, shall be located, and said place shall be within the State of Maryland. General meetings to be held annually.

SEC. 8. *And be it enacted*, That at the annual meeting of the stockholders, a clear and distinct statement of the affairs of said company shall be exhibited by the president and directors in office for the preceding year. That at any called meeting of the stockholders a majority of them present in value may require similar statements from the directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders of the company a majority in value of the stockholders may remove from office the president or any directors of the company and elect others in their stead. Statements to be exhibited. Removal of president and directors.

SEC. 9. *And be it enacted*, That if the entire stock of the company provided for in the second section of this act be not subscribed before the first election of president and directors, as hereinafter provided for, the president and directors may from time to time open books for additional May open books for additional subscriptions.

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subscription to the stock of the company, until such subscriptions shall be made to the amount of the said capital stock of the said company shall be found to be insufficient for the purposes of this act, then the president and directors of said company may from time to time increase the stock of said company by the addition of as many shares of stock as they may deem necessary, and may receive subscriptions to the same or sell the same at a price not below their par value, after giving at least thirty days' notice of opening the books for subscription or of selling such shares: *Provided*, That the president and directors shall not increase the said capital stock beyond the sum or amount of three million dollars.

Maximum amount of stock allowed.

Appointment of officers.

SEC. 10. *And be it enacted*, That in all proceedings of the president and directors of the said company the president shall have one vote, and all questions shall be decided by a majority of votes, and the said president and directors may appoint any and all such officers, engineers, agents, or servants whatsoever as they may consider necessary for the transaction of the business and the accomplishment of the purposes of the company, and may dismiss or change the same at pleasure, and may fix and determine by general regulations or by special contract the compensation of all such officers and others, and may determine by the by-laws and regulations the manner of settling and adjusting the accounts of any of the said officers against the company, and also the manner and evidence of the transfers of stocks of the company, and they shall have power to pass and from time to time, at their own pleasure, annul or change all by-laws and regulations which they may deem necessary for exercising the powers vested in the company hereby incorporated and for carrying the objects of the act into effect: *Provided*, Such by-laws be not contrary to the laws of the United States or of this State or the provisions of this act.

Power to borrow money.

SEC. 11. *And be it enacted*, That the president and directors shall have power to borrow money for the purposes of this act, and to issue bonds, certificates, or other evidences of such loans and to pledge the property of the company for the payment of the same.

Vested rights.

SEC. 12. *And be it enacted*, That the president and directors of the said company shall be, and they are hereby, invested with all the rights and powers necessary to the construction, working, use, and repair of a railroad from some suitable point in or near the city of Baltimore, and thence within one mile of the town of Upper Marlboro, in Prince George's County, and as near to said town, within the limits of said distance, as may be practicable, and by or near the town of Port Tobacco, in Charles County, to a point on the Potomac River, to be selected by the president and directors of said company hereby incorporated, not higher up than Liverpool Point, and not lower down than the mouth of St. Marys River, with such branches at any point of said railroad, not exceeding twenty miles

May construct branches not exceeding 20 miles in length.

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in length, as the said president and directors may determine. The said road, when completed, not to be more than sixty-six feet wide, except at or near its depots or stations, where the width may be made greater, with as many tracks as the president and directors may deem necessary; and the said president and directors may cause to be made, or may contract with others for making, said road or any part of it; and they, or their agents, or those with whom they may contract, or their agents, may enter upon and use and excavate any lands which may be wanted for the site of said road or the erection of warehouses or other works necessary for the said road or for its construction and repair; and that they may build bridges, fix scales and weights, lay rails, may take and use earth, gravel, stone, timber, or other materials which may be needed for the construction and repair of the said road or any of its works, and may make and construct all works whatever which may be necessary and expedient in order to the proper completion and maintenance of the said road; and they may make or cause to be made lateral railways in any direction whatever from the said railroad, and for the construction, repair, and maintenance thereof shall have all the rights and powers hereby given in order to the construction and repair of said principal railroad, and may also own and employ steamboats or other vessels to connect the said railroad or railroads with other points by water communication, provided nothing herein contained shall be construed to authorize the said company to take private property for their use without compensation, agreed upon by the company and the owners thereof or awarded by a jury as hereinafter provided, being first paid or tendered to the party entitled to receive such compensation.

President and directors may agree with owners of land that may be wanted.

SEC. 13. *And be it enacted*, That the said president and directors, or their agent or agents authorized by them, may agree with the owner or owners of any land, earth, or materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase and use and occupation of the same; and if they cannot agree, or if the owner or owners, or any of them, be an infant, *feme covert*, *non compos mentis*, or out of the country where such property wanted may lie, when such property may be wanted, application may be made to any justice of the peace of such county, who thereupon shall issue his warrant, under his hand and seal, to the sheriff of the county, requiring him to summon a jury of twenty of the inhabitants not related to the parties, nor in any way interested, to meet on the lands or near the materials or other property wanted, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if at said time and place any of the said jurors summoned do not attend, the sheriff shall immediately summon as many persons similarly qualified as together with those in attendance will furnish a panel of twenty jurors in attendance, and from

Condemnation proceedings.

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the panel each party, his, her, its, or their agent or attorney, or if either party be not present in person or by agent, the sheriff, for him, her, it, or them, may strike off four persons, and the remaining twelve shall act as the jury of the inquest of damages; and to each, before he acts as such juror, the sheriff shall administer an oath or affirmation that he will justly and impartially value the damages that the owner or owners will sustain by the occupation of the same required by the company; and the said jury shall reduce their inquisition to writing and sign and seal the same, and it shall then be returned by the sheriff to the clerk of the circuit court for his county, and be filed by said clerk in his office, and shall be confirmed by the said court at its next term or session, and when confirmed shall be recorded by said clerk at the expense of the company; but if the same be set aside the said court shall direct another inquisition to be taken in the manner above described, and the inquisition shall, in all cases, describe the property taken, or the bounds of the lands condemned, and the quality or duration of the interest in the same valued for the company, and such valuation, when paid or tendered to the owner or owners of the property, his, her, or their legal representative, shall entitle the said company to the estate and interest in the same thus valued, as if it had been legally conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received without costs from the said company by the owner or owners, and by his, her, or their legal representatives.

Payment or tender.

To provide wagon ways.

SEC. 14. *And be it enacted*, That whenever in the construction of said road or roads it shall be necessary to cross or intersect any established road or way, the said president and directors shall so construct the said road across such established road or way as not to impede the passage or transportation of persons or property along the same; and when it shall be necessary to pass through the lands of any individual, it shall also be their duty to provide for such individual proper wagon ways across said road or roads from one part of his land to the other.

Power to purchase machines, &c.

SEC. 15. *And be it enacted*, That the said president and directors shall have power to purchase with the funds of the company and place and use on any railroad constructed by them under this act all machines, vehicles, or carriages, of any description whatever, which they may deem proper for the purpose of transportation on the said road, and they shall have power to charge for tolls upon and the transportation of persons, goods, produce, merchandise, or property of any description transported by them on said railroad or railroads any sum not exceeding eight cents per ton, for both tolls and transportation, for every mile the same may be transported, and for passengers not exceeding four cents per mile for each passenger, and it shall not be lawful for any person or persons or for any

Rates for tolls and transportation.

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corporate body to travel upon or use the roads of the said company, or transport any persons, merchandise, or property of any description upon or along the road or roads of the said company, without the license or permission of the president and directors of said company.

Bells to be placed on engines.

SEC. 16. *And be it enacted*, That a bell shall be placed on each locomotive engine, and rung at the distance of at least one hundred rods from the place where the railroad shall cross any traveled public road or street, and be kept ringing until it shall have crossed such road or street, or a steam whistle shall be attached to each locomotive engine, and to be sounded at least one hundred rods from the place where the railroad shall cross any such road or street, and shall be sounded at intervals until it shall have crossed such street or road, under a penalty of thirty dollars for the neglect of the provisions of this section, to be sued for before any justice of the peace of the election district or ward in which such neglect may happen, in ten days after such penalty was incurred, one half thereof to go to the informer and the other half to the county or city in which such neglect may happen; and the said company shall also be liable for all damages which shall be sustained by any person by reason of such neglect, and all penalties imposed by this act may be sued for in the name of the State, and if such penalty shall be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace, and may be commenced by serving a summons on any director, agent, or engineer of the company.

Penalty.

Dividends.

SEC. 17. *And be it enacted*, That the said board of directors shall once in each year or semiannually declare and make such dividend as they may deem proper of the net profits arising from the resources of the said company, first deducting the current and probable contingent expenses, and shall apportion the same among the stockholders of said company in proportion to their respective shares.

Forfeiture for injuring road.

SEC. 18. *And be it enacted*, That in case any person shall wilfully obstruct, injure, impair, or destroy any part of said road, or any of the works, buildings, carriages, vehicles, engines, or machines of said company, he, she, or they, for every such offence, shall forfeit and pay to said company or their authorized agent or attorney not less than fifty dollars, which may be recovered in the name of said company by an action of debt in the circuit court of the county wherein said offence shall be committed, and shall also be subject to indictment in said court, and upon conviction of such offence shall be punished by fine and imprisonment in the discretion of the court.

When to be commenced and finished.

SEC. 19. *And be it enacted*, That if the said road shall not be commenced within six years from the passage of this act, and shall not be finished in four years from the time of the commencement thereof, then this act shall be null and void.

Banking forbid.

SEC. 20. *And be it enacted*, That nothing in this act shall be so construed as to authorize the said corporation to issue

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any note, scrip, device, or other evidence of debt to be used as currency, and the legislature hereby reserves the right to alter or amend or repeal this charter at its pleasure.

Power to issue bonds.

SEC. 21. *And be it enacted*, That the president and directors of said company shall have power to issue bonds or certificates of indebtedness under the seal of the said company in such sum or sums, not less than one hundred dollars, as said company may prefer, and to sell and dispose of the same upon such terms as to said company may seem proper, and pledge the property and profits of said company to secure the payment thereof; and also convert the bonds so issued into capital stock of said company, upon such terms as may be agreed upon between the holder or holders of said bonds and said president and directors.

Power to connect with any other road.

SEC. 22. *And be it enacted*, That the president and directors of said company shall have full power and authority to connect the railroad which may be constructed under the provisions of this act with any other railroad now existing or which may hereafter be constructed, and also to make such contracts and arrangements with the president and directors of such railroads for the through transportation of passengers and merchandise and all property of what kind soever, in the cars or carriages of either company, as may appear to said president and directors convenient and advantageous.

Approved May 6, 1853.

AN ACT [of the General Assembly of Maryland] amending act of January, 1853, in relation to Baltimore and Potomac Railroad Company.

Approved March 10, 1854, 1854 Stat. (Md.) Ch 150. Amending act of January, 1853, as to capital stock.

SEC. 1. *Be it enacted, etc.*, That so much of the second section of an act passed January, 1853, chapter 194, entitled "An act to incorporate the Baltimore and Potomac Railroad Company," as requires that 2,500 shares of the capital stock of said company shall be subscribed before the said company is incorporated, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That the capital stock of said company be, and the same shall be, divided into shares of fifty dollars each, and as soon as 1,000 shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns and their associates by subscription, shall be, and they are hereby declared to be, incorporated, with like rights, powers, and privileges as are particularly mentioned and prescribed in the said original act, and shall as soon as may be thereafter proceed to survey and lay out the said road under the direction of such person or persons as they shall appoint.

SEC. 3. *And be it further enacted*, That this act shall take effect from its passage.

Approved March 10, 1854.

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BALTIMORE AND OHIO RAILROAD COMPANY.

JOINT RESOLUTION in relation to the Baltimore and Ohio Railroad Company.

Resolved by the board of aldermen and board of common council of the city of Washington, That the mayor be, and he is hereby, respectfully requested to request the president of the Baltimore and Ohio and Washington Railroad Company to cause the car whistle to be sounded from the northern limits of this corporation until the cars reach the depot in this city; or to adopt such other means as will best secure persons crossing said railroad from the liability of injury by the cars when in motion.

Approved, May 20, 1853; Fiftieth council, chapter 444, p. 126.

ALEXANDRIA AND WASHINGTON RAILROAD, BALTIMORE AND OHIO RAILROAD COMPANY.

AN ACT authorizing the Extension of the Alexandria and Washington Railroad into the District of Columbia, and conferring certain Privileges on the Baltimore and Ohio Railroad Company. Aug. 3, 1854.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria and Washington Railroad Company, incorporated by the legislature of Virginia, on the twenty-seventh of February, eighteen hundred and fifty-four, to construct a railroad from Alexandria, in the State of Virginia, to the city of Washington, in the District of Columbia, be, and are hereby, authorized to extend their road from any point on the Virginia side of the Potomac River to which said road may be constructed, at or above the aqueduct of the Alexandria Canal, into the District of Columbia, connecting with the Baltimore and Washington Railroad depot by the most convenient and practicable route or routes, passing through and along such streets or avenues, except the Pennsylvania Avenue of Washington and Georgetown, as the corporate authorities thereof may respectively approve, subject to certain provisions hereinafter expressed. Extension into the District of Columbia authorized.

SECTION 2. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to construct a bridge over the Potomac River, on, or above, or west of the aqueduct of the Alexandria Canal Company: *Provided*, said bridge shall only be built on or over the piers of the aqueduct, with the consent of the Alexandria Canal Company: *And provided further*, in constructing said bridge, and crossing the Chesapeake and Ohio Canal, said bridge and railroad shall be so constructed as not to injure or obstruct the use or navigation of the Chesapeake and Ohio Canal: *And provided further*, That this act shall not prevent Congress from giving Bridge across the Potomac.

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like privileges to any other railroad company or any other person.

Construction and location of depots and branches in Washington and Georgetown.

SEC. 3. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to establish depots in the cities of Washington and Georgetown at such points as the corporate authorities thereof may respectively approve, and to lay a railroad track or tracks to such point or points within said cities, and through and along such streets and avenues, except the Pennsylvania Avenue, of said cities, as may be respectively approved of by the corporate authorities of said cities, and to make all necessary turnouts; the said railroad company being subject to such terms, conditions, restrictions, and taxation, and to such rules and regulations, relative to the construction, repairs, and working of their road, within the cities of Washington and Georgetown, as the corporate authorities of said cities may from time to time respectively prescribe, so far as it may lay within their respective limits: *Provided*, no higher rate of taxation shall be imposed upon said railroad company than is prescribed by the respective charters of said cities; and said railroad company shall keep an office within the city of Washington or Georgetown, and shall have power to sue and be sued, to make contracts, and to purchase and hold lands so far as may be necessary for carrying on the operations of the company, and the service of process on the president or any director of said company, or on the chief clerk in attendance at the office of the company, shall entitle any party complaining to proceed against said company as authorized under the laws of the District of Columbia to proceed against chartered companies within its limits.

Taxation.

Office to be kept in Washington or Georgetown.

Process.

Powers.

Extension of Washington branch of the Baltimore and Ohio R. R.

SEC. 4. *And be it further enacted*, That the Baltimore and Ohio Railroad Company be, and it is hereby authorized to construct and extend the Washington branch of said road, according to such route as may be most convenient through the said District to some point on the Potomac River, opposite to or near the city of Alexandria, in Virginia, for the purpose of forming a connection with the said river and the lines of railroads running south, subject to the provisions of its present charter; and the said company are hereby authorized to locate, construct, and operate the said extension, hereby authorized, through such parts of the city of Washington, or public reservations, as the corporate authorities thereof, or the President of the United States, respectively, may consent to; and also to build a bridge or bridges over the Eastern branch of the Potomac River, at some point above the navy-yard: *Provided, however*, That the same shall not obstruct the navigation thereof. And said company shall have power to locate and establish depots, and erect the necessary buildings thereon, and also to erect such wharves or piers into said river as may be necessary, provided the same shall not obstruct the navigation thereof: *Provided, further*, That the said Baltimore and Ohio Railroad Company

Provisos.

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be subject to the same conditions and restrictions in extending their road through any parts of the city of Washington, as are prescribed for the Alexandria and Washington Railroad Company: *Provided, however*, That this section shall remain suspended for two years, from the first day of January, eighteen hundred and fifty-five, and if at the end of that time, the Alexandria and Washington Railroad Company shall not have completed a railroad to Alexandria, and have the same in good running order, in pursuance of the requirements of the preceding sections of this bill, then the Baltimore and Ohio Railroad Company shall have the privilege of extending their road by either of the routes authorized by this act: *And provided further*, That if said Baltimore and Ohio Railroad Company shall not have executed so much of the provisions of this act as relates to their company by the first day of January, eighteen hundred and fifty-nine, then this act shall be void.

Approved, August 3, 1854.

WASHINGTON AND ALEXANDRIA RAILROAD.

AN ACT in relation to the Washington and Alexandria Railroad.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That for the purpose of aiding the Washington and Alexandria Railroad Company in the construction and equipment of a railroad from Alexandria, in the State of Virginia, by the shortest practicable route, to some convenient point in the city of Washington for connecting with the depot of the Baltimore and Ohio Railroad, the corporation of the city of Washington agrees to guaranty the certificates of said company to the amount of $60,000, bearing interest at the rate of 6 per cent. per annum, payable half yearly, and issuable in sums of not less than $500, the said certificates payable in ten annual installments of $6,000 each, commencing on the 1st day of January, 1858; which said guaranty, to the amount aforesaid, shall be discharged and satisfied out of the ordinary revenues of this corporation within ten days from the accruing of said certificates, respectively, and upon the surrender thereof to this corporation; and which said guaranty shall be evidenced by the certificate of the mayor, countersigned by the register, to be indorsed on such certificates to the amount aforesaid, to the effect that the same are guarantied as aforesaid: *Provided always*, That the said company shall first execute an assignment to this corporation of all its rights, immunities, and property as a security for the punctual payment of the interest and principal of said certificates; and, further, that the said company shall give such other security for the payment of said interest as shall be satisfactory to the committee hereinafter appointed, which said assignment and security shall inure to the benefit of the holders of said certificates: *Provided further*, That the assent of this corporation shall be first obtained to any other connection with said road than herein provided for.

SEC. 2. *And be it enacted*, That the mayor and one member from

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each board, to be selected by the presiding officers thereof, be appointed a committee, under whose direction the said certificates shall be issued, and the same, or the proceeds thereof, be applied exclusively to the making of said road: *Provided further*, That said committee shall be satisfied that the certificates above guarantied will insure the completion and equipment of said road.

Approved February 8, 1855; Fifty-second council, chap. 245, p. 65.

ALEXANDRIA AND WASHINGTON RAILROAD.

Municipal Legislation.

AN ACT [to] extend the Alexandria and Washington Railroad from the Long Bridge to the Baltimore and Ohio depot and to the Washington City Canal.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the Alexandria and Washington Railroad Company be, and is hereby, authorized and required to lay down and construct a single track of railway from the foot of the Long Bridge along Maryland avenue to the intersection of said avenue and First street west; thence along said First street across Pennsylvania avenue to Indiana avenue; thence along Indiana avenue to the Baltimore and Ohio railroad depot, and also to lay down and construct a lateral branch of the said road, commencing at the intersection of Maryland avenue and Seventh street west, along said Seventh street to the Washington City Canal, with suitable turnouts for the business of said company.

Sec. 2. *And be it enacted*, That the right be, and it is hereby, granted to the said company to extend said track at the foot of Seventh street west, along the line of Canal street south, to and across Fourteenth street west; provided, that the mayor shall assent to the distance from the canal at which the tracks shall be laid. (Approved July 27, 1855. 53rd Council, chap. 16, p. 5.)

METROPOLITAN RAILROAD COMPANY.

MARYLAND LAW.

AN ACT amendatory of the act entitled "An act to incorporate the Metropolitan Railroad Company," passed January session, 1853.

Section 1. *Be it enacted by the general assembly of Maryland*, That it shall not be necessary to complete the railroad authorized to be constructed by the act to which this is amendatory, to Hagerstown, as provided in the thirteenth section of said act, before any dividends of the net profits arising from the business of said company shall be declared, and distribution thereof made amongst the stockholders; but that if, in the progress of the construction of the said railroad to the aforesaid point of completion, the president and directors of the said company should think proper to equip for service any completed part thereof, they are hereby authorized to do so, and to distribute the net

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earnings or profits (or so much thereof as they may think proper to distribute) arising from the transportation and business done upon such completed part, amongst the stockholders, in dividends, to be declared annually or semi-annually, at their discretion; and that no part of the aforesaid net earnings or profits shall be applied to the construction of the further or other portions of the contemplated railroad aforesaid, unless the president and directors shall deem it best for the interest of the company to do so, and then they may apply the whole or any part of such net earnings or profits, at their discretion, in the work of finishing other portions of said railroad.

SEC. 2. *And be it enacted*, That the said Metropolitan Railroad Company may form or establish working connexion with the Baltimore and Ohio Railroad Company, at any point not exceeding the distance of one mile from the place or places where it is authorized to cross the Baltimore and Ohio Railroad.

SEC. 3. *And be it enacted*, That all moneys obtained upon subscriptions to the stock of said Metropolitan Railroad Company, paid by the citizens or residents of the respective counties or cities in the State of Maryland within which its railroad may be located, shall be exclusively expended in locating, constructing, and completing the parts of its said railroad lying within the counties or cities to which the subscribers respectively belong, unless they shall file their written consent with the president and directors of the company, leaving it to their discretion to expend the money where and how they please for the best interests of the company.

SEC. 4. *And be it enacted*, That all parts of the original act to which this is amendatory which are inconsistent with this amendment be, and the same are, hereby repealed.

SEC. 5. *And be it enacted*, That the time within which the said Metropolitan Railroad Company is required to complete its said railroad, as limited by the twentieth section of the original act, shall be, and is hereby, extended so as to include the period of ten years from the commencement of said railroad.

SEC. 6. *And be it enacted*, That this act shall take effect from the day on which it may be passed.

Passed March 6, 1856.

ALEXANDRIA, LOUDOUN AND HAMPSHIRE RAILROAD COMPANY.

[GEORGETOWN MUNICIPAL LEGISLATION.]

RESOLUTIONS pledging the corporation of Georgetown to make a subscription to the Alexandria, Loudoun, and Hampshire Railroad Company, upon certain conditions.

Resolved by the board of aldermen and board of common council of the corporation of Georgetown, That in the event of an appropriation of money by Congress to build a bridge over the Potomac at the aqueduct, or near said aqueduct and west thereof, this corporation, by itself, and the citizens of Georgetown, pledges itself to subscribe, or have subscribed to the stock of the Alexandria, Loudoun, and Hamp-

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shire railroad a sum not exceeding two hundred thousand dollars, sufficient to construct a branch of said road from the bridge hereinbefore referred to to the main line of said road, and to intersect the same at such point as may be agreed upon by the directors of said road and this corporation: *Provided*, however, That this resolution shall have no force whatever, or be in any manner binding upon this corporation, until it shall have been submitted to the consideration of the legal voters of this town, according to the provisions hereinafter made, and be sanctioned by a majority of votes at the polls.

And be it further resolved, That it shall be the duty of the mayor, as soon as these resolutions shall be approved, to appoint some day within the next two months, of which due notice shall be given, during which the polls shall be opened at the town hall, under the direction of three judges to be selected by the mayor from the present judges of elections, that the sense of the legal voters of the town shall be taken upon the propriety of the subscription as aforesaid, with the limitations therein provided, and those in favor of such subscription shall vote aye; and those opposed to it shall vote no.

Approved August 22, 1857.

A RESOLUTION appointing a committee to confer with the Alexandria, Loudon, and Hampshire Railroad Company.

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That the mayor, the recorder, and E. Pickrell and I. Marbury, jr., of the board of common council be, and they are hereby, appointed a committee to confer with the Alexandria, Loudon, and Hampshire Railroad Company, in relation to the communication of Lewis McKenzie, addressed to the mayor, bearing date July 27, 1859.

Approved August 3, 1859.

A RESOLUTION supplementary to a resolution in relation to a subscription of Georgetown to the Alexandria, Loudon, and Hampshire Railroad Company.

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That this corporation hereby binds and pledges itself to make the subscription stated in the resolution to which this is a supplement, whether the money to build a bridge at or near the western side of the aqueduct be obtained from Congress or from any other source: *Provided*, That if the proposed bridge be built by any other party than Congress before the subscription shall be binding, a guarantee shall be given, to be approved by the corporation, that the bridge shall be such as the voters, when they approved the original resolution at the polls, expected, viz: a substantial bridge, adapted to railroad and ordinary travel, of sufficient dimensions safely to accommodate the public free of tolls, and to be kept in repair without expense to the corporation.

Approved September 17, 1859.

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A RESOLUTION in relation to the Alexandria, Loudon, and Hampshire railroad.

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That the committee appointed by resolution approved August 3, 1859, in relation to the Alexandria, Loudon, and Hampshire Railroad Company be authorized and requested to confer with said company in relation to the selection of such a route as will be acceptable to this corporation, and to report such route as may be agreed upon, or such propositions as may be tendered by said company to this corporation for their consideration.

Approved October 1, 1859.

A RESOLUTION in relation to the Alexandria, Loudon, and Hampshire Railroad Company.

Whereas the Alexandria, Loudon, and Hampshire Railroad Company has proposed to this corporation, as its ultimatum, a connexion with said road at a point not further west than the point called the old Columbia Factory, as stated in the communication of the president of said company. Therefore be it

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That said proposition be respectfully declined, and that the clerk is hereby requested to transmit a copy of this resolution to the president of the said road.

J. T. BANGS,
President of the Board of Common Council.
H. CAPERTON,
Recorder and President of the Board of Aldermen.

Approved February 5, 1860.

H. ADDISON, *Mayor.*

APRIL 15, 1860.

True copy—test:

WM. LAIRD, *Clerk.*

AN ACT to authorize the Extension and Use of a Branch of the Alexandria, Loudoun, and Hampshire Railroad within the City of Georgetown.

February 5, 1861.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria, Loudoun, and Hampshire Railroad Company be, and they are hereby, authorized and empowered to extend a branch of their railroad into and within the city of Georgetown, in the District of Columbia, and that said company shall have and exercise the same rights and powers and be subject to the same regulations and restrictions, in regard to the construction and use of such extension, as are or may be granted and prescribed by the charter of said company in regard to the main stem of said road, or by the laws of Virginia in relation to railroads within that State.

Alexandria, Loudoun, and Hampshire Railroad may extend a branch road into Georgetown.

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City authorities to regulate the running of the cars.

SEC. 2. *And be it further enacted*, That the corporate authorities of the city of Georgetown shall have power to regulate the manner and speed of running the cars of said company within the limits of said city.

On what streets, &c., branch to be built.

SEC. 3. *And be it further enacted*, That the said company shall have power to construct and operate their said extension upon such streets and public ways in said city as may be deemed most expedient by the said company, and with the consent of the corporate authorities of said city.

Provision for land damages.

SEC. 4. *And be it further enacted*, That the Circuit Court of the District of Columbia, and the several officers thereof, shall have and exercise all the powers and duties in relation to the condemnation and acquisition of land or other property by the said company for the purposes of such extension of their branch as are or may be possessed and exercised by the courts of Virginia and their officers in regard to the same; and the same proceedings shall be had therein as are or may be prescribed or authorized by the laws of Virginia in such cases.

Approved, February 5, 1861.

ALEXANDRIA AND WASHINGTON RAILROAD COMPANY.

March 3, 1863.

AN ACT to extend the Charter of the Alexandria and Washington Railroad Company, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Alexandria and Washington R. R. Company may extend its road.

That the Alexandria and Washington Railroad Company be, and the same is hereby, authorized to extend their said railroad from the south side of the Potomac across said river, to and along Maryland avenue to the Capitol grounds, and across Pennsylvania avenue along First street to Indiana avenue, and thence to the Baltimore and Ohio depot; and that all the ordinary rights, privileges, and liabilities, incident to similar corporations are conferred upon said company for that purpose: *Provided, however*, That the same shall be subject to alterations, amendment, or repeal: *And provided, further*, That the cars shall not be drawn on the streets aforesaid, or on the structure across the Potomac River mentioned in the second section of this act, by steam power without the consent of Congress and of the corporate authorities of the city of Washington thereto: *And provided, further:* That said company shall be authorized to charge and receive rates of freights and fares not exceeding five cents for each person transported and for each ton conveyed on said road so extended: *And provided, also*, That no person shall be excluded from the cars on account of color.

When steam power may be used.

Rate of freight and fares.

No person to be excluded from cars on account of color.

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Additional structure along the Potomac bridge.

SEC. 2. *And be it further enacted*, That the said company are hereby empowered to make such additional structure or passage way along either side of the Potomac bridge as may render the same safe for public use, and so as not to hinder the general use of said bridge for ordinary travel, which shall he ascertained by one or more experienced civil engineers, who shall report, by proper surveys and estimates, to the Secretary of the Interior for his approval; the whole cost of which surveys and construction of said additional bridge for the purposes aforesaid to be paid by the said company. And the said company shall construct such draws as shall correspond with those now in use on the said bridge, and of such model as shall be determined by the Secretary of the Interior, and which shall afford reasonable facilities for navigation on the Potomac River.

Draws.

Corporation to keep portion of avenues in repair.

SEC. 3. *And be it further enacted*, That the said company shall keep that portion of the avenues or streets occupied by their road in good repair, and provided with suitable crossways, at the proper places, for vehicles and wheeled carriages, and for general use. The track of said road shall be laid as nearly in the center of the street and avenues through which it passes, as may be, without interfering with the water mains and gas pipes, and the speed of travel shall be subject to such regulations as the corporate authorities of the city of Washington shall, from time to time, prescribe, under such penalties as the said corporate authorities shall impose: *Provided, however*, That the rights and privileges herein granted shall confer no authority or right to interfere with the United States military use or possession of said road or contemplated extension during the present rebellion, or to any claim for damages or indemnification therefor.

Track, where laid.

Speed of travel.

Military use of the road not to be interfered with.

Real and personal estate of corporation.

SEC. 4. *And be it further enacted*, That the said company may acquire and hold such real and personal estate as the practical use and working of said road may require, under such regulations, and subject to such taxation, as is imposed by law on similar property located in the city of Washington.

When act takes effect.

SEC. 5. *And be it further enacted*, That this act take effect from the time of its passage.

Approved, March 3, 1863.

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WASHINGTON, ALEXANDRIA AND GEORGETOWN RAILROAD COMPANY.

AN ACT granting certain privileges, conditionally, to the Washington, Alexandria and Georgetown Railroad Company.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the consent of this corporation is hereby given to the Washington, Alexandria and Georgetown Railroad Company (formerly the Alexandria and Washington Railroad Company) to use steam power in drawing the cars of said company on the structure across the Potomac River, and upon its railway now laid along Maryland avenue and First street west to the present depot of the Washington branch of the Baltimore and Ohio Railroad, at a rate of speed not exceeding four miles per hour, and subject to such regulations as this corporation shall from time to time impose; the consent herein given to be limited to a period of twenty years from the date of this act.

SEC. 2. *And be it enacted*, That the consent of this corporation is hereby given to the said Washington, Alexandria and Georgetown Railroad Company to construct a single track of railway from the intersection of Maryland avenue and Sixth street west, along said Sixth street west, and across the Washington Canal to the south side of Missouri avenue, and to use steam power in drawing its cars on said branch railway: *Provided*, That the said company shall keep the portion of the said street occupied by said track well paved and in good repair, and provided with suitable crossways at the proper places, for vehicles and other wheeled carriages and for general use, and shall also build and always keep in repair a substantial bridge across the said canal, which bridge shall be of the width of said Sixth street, including the footways and carriage-way, and become the property of the corporation: *And provided further*, That the use of said street and bridge by the said company, and the use of steam and cars thereon, shall be subject to such regulations as to rate of speed, and otherwise, as this corporation shall from time to time impose.

SEC. 3. *And be it enacted*, That this act shall take effect upon the said Washington, Alexandria and Georgetown Railroad Company paying, or securing to be paid, to the satisfaction of the mayor, the sums of money heretofore paid and appropriated to be paid on account of the certificates of debt of said company, guarantied by this corporation, and delivering to him the bond of the said company, conditioned to pay within six months all outstanding certificates so guarantied by this corporation. And in the event of said company refusing or failing to comply with said condition for the space of thirty days from the approval of this act, then this act shall be void and of no effect; and upon compliance with said condition within said specified period, and upon the payment by said company, within the said period of six months, of all the unpaid certificates and interest guarantied as aforesaid by this corporation, the mayor shall return to the said company as well the certificates paid as those appropriated for, and shall direct the trustees named in the deed of trust dated April 19, 1855, to hold the same absolved from every claim of this corporation, and to convey the estate thereby vested according to the order of said company, not

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contrary to law; but if the said company shall fail to pay the said outstanding and unpaid certificates, with interest as aforesaid, within said period of six months, then the said deed of trust to be and remain in full force and effect.

SEC. 4. *And be it enacted*, That so much of the act approved July 27, 1855, as authorizes and directs the said company to construct a branch of its railroad from Maryland avenue along Seventh street west to the Washington Canal, and thence along the line of the canal to and across Fourteenth street west, be, and the same is hereby, repealed.

SEC. 5. *And be it enacted*, That the right to enforce such regulations as may be necessary to have kept in repair, at the expense of said company, its different tracks of railway, is hereby reserved to this corporation.

SEC. 6. *And be it enacted*, That the said railroad company shall keep its roads and tracks level with the grade of the streets and avenues through which they shall pass, and shall pave the streets and avenues between the rails and two feet outside of each rail, with the same material that may be used by the corporation in paving streets, and shall keep the same in repair at all times; they shall send a man bearing a red flag in the day time, and a bright red light during the night, in front of each train while passing through the city, and shall besides ring a large bell, and shall also at night have a brilliant reflector in front of the engine attached to each train; that all trains shall be prohibited from crossing any intersecting street or avenues backwards, and shall not stop or remain thereon, and the company shall not lay any siding or switch across any intersecting street or avenue; that all blowing of steam whistles by engines on railroads within the city limits shall be prohibited, and there shall be no blowing off of steam, except such as shall be imperatively required for working the engine; and for any violation of any of the provisions of this act, or any regulations hereafter to be made, the said company shall forfeit and pay to this corporation a fine of fifty dollars, to be collected and applied as other fines are imposed by this corporation.

SEC. 7. *And be it enacted*, That the said railroad company shall be required to erect a permanent and commodious station-house and freight and passenger depot on Maryland avenue, between Seventh and Tenth streets west, and at no other point in the city of Washington, and always keep the same in repair, under penalty of forfeiture of the privileges conferred by this act; and also that the said company shall be required to fully protect the interests of this city in regard to rates of freight and travel, allowing no discrimination to be made against it in favor of any other city or locality; and further, that there shall be required a publication of freight and passenger tariff from Baltimore and from Washington to all points on and connections with this road.

(Approved May 24, 1866. Sixty-third Council, chap. 26, p. 18.)

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ALEXANDRIA AND WASHINGTON RAILROAD.

July 25, 1866.

1863, ch. 110. Vol. xii, p. 805.

AN ACT to amend "An Act to extend the charter of the Alexandria and Washington Railroad," passed March third, eighteen hundred and sixty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington, Alexandria, and Georgetown Railroad Company, a corporation lawfully succeeding to the charter, rights, and privileges of the "Alexandria and Washington Railroad Company," be, and the same is hereby, authorized to extend said railroad from the track, as the same is now, or may hereafter be, laid through Maryland Avenue, at its intersection with Virginia Avenue, through and along said Virginia Avenue, in an easterly direction, to its intersection with D Street south; thence along D Street, and across the Washington canal, to New Jersey Avenue; thence by a curve to the left, of not less than one thousand feet radius, to a point in square number seven hundred and thirty-two; thence by an underground excavation or tunnel, passing under squares number seven hundred and thirty-two, seven hundred and sixty-two, seven hundred and sixty-one, seven hundred and sixty, seven hundred and eighty-seven, seven hundred and eighty-six, eight hundred and sixteen, eight hundred and fifteen, eight hundred and thirty-nine, eight hundred and thirty-eight, eight hundred and sixty-six, eight hundred and sixty-five, eight hundred and sixty-four, and the different streets and avenues intervening, to a point in square number eight hundred and ninety-three; thence, by a curve of not less than one thousand feet radius, into Eighth Street east; thence by the most direct and eligible route, to an intersection with the Washington branch of the Baltimore and Ohio Railroad.

Washington, Alexandria, and Georgetown R. R. Co. may extend its road to connect with Washington branch of Baltimore and Ohio Railroad.

Route of extension.

Provisions of certain sections of former act applicable to this extension.

SEC. 2. *And be it further enacted*, That the provisions of sections three and four of the act to which this is an amendment shall be applicable to the extension of said road or tracks as hereby authorized, and that it shall be lawful for said company to construct a draw or other bridge across the Washington canal at its intersection with D Street south, of such plans and dimensions as may be approved by the corporation of Washington, and so as not to interfere with the navigation of said canal. And also to use steam power in the transportation of passengers and freight over said railroad and branches, subject, however, to such restrictions and regulations as may be imposed by the corporate authorities of the city of Washington in respect to such portions thereof as may be located in said city.

Draw or other bridge across canal.

Steam power may be used.

Steam power may be used for eighteen months to draw cars on the structure across the Potomac River and in certain streets in Washington.

SEC. 3. *And be it further enacted*, That the consent of Congress be, and the same is hereby, granted for a period of eighteen months from the passage of this act, to the Alexandria, Washington, and Georgetown Railroad Company, to use steam power in drawing the cars of said company on the structure across the Potomac River erected

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by said company, under the provisions of the act entitled "An act to extend the charter of the Alexandria and Washington Railroad Company, and for other purposes," approved March three, eighteen hundred and sixty-three, and along the railway now laid by said company, or which may be hereafter laid, under the provisions of the said act, along Maryland Avenue and First Street west, in the city of Washington, to the present depot of the Washington branch of the Baltimore and Ohio Railroad, subject always, and in all particulars, to such restrictions and regulations concerning the use of said steam power as the corporation of Washington may, by its ordinances, [at] any time impose upon the said railroad company: *Provided*, That said company shall not propel their engines at a greater rate of speed than five miles per hour within the corporate limits of Washington city.

Limit to rate of speed.

SEC. 4. *And be it further enacted*, That the said railroad company shall be required to pay any and all damages that may result to private property from the extension of said road, and the tunnelling under the several lots and squares of ground as heretofore provided; and that in the event the owner or owners of such property and the said company cannot agree as to the amount of such damages, or the value of any private property so appropriated for the purpose of such extension of said road, such proceedings shall thereupon be had for the appropriation and assessment of the damages thereof as are authorized and required under the laws now in force in the District of Columbia regulating appropriations and assessment of damages for opening roads, streets, and alleys in said District. That upon the payment to the owner or owners of the amount of such award of damages, or the lawful tender thereof, together with the payment of all costs of such proceedings, the said company shall acquire the right to use and occupy for the purposes of said railroad all such lands so appropriated, in such a manner as may be necessary for the proper working and running said road.

Company to pay damages to private property from extension.

If owners and company cannot agree, amount of damages how to be determined.

Use, &c., of lands, how acquired.

Approved July 25, 1866.

BALTIMORE AND OHIO RAILROAD COMPANY.

July 25, 1866.

AN ACT to authorize the extension, construction, and use by the Baltimore and Ohio Railroad Company of a railroad from between Knoxville and Monocacy Junction into and within the District of Columbia.

Preamble.

Whereas it is represented to this present Congress that the Baltimore and Ohio Railroad Company, incorporated by the State of Maryland, are desirous of extending the road authorized to be built by them, by an act of the general assembly of that State, entitled "An act to authorize the Baltimore and Ohio Railroad Company to build a railroad from a point on the line of its road between Knox-

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ville and the Monocacy Junction, through Frederick and Montgomery counties, to the boundary of the District of Columbia, so as to make a direct communication with the city of Washington," into and within the District of Columbia: Therefore,

Baltimore and Ohio R. R. Co. may extend railroad into the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Ohio Railroad Company shall be, and they are hereby, authorized to extend into and within the District of Columbia the road aforesaid, to such point or points, terminus or termini, as may be agreed upon between the said company and the corporation of Washington, in respect of a road within the limits of Washington, and between the said company and the corporation of Georgetown, as respects a road within the limits of Georgetown.

Termini to be agreed upon with the cities of Washington and Georgetown.

Powers and privileges of the corporation.

An[d] the said Baltimore and Ohio Railroad Company are hereby authorized to have and exercise the same powers, rights, and privileges, and shall be subject to the same restrictions, in the extension and construction of the said road, into and within the said District as they have, may exercise, or possess, or are subject to within the State of Maryland, under and by virtue of their charter or act of incorporation from the State of Maryland; and shall be entitled to the same franchises, rights, compensation, benefits, and immunities in the use of the said road as are provided in the said charter.

Provisions of acts of Congress relating to lateral road, made applicable to this corporation. 1831, ch. 85. Vol. iv, p. 476.

SEC. 2. *And be it further enacted*, That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March second, eighteen hundred and thirty-one, and entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Road into and within the District of Columbia," and the supplements thereto, be, and they are hereby, declared to apply to the Baltimore and Ohio Railroad Company so far as they are severally applicable to the location, construction, and use by the said company of the road now authorized to be constructed into and within the said District.

Extension to be commenced in one year and completed in three years.

SEC. 3. *And be it further enacted*, That the said railroad company shall commence the construction of said extension of said road within one year, and complete the same within three years after the passage of this act; and on failure to do so, the privileges granted by this act shall be forfeited by said company.

Approved, July 25, 1866.

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BALTIMORE AND OHIO RAILROAD COMPANY.

AN ACT to encourage the extension of direct railroad communication with the city of Washington.

Whereas it has been proposed to construct the Metropolitan Branch of the Baltimore and Ohio Railroad by way of Bladensburg, connecting at that place with the Washington Branch road, and it is important to the interests of this city that the said Metropolitan road be constructed on a more direct line to a point in the city adapted to the accommodation of passengers and the convenient distribution and delivery of freight; and whereas it has been made known to this corporation that the Baltimore and Ohio Railroad Company is willing to adopt a route leading directly into this city and immediately commence work on this end of the said route in case this corporation shall confer on said company certain privileges necessary to the economical operation of the road and suitable to the requirements of the business community: Therefore,

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the Baltimore and Ohio Railroad Company, in the execution of the powers given to it by an act of Congress approved July 25, 1866, entitled "An act to authorize the extension, construction, and use by the Baltimore and Ohio Railroad Company of a railroad from between Knoxville and Monocacy Junction into and within the District of Columbia," be, and is hereby, authorized to extend the said last-mentioned railroad into and within the city of Washington, entering the said city at the intersection of its northern boundary and New York avenue, crossing said avenue and passing through the northwest corner of square No. 710 to First street east; thence along the center of that street to the present track of the Washington branch of the Baltimore and Ohio Railroad, and along the route of that track east of New Jersey avenue to the present station in square No. 632, with the privilege of constructing and maintaining two tracks within the city along the above-described line, and of using steam-engines thereon.

SEC. 2. *And be it further enacted*, That the said company may, for the convenient transaction of its business, lay down and maintain railway tracks on D street north, between North Capitol street and the east line of New Jersey avenue, and on North Capitol street, between D street and the north line of C street north, in said city, so far as may be done without interfering with the use of said streets for general purposes and may use steam engines thereon.

SEC. 3. *And be it further enacted*, That the privilege of using steam-engines on the said Washington branch, which is granted in the agreement between this city and said company, dated the 1st day of June, 1850, be, and is hereby, extended and granted for a further period of thirty years from and after the expiration of the terms stipulated in said agreement.

SEC. 4. *And be it further enacted*, That the grades of the railways to be constructed by authority of this ordinance shall conform to the legally established or prescribed grades of the streets and avenues on which they are authorized to be laid.

SEC. 5. *And be it further enacted*, That whenever the Baltimore and

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Ohio Railroad Company shall assent to this ordinance, or whenever any authority or privilege hereby granted shall be accepted or used by the said company, this ordinance shall henceforth have the effect of a contract between this city and said company as if its provisions were formally agreed upon as stipulations between the parties: *Provided, however*, That all streets and avenues or parts of streets and avenues on which tracks shall be laid or maintained in conformity with this act shall be kept properly graded and graveled within the tracks, and for the space of 2 feet beyond the outer rails thereof, until such time as the said corporate authorities shall see fit to cause such street or avenue or any part or parts thereof to be paved, and then the space within the tracks and 2 feet beyond the outer rails thereof shall be properly paved like the remainder of the street or avenue and be afterward kept in good repair; and all bridges or culverts crossing through, in, or under such tracks, which shall be required by said corporate authorities for the free passage of streams of water and the proper drainage of said city, shall also be made, constructed, and kept in repair under the direction of the authorities of said city, at the proper cost and expense of said railroad company; and the said railroad company shall be subject to and pay its ratable portion of any special tax imposed upon its property bordering on any street or avenue for any local improvement that shall be made in such street or avenue: *And provided further*, That nothing in this act contained shall be so construed as to prevent this corporation, at any time hereafter when the same shall be considered necessary, from limiting and regulating by law the steam at which any cars, wagons, or other vehicles shall be permitted to be drawn or propelled on any part of said railroad within the limits of the city of Washington, or from enacting such other further police regulation for the use of said road as this corporation may deem necessary for the protection of persons and property along the route of said road.

Approved January 17, 1867. Sixty-fourth council, chap. 148, p. 74.

BALTIMORE AND OHIO RAILROAD, PRESIDENT'S OFFICE,
Baltimore, January 19, 1867.

SIR: I have received your favor of the 18th instant, with a copy of the act passed by the board of aldermen and board of common council of the city of Washington, and approved by the mayor January 17, 1867, entitled "An act to encourage the extension of direct railroad communication with the city of Washington."

The act is assented to by this company.

Very respectfully yours,

J. W. GARRETT,
President Baltimore and Ohio Railroad Company.

Hon. RICHARD WALLACH,
Mayor of the City of Washington.

Articles of agreement between the Baltimore and Ohio Railroad Company and the corporation of Washington, made this 15th day of June, in the year 1850, by and between the Baltimore and Ohio Railroad Company of the first part, and the mayor, board of aldermen, and board of common council of the city of Washington of the second part, witness:

That the said company shall be and is hereby authorized and empowered to remove its depot in the said city from its present location on

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the Pennsylvania avenue to the lot now occupied by its engine house, in square No. 632, and that the said company is hereby further authorized and empowered to use steam-engines in propelling cars on the present line of the Washington branch of the Baltimore and Ohio Railroad from its entrance into said city to such point on said line east of the eastern side of New Jersey avenue in the square aforesaid as it may select for the new location of its depot for any period not exceeding thirty years from the passage of joint resolutions of the parties of the second part, approved on the 31st day of May, 1850, entitled "Joint resolutions appointing a committee to enter into arrangements with the Baltimore and Ohio Railroad Company in relation to the removal of their depot in said city upon the same terms and conditions as steam-engines are now used in propelling cars on the said railroad within the limits of the said city," upon the following conditions:

First. That the said Baltimore and Ohio Railroad Company remove their depot in said city from its present location, and shall select some convenient and suitable location for a new depot at some point on the present line of the Washington branch railroad east of the intersection of said branch railroad with the eastern side of New Jersey avenue, and shall take up the remainder of said branch railroad west and south of said eastern side of New Jersey avenue, and relinquish forever the use of the same as a railroad.

Second. That the said railroad company shall, within twelve months after the passage of these resolutions, erect at such point as may be selected for a new depot, suitable and permanent buildings and improvements for a depot on such a scale as may be necessary to afford ample accommodations for the freight and travel on the said branch railroad.

Third. That said railroad company shall pay to said corporation the sum of $8,000 within sixty days from the 31st day of May, 1850, the same to be expended by said corporation in improving C and D streets north, between Second street west and North Capitol street; and any surplus, after improving said streets, to be expended in the improvement of New Jersey avenue, between C and D streets north; and

Fourth. That the said railroad company shall, at the same time, pay to said corporation the taxes in arrear on the property (other than the road and the cars and engines used upon it) held by the said railroad company in this city; and shall, at the same time also dismiss all legal or other proceedings which may have been instituted by the said railroad company in relation to the said taxes or the right of said corporation to impose and collect the same.

Nothing herein contained to be construed as a waiver on the part of the said company of its right to contest the liability of the property of said company of any and every description, to future taxation by the authorities of the city of Washington, without prejudice from the execution of this agreement.

In testimony whereof the president of the said Baltimore and Ohio Railroad Company hath hereto set his hand and caused the seal of the said company to be hereto affixed, and the mayor of the city of Washington hath hereunto set his hand and the seal of the said corporation on the day and year first aforesaid; and in further execution of the presents, the subscribers other than the above, being the joint committee from each board of said corporation mentioned in the joint reso-

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lution aforesaid, have hereunto set their hands on the day and year aforesaid.

THOMAS SWANN,
President B. and O. R. R. Co.
WALTER LENOX,
Mayor of Washington.
JOHN W. MAURY,
B. B. FRENCH,
E. WHEELER,
JOEL DOWNER,
Joint Committee.

Signed, sealed, and delivered in presence of—
JOS. RADCLIFF.
W. E. HOWARD.
And by T. Swann in presence of—
JNO. H. B. LATROBE.
HUGH BOLTON.
Attest:
WM. MCCORMICK, *Register.*

BALTIMORE AND POTOMAC RAILROAD COMPANY.

CONGRESSIONAL LEGISLATION.

Feb. 5, 1867. 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.

Preamble. 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,

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

Powers, privileges, and restrictions. 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

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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.

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 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 District, none of whom shall be interested or related to any person 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

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.

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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 is 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.

Proviso.

Crossing or intersecting streets or ways.

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.

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, etc.

Level and grade of road in Washington.

Rates for tolls and transportation.

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.

Proviso.

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

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.

Passenger fares within the District.

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 traveler, within the District, conveyed a shorter distance than four miles, a sum not exceeding twelve cents.

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

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.

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

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.

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.

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ALEXANDRIA, WASHINGTON, AND GEORGETOWN RAILROAD COMPANY.

March 2, 1867.

AN ACT to grant certain privileges to the Alexandria, Washington, and Georgetown Railroad Company, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and the same is hereby, granted to the Alexandria, Washington, and Georgetown Railroad Company to use steam power in drawing the cars of said company on the structure across the Potomac river, erected by said company, under the provisions of the act entitled "An act to extend the charter of the Alexandria and Washington Railroad Company, and for other purposes," approved March three, eighteen hundred and sixty-three, and along the railway now laid by said company, or which may be hereafter laid, under the provisions of the said act, along Maryland Avenue, in the city of Washington, to the present depot of the Washington branch of the Baltimore and Ohio railroad, subject always, and in all particulars, to such restrictions and regulations concerning the use of such steam power as the corporation of Washington may, by its ordinances, at any time impose upon, or at any time require of, the said railroad company.

The Alexandria, Washington, &c., R. R. Co. may use steam power to draw their cars, &c.

1863, ch. 110. Vol. xii, p. 805.

Corporation of Washington may make regulations.

Approved, March 2, 1867.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

March 18, 1869.

AN ACT supplementary to an Act entitled "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," approved February 5, 1867.

1867, ch. 29. Vol. xiv, p. 387. 1870, ch. 32, 142. *Post*, pp. 78, 161.

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, which, by the act of Congress entitled "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," was authorized to extend into and construct within the District of Columbia the lateral branch of its road in said act of Congress mentioned, may enter the city of Washington with their said railroad and construct the same within the limits of said city on and by whichever one of the two routes herein designated the said company may elect and determine upon, that is to say:

Baltimore and Potomac R. R. Co. may enter Washington, &c., by either of two routes.

First route.

First. Beginning at the intersection of Boundary Street and North Carolina Avenue; thence southwestwardly along said North Carolina Avenue to South D Street; thence along South D Street westwardly to Virginia Avenue; thence along Virginia Avenue northwestwardly to the intersection of South C Street and West Ninth Street; or,

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Second route.

Second. Beginning at some point on the northern shore of the eastern branch of the Potomac river between South L and South M streets; thence westwardly between said streets to the intersection of Virginia Avenue with South L and East Twelfth streets; thence along said Virginia Avenue northwestwardly to South K Street; thence along said South K Street westwardly to South Fourth Street; thence by a line curving to the right, to the north bank of the canal; and thence along the said bank of the canal northwestwardly to Virginia Avenue; thence along Virginia Avenue northwestwardly to the intersection of South C and West Ninth streets.

Settlement of land and other damages.

SEC. 2. *And be it further enacted*, That in all cases where the parties owning land or other property required by the said Baltimore and Potomac Railroad Company cannot agree with said company on the amount of damage claimed, either for said land or materials in the construction of its aforesaid road, and a condemnation and valuation shall have been made as provided in the act approved February five, eighteen hundred and sixty-seven, and to which this act is amendatory, either party may appeal to the supreme court of the District of Columbia within thirty days from the rendition of the verdict of the jury; and in all cases where the said company shall take an appeal they shall give bond to the party or parties claiming and entitled to damages in a penalty at least double the sum found by the jury, with a condition that the said company shall pay or cause to be paid such amount of damages and costs as the party may be entitled to receive on the judgement of the said supreme court, without delay, and on which bond ample and sufficient sureties shall be given, to be approved by the supreme court; and in all cases where the party or parties claimant shall appeal, the said company, if it shall require the immediate use of the property condemned and valued as aforesaid, before an appeal can be heard and decided, it shall be lawful for the said company to execute and tender a bond to the party aforesaid in at least double the sum found by the jury, with sureties to be approved by the supreme court, and with a condition to pay without delay such sum and costs as may be awarded by the said court without further delay; and upon the delivery or tender of such bond the said company may proceed to the construction of their said road as if the parties claimant and the said company had agreed upon the compensation to be paid for the property to be used; and that in all cases where the said company shall appeal and give bond as aforesaid, they may have the power to proceed in the construction of the road and appropriation of the property for the uses thereof, as if no appeal had been taken and the parties had agreed upon compensation for the property required; in all cases where the company and parties agree upon the price to be paid for land and materials, the same shall be paid before the property shall be taken and used.

Provision in cases of appeals by the company;

by the claimants.

The company may proceed to construct the road, pending the appeal, upon, &c.

Where price is agreed, amount to be paid before property is taken.

SEC. 3. *And be it further enacted*, That the said Balti-

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Appeal to the supreme court of the District.

more and Potomac Railroad Company and any other party or parties interested, and who may consider themselves aggrieved by the verdict of the jury, shall have the right to appeal to the supreme court of the District of Columbia,

Jurisdiction of the court.

which shall have jurisdiction of all such cases, and shall hear and determine the same, after notice to all parties,

Judgment.

without the intervention of a jury, and the judgement of the said court shall be final.

When act takes effect.

SEC. 4. *And be it further enacted*, That this act shall take effect from the date of its passage.

Approved, March 18, 1869.

NATIONAL JUNCTION RAILWAY COMPANY.

March 29, 1869.

CHAP. V.—An Act to incorporate the National Junction Railway Company.

National Junction Railway Company incorporated. [Act amended, 1870, ch. 165. *Post*, p. 167.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James A. Magruder, John L. Kidwell, C. H. Cragin, John W. Thompson, Hallet Kilbourn, Alexander R. Shepard, and William H. Tenney, of the District of Columbia, together with such other persons as may become associated with them for that purpose, together with their successors, are hereby created and erected into a body corporate and politic, in deed and in law, by the name and title of the National Junction Railway Company, and by that name have perpetual succession, and shall be able to sue and to be sued, to plead and be impleaded, to defend and be defended, in the courts of law and equity within the District of Columbia, and may use a common seal, and may adopt by-laws for the regulation of its government.

Powers of corporation.

SEC. 2. *And be it further enacted*, That the said corporation is hereby fully authorized and empowered to survey, locate, lay out, construct, collect tolls upon, maintain, and enjoy a railway line, with appurtenances and machinery necessary for one or more tracks, within the District of

Line of railway. [Location changed. *Post*, p. 167.]

Columbia, commencing at the northern terminus of the aqueduct bridge, in the city of Georgetown, or at some eligible point on the south shore of the Potomac river above and near said bridge; thence in a northeasterly direction by the most feasible route crossing Rock creek, entering the city of Washington, and passing through either S, T, or U Street *west*, [north,] around the city of Washington, crossing the branches of the Baltimore and Ohio railroad upon the legally established grades of the city, in such a manner as not to be dangerous to passengers and trains on either road; thence to a point most feasible on the Potomac river, or eastern branch of the same, at or near the navy yard, at a point to be indicated by the Secretary of the Navy, with the rights, powers, and privileges

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to construct the said road, the grades of the road to be approved by the authorities of the cities of Washington and Georgetown; also the privileges of locating and constructing a grand Union depot on the line of said road, at some point between Third Street west and Fourteenth Street west, in Washington city; also a similar depot at some convenient point in Georgetown, near the said aqueduct.

Grades to be approved.

Grand Union depot.

Other depot.

SEC. 3. *And be it further enacted*, That the capital stock of said National Junction railway shall consist of five thousand shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall provide.

Capital stock.

Number of shares and how transferable.

SEC. 4. *And be it further enacted*, That it shall be lawful for the said National Junction Railway Company, if deemed necessary, to borrow from time to time sums of money not exceeding five hundred thousand dollars, and to issue bonds therefor, bearing interest not exceeding seven per centum, payable semiannually, and to mortgage as security therefor all the corporate rights, franchises, property, real and personal, of whatever kind soever, belonging to said company.

Company may borrow money and issue bonds secured by mortgage, &c.

SEC. 5. *And be it further enacted*, That the persons herein named as corporators, or a majority of them, shall, within ninety days after the passage and approval of this act, meet in the city of Washington for the purpose of prescribing regulations for opening books of subscription to said capital stock, at such times and place as they may designate, by public notice of at least ten days in two daily papers in the city of Washington; and said books shall be kept open until two hundred thousand dollars of said stock shall be subscribed, and twenty per centum on all subscriptions shall be paid in lawful money at the time of subscribing, to the person or persons authorized by the corporators to receive the same; and whenever that amount shall have been subscribed, and twenty per centum of the same paid in as above described, it shall be the duty of the above-named corporators (a majority of them shall constitute a quorum for the transaction of business) to call a meeting of the stockholders, at the city of Washington, for the purpose of electing directors of the said corporation, and each share of said stock on which the said twenty per centum has been paid as hereinbefore provided shall entitle the owner to one vote. The corporators herein named shall designate a majority of their number to act as inspectors of elections; which majority of inspectors so designated shall certify, under their names, the directors thus duly elected, and shall notify them of their election and the time and place of the first meeting of the said board of directors. At such meeting the above corporators shall deliver to the said directors the books of subscription to the stock of said National Junction Railway Company, together with the amount paid thereon, with a

Books for subscription of stock..

First meeting for the election of directors.

Inspectors of election.

Corporators to deliver to directors subscription books, &c..

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full report of their proceedings under this act, and thereupon the duties of the corporators hereinbefore named shall cease and determine forever; and thereafter the said directors, with their successors or assigns, shall constitute the said body politic and corporate. The directors thus chosen shall hold their office for one year and until others are elected and qualified to fill their places. A majority of said directors shall constitute a quorum for the transaction of business.

Directors and successors to constitute the corporation; their term of office.

Quorum.

Officers, agents and employees of the corporation.

SEC. 6. *And be it further enacted*, That the said directors shall, at their first meeting, elect from their own number a president and vice-president. They may also, from time to time, elect a treasurer, a secretary, chief engineer, and a general superintendent, together with such other officers, agents, and employees as they may deem necessary, each of whom shall hold office or position during the pleasure of said board of directors. The directors shall have power to fill all vacancies in the board which may be caused by death or resignation, except as hereinbefore provided for. The treasurer and secretary shall give bonds with security, as the board shall from time to time require. Meetings of the stockholders of the said corporation for the election of directors, and for the transaction of business, shall be holden annually, and at such other times and upon such notice as may be prescribed by the by-laws. The directors of the said corporation may require the subscribers to the capital stock to pay the amount by them subscribed, respectively, at such times, in such manner, and in such instalments as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalment, as required by a resolution of the board of directors, the said board may forfeit said stock for non-payment, and all previous payments shall revert in law and in equity to the said corporation under such regulations, or may sue for and collect the unpaid instalments in any court of competent jurisdiction.

Vacancies.

Bonds.

Annual meetings of stockholders.

Payment capital stock.

Forfeiture for non-payment, &c.

Corporation may purchase and hold real estate;

SEC. 7. *And be it further enacted*, That the said corporation is hereby empowered to purchase, lease, receive, and hold such real estate or other property as may be necessary for accomplishing the objects of this act, and may by their agents, engineers, contractors, or workmen immediately enter upon, take possession of, and use all such real estate and property as may be necessary for the construction, maintenance, and operation of said railroad and the accommodations appertaining thereto. But all real estate or property thus entered upon and appropriated by said railroad, and the accommodations appertaining hereto, which are not donations, shall be purchased by said corporation of the owner or owners of the same at a price to be mutually agreed upon between them; and in case of a disagreement as to price, the said corporation, or the owner or owners of such real estate or property, shall apply by petition to a justice of the supreme court of the District of Columbia, particularly describing the property;

may take possession of property, necessary, &c.

Proceedings when the corporation and owners of property can not agree upon the price.

Petitions to court.

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and the said justice, upon receiving such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein a time and place for hearing the parties; at which time and place, upon proof that the notice directed has been given, the said justice shall direct the manner of ascertaining the true value of said real estate or other property, together with the damages which the owner or owners thereof have sustained, or may sustain by reason of the appropriation, occupation, and use thereof by the said corporation; and the said justice shall appoint not less than three nor more than seven competent and disinterested commissioners, who shall be freeholders in the District of Columbia, and at least one of them shall be a resident of the municipal corporation in which said real estate or other property may be situated, and who shall, under the direction of said justice, view said premises or property, take such testimony as they may deem proper, make appraisement, and determine said damages, and report the same under oath and in writing to said justice. The report shall contain a minute and accurate description of the real estate and other property appraised, together with all the evidence taken by the commissioners in the case. It shall be the duty of said justice to examine the report of said commissioners, and upon application of either party he shall give the parties a hearing in relation thereto; and he shall have power to increase or diminish said appraisal or damages if he shall become satisfied upon such hearing that injustice has been done. Upon proof to the said justice, to be made within sixty days after his determination of payment to the owner or owners, or depositing to the credit of the owner or owners, or their legal representatives, in such banking institution as said justice shall direct, the amount of said award, and the payment of all expenses attending the same, including an allowance of three dollars per diem to each of the aforesaid commissioners, the said justice shall order or decree, particularly describing said real estate or other property, and reciting the appraisement of damages and the mode of making it, together with such facts as he may deem pertinent; and when the said order or decree shall be recorded in the recorder's office of the county or city in which such real estate or other property is situated, the said corporation, or its successors or assigns, shall be legally or equitably seized and possessed of such real estate or other property for the use and for the purposes hereinbefore described. In case any married woman, infant, idiot, insane person, or non-resident of the district in which said real estate or other property may be situated, shall be interested in such real estate or other property, the said justice shall appoint some competent disinterested person to appear before said commissioner and act for and in behalf of such married woman, infant, idiot, insane person, or nonresident.

Hearing.

Commissioners.

Damages and report.

Power of justice over the report;

as to damages.

Decree of the court.

Effect of decree when recorded.

Property of persons under disability.

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Wilful injury to the property of the company, punished by fine, or, &c.

SEC. 8. *And be it further enacted*, That if any person shall wilfully do or cause to be done an[y] act or acts whatever, whereby any building, structure, or other work, or any engine, car, or machine, or other property appertaining to said railroad shall be injured, impaired, or destroyed, or stopped, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction shall be punished by a fine, at the discretion of the court, of not more than five thousand dollars, or by imprisonment of not more than two years, or both, at the discretion of the court, and also forfeit and pay to the said company, its successors and assigns, the amount of damages sustained by means of such offences, to be recovered by said company with costs of suit by any action of debt or case.

Damages.

Company not to grant exclusive right to carry freight or passengers.

Equal privileges to all.

Corporate rights not to be sold to, &c.

SEC. 9. *And be it further enacted*, That said company shall not grant to any railroad or other corporation the exclusive right to transfer passengers or freight over said railroad; but any privilege granted to one corporation shall be extended to all who may make application for such privilege on the same terms, conditions, and rates, and shall not sell, transfer, or lease their corporate rights to any company that will not check baggage or commute fares with all connecting railroads upon the terms specified in this section.

Road when to be commenced and completed.

SEC. 10. *And be it further enacted*, That the said corporation shall, as soon as practicable after the election of directors, as hereinbefore provided, so commence and prosecute the work of constructing and equipping said railroad that it shall be fully completed and equipped in three years from and after the first board of directors have been elected.

Congress may regulate fares.

SEC. 11. *And be it further enacted*, That Congress shall have the right to regulate the rate of fares collected by said company from passengers and the rate of charges for transporting freight; and all property owned by said company shall be subject to taxation by the proper municipal authority.

Taxation.

Act may be altered, &c.

SEC. 12. *And be it further enacted*, That this act may be at any time amended or repealed.

Approved, March 29, 1869.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

March 25, 1870.

1867, ch. 29. Vol. xiv, p. 387

AN ACT to extend the Time for the Completion of the lateral Branch of the Baltimore and Potomac Railroad, authorized by the Act approved February fifth, eighteen hundred and sixty-seven, and to change the Location in the City of Washington along the Bank of the Canal.

Preamble.

WHEREAS a charter was granted by an act of Congress, approved February fifth, eighteen hundred and sixty-

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seven, giving to the Baltimore and Potomac Railroad Company the privilege of constructing a lateral branch of their railroad into the District of Columbia and the city of Washington; and whereas under the said act the time for the completion of said lateral branch was within four years from the passage of the act, and as the work on the line of the road within the city of Washington is very heavy and will consume a long time in its construction; and whereas the work has already been delayed in submitting the plans and location to Congress for their approval: Therefore,

See 1870, ch. 142. *Post*, p. 161, for supplementary act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh section of the 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 be, and the same is hereby, repealed; and the time for the completion of the said lateral branch of the Baltimore and Potomac railroad be, and the same is hereby, extended to the first day of February, eighteen hundred and seventy-five.

Seventh section of act repealed.

Time for completion of lateral branch extended.

SEC. 2. *And be it further enacted*, That the said company, if it shall so elect, is hereby authorized to adopt a line in the city of Washington from some point west of East Fourth Street, in the line designated in the act of Congress approved March eighteen, eighteen hundred and sixty-nine, as passing along South K Street, thence crossing to and passing along the south bank of the canal, to South Capitol Street, and thence northwestwardly to Virginia Avenue, there intersecting and passing along the line described in said act approved March eighteen, eighteen hundred and sixty-nine, as passing along Virginia Avenue northwestwardly to the intersection of South C and West Ninth Street.

Line of road in the city of Washington. 1869, ch. 2. *Ante*, p. 1.

Approved, March 25, 1870.

JOINT RESOLUTION in relation to the Baltimore and Potomac Railroad Company. Approved May 30, 1870.

Whereas a charter has been granted by the Senate and House of Representatives of the United States to the Baltimore and Potomac Railroad Company to construct a railroad to and within the city of Washington, District of Columbia, by act approved February 5, 1867: And,

Whereas they did further, by supplemental acts approved March 18, 1869, and March 25, 1870, grant to the said Baltimore and Potomac Railroad Company the option of two lines in the city of Washington, one by Virginia avenue, K street, &c., and the other by North Carolina and Virginia avenues, &c.; the said Baltimore and Potomac Railroad Company having now selected the Virginia avenue and K street route, do herewith make application to the mayor and board of aldermen and board of common council of the city of Washington for liberty

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to construct their railroad upon the Virginia avenue and K street route, in conformity with the accompanying plat: Therefore,

Be it resolved by the board of aldermen and board of common council of the city of Washington, That the Baltimore and Potomac Railroad Company be permitted to construct that portion of their road entering into and within the city of Washington at a point on the northern shore of the Eastern Branch of the Potomac River, between south L and M streets, as set forth in the accompanying plan and profiles; thence running westwardly between said street to the intersection of Virginia avenue with south L and east Twelfth streets; thence along said Virginia avenue, by a tunnel under the surface, northwestwardly to south K street; thence along south K street westwardly to east Third street; thence by a line curving to the right, to either the north or south bank of the canal northwestwardly to Virginia avenue; thence along Virginia avenue northwestwardly to the intersection of south C and west Ninth streets; and they are also permitted to change the grades of certain streets at certain points, as designated on said profile and plans, so that the grades shall conform to the blue figures on said plan, and shall be so laid down upon the books in the city surveyor's office as the established grades: *Provided, however*, That any streets or avenues under which the said railroad may pass shall be bridged or otherwise covered by the said company at their proper expense; and whenever sewers, gutters, curbstones, or sidewalks, flag footways, gas or water pipes, are disturbed or moved by the said company, the same shall be rebuilt in a proper and satisfactory manner at the expense of the said railroad company, and without cost or loss to any citizen or the corporation of Washington. (Approved May 30, 1870; Sixty-seventh Council, chap. 704, p. 274.)

June 21, 1870.

1867, ch. 29. Vol. xiv, p. 387. 1869, ch. 2. *Ante*, p. 1. 1870, ch. 32. *Ante*, p. 78.

AN ACT supplementary to an Act entitled "An Act to authorize the Construction, Extension [Extension, Construction] and Use of a lateral Branch of the Baltimore and Potomac Railroad Company into and within the District of Columbia," approved February five, eighteen hundred and seventy [sixty-seven].

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 be, and they are hereby, authorized and empowered to extend their lateral branch, authorized by the act to which this is a supplement, and by former supplements to said acts, by the way of Maryland Avenue, conforming to its grade, to the viaduct over the Potomac river, at the city of Washington, known as the Long Bridge, and to extend their tracks over said bridge, and connect with any railroads constructed, or that may hereafter be constructed, in the State of Virginia. To effect these purposes the said Baltimore and Potomac Railroad Company are hereby authorized and empowered to take possession of, hold, change, and use the said bridge, and the draws connected therewith, in perpetuity free of cost: *Provided*, That the said Baltimore and Potomac Railroad Company will maintain in good condition the said bridge for railway and ordinary travel; and the bridge shall at all times be and remain a

Lateral branch of Baltimore and Potomac Railroad may be extended, and connect, &c.;

may use Long Bridge.

Long Bridge to be kept in repair, and free for ordinary travel.

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free bridge for public use for ordinary travel: *And provided further*, That the said Baltimore and Potomac Railroad Company shall erect and maintain the drawbridges, so as not to impede the free navigation of the Potomac river, in efficient working condition at all times; and that, until such time as the needful changes are made to accommodate railroad and other traffic, as contemplated by this supplement, it shall be the duty of the said Baltimore and Potomac Railroad Company to repair without delay all damages to the present bridge, and maintain it without cost to the United States: *Provided*, [That] said railroad company shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon, or Congress prescribe.

Drawbridges.

Repairs, &c., without cost to the United States.

Other railroad companies may pass over bridge.

SEC. 2. *And be it further enacted*, That if the said Baltimore and Potomac Railroad Company shall at any time neglect to keep said bridge in good repair, and free for public use for ordinary travel, the government of the United States may enter into possession of the said bridge; and Congress reserves the right to alter or amend this law.

United States may take possession of bridge if not kept in repair, free, &c.

This act may be amended.

Approved, June 21, 1870.

NATIONAL JUNCTION RAILROAD.

AN ACT to amend an Act incorporating the National Junction Railway Company.

June, 28 1870.

1869, ch. 5. *Ante*, p. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of "An act to incorporate the National Junction Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-nine, be so amended that the said corporation be, and is hereby, authorized and empowered to survey, locate, lay out, construct, collect tolls upon, maintain, and enjoy a railroad line, with appurtenances and machinery necessary for one or more tracks, within the District of Columbia, either upon the route specified in said section, or in the following manner, to wit: Commencing at the northern terminus of the Aqueduct bridge, in the city of Georgetown; thence in an easterly or northeasterly direction, by the most feasible route, to Rock Creek; thence along said creek, or parallel thereto, to its junction with the Potomac river; thence along said river bank, or parallel thereto, to the foot of Twenty-sixth Street of Washington city; thence on the south side of the Chesapeake and Ohio canal, to its terminus; thence by the most direct and eligible route, southerly of and avoiding the public grounds, to the intersection of Virginia Avenue and South Capitol Street, conforming to the grade of such streets and avenues as the road may pass over; thence to

Location of road of National Junction Railway Company changed.

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the eastern branch of the Potomac river, at or near the navy yard, at a point to be indicated by the Secretary of the Navy. Together with a branch road from the main one, commencing at the intersection of Virginia and Delaware avenues; thence to a point on First Street east, on city trade; thence under said street, by an underground excavation or tunnel, to a junction of the Metropolitan and Washington branch of the Baltimore and Ohio railroads. Also the privilege of location and construction of an union depot on the main line of said road; the power to condemn ground for the location of the same, granted in the seventh section of said act, being hereby restricted to two acres in area. Also a depot at some convenient point in Georgetown near the Aqueduct.

Union depot.

Depot at Georgetown.

Bridges across the Chesapeake and Ohio Canal, &c., how to be constructed.

SEC. 2. *And be it further enacted*, That whenever the said railroad shall cross the Chesapeake and Ohio canal, or the Washington canal, or branches or connections of either of them, such bridges shall be constructed by said railroad company so as not to impede or obstruct the navigation of said canals or either of their branches.

Right of way to coincide with grades of railroads, &c.

SEC. 3. *And be it further enacted*, That the right of way hereby granted shall be so located as to coincide with the grade of any railroad to which the right of way has heretofore been granted.

Approved, June 28, 1870.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

March 3, 1871.

1867, ch. 29. Vol. xiv, p. 387.

AN ACT supplementary to "An Act to authorize the Extension, Construction, and Use of a lateral Branch of the Baltimore and Potomac R. R. Co., in, to, and within the District of Columbia," approved February fifth, eighteen hundred and sixty-seven.

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 be, and they are hereby, authorized to erect over their tracks on Virginia Avenue, between west Sixth Street and west Seventh Street, in the city of Washington, a passenger depot building, covering the following described area, to wit: commencing at the intersection of the building line of south side of south C Street produced and the building line of east side of west Seventh Street produced, thence along last-mentioned line southward to a point, thence by line parallel with and forty feet distant northward from building line of southerly side of Virginia Avenue to a point in building line of west side of west Sixth Street produced, thence by last-mentioned line northward to a point, thence by line parallel with and forty feet distant

Baltimore and Potomac Railroad Company may erect a passenger depot building.

Location.

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southward from building line of northerly side of Virginia Avenue to a point, thence northward by line parallel with and eighty feet distant eastward from the building line of east side of west Seventh Street produced to a point in building line of south side of south C Street produced, thence by last-mentioned line westward to the place of beginning; which shall be of the same style of architecture as the depot of the Pennsylvania Railroad Company, at the city of Lancaster, in the State of Pennsylvania: *Provided*, That the assent of the municipal authorities of the city of Washington or of the District of Columbia be first obtained to the erection of said depot.

Style.

Assent of municipal authorities to be first obtained.

Approved, March 3, 1871.

GRADING MARYLAND AVENUE.

AN ACT to regulate the grade of Maryland avenue from the end of the Long Bridge to Twelfth street.

Approved March 3, 1871 (16 Stats. L., 585).

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 are hereby authorized, at the expense of said company, to change the grade of Maryland avenue so as to establish a descending grade of one and seventy-five one-hundredths feet per one hundred feet from the centre of Twelfth street south to the centre of Thirteen and a half street south, and a descending grade of one and thirty one-hundredths feet per hundred feet from the centre of Thirteen and a half street south to the top of the abutment of the Long Bridge over the Potomac River, as newly constructed, the present grade at the centre of Twelfth street south to be reduced two feet, and the level of the top of the new abutment of the Long Bridge not to be more than nine feet above the height of the old abutment:

May change grade of Maryland avenue.

Provided, That if any actual damage shall be sustained by the owners of any property on said avenue, or on the streets connecting therewith, by reason of such change of grade, said railroad shall pay such damages as shall be sustained, to be recovered in any court of competent jurisdiction in the District of Columbia:

To pay damages to property owners.

Provided further, That such change of grade shall be made under the supervision of the proper municipal authorities of the city of Washington or of the District of Columbia, and in the manner to be approved by said municipal authority.

Change of grade to be under supervision of municipal authorities.

Approved March 3, 1871. (16 Stats. L., p. 585.)

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JOINT RESOLUTION giving the assent of the corporation of Washington to the location of the depot of the Baltimore and Potomac Railroad Company.

Be it resolved by the board of aldermen and board of common council of the city of Washington, That the assent of the corporation of Washington is hereby given to the Baltimore and Potomac Railroad Company to erect a depot on Virginia avenue, between Sixth and Seventh streets west, in accordance with the act of Congress entitled "An act supplementary to 'An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Potomac Railroad Company into and within the District of Columbia, approved February 5, 1871,' approved March 3, 1871."

Approved March 9, 1871, 68th Council, chap. 420, p. 152.

AN ACT assigning a site for a passenger depot to the Baltimore and Potomac Railroad Company.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the Baltimore and Potomac Railroad Company, for the purpose of suitably accommodating public passenger travel, is hereby authorized to extend the tracks of its road from Virginia avenue northwardly, along Sixth street west to the canal, and thence across the canal and along the front west of Sixth street to north B street, and to occupy and use, for the purposes only of a passenger depot and express, the grounds between said Sixth street, B street, and the north line of the canal: *Provided*, That the said company shall erect, at its own expense, a good and substantial bridge over the canal, at an elevation of ——— feet above the canal, which bridge shall be built west of the west building line of Sixth street: *Provided further*, That said company shall use on Sixth street only a flat rail, like that used for street railways, and shall erect a depot of the same style of architecture of the depot of the Pennsylvania Railroad Company at Lancaster, Penn.: *And provided further*, That the act approved March —, 1871, giving the assent of this corporation to the erection of a passenger depot of the Baltimore and Potomac Railroad Company on Virginia avenue, between Sixth and Seventh streets west, or on any part of said avenue, be and the same is hereby repealed, to take effect whenever Congress shall ratify and approve this act, otherwise to remain in full force and virtue.

Approved March 23, 1871; Sixty-eighth council, chap. 447, p. 160.

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BALTIMORE AND OHIO RAILROAD COMPANY; ALEXANDRIA AND WASHINGTON RAILROAD COMPANY; BALTIMORE AND POTOMAC RAILROAD COMPANY; NATIONAL JUNCTION RAILROAD COMPANY.

LEGISLATIVE ASSEMBLY.

AN ACT in relation to the Baltimore and Ohio, Alexandria and Washington, Baltimore and Potomac, and National Junction Railroad.

Be it enacted by the legislative assembly of the District of Columbia, That no locomotive engines or railroad cars of any description shall be run, driven, or propelled over or upon any railroad track or tracks within the cities of Washington or Georgetown at a greater speed than at the rate of 6 miles an hour, under the penalty of $50 for each and every violation of any of the provisions of this section to be forfeited and paid by the railroad company owning or using such locomotive engine or railroad car, or the engineer or conductor in whose charge said locomotive engine or railroad car may be, severally and respectively: *Provided*, That this section shall not apply to any car or engine while running through any tunnel under the cities of Washington and Georgetown, or any part thereof.

SEC. 2. *And be it further enacted*, That the Baltimore and Ohio, Alexandria and Washington, Baltimore and Potomac, and National Junction Railroad Companies are hereby directed and required (to keep in the day time every point where any public street crosses the railroad track or tracks of said railroad companies a person stationed with a red flag, and in the evening, until arrival or departure of the last train at night, at all the street crossings, a person with a flag and lighted lamp or lantern with red glass) to give warning of the approach of the locomotive engines and railroad cars, of any descriptions, of said companies, under the penalty of $10 for every time any locomotive engine or railroad car shall pass (at any such crossings without such persons being stationed), and such warning being given, to be forfeited and paid by the said company, or the engineer or conductor in whose charge such locomotive engine or railroad car may be severally and respectively.

SEC. 3. *And be it further enacted*, That no railroad, locomotive engine, or railroad car or train of cars, shall encumber or obstruct any sidewalk or cross walk, or any street, in the cities of Washington or Georgetown, for a longer period than is absolutely necessary for the safe and expeditious discharge of passengers only, under the penalty of $25 for each offense, to be forfeited and paid by the railroad company owning or using such locomotive engine or railroad car, or train of cars, or the agent, engineer, or conductors in whose charge such locomotive engine, railroad car, or train of cars, may be, severally and respectively.

SEC. 4. *And be it further enacted*, That no railroad company shall lay down any rail or rails, or railroad track or tracks, or shall alter the grade or location of any rail or rails, or railroad track or tracks, in, across, or along any street in the cities of Washington or Georgetown except when directed and required by the board of public works to alter the grade or location thereof, without having first given twenty days' notice to the board of public works of the desire and intention of the said railroad company to lay down or alter the grade or location

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of such rail or rails, railroad track or tracks, except when replacing a worn or broken rail, under the penalty of $50 for each and every violation of any of the provisions of the section, to be forfeited and paid by the said company, or the person or persons laying or altering the same, severally and respectively.

SEC. 5. *And be it further enacted*, That that portion of the street lying or being between the rails or tracks and 2 feet from the outside rail or track of any railroad company shall be paved in the same manner as the rest of the street or avenue in which such rails or tracks may be laid.

SEC. 6. *And be it further enacted*, That rail or rails, track or tracks, of said companies shall be laid as shall least obstruct the free passage of vehicles and carriages over the same, and the upper surface of the rails shall be laid flush with the surface of the streets, and shall conform to the grades thereof as now established, or as they shall from time to time be re-established or altered, the same to be done at the expense of the said companies; and in all streets or parts of streets which are not paved the rails shall be so laid in such manner as shall least interfere with the public travel thereon, and as shall be authorized and approved by the District government engineer. The railroad companies or their agents shall be required to keep the surface of the streets inside of the rails in good order and repair, and all snow, ice, dirt, and filth cleaned and removed from such portions of the street at the expense of said companies and in such manner as not to obstruct travel in any part of the street, under the penalty of $50 for each and every violation of any of the provisions of this section, to be forfeited and paid by the said company or the person or persons so violating.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Board of Public Works to notify said railroad companies to lower or raise the rail or rails, or their track or tracks, as the case may require, in accordance with the sixth section of this act; and in case of a failure of said railroad companies to comply with the terms thereof within ten days after said notice, which shall be in writing, then it shall and may be lawful for the Board of Public Works to take up and relay and repair said railroad track or tracks, and assess and collect the same from said neglecting company or companies.

SEC. 8. *And be it further enacted*, That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed. (Approved August 23, 1871; Acts first legislative assembly, chap. 73, p. 107.)

BALTIMORE AND POTOMAC RAILROAD COMPANY.

AN ACT granting certain privileges to the Baltimore and Potomac Railroad Company.

Be it enacted by the legislative assembly of the District of Columbia, That the Baltimore and Potomac Railroad Company be, and are hereby, authorized and empowered to lay a temporary railroad track, to remain for one year after the passage of this act and no longer, from a point on Virginia avenue, in the city of Washington, to and along First street west to the Baltimore and Ohio Railroad Company, and use and occupy the same for railroad purposes; the rails to be of the same pattern as those used by the horse railroad companies; and the said

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Baltimore and Potomac Railroad Company shall keep the street in repair between the rails and two feet each side of the same: *Provided*, That the said Baltimore and Potomac Railroad Company shall not transfer this franchise to any other person or company: *And provided further*, That the legislature of the District of Columbia reserve the right to repeal or amend this act at its pleasure.

Approved January 13, 1872; First legislative assembly, special session, II, chap. 12, p. 278.)

AN ACT to confirm the Action of the Board of Aldermen and Common Council of the City of Washington, designating a Depot Site for the Baltimore and Potomac Railroad Company, and for other Purposes. May 21, 1872.

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 shall have the right to extend its track from Virginia avenue along Sixth street to the open grounds between Sixth street and B street north and the canal, described as follows: Beginning at the southwest corner of Sixth street and B street north, running west one hundred and fifty feet along B street; thence south eight hundred and two feet to the present line of the canal; thence east one hundred and fifty feet to the line of Sixth street; thence north by line of Sixth street to the place of beginning; and the said company shall, so far as the United States can so provide, have the right to hold, use, and occupy the said grounds for the purpose of constructing thereon a passenger-depot, to be used by the said company for passenger and express-freight traffic, and for no other purposes; and the said property so occupied by said company, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia, and to be used exclusively for the support of the public schools in said district; and the said company shall lay no more than two tracks along said Sixth street, and as near as practicable in the centre of said street, and as close together as practicable for the traffic and trains to pass over them. The rails used for that purpose shall be constructed as flat rails, like those used by street-railways, so as to facilitate wagon and carriage travel over the same, and the tracks and the space between the same shall be kept paved with some suitable material by said company, and it shall also pave, with proper material, at least two feet outside of said track; and upon the opening of a carriage-road through the public reservation and crossing Sixth street, the said company shall be, and is hereby, required to construct, at its own cost and expense, a handsome iron bridge of ample width and height to enable small carriages to pass over the said street freely and without danger, in such manner and at such place as the officers or other persons charged with the duty of opening the reservations or connecting the same as a public park shall direct; and the said

Baltimore and Potomac R. R. Co. may extend its track in Washington city;

may use grounds for a passenger, &c., depot.

Tax, and how applied.

Tracks.

Rails.

Bridge over Sixth street, when, &c.

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Grade. company shall then adapt the grade of said tracks to that which at any time may be determined upon by the board of public works, or other authority having the control of grades of said Sixth street. Such changes of grade, however, shall not be made as will practically interfere with or destroy the use of said depot by the regular trains of said company: *Provided*, That the said company shall pay the owners of private property along the line of Sixth street, north of Virginia avenue by which the said railroad passes, any damage which the said property may sustain by reason of the laying of its tracks along the said Sixth street, and the said damages, if any, shall be ascertained in manner and form as provided by the act of Congress approved February fifth, eighteen hundred and sixty-seven, entitled "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," it being understood that the question of damages herein referred to shall be confined to the question of appreciation and depreciation of the value of the property situated along said street: *And provided also*, That the said railroad shall pay all damages for which the city of Washington, or the District of Columbia, or the United States may be liable to private parties now occupying the site herein described and growing out of their being required to remove their property from the same and surrender their right of occupancy, and shall obtain possession at their own cost: *And provided further*, That while trains are moving to and from Virginia avenue, along Sixth street and said depot, the said railroad company shall keep flagmen at the several street-crossings to warn people of danger; and all provisions of the board of aldermen and common council of the city of Washington not inconsistent herewith are hereby ratified: *Provided further*, That the act of Congress approved March third, eighteen hundred and seventy-one, granting a site for a passenger-depot to said railroad company upon Virginia avenue is hereby repealed, to take effect when said company obtains possession of the depot property on Sixth street, as described in this act; and no passenger or other depot shall be constructed by said company on said site: *And provided further*, That the United States by act of Congress, shall have the right to repeal or modify the provisions of this act: *And provided further*, That the tracks of said company shall turn out of Sixth street and enter the said depot with suitable curvature at the south end thereof; and the said depot shall not extend beyond B street north, nor shall the tracks ever extend beyond said B street north.

Damages to owners of private property;

1867, ch. 29, § 2. Vol. xiv, p. 387.

to individuals.

Flagmen at street-crossings, when, &c.

City regulations ratified.

Repeal of former act granting a site for a passenger depot. 1871, ch. 137. Vol. xvi, p. 585. This act may be repealed.

Proviso as to tracks and depot.

Approved, May 21, 1872.

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PIEDMONT AND POTOMAC RAILROAD COMPANY.

AN ACT giving the Assent of Congress to the Subscription of the District of Columbia to the Stock of the Piedmont and Potomac Railroad Company. May 23, 1872.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislative assembly of the District of Columbia entitled "An act to authorize a subscription to the stock of the Piedmont and Potomac Railroad Company upon certain conditions" be, and the same is hereby, approved and sanctioned: *Provided*, That before any part of the said subscription shall be paid the governor and the board of public works, acting separately, shall be satisfied that said railroad will be completed and used to a point on the Potomac river opposite the city of Washington or Georgetown by the aid of said subscription: *And provided*, That no part of the said subscription by said district shall be paid until one million dollars shall have been subscribed by private parties and shall have been actually paid in cash and expended in the construction of the road: *And provided further*, That the said Piedmont and Potomac Railroad Company shall enter into bonds in the sum of eight hundred thousand dollars, with good and sufficient individual sureties, to be approved by the governor of the District of Columbia and Secretary of the Treasury of the United States, conditioned for the repayment, with interest, of the money subscribed to the capital stock of the said company by the said district, if the said company shall fail to complete the said road for the running of cars within three years from the acceptance of the six hundred thousand dollars to be subscribed by the said district; and no part of such subscription shall be paid until such bond be given, approved, and filed in the office of the secretary of the District of Columbia: *And provided further*, That the tax levied by authority of this said act shall not exceed thirty-six thousand dollars for interest in any one year: *And provided also*, That no bonds to raise the funds that may be required to pay the said subscription shall be disposed of by said district at less than par.

Act authorizing the District of Columbia to subscribe to stock of the Piedmont and Potomac R. R. Co., approved.

Conditions of subscription to the stock.

Approved, May 23, 1872.

ORANGE, ALEXANDRIA AND MANASSAS RAILROAD COMPANY.

AN ACT to authorize the Orange, Alexandria and Manassas Railroad Company to run Trains and transport Freight and Passengers within the District of Columbia. June 8, 1872.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Orange, Alexandria, and Manassas Railroad Company, a corporation chartered under the laws of the State of Virginia, to exercise its functions

The Orange, &c., R. R. Co., may carry passengers and freight in the District of Columbia.

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as a common carrier, and transport passengers and freight within the District of Columbia, and for this purpose shall have authority to run locomotives and trains upon and over the bridge which has been constructed by the Baltimore and Potomac Railroad Company across the Potomac river at the western terminus of Maryland avenue, in the city of Washington, upon the terms and conditions prescribed in the act of Congress granting to said Baltimore and Potomac Railroad Company the privilege to construct and operate said bridge; and the said Orange, Alexandria, and Manassas Railroad Company may put down a single track along Maryland avenue from its western terminus to its intersection with the Washington canal, now in process of being filled up, and thence by a curve southwardly along the ground heretofore occupied by the said canal to the intersection of D or E streets south, as may be determined by the engineer in charge of the public buildings and grounds, and thence along one of said streets by a tunnel under the public grounds east of the Capitol building, upon such route and in such manner as the said engineer may prescribe, to Second or Third street east; thence along said Second or Third street to the line of the Baltimore and Ohio railroad; and the track of said railroad company, except so much thereof as is laid in the said tunnel or its approaches, shall conform to the grade of the streets occupied as above, as shall be prescribed by the board of public works; and any damage caused to the property of individuals by the construction of said railroad shall be paid by said Orange, Alexandria, and Manassas Railroad Company: *Provided*, That the said Orange, Alexandria, and Manassas Railroad Company shall pay to the District of Columbia one-half of the cost of arching the Washington canal from Maryland avenue to the street on which the said railroad track enters the tunnel aforesaid: *And provided further*, That nothing herein contained shall be construed to grant to said company the right to establish a depot along said avenue or streets until consent for the same has first been obtained from the legislative assembly of the District of Columbia.

The Orange, &c., R. R. Co., may run trains over bridge of the Baltimore, &c., R. R. Co.

may lay track in Maryland avenue, &c.;

tunnel;

to conform to grade of streets.

Damages.

One-half of certain cost to be paid.

Right to establish a depot on, &c., not given.

Congress may regulate passenger fares and freight charges.

SEC. 2. That Congress shall have the right to regulate the rates of fare collected by said company from passengers, and the rates of charge for the transportation of freight per ton per mile for all freight passing into the District of Columbia on said railroad shall be not more than the rates charged per ton per mile on that part of the said Orange, Alexandria, and Manassas railroad not in the said District; and that all property owned by said company within said District shall be subject to taxation by the proper municipal authority, and Washington city shall be considered as a terminal point, and entitled to all the privileges and facilities of any other terminal points on said road.

Property of the road in Washington to be taxed.

Other railroads may use the tunnel.

SEC. 3. That said railroad company shall give to other railroad companies connecting therewith the right to pass

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through and use said tunnel, on such reasonable terms as may be agreed upon between the respective parties or Congress prescribe.

SEC. 4. That this act may be at any time amended or repealed by Congress. Act may be altered, &c.

Approved, June 8, 1872.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

AN ACT to authorize the Washington City and Point Lookout Railroad Company to extend a Railroad into and within the District of Columbia. Jan. 22, 1873.

Preamble.

Whereas it is represented to this present Congress that the Washington City and Point Lookout Railroad Company, organized on the twenty-fourth day of February, eighteen hundred and seventy-two, under the provisions of an act of the general assembly of the State of Maryland entitled "An act to provide for the creation and regulation of incorporated companies in the State of Maryland," approved April fourth, eighteen hundred and seventy, desire to extend their railroad into and within the District of Columbia: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington City and Point Lookout Railroad Company shall be, and they are hereby, authorized and empowered to extend their railroad into and within the District of Columbia, to a point on the Eastern Branch of the Potomac river between the Potomac river and the point where the Baltimore and Potomac railroad crosses the said Eastern Branch; and a branch from the main stem of said railroad to a point at or near the southern terminus of the southeastern boundary line between the District of Columbia and the State of Maryland; and the said Washington City and Point Lookout Railroad Company are hereby authorized to exercise the same powers, rights, and privileges, and be subject to the same restrictions in the extension and construction of their said railroad into and within the said District as they may exercise or are subject to under the said act of the general assembly of Maryland, approved April fourth, eighteen hundred and seventy, in the construction and operation of their railroad within the State of Maryland; and shall be entitled to the same rights, compensation, benefits, and immunities in the use of said road, and in regard thereto, as are provided in said act of the general assembly of Maryland, it being expressly understood that the said Washington City and Point Lookout Railroad Company shall have power to construct only one railroad within the said District, and also the said branch road.

Washington City, &c., Railroad Company may extend its road into the District of Columbia.

Branch.

Powers, &c., of the corporation in the District.

Limitation.

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Right of way and materials for construction of road may be obtained by assent of owner.

SEC. 2. That before the Washington City and Point Lookout 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, or 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 said 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 shall approve, or because of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving such assent,

Proceedings where owners of the land do not assent, or are absent from the District.

then it shall be lawful for the said company to apply to a judge of the supreme court of the District of Columbia, 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

Inquisition to value the damages;

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 tenth section of the said act of the general assembly of Maryland, approved April fourth, eighteen hundred and seventy, and all other proceedings in regard to such jury, and the estimation 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 their railroad within the said District, as hereby authorized, shall, in every case and every respect, be the same as is provided in and by the before-mentioned act of the general assembly of the State of Maryland, in regard to any railroad to be constructed by the Washington City and Point Look-

to be returned to what court.

out Railroad Company, in the State of Maryland: *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 said court at its next session, if not sufficient cause to the contrary be shown, the inquisition or 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

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under the act of the general assembly of Maryland aforesaid.

Right of appeal by either party.

SEC. 3. That in all cases where a condemnation and valuation of lands or materials shall have been made under section two of this act, either party may appeal to the supreme court of the District of Columbia within thirty days from the rendition of the verdict of the jury; and in all cases where the said company shall take an appeal they shall give bond to the party or parties claiming and entitled to damages in a penalty at least double the sum found by the jury, with a condition that the said company shall pay, or cause to be paid, such amount of damages and costs as the party or parties may be entitled to receive on the judgment of the said supreme court, without delay, and on which bond ample and sufficient sureties shall be given, to be approved by the said supreme court.

Company appealing to give bond.

Crossing, &c., of streets, &c., by the railroad.

SEC. 4. That whenever the said company, in the construction of their railroad 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 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 individual within the said District, it shall be the duty of said company to provide for such individual wagon-ways across the said railroad as may be necessary and proper, from one part of his land to another; but nothing herein contained shall be so construed as to authorize the said company to enter upon any lot or square, or part thereof, owned by the United States, within the limits of the cities of Washington or Georgetown, for the purpose of locating or constructing the said railroad, or for the purpose of excavating the same, or taking therefrom any materials, or for any other purposes and uses whatsoever; but the said company, in passing into said cities of Washington or Georgetown, shall pass along or through or across such street or streets or alleys as may be hereafter allowed by the Congress of the United States, upon presentation of survey and map of proposed location of said road; and the said Washington City and Point Lookout Railroad Company may connect within said District with any railroad or canal company chartered, or hereafter to be chartered, by such route or routes within said District as may be hereafter determined by Congress, and upon such terms as may be agreed upon by the said companies respectively, or as may be prescribed by Congress.

Wagon-ways for individuals.

No lot owned by the United States, within, &c., to be taken.

Route of road in Washington and Georgetown.

Company may connect with other railroad, &c., company.

Charges for tolls and transportation;

SEC. 5. That the said Washington City and Point Lookout Railroad Company may charge and receive for tolls and transportation on all that part of said road within the District of Columbia, a rate not to exceed five cents per ton per mile; and the said company may charge and receive for taking up and setting down any passenger or traveller

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may be regulated by Congress.

within said District conveyed a shorter distance than four miles a sum not exceeding twelve cents; and Congress reserves the power to further regulate the cost of transportation of persons and freight over said road within said District.

Conveyance of the mail, and service for the United States.

SEC. 6. And the said company are also hereby authorized and 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 shall be constructed by the said company, on such terms as shall be approved of by the competent officer or authority, and to receive such compensation so agreed for according to the terms of such contract.

Road when to be commenced and completed.

SEC. 7. That unless the said company shall commence the construction of said 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 hereby granted shall cease and determine.

Similar privileges to other companies.

And the Congress of the United States shall have authority at any time hereafter to grant similar privileges as are herein granted to any other company incorporated or to be incorporated by the State of Maryland, or by Congress, or to enact such rules and regulations prescribing the speed of cars 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 of Columbia, in such manner as the present or any future Congress may deem expedient: *Provided*, That Congress shall have power to alter, amend, or repeal this act.

Act may be altered.

Approved, January 22, 1873.

RUNNING OF RAILROAD TRAINS AND ENGINES ON STREETS AND AVENUES OF CITY.

Approved June 26, 1873.

AN ACT To regulate the running of railroad trains and engines on the streets and avenues of the city of Washington.

Be it enacted by the legislative assembly of the District of Columbia, That from and after the passage of this act it shall be unlawful for any of the railroad companies passing into the limits of the city of Washington with their engines to ring the bells of said engines or cause the blowing of steam whistles, either at the crossings or in the lines of any of the streets or avenues, or inside the limits of said city.

Ringing of bells and blowing of whistles prohibited.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Baltimore and Potomac Railroad Company, for the safety of the public, to erect, or cause to be erected, on the Long Bridge, across the Potomac River, between its track and the public carriageway of said bridge, a close fence, which shall not be less than fourteen feet in height above said carriageway.

Fence on Long Bridge.

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Obstruction of streets by unloading freight, etc., prohibited.

SEC. 3. *And be it further enacted*, That it shall be unlawful for any railroad company running its tracks through any of the streets or avenues of the city of Washington to obstruct any of the said streets or avenues by depositing lumber, ties, or other materials used in the construction of railroads, or to unload other freight or merchandise of whatever nature or description, in any of such streets or avenues at any point in said city other than the regular stations established for such purposes.

Tracks to be fenced.

SEC. 4. *And be it further enacted*, That the Baltimore and Potomac Railroad Company and the Alexandria and Washington Railroad Company shall have, or cause to be erected, a substantial iron or paling fence, not less than five feet high, along each side of their track or tracks within the city of Washington, from their depot or depots at the corner of Sixth and B streets northwest, along Sixth street to Virginia avenue, along Virginia avenue to Third street southwest, and also from the intersection of Sixth street and Maryland avenue along Maryland avenue to Ninth street southwest, with sliding gates at each street crossing, to be closed while trains or locomotives are passing: *Provided*, That no part of said enclosed space shall be used for the purpose of parking cars or the depositing of goods or materials of any kind.

Proviso.

Penalty.

SEC. 5. *And be it further enacted*, That whenever any railroad company violates any section of this act, a fine of not less than one hundred or more than two hundred dollars shall be imposed and collected as all other fines for violation of the ordinances of the District of Columbia, and that all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

Approved June 26, 1873. (Laws of 3d session, p. 125.)

BALTIMORE AND OHIO RAILROAD COMPANY.

June 19, 1874.

AN ACT to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes.

Baltimore and Ohio Railroad Company may construct a branch road in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct a lateral road, from any point on its Washington branch one and a half miles north of Boundary street, (into the county of Washington, in the District of Columbia) to intersect the Metropolitan branch thereof at any point one mile north of Boundary street, in said county and district, the whole of said branch road being outside of the city of Washington: *Provided*, That such work shall be completed within two years after the passage of this act. The said line shall avoid all Government property. The points of intersection as well as said lateral branch to be approved by the Engineer of Public Buildings and Grounds.

To be completed within two years.

Line to avoid Government property.

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Location to be approved by, &c.

Application of certain other acts.

1831, ch. 85, vol. v, p. 476.

1866, ch. 251, vol. xiv, p. 250.

SEC. 2. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March second, eighteen hundred and thirty-one, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Road into and within the District of Columbia," and the supplements thereto, shall apply, and they are hereby, declared to apply, as far as they are applicable and in conformity to the provisions of this act, to the location, construction, and use by said company of the roads hereby authorized to be constructed. This act may be altered, amended, or repealed.

Act may be altered, amended, or repealed.

Approved, June 19, 1874.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

June 23, 1874.

1873, ch. 46, vol. xvii, p 413.

AN ACT supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington City and Point Lookout Railroad Company may enter the city of Georgetown with their railroad, and may construct the same within the limits of said city on and by the following route: Beginning at a point on the northeastern boundary line of the District of Columbia; thence to the mouth of Piney Branch of Rock Creek, by a route north of the Soldiers Home, and avoiding any property of the United States; thence by way of Rock Creek to a point near its mouth; thence by way of Water street in Georgetown to a point near the northeastern terminus of the Aqueduct Bridge, in said city; thence along the Potomac River to the northwestern boundary of the District of Columbia, so as to connect with the Washington and Ohio Railroad, with authority to construct a bridge across the Potomac River above navigation, upon plans and specifications to be first approved in writing by the Secretary of War; and also to construct a branch railroad outside of the limits of the city of Washington to connect its road with the Washington branch of the Baltimore and Ohio Railroad; *Provided*, That the location of said route herein defined shall be subject to the approval of the engineer in charge of public buildings and grounds: *And provided further* that nothing in this act shall be so construed as to permit or authorize the Washington City and Point Lookout Railroad Company to enter upon or use any property owned or controlled, or in any

Washington City and Point Lookout Railroad Company may enter and construct road within city of Georgetown.

Route.

Bridge across the Potomac River.

Branch to connect with Washington branch of Baltimore and Ohio Railroad.

Location of route to be approved by engineer in charge of public buildings and grounds.

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manner to interfere with any right or privilege heretofore granted to the Chesapeake and Ohio Canal Company by their charters, or amendments thereto, without the consent of said Chesapeake and Ohio Canal Company and its lessees is first had and obtained: *And provided further*, that said Washington City and Point Lookout Railroad Company shall establish a depot at some point in Georgetown on Water street, between Rock Creek and the Aqueduct Bridge; *And provided further* that said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek in the valley of said creek, passing west of the P-street bridge; by a tunnel through the hill west of said P-street bridge; and said road-crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Not to interfere with property or rights of the Chesapeake and Ohio Canal Company.

Depot to be established in Georgetown.

Railroad in county of Washington to cross public roads by overgrade or undergrade, &c.

Tunnel west of P-street bridge.

Plans and specifications to be approved.

SEC. 2. That the Baltimore and Ohio Railroad Company shall have the right to use the tracks of said Washington City and Point Lookout Railroad Company to be laid under the provisions of this act, from the intersection of the same with the Metropolitan branch of the Baltimore and Ohio Rrilroad Company to the city of Georgetown upon such reasonable terms as may be agreed upon or Congress prescribe.

Baltimore and Ohio Railroad Company to have use of tracks between certain points.

SEC. 3. This act may be altered, amended, or repealed at any time, and all rights and privileges herein conveyed to said Company shall cease and determine unless the said Company complete its road hereby authorized to Georgetown with at least one track within three years from the passage of this act.

Act may be altered, amended, or repealed.

Rights to cease unless road built within three years.

Approved, June 23, 1874.

UNION RAILROAD STATION.

Feb. 23, 1881.

Union Railroad Depot, city of Washington.

AN ACT to authorize the Commissioners of the District of Columbia to recommend a proper site for a Union Railroad Depot in the city of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to recommend a suitable site for a Union Railroad Depot for all the railroad companies whose tracks enter or terminate in said city, having due regard, as well to the interests of the residents and property owners of the District of Columbia as to the chartered rights and pecuniary investments of the railroad companies to be affected by the action of Congress in the

Commissioners of the District of Columbia to select and recommend site for, and report to Congress.

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premises; but if, in the judgment of the said Commissioners, it is better, for the interest of all parties concerned, that two depots should be established, the one on the northern and the other on the southern side of the city of Washington, then to make selection of the two sites for the respective depots, and to report their action in the premises, with proper plats, to Congress, during the present session; but if that is not practicable, then to report on the first Monday of December, eighteen hundred and eighty-one, with a bill containing such further provisions as they may deem best calculated to secure the use by said railroad companies of said union depot if so selected; or in case of the selection of the two depots aforesaid, to secure the use of the northern depot by the company or companies whose road or roads enter the city of Washington nearest to said northern depot, and the use of the southern depot by the company or companies whose road or roads enter the said city nearest to said southern depot, and to compel the vacation of all other depots and the removal of all tracks not necessary for use in reaching the depot or depots intended to be established under the provisions of this act: *Provided*, That such union depot or the two depots herein referred to, whichever may be selected, shall be provided by said railroad companies free from expense to the United States or the District of Columbia.

Proviso.

Approved, February 23, 1881.

SOUTHERN MARYLAND RAILROAD COMPANY.

June 27, 1882. AN ACT to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia.

Southern Maryland Railroad Company to extend road into and within the District of Columbia.

Whereas, It is represented to this present Congress that the Southern Maryland Railroad Company, organized under the provisions of the act of the general assembly of the State of Maryland, entitled, "An act to incorporate the Southern Maryland Railroad Company," approved March twentieth, eighteen hundred and sixty-eight, desire to extend their railroad into and within 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 Southern Maryland Railroad Company shall be, and they are hereby authorized and empowered to extend their railroad into and within the District of Columbia, by and over the route or routes and from and to the terminal point or points following, that is to say: Entering the said District near its northeastern angle and proceeding thence in a northwestwardly direction across the Baltimore and Potomac Railroad near Benning's Station, on that road, and across the eastern branch of the Potomac River about one thousand feet above and north of Benning's Bridge, and running thence southward of Mount Olivet Cemetery

Description of route.

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across the Washington Branch of the Baltimore and Ohio Railroad near the southern angle of the National Fair Grounds, and thence across the old Bladensburg road at the head of the National Fair Grounds Valley, and thence to a junction with the Metropolitan Branch of the Baltimore and Ohio Railroad at or near the two mile post on said metropolitan Branch of said railroad, which said point of junction shall be the northern terminus of said Southern Maryland Railroad. And the said Southern Maryland Railroad Company are hereby authorized to exercise the same powers, rights, and privileges, and are subject to the same restrictions, in the extension and construction of their said railroad into and within the said District, as may be now exercised by railroad companies organized under the general laws in force for the incorporation of railroad companies in the District of Columbia, it being expressly understood that the Southern Maryland Railroad Company shall have power to construct a railroad within the said District only along the routes and from and to the terminal points hereinbefore indicated.

Powers, rights, and privileges.

SEC. 2.—That nothing herein contained shall be so construed as to authorize the said company to enter upon and take any cemetery, or any part of the property known as the Soldiers' Home, or any lot or square, or part thereof, owned by the United States, for the purpose of locating or constructing said railroad, or for the purpose of excavating the same or taking therefrom any materials, or for any other purposes or uses whatsoever; and the said Southern Maryland Railroad may connect within said District with any railroad or canal company chartered or hereafter to be chartered, by such route or routes within said District as have been or as may be hereafter determined by Congress, and upon such terms as may be agreed upon by the said companies respectively. In crossing the track of any other railroad, said Southern Maryland Railroad Company shall construct its road either above or below the grade of said road.

Cemeteries, the Soldiers' Home, or any property of the United States to be exempt.

Railroad connections.

Grade in crossing other roads.

SEC. 3.—That the said Southern Maryland Railroad Company may charge and receive for tolls and transportation of freights on the part of said railroad within the District of Columbia the same rates that it shall charge and receive therefor on the part of said road without the said District, and the same rate of passenger fare may be established for distances along said road within the said District as shall be established for like distances along said road without said District. That Congress reserves the right to regulate the rates of passengers and freights on said railroad.

Tolls, etc., for freights.

SEC. 4.—That unless the said company shall commence the construction of said railroad within one year, and shall complete the same, with at least one set of tracks, within two years from the passage of this act, then this act and all rights and privileges hereby granted shall cease and determine.

To commence work in one year, and complete road in two years from passage of act.

Approved, June 27, 1882.

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RAILROADS TO PAY FOR STREET LIGHTING.

[Extract from District of Columbia appropriation act approved March 3, 1883 (22 Stat. L., p. 466).]

"And hereafter all railroad companies using engines propelled by steam shall pay to the District for the lighting of the streets, avenues, alleys, and grounds through which their tracks may be laid, under the direction and control of the Commissioners; and in case of default of payment of such bills, actions at law may be maintained by the District of Columbia against said railroad companies therefor."

BALTIMORE AND POTOMAC RAILROAD COMPANY.

August 13, 1888. AN ACT to authorize the Baltimore and Potomac Railroad Company to extend a side track into square number ten hundred and twenty-five, in the city of Washington.

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 is hereby granted permission to extend a side track from the main line of its track, in the city of Washington, into square number ten hundred and twenty-five, between Twelfth and Thirteenth streets and M and N streets southeast, under such conditions and regulations as may be imposed by the Commissioners of the District of Columbia for the protection of the public in the use of streets affected and otherwise.

Baltimore and Potomac Railroad Company may lay track into square 1025, Washington, D.C.

Amendment.

SEC. 2. The right of Congress to amend, alter or repeal the franchises herein granted are hereby expressly reserved.

Approved, August 13, 1888.

RICHMOND AND DANVILLE RAILROAD COMPANY.

August 27, 1888. AN ACT authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Richmond and Danville Railroad Company, a corporation created by and existing under the laws of the State of Virginia, to run and operate steam locomotives and trains of cars for the transportation of passengers and freight within the District of Columbia as hereinafter provided; and the said Richmond and Danville Railroad Company may put down, construct, and use one or more tracks along Maryland avenue, in the city of

District of Columbia.

Richmond and Danville Railroad Company may lay tracks in.

Location.

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Washington, from its western terminus to and across Thirteenth and one-half street to block two hundred and sixty-nine, and thence obliquely through said block and over and across E and Thirteenth streets to block three hundred, and it shall be lawful for said Richmond and Danville Railroad Company to put down, construct, and use one or more tracks from said block two hundred and sixty-nine over and across said Thirteenth street to block two hundred and ninety-nine, and to establish and erect depot or station buildings upon either or any of the before-mentioned blocks: *Provided*, That any injury or damage caused to property of individuals by the construction of said tracks or depot buildings shall be paid by the said Richmond and Danville Railroad Company: *And provided further*, That all property owned and held by said railroad company within the District of Columbia shall be subject to taxation.

Station, etc.

Provisos. Damages.

Taxation.

SEC. 2. That it shall be lawful for said Richmond and Danville Railroad Company to hold, use, occupy, and convey any real estate heretofore purchased or which may hereafter be purchased by it for corporate uses and purposes.

Use, etc., of real estate.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act or any part thereof at any time.

Amendment.

Approved, August 27, 1888.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

AN ACT to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

September 26, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Anthony Hyde, William A. Gordon, Robert B. Tenney, Henry H. Dodge, Morris J. Adler, Edward L. Dent, John A. Baker, John Marbury, and Henry M. Sweeny, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown Barge, Dock, Elevator, and Railway Company, with authority to build and maintain a dock or docks on the Potomac River west of Rock Creek, and to receive therein, and send therefrom, barges, vessels, cargoes, and railway cars, from and to any points on the Potomac River and its tributaries and coastwise; and to construct and maintain single or double track railways in the city of Georgetown or West Washington, District of Columbia, through and along Water street, beginning at a point on the west side of the Aqueduct Bridge, through and along said Water street, under said bridge to the eastern terminus of said Water street at Rock Creek, with the privilege of extending its tracks from the intersection of Water street and Washington or Thirtieth street along Washington or Thirtieth street to

Georgetown Barge, Dock, Elevator, and Railway Company incorporated.

Incorporators.

Docks.

Railway.

Location.

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the Potomac River, and from the intersection of Virginia avenue and Washington or Thirtieth street along Virginia avenue to Rock Creek, with sidings, turn-outs, turn-tables, and switches necessary for the delivery of cars to warehouses and depots along said streets; and also to construct and maintain warehouses, depots, and elevators in said city of Georgetown or West Washington, with the right to receive and dispatch boats and freight of all kinds, and to run cars on said tracks, sidings, switches, turn-outs, and turn-tables, propelled by steam, horse, or electric power; and to charge and receive for the use of the docks, railway, warehouses, depots, elevators, and barges of said company, such rates as may be fixed by the directors, with the approval of the Commissioners of the District: *Provided*, That when said lines coincide with the duly authorized lines of any duly incorporated street railway of the District of Columbia, said company shall lay separate and independent tracks in the original construction of the said lines whenever, in the judgment of the Commissioners of the District of Columbia, it shall be deemed by them possible and practicable so to do. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks, when, on account of the width of the streets, or for other sufficient reason, it shall be deemed by the Commissioners of the District to be necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said company fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. 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, laid upon an even surface with the pavement of the street, with the gauge to correspond with that of the Baltimore and Ohio and Baltimore and Potomac Railroad Companies, all to be approved by the Commissioners of the District of Columbia. The tracks 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 well paved and 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, the repairs shall be made by the 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 steam, horse, or electric

Elevators, etc.

Charges.

Proviso.

Tracks coinciding with other lines.

Terms for use of other lines.

Construction.

Repairs to pavement.

Motive power.

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power. 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 operation of a steam, horse, or electric motor railroad. The main line of said road shall be completed within two years from the passage of this act; and if work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void.

Commencement and completion.

SEC. 2. That the capital stock of said company shall not exceed fifty thousand dollars and be not less than twenty-five thousand dollars, in shares of fifty dollars each; but if said company shall find it necessary to purchase or construct barges and tug-boats then the said company shall have the right to issue additional stock or bonds, not exceeding fifty thousand dollars: *Provided, however*, That no bonds shall be issued hereunder until at least fifty per centum of the capital stock shall have been actually paid into the treasury of the company upon stock subscriptions, and that no bonds shall be issued for a greater sum than the sum actually paid into the treasury of the company upon stock subscriptions. And 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 five per centum each thirty days thereafter until fifty per centum thereof shall have been paid; the balance of such subscriptions 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 the 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 installment as aforesaid, or 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 stock as shall pay said installment (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 buy, lease, construct, and maintain 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 company may require: *Provided*, That within thirty

Capital stock.

Provisos. Bonds.

Terms of subscription.

Delinquent stockholders.

Organization.

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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 five o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the stock shall be sooner subscribed; and said corporators shall give public notice, by advertisement in two of 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 and the additional installments hereinbefore provided for, except lawful money or certified checks from any national bank; 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 twenty 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 five days in two daily newspapers published in the city of Washington; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

First installment on stock.

Payments to be in cash.

Board of directors.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the directors (a majority of whom shall be a quorum) shall elect one of their number to be President of the board, who shall be president of the company; and they also shall choose a vice-president, a secretary, and a treasurer, who 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 shall be filled by the remaining directors. 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, not contrary to the charter or

By-laws, etc.

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to the laws of the United States and the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for election 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. If any person or persons shall willfully, mischievously, or unnecessarily obstruct or impede the passage of the cars, engines, or barges of said company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with operatives while in transit, or destroy or injure the tracks, barges, cars, or other property belonging to said company, 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 of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. That the Commissioners of the District shall make such reasonable regulations as may be deemed proper to prevent the said railroad company from obstructing any of the streets the tracks of said company may cross, and for the violation of said regulations the said company shall be subject to a penalty not exceeding one hundred dollars, to be recovered in any court of competent jurisdiction. The principal offices of said company shall always be situated in the city of Washington, 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.

Elections.

Penalty for obstructions, etc.

Regulations by District Commissioners.

Principal offices.

SEC. 4. That each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to the amount of the par value of the stock held by such stockholder, until the same shall have been fully paid up.

Liability of stockholders.

SEC. 5. That the said 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 the company, and if 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, five per centum of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be

Annual report.

Taxes.

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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, 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, including its docks and barges, cars, and motive power, 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.

Proviso.

Tracks.

Water front to be unobstructed.

SEC. 6. That the water front at the end of all public streets and highways shall be and remain open to the use of the public.

Amendment.

SEC. 7. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, September 26, 1888.

WASHINGTON AND SANDY SPRING NARROW GAUGE RAILROAD COMPANY.

March 2, 1889.

AN ACT to incorporate the Washington and Sandy Spring Narrow Gauge Railroad Company.

Washington and Sandy Spring Narrow Gauge Railroad Company incorporated.

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry M. Baker and A. G. M. Prevost, of the city of Washington, in the District of Columbia, and J. L. Husband, G. G. Kimball, H. Maurice Talbott, O. P. H. Clark, and G. O. B. Cissell, of the State of Maryland, and E. J. Evans, of the State of Virginia, and all such persons as shall or may be associated with them and their successors, are hereby created a body politic and corporate in fact and in law, by the name of the Washington and Sandy Spring Narrow Gauge Railroad Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may make and have a common seal, and the same alter at their pleasure; and said corporation is hereby authorized to lay out, locate, construct, furnish, maintain, operate, and enjoy a continuous railroad and telegraph line with all the necessary appurtenances, namely: Beginning at a point in the city of Washington, District of Columbia, at the intersection of Boundary street and New York avenue and extending parallel with the line of the Metropolitan Branch of the Baltimore and Ohio Railroad to a point at about one mile from said Boundary street; thence leaving the line of the said Baltimore and Ohio Railroad and going in a northeasterly course to the northeastern boundary line of the

Location of line.

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District of Columbia at or near the intersection of the said northeastern boundary line and the Riggs road, as may hereafter be surveyed and agreed on by and between the parties named, or their successors, and the Commissioners of the District of Columbia. That the capital stock of said corporation shall consist of three thousand shares at a par of fifty dollars per share each, which shall in all respects be deemed personal property, and shall be transferable only on the books of the Company to be kept at their principal office. The persons (or their assigns) hereinbefore named, or a majority thereof, shall constitute a quorum for the transaction of business. The first meeting of said incorporators shall be held within twenty days from the passage of this act, in the city of Washington. A notice of said meeting, to be signed by seven of the incorporators named herein, shall be published for not less than fifteen days, in one or more newspapers published in the city of Washington, and no other notice of said meeting shall be required. At the first meeting of said incorporators they shall select seven of their number as a board of commissioners of the Washington and Sandy Spring Narrow Gauge Railroad Company. Said board of commissioners, as soon as practicable after being selected, shall organize by the choice from its members of a president, vice-president, secretary, and treasurer. The said board of commissioners shall cause to be opened books in the city of Washington, and to receive subscriptions to the capital stock of said corporation: *Provided*, That the said board of commissioners shall first give ten day's notice of the opening of books for the subscription to the capital stock of said company; and a cash payment of ten per centum of all subscriptions shall be made at the time of subscribing, and it shall be receipted for by the treasurer of said board of commissioners, who shall be a bonded officer in an amount to be fixed by said board of commissioners; and as soon as an amount equal to two-thirds of the capital stock of said company shall have been subscribed, and five per centum paid in on the same to the treasurer of said board of commissioners then the said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in one newspaper published in the city of Washington, at least five days previous to the day of said meeting; and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot seven directors for said corporation; and at such election each share of said capital stock shall entitle the owner thereof to one vote. The president and the Secretary of the board of commissioners, and in the case of their absence or inability any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary shall

Capital stock.

Meeting of incorporators.

Commissioners.

Subscriptions.

Proviso.

Ten per cent. to be paid on subscribing.

Election of directors.

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then deliver over to said directors all the properties, subscription-books, and other books in their possession, and thereupon the duties of said commissioners shall cease, and thereafter the stockholders shall constitute said body politic and corporate, and said corporation shall be deemed to be completely organized and constituted with all the faculties, rights, and privileges hereby granted.

General powers, etc.

SEC. 2. That the said corporation shall have all the powers, qualities, faculties, rights, and privileges which lawfully belong to corporations generally, so far as the same shall be necessary for the purposes of its incorporation.

Board of directors.

SEC. 3. That there shall be seven directors of said corporation, who shall be a board to transact and manage all the affairs of the corporation and exercise all its powers, subject to the control of the stockholders in general meeting. A majority of the board shall be a quorum. They shall be elected annually by the stockholders in general meeting, and shall hold their offices for one year and until successors shall be elected. They shall be stockholders of the corporation. They shall be elected under regulations and supervision as the board of directors or stockholders shall prescribe after the first election.

President.

SEC. 4. That the board of directors shall elect one of their own number as president of the corporation, and his term of office shall be the same as their own, and he shall exercise such powers as the board of stockholders shall prescribe.

Annual meeting.

SEC. 5. That a general meeting of the stockholders shall be held annually, at such time and place as the by-laws shall prescribe; and a general meeting may also be called at any time and place by the board of directors, at least ten days' notice thereof being given by advertisement in one or more newspapers published in the city of Washington.

Elections.

In all elections, and in the decision of all questions each stockholder shall be entitled to one vote for every share of stock held by him or her. A number of stockholders holding a majority of the shares subscribed, and being in person or represented by proxy, shall be a quorum of a meeting of the stockholders. Stockholders may vote in person or by proxy, and the form of proxies may be prescribed by the by-laws. Less than a quorum of the stockholders may adjourn a meeting from time to time.

Assessments.

SEC. 6. That the board of directors shall have the power to make assessments from time to time on the capital stock until the same shall be paid up; and upon default in the payment of any sum assessed and due upon said stock, the stock may be forfeited and sold for the payment thereof, with interest and expenses, under such regulations as the by-laws shall prescribe, or the corporation may by suit recover the same from the holder of the stock at the time of the assessment thereof.

Authority.

SEC. 7. That said corporation shall have authority to construct, maintain, and work the railroad mentioned in the first section of this act, and such branches or lateral

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railroads from its main line as Congress may hereafter grant authority.

Construction.

SEC. 8. That the said railroad may be constructed with double tracks or single tracks, as the said corporation shall deem proper; and said corporation may construct and maintain all bridges and other structures and works which it shall deem necessary for the purpose of its incorporation; but the land which it shall have the right to acquire for the construction of such road and works shall not exceed an amount to be hereafter agreed on between said corporation and the commissioners of the District of Columbia.

Bonds.

SEC. 9. That said Washington and Sandy Spring Narrow Gauge Railroad Company be, and they are hereby, authorized to issue their bonds to aid in the construction and equipment of its railroad to the extent of sixteen thousand dollars per mile for each and every mile or fraction thereof, and to secure the same mortgage on its property, rights of way, and all property whatsoever, real, personal, and mixed, including its franchise as a corporation; and as proof and notice of its legal execution and effectual delivery said mortgage shall be filed and recorded in the office of the register of deeds for the District of Columbia.

Completion.

SEC. 10. That the railroad herein authorized to be built shall be completed and in operation within three years from March first, eighteen hundred and eighty-nine, and in default of such completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately determine.

Securing lands where consent is refused.

SEC. 11. That if the corporation can not agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, non compos mentis, or out of the District, the said corporation may apply to the marshal of the District of Columbia, and he shall issue his warrant or summons for a jury to meet on the land at a day therein specified, and being not more than ten nor less than five days thereafter.

Summoning jury.

SEC. 12. That the said United States marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend, he may then summon or call others immediately to make up the number of eighteen. Each party have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

Condemnation by jury.

SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner

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will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

Report of inquisition.

Proceedings in court.

SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report, and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property absolutely, or for such estate, interest, or use as shall have been valued and described in the inquisition and report, as fully as the same could be vested in the corporation by a valid conveyance from the owner, and the corporation shall have the right to take away any material so valued.

Amendment etc.

SEC. 15. That Congress reserves to itself the right to alter, amend, or repeal this act.

Approved, March 2, 1889.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

March 2, 1889.

AN ACT to incorporate the Washington and Western Maryland Railroad Company.

Washington and Western Maryland Railroad Company incorporated.

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas Dowling, H. P. Gilbert, Austin Herr, G. S. Dunlop, J. W. Wash, T. L. Cropley, F. A. Miller, of the District of Columbia; L. P. Wright, of the State of Illinois; Frank Hume, of the State of Virginia; R. J. Bright, of the State of Indiana; Spencer Watkins, A. B. Cropley, James Henderson, and S. Gambrill, of the State of Maryland, and all such persons as shall or may be associated with them, and their successors, are hereby created a body politic and corporate in fact and in law by the name of the Washington and Western Maryland Railroad Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may make and have a common seal, and the same alter at their pleasure; and said corporation is hereby authorized to lay

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out, locate, construct, furnish, maintain, operate, and enjoy a continuous railroad and telegraph line, with all the necessary appurtenances, namely, beginning at a point west of the Aqueduct Bridge, thence westerly between the bank of the Chesapeake and Ohio Canal and the Potomac River to the District line at or near the Chain Bridge, as may hereafter be surveyed and agreed on by and between the parties named, or their successors, and the Commissioners of the District of Columbia: *Provided*, That the tracks of said company shall be deemed and taken to be a public highway, and may be freely used for the passage of cars and motive power of any individual or corporation upon making just compensation for such use, and in case any dispute shall arise concerning such compensation or manner of use, any party in interest may apply to the Supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use, and the mode in which such use may be enjoyed.

Location of road.

Proviso. Tracks to be a public highway.

Compensation.

SEC. 2. That the capital stock of said corporation shall consist of two thousand shares, at a par value of fifty dollars per share each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons (or their assigns) hereinbefore named, or a majority thereof, shall constitute a quorum for the transaction of business. The first meeting of said incorporators shall be held within twenty days from the passage of this act, in the city of Washington. A notice of said meeting, to be signed by seven of the incorporators named herein, shall be published for not less than fifteen days in two or more newspapers published in the city of Washington, and no other notice of said meeting shall be required. At the first meeting of said incorporators they shall select seven of their number as a board of commissioners of the Washington and Western Maryland Railroad Company. Said board of commissioners, as soon as practicable after being selected, shall organize by the choice from its members of a president, vice-president, secretary, and treasurer. The said board of commissioners shall cause to be opened books in the city of Washington, and to receive subscriptions to the capital stock of said corporation: *Provided*, That the said board of commissioners shall first give ten days' notice of the opening of books for the subscription to the capital stock of said company; and a cash payment of ten per centum of all subscriptions shall be made at the time of subscribing, and it shall be receipted for by the treasurer of said board of commissioners, who shall be a bonded officer in an amount to be fixed by said board of commissioners; and as soon as all of the capital stock of said company shall have been subscribed, and ten per centum paid in on the same to the treasurer of said board of commissioners, then the said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof

Capital stock.

Preliminary meeting.

Commissioners.

Officers.

Subscriptions to stock.

Proviso. Notice.

Ten per cent to be in cash.

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in two or more newspapers published in the city of Washington, at least five days previous to the day of said meeting; and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot seven directors for said corporation; and at such election each share of said capital stock shall entitle the owner thereof to one vote. The president and the secretary of the board of commissioners, and in the case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the commissioners, treasurer, and secretary shall then deliver over to said directors all the properties, subscription-books, and other books in their possession, and thereupon the duties of said commissioners shall cease, and thereafter the stockholders shall constitute said body politic and corporate, and said corporation shall be deemed to be completely organized and constituted with all the rights and privileges hereby granted.

Election of directors.

Duties of directors.

SEC. 3. That there shall be seven directors of said corporation, who shall be a board to transact and manage all the affairs of the corporation and exercise all its powers, subject to the control of the stockholders in general meeting. A majority of the board shall be a quorum. They shall be elected annually by the stockholders in general meeting, and shall hold their offices for one year and until their successors shall be elected and qualified. They shall be stockholders of the corporation. They shall be elected under such regulations and supervision as the board of directors or stockholders shall prescribe after the first election.

President.

SEC. 4. That the board of directors shall elect one of their own number as president of the corporation, and his term of office shall be the same as their own, and he shall exercise such powers as the board or the stockholders shall prescribe.

Annual meeting.

SEC. 5. That a general meeting of the stockholders shall be held annually, at such time and place as the by-laws shall prescribe; and a general meeting may also be called at any time and place by the board of directors, at least ten days' notice thereof being given by advertisement in two or more newspapers published in the city of Washington. In all elections and in the decision of all questions each stockholder shall be entitled to one vote for every share of stock held by him or her. A number of stockholders holding a majority of the shares subscribed, and being present in person or represented by proxy, shall be a quorum of a meeting of the stockholders. Stockholders may vote in person or by proxy, and the form of proxies may be prescribed by the by-laws. Less than a quorum of stockholders may adjourn a meeting from time to time.

Votes.

Assessments.

SEC. 6. That the board of directors shall have the power to make assessments from time to time on the capital stock

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until the same shall be paid up; and upon default in the payment of any sum assessed and due upon said stock, the stock may be forfeited and sold for the payment thereof, with interest and expenses, under such regulations as the by-laws shall prescribe, or the corporation may by suit recover the same from the holder of the stock at the time of the assessment thereof. And no certificate of stock shall be issued until the par value thereof has been fully paid up.

Construction, etc.

SEC. 7. That the said corporation shall have authority to construct, maintain, and work the railroad mentioned in the first section of this act.

Maximum charges.

SEC. 8. That for transportation on its railroad, or any part thereof, the said corporation shall have a right to charge and collect as toll and transportation charges at rates not exceeding six cents per ton of freight or three cents per passenger for each mile of transportation; but for any distance ten cents may be charged for a passenger and twenty-five cents for any quantity of freight.

Commissioners of District to approve construction.

SEC. 9. That the said railroad may be constructed with double tracks or single tracks, as the said corporation shall deem proper; and as may be approved by the Commissioners of the District of Columbia; and said corporation may construct and maintain along its line, or at the termini of its road, all wharves and other structures and works which shall be necessary for the purpose of its incorporation; but the land which it shall have a right to acquire for the construction of such road and works shall not exceed an to be hereafter agreed on between said corporation and the Commissioners of the District of Columbia.

Wharves.

Bonds.

SEC. 10. That said Washington and Western Maryland Railroad Company be, and it is hereby, authorized to issue its bonds to aid in the construction and equipment of its railroad to the extent of twenty thousand dollars per mile for each and every mile, and to secure the same by mortgage on its property, rights of way, and all property whatsoever, real, personal, and mixed, including its franchise as a corporation; and as proof and notice of its legal execution and effectual delivery said mortgage shall be filed and recorded in the office of the register of deeds for the District of Columbia: *Provided*, That no bonds shall be issued until half of the capital stock of said company is paid up in cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the construction of said road shall be commenced in one year and completed within three years from the passage of this act.

Provisos. Issuance.

Commencement and completion.

Connection, etc.

SEC. 11. That the said corporation shall have authority to make contracts, connections, and arrangements with other railroad companies for the thorough transportation

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of property and passengers, and to make leases, with such connecting railroads.

Procuring right of way. Condemnation proceedings.

SEC. 12. That if the corporation can not agree with the owner for the purchase, use, or occupation of land for the right of way, or land, or gravel, adjacent thereto and required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, non compos mentis, or out of the District, the said corporation may apply to the marshal of the District of Columbia, and he shall issue his warrant or summons for a jury to meet on the land at a day therein specified, and being not more than ten or less than five days thereafter.

Jury of inquest as to value.

SEC. 13. That the said United States marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend, he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be stricken off by the parties until the number shall be reduced to twelve, who shall be a jury.

Assessment of value and damages by jury.

SEC. 14. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage and make report thereof in writing, to be signed by a majority of them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

Confirmation by the court.

SEC. 15. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one, from time to time, to be conducted in like manner as the first and with like effect until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report, and upon payment of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property or such estate, interest, or use as shall have been valued and described in the inquisition and report, for the purposes hereinbefore specified; and the corporation shall

Property to vest in corporation on paying award.

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have the right to take away for its own use any material so valued.

SEC. 16. That Congress reserves to itself the right to alter or repeal this act. Amendment.

Approved, March 2, 1889.

WASHINGTON SOUTHERN RAILROAD COMPANY.

AN ACT granting the right of way through the Arlington Reservation for railroad purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington Southern Railway Company is hereby authorized to construct and thereafter maintain and operate its railroad across the grounds of the United States Government, known as the Arlington Reservation, in the State of Virginia, opposite the city of Washington, and for such purpose said company is hereby granted a right of way thirty-three feet in width, each side of the center line of the adopted line for the Georgetown branch of the Washington Southern Railway through the grounds aforesaid, at the points marked A and B, respectively, as shown on plat filed with the Secretary of War: *Provided*, That said line or route shall be subject to the approval of the Secretary of War, and when said right of way shall cease to be used for the purpose aforesaid, the same shall revert to the United States Government, and said road shall be commenced within one year from the date of the passage of this act and finished within three years: *Provided further*, That before this act shall take effect the Secretary of War shall cause to be assessed the damage, if any, which may accrue to the United States Government by the grant of this right of way, by three officers of the Army, and the amount of such award shall be paid into the Treasury of the United States.

Approved Mar. 3, 1893 (27 Stats., 747).

Wash. So. Ry. Co. granted right of way through Arlington Reservation.

Width.

Location.

Right of way to revert to U. S. when it ceases to be used for R. R. purposes.

Road to be commenced in one and completed in three years.

Damages to be assessed, how.

SEC. 2. That the right to appeal, alter, or amend this act is reserved to Congress.

Approved March 3, 1893.

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BALTIMORE AND POTOMAC RAILROAD COMPANY.

January 19, 1891.

AN ACT supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Baltimore and Potomac Railroad sidings, etc., in Washington, D. C., may be used, etc.
Vol. 14, p. 387; vol. 16, pp. 1, 78, 161.

That the construction, maintenance, and use for railway purposes of the turn-outs and sidings of the Baltimore and Potomac Railroad Company, now extending from its line between the Anacostia or Eastern Branch of the Potomac River and the Long Bridge, in the city of Washington, into the several squares of ground known and designated on the plat of the city of Washington as follows: Square seven hundred and thirty-seven; square seven hundred and thirty-nine; square six hundred and ninety-five; square northwest of square six hundred and ninety-five; square west of square six hundred and ninety-five; square north of square six hundred and ninety-seven; square east of square six hundred and forty-two; square north of square six hundred and forty-two; square six hundred and forty-one; square five hundred and thirty-six; square four hundred and ninety-three; square south of square four hundred and sixty-three; square four hundred and sixty-four; square three hundred and eighty-six; square two hundred and sixty-seven; and square south of square two hundred and sixty-seven; is hereby authorized, but Congress may at any time revoke said authority, said tracks to be maintained in such manner as will least obstruct the public streets, avenues, or alleys on which said tracks are laid, and to be under the general supervision of the Commissioners of the District of Columbia.

Side tracks, etc., legalized in designated squares.

Revocation.

Street obstruction.

Supervision.

District Commissioners to grant like facilities elsewhere.

SEC. 2. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, whenever they consider it a public benefit, to grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side-tracks and sidings from the main line or lines of said railroad into any real estate in the said city abutting on the streets or avenues on which such line of such company is or may be situated, east of Four-and-a-half street and south of Virginia and Maryland avenues, which may be used or occupied for manufacturing, commercial, or other business purposes by parties desiring the use of such facilities. Such side-tracks or sidings shall be laid and maintained under the direction of said Commissioners, and in such manner as shall least obstruct the use of the public streets for ordinary purposes: *Provided*, That the right to revoke the use of said side tracks or sidings is reserved to Congress.

Street obstruction.

Proviso.

Revocation.

Acquisition of land by company, for business.

SEC. 3. That the Baltimore and Potomac Railroad Company is hereby authorized and empowered to acquire, subject to the approval of said Commissioners, for the purposes of its business, any one or more of the squares

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of ground in the city of Washington south of the line of the said railroad and north of L street and east of Delaware avenue and north of the Eastern Branch and east of Thirteenth street southeast, and any one or more squares, as shall be approved by the said Commissioners, abutting on the line of said railroad on Maryland and Virginia avenues, east of Four-and-a-half street and south of its main track on Virginia avenue, and west of Twelfth street southwest, and to extend, maintain, and use tracks from convenient points on the line of said railroad into the said property, and to cross such streets as may be necessary for that purpose, and to construct thereon such facilities as may be necessary for its business as a common carrier, and approved by said Commissioners, and to maintain such facilities in connection therewith; such tracks, where they cross streets, to be laid and maintained under the direction of the Commissioners of the District of Columbia, and in such manner as shall least obstruct the use of said streets for ordinary purposes. The right to remove such tracks is hereby reserved to Congress. And in case said company shall be unable for any reason to acquire such properties or any portion thereof by purchase they may be acquired by said company in the manner provided by sections numbered from six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia; but nothing herein contained shall authorize the condemnation of any church or school property or property of the United States: *Provided*, That nothing contained in this act, and no expenditure that may be made by said railroad company hereunder shall be held or construed to give said company any right legal or equitable not now possessed to retain the passenger station of said company on Sixth street.

Description, etc.

Side tracks.

Crossing streets.

Minimum obstruction.

Removal of tracks.

Condemnation proceedings.

R. S. D. C., secs. 648–663, pp. 78, 79.

Excepted property.

Proviso.
Sixth street station retention.

SEC. 4. That Congress hereby reserves the right to alter, amend, or repeal this act.

Amendment, etc.

Approved, January 19, 1891.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

AN ACT For the relief of Kate Winter.

March 28, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of Congress entitled "An Act supplementary to an Act entitled 'An Act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia,'" approved January nineteenth, eighteen hundred and ninety-one, so far as the same authorized the acquisition by said railroad of land for the business of said company in square numbered seven hundred and thirty-nine in the city of Washington and District of Columbia be, and the same are hereby, repealed.

Kate Winter.

Use of land in square 739, Washington, D. C., by Baltimore and Potomac Railroad revoked. Vol. 26, p. 718.

Approved, March 28, 1896.

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CAB SERVICE, ESTABLISHMENT OF, BY RAILWAY COMPANIES, AUTHORIZED.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to locate on the streets or parts of streets adjoining the stations of any railroad company in the District of Columbia, a stand for cabs, carriages, and other vehicles for the conveyance of passengers to and from the said railroad stations, said service to be established by the said railroad companies. That the rates of charge for the service to be rendered by the said railroad companies shall be fixed by the Commissioners of the District of Columbia, and that at no time shall the schedule exceed the rates now in force in the city of Washington, District of Columbia.

Act of June 7, 1898, 30 S. L., p. 747.

BALTIMORE AND OHIO RAILROAD COMPANY.

February 12, 1901. AN ACT to provide for eliminating certain grade crossings of railroad in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

District of Columbia. Baltimore and Ohio Railroad. Elimination of grade crossings, construction of new terminals, etc.

the Baltimore and Ohio Railroad Company, and the terminal company incorporated as provided in this Act, be and each of them is hereby, empowered and authorized to locate, construct, maintain, and operate new terminals and new lines of railroad to accommodate the traffic of the said Baltimore and Ohio Railroad Company, in connection with its Washington Branch Railroad and Metropolitan Branch Railroad within the District of Columbia and in the city of Washington, as hereinafter provided. The said new terminals and terminal tracks shall occupy the streets, avenues, public reservations, and property belonging to the United States, and such of the lands and property belonging to others as may be acquired by either of said companies, situate and lying within the area bounded as follows, to wit: Beginning at the intersection of the south line of H street north and a line forty feet from the east building line of Delaware avenue and parallel thereto; thence along said line parallel to the easterly building line of Delaware avenue and forty feet therefrom to the west line of First street east; thence by said west line of First street east to the north line of C street north; thence by

Location of new terminals and tracks.

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said north line of C street north to the east line of North Capitol street; thence north by said east line of North Capitol street to the south line of Massachusetts avenue; thence by a straight line to the intersection of the west line of First street east and the south line of H street north; thence to the point of beginning, or so much of this area as may be found to be necessary for proper terminal facilities and agreed upon between the Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia: *Provided*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

Proviso. Access to private property not to be impaired.

The main lines of railroad connecting said new terminals and terminal tracks with the present lines of railroad of said Washington Branch and said Metropolitan Branch shall be located as follows: From the south side of H street said lines shall run by a masonry viaduct of width sufficient for five tracks, but not exceeding in width eighty feet, with such turn-outs and sidings to adjoining property as may at any time hereafter be constructed under the authority of this Act, northerly along the middle of Delaware avenue to the north line of M street; thence northerly still in Delaware avenue, with five main tracks, but with the right to locate and construct sidings in Delaware avenue to and into adjoining property, including all of square numbered seven hundred and forty-eight, and crossing Florida avenue overhead by means of a two-span plate-girder bridge, or by masonry arches, to the north side of Florida avenue; thence by diverging lines crossing over New York avenue by means of a two-span plate-girder bridge or bridges over the same, or by masonry arches; the one line, with two or more tracks, by the most practical route in a general northeasterly direction, to a point of connection with the present tracks of the Washington Branch Railroad north of Winthrop Heights Station, and the other line, with two or more tracks, in a northerly direction by the most practicable route, to a point of connection with the present tracks of the said Metropolitan Branch Railroad at or near Rhode Island avenue extended.

Location of connecting lines between terminals and present lines.

SEC. 2. That said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of V street, yard tracks, switches, roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business or for the purposes of a freight yard; and also to locate, build, maintain, and operate, beyond the city limits, a branch track or "Y" for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city: *Provided*, That said roundhouses and shops shall be located within said

Location of roundhouses, etc.

—branch track or "Y."

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"Y" as far eastwardly as in the judgment of the Commissioners of the District of Columbia it is practicable.

Streets to be vacated, etc.

SEC. 3. That to accomplish the purposes of this Act the following-named streets in the subdivision of Eckington east of the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad Company shall be completely vacated and abandoned by the public and closed to public use, namely: Q, R, Third between New York avenue and Florida avenue, Fourth, Fifth, and Randolph streets; S and Seaton streets west of Sixth street; and Sixth street south of U street and Seventh street between New York avenue and Brentwood road shall not be opened. The Brentwood road shall also be closed between S street and Florida avenue. New York avenue and Florida avenue shall be carried under said railroad, as provided in the first section of this Act. T and V streets shall be carried under by a subway, or over the Metropolitan Branch Railroad by a bridge or viaduct. Between the north line of M street and the south line of G street all the tracks hereinbefore authorized shall be elevated and carried on a masonry viaduct, which said viaduct shall be so constructed with arches or bridges as to permit each and every intersecting street or avenue in the city to be passed and continued under the same through arched openings or spaces of sufficient clearance to permit the free and unobstructed use of said streets and avenues, in the form and manner and of the dimensions shown and indicated on the plan and profiles agreed upon between the said Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia, and now on file in the office of the Engineer Commissioner: *Provided*, That M street may be crossed by a metal bridge instead of a masonry arch, if desired, in order to avoid any change in the grade of said street.

Elevated tracks.

Proviso. Metal bridge on M street.

Vacated streets in city.

The following-named streets within the city limits shall be completely vacated, abandoned, and closed, namely: N street, between Second street east and Third street east, and Delaware avenue shall be closed and abandoned between the south line of Florida avenue and the north line of M street; E street between First street and North Capitol street; D street between First street and North Capitol street, and Delaware avenue between F street and C street, it being the intention of this Act that all streets, avenues, ways, and alleys within the area to be occupied and used for terminals and terminal tracks, as shown on said plan filed in the office of the Engineer Commissioner, shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the said railroad company or terminal company constructing such terminals for the purposes of the same, except that Massachusetts avenue and F street shall be carried under said terminals by means of arches, in accordance with plans approved by the Commissioners of the District of Columbia.

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Authority to close streets, etc.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed, as provided in this Act and in accordance with the intent thereof; and also to make such changes in the existing lines and grades of any street, avenue, or way as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized.

That such portions of the structures carrying T and V streets over and under the tracks of the Baltimore and Ohio Railroad Company as lie within the limits of the right of way of said company shall be built and paid for by said company; and that so much of the change of grade at M street and Florida avenue as may be necessary to carry said highways under the line of the railroad within the limits of the right of way of said company shall be paid for by the railroad company. The approaches, however, to said T street, V street, Florida avenue, and M street, and all of the work not within the right of way at said points shall be made and constructed by and under the supervision of the Commissioners of the District of Columbia and paid for from funds available for the purpose.

Location of fire engine house.

SEC. 4. That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square six hundred and eighty-three, secure and convey to the United States a tract of ground containing not less than twenty-one thousand square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than thirty thousand dollars and stables at a cost of not less than fifteen thousand dollars; or, if said company prefers, it may have the said buildings erected by the Commissioners of the District of Columbia by depositing the amounts stated above with the said Commissioners and Sergeant-at-Arms, respectively, and when such buildings have been accepted by the District of Columbia and the Sergeant-at-Arms of the Senate, respectively, or the amounts necessary for their construction deposited as aforesaid, it shall have authority to remove said structures on the ground aforesaid. And the Baltimore and Ohio Railroad Company shall have the right to condemn such land in the city as is hereinbefore required, and for said purposes the provisions of section eleven of this Act are hereby made applicable to the provisions of this section.

Location of additional passenger, etc., stations.

SEC. 5. That in addition to the main or terminal station or depot, to be located as hereinbefore provided, the Baltimore and Ohio Railroad Company, or the terminal company incorporated as provided in this Act, may from time to time hereafter construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct

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of its business, or for the accommodation of the freight and passenger traffic passing over the lines of railroad authorized by this Act, at such point or points within said District as the Commissioners of the District of Columbia shall approve: *Provided*, That no such station or depot within the city limits shall be located east of Second street east, and west of North Capitol street, and it shall be lawful for either of said companies to acquire, by gift, purchase, or condemnation, any land adjacent to any street or avenue along or upon which the lines of railroad and works hereby authorized shall be located, and hold and improve the same in such manner as it may deem necessary or beneficial to accommodate or promote the traffic on said railroad, and to extend and construct tracks of railroad into and upon any lands so acquired and connect the same with the tracks on such adjacent street or avenue: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be elevated and carried over the portion of such street or avenue crossed in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks and elevated structure shall in every case be first filed with and approved by the Commissioners of the District of Columbia. And it shall be lawful for said companies, or either of them, subject to the same conditions and restrictions, to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

Provisos. —qualification.

Adjacent land may be acquired.

—extension of tracks on.

—no grade crossing to be created, etc.

Sidings for manufactories, etc.

Temporary tracks authorized.

SEC. 6. That if it should at any time be deemed necessary or advisable in the construction of the works hereby authorized to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Ohio Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of such Commissioners, within sixty days after the time fixed for the completion of the works hereby authorized.

Plans.

SEC. 7. That it is the intention of this Act that the location and construction of the new terminals, terminal tracks, viaduct, and railroad lines hereby authorized within the city of Washington shall be substantially in accordance with the plans agreed upon by and between the Commissioners of the District of Columbia and the Baltimore and Ohio Railroad Company, which plans with the accompanying drawings, maps, and tracings, signed by the Commis-

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sioners and by the chief engineer of such railroad company, are filed in the office of the Engineer Commissioner of said District; but that the company constructing said works shall be authorized to make such minor changes or modifications of or departures from said plans, drawings, maps, and tracings as it may reasonably require or deem necessary, advisable, or advantageous and as the Commissioners shall approve and agree to; and in case of any change or modification of or departure from the present plans the Baltimore and Ohio Railroad Company shall submit the new plans to the said Commissioners for their approval, and shall file duly authenticated copies of said plans, after approval, with the Commissioners.

—changes.

—approval.

All work of construction authorized by this Act which shall affect in any way the existing streets or avenues of the city or District not hereby abandoned and closed shall be done to the satisfaction and subject to the approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance thereof. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Approval of construction.

Deposit for inspection.

SEC. 8. That of the works hereby authorized the viaduct and main lines of railroad thereon and extending therefrom to their points of connection with the Washington Branch Railroad and Metropolitan Branch Railroad, respectively, shall be completed, and said new terminals shall be ready for occupancy, within five years from the date of the passage of this Act.

Completion of work.

From and after the expiration of five years from the date of the passage of this Act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue, also extending from the north line of New York avenue to the north line of Q street, and west of the east line of Third street to said north line of New York avenue, shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States on all the lines to be abandoned as aforesaid. Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting, conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of

Removal of present tracks.

Company to deed to United States right of way, etc., of Washington Branch Railroad, etc.

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the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, authorized by this Act, shall be ready for use, but not exceeding six years from the date of the passage of this Act; said company, however, to have the right to remove its tracks and structures from the lands so granted within sixty days after the expiration of its right to maintain and use its tracks thereon.

Appropriation for payment to company.

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this Act, of its rights under the several Acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said Acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this Act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of one million five hundred thousand dollars, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this Act.

Payment of half chargeable against the District.

In order to provide for the one half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the first day of July following the passage of this Act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of one hundred and fifty thousand dollars, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of seven hundred and fifty thousand dollars, as provided herein, shall have been paid.

Property taxable.

SEC. 9. That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal

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company, under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made or levied on the railroad or terminals located, constructed, or maintained under the authority of this Act in excess of that which would or could be lawfully made, laid, or levied if said railroad and terminals were so located, constructed, and maintained without the use of bridges, viaducts, retaining walls, and other structures necessary or properly employed to elevate the same as required by this Act, it being the true intent and meaning hereof that the railroad and terminals hereby authorized shall be assessed and valued for purposes of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, viaducts, retaining walls, and other structures.

Proviso.—basis of taxation.

SEC. 10. That if, for the purpose of constructing and owning the terminals, viaduct, railroads, depots, stations, and other works authorized by this Act, or any part thereof, the Baltimore and Ohio Railroad Company shall deem it expedient or advisable that a terminal company in its interest be created and organized in the District of Columbia, the said Baltimore and Ohio Railroad Company, or some person thereto authorized on its behalf by resolution of its president and directors, together with other persons not less than seven in number, of whom a majority shall be residents of the District of Columbia, shall cause a certificate of incorporation to be executed and recorded in accordance with the provisions of the general incorporation Act of Congress for the District of Columbia relating to railroad companies, being sections six hundred and eighteen to six hundred and seventy-six, both inclusive, of the Revised Statutes relating to the District of Columbia, with such capital stock, not to exceed five million dollars fully paid up, and under such corporate name as may be set forth in such certificate. The corporation so formed shall be vested with all the authority, rights, and privileges granted by said general Act, but the Baltimore and Ohio Railroad Company, or such persons as it may designate by resolution of its president and directors, shall be entitled to subscribe for and hold all the stock of said corporation, without advertisement or allotment, as provided in said sections six hundred and twenty-one and six hundred and twenty-two of said Revised Statutes. Said corporation shall also be vested with and enjoy all the authorities, rights, and privileges herein granted, so far as the same are applicable to or exercisable in its undertaking, as set forth in its said certificate of incorporation, and it shall be bound by all the limitations and provisions of this Act. Said corporation shall have the further powers to contract with the Baltimore and Ohio Railroad Company for the use or operation

Organization of terminal company in District.

R. S. D. C., secs. 618–676, pp. 74, etc.

Capital stock.

Powers of corporation, etc.

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of its railroad and works by the last-named company, or for the lease of the same, on such terms as may be agreed upon between the two companies, and shall also have the right and power, exercisable at any time, to sell and convey all its railroad, works, and property to the said Baltimore and Ohio Railroad Company in consideration of the latter company assuming all its debts and liabilities and agreeing to repay to every stockholder the amount of money actually paid in on the stock held by him.

On the execution, delivery, and recording of the deed of conveyance, pursuant to and in consummation of such sale, the said terminal company shall ipso facto be dissolved and its corporate existence shall cease.

In the event, however, that the said terminal company shall not be organized under the provisions of this Act then the privileges, powers, and duties herein conferred and imposed shall devolve exclusively upon the Baltimore and Ohio Railroad Company.

Acquiring land for terminals, etc.

SEC. 11. That the Baltimore and Ohio Railroad Company and the terminal company incorporated as herein provided shall be authorized and empowered, from time to time, to take, acquire, and hold, in fee simple, all lands and property required for the terminals, stations, yards, railroad facilities, and other works authorized by this Act, either by purchase or by condemnation, as provided in

R. S. D. C., sec. 648-663, pp. 78, 79.

sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided*, That in every

Proviso.

case in which an assessment of damages or an award shall have been returned by the appraisers, the company upon

Right of entry on deposit of appraisers' award.

paying into court the amount so assessed or awarded, may enter upon and take possession of the lands and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid.

Line outside city limits authorized.

SEC. 12. That the Baltimore and Ohio Railroad Company and the Terminal Company, incorporated as provided in this Act, be, and they are hereby, authorized and empowered to locate, construct, maintain, and operate outside of the limits of the city of Washington a line of railroad with one or more tracks extending from a connection with the Washington Branch Railroad and with the railroad authorized by the foregoing sections of this Act north of Winthrop Heights station by such route as the company may select as most practicable, and be approved by the Commissioners of the District of Columbia, to a connection with the Baltimore and Potomac Railroad and with the said Baltimore and Ohio Railroad Company's Shepherds branch at or near Bennings station; and in the location, construction, maintenance, and operation of the line of railroad authorized by this section the said companies may exercise all the authorities, rights, privileges, and franchises by this Act conferred upon and vested in them in

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respect of the lines of railroad authorized by the foreging sections of this Act, outside of the limits of the city of Washington: *Provided*, That whenever in the construction of said line of railroads it shall be found necessary to cross any existing public highway of the District of Columbia the company shall submit to and file with the Commissioners of the District of Columbia proper plans showing the intended crossing, shall obtain the approval of the same by the said Commissioners, and shall construct such crossing only in conformity with such approved plan. Every such highway crossing shall be either over or under grade where practicable without increasing the grades on said railroad or causing unreasonable expense in construction; and for the purpose of avoiding grade crossings the Commissioners of the District of Columbia shall be fully authorized and empowered to change the grade of any such public highway so as to pass the same over or under said railroad, and to deflect or divert any such highway so as to pass over or under said railroad at a different point of crossing, and to close so much of the said highway as is abandoned; and the company shall acquire, by purchase or condemnation, at its own expense, all lands required to relocate such highways, and shall pay the cost of all new construction or work required to restore any such highway raised, depressed, deflected, or relocated as above provided, all of which construction and work shall be done to the satisfaction and subject to the approval of the said Commissioners.

Proviso.
—highway crossings, approval of plans.

—relocating highways.

SEC. 13. That all existing laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent to which they are so inconsistent, but to no further or other extent.

Repeal.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, February 12, 1901.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

February 12, 1901.

AN ACT To provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes.

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 be, and it is hereby, empowered, authorized, and required to revise, change, and improve the alignment and grade of its railroad, and to relocate parts thereof within the city of Washington, in the District of Columbia, as hereinafter provided, to wit:

District of Columbia.
Baltimore and Potomac Railroad.
Elimination of grade crossing, etc., directed.

Beginning at a point in its present tunnel under Virginia avenue near the intersection of Eleventh street southeast,

Relocation of tracks, etc.

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and extending thence by a continuation of said tunnel, with a width sufficient for not less than two nor more than four tracks, along and under Virginia avenue to the west side of Second street southeast; thence in the open, with a width sufficient for four main tracks, along what would be Virginia avenue if extended through reservation seventeen, now called Garfield Park, to another section of Virginia avenue as now opened at South Capitol street; thence along said last-mentioned section of Virginia avenue to a connection with its present four main tracks and right of way near Delaware avenue; thence continuing said four tracks along and on said Virginia avenue and Maryland avenue to the Potomac River; and also from points on said last-described line, that is to say, from east of Sixth street southwest; thence by a curved line with three tracks crossing over Sixth street southwest, Maryland avenue, and B street southwest, to and upon that portion of the Mall hereinafter described; and from a point west of Seventh street southwest by a curved line, with three tracks over Seventh street southwest, Maryland avenue, and B street southwest, to and upon said portion of said Mall, with such grade, and at such elevations, with reference to the streets of said city, and on such locations as are shown on the plans and profiles prepared by said railroad company, and approved by the Commissioners of the District of Columbia, and as hereinafter specified; it being the purpose of this Act that the said railroad shall be located under Sixth street southeast, Fifth street southeast, Fourth street southeast, Third street southeast, and Second street southeast, in a tunnel as aforesaid; that New Jersey avenue shall be carried over said railroad on an iron or steel bridge; and that said railroad shall be carried over South Capitol street, Delaware avenue, First street southwest, Second street southwest, Third street southwest, Four-and-a-half street southwest, Sixth street southwest, Seventh street southwest, Maryland avenue, and B street southwest, and that Ninth street southwest, Tenth street southwest, Eleventh street southwest, and Twelfth street southwest shall be carried over said railroad on iron or steel bridges. The railroad shall also be carried over Water street southwest.

REMOVAL OF TRACKS FROM SIXTH, K, AND CANAL STREETS.

Removal of tracks from Sixth, K, and Canal streets.

SEC. 2. That the said Baltimore and Potomac Railroad Company be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including all tracks on Sixth street, and its western connection via Maryland avenue, and to change and relocate its tracks connecting with the new terminus contemplated by this Act, in the manner authorized and provided by the preceding section hereof, and as shown on the plans and profiles in said section referred to, and also shall remove its tracks from K street and Canal street, east of New Jersey avenue southeast; and said tracks which are to be abandoned shall

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be removed within sixty days after the new track is ready for use, and the roadway of said Sixth street between B street south and B street north shall be provided with a modern pavement at the expense of said railroad company, to the satisfaction of the Commissioners of the District of Columbia.

STATION BUILDING.

Station building.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street southwest and B street northwest as the southerly line of said B street northwest is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and three hundred and forty feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than two hundred feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia. The station building to be erected on the Mall shall cost not less than one million five hundred thousand dollars, inclusive of the car sheds, which shall be of ornamental or monumental character, and shall be designed, so far as practicable, so as not to impair the appearance of the Mall; the plans thereof to be approved by the Secretary of War: *Provided*, That upon the lands on the Mall hereby granted to the use of the Baltimore and Potomac Railroad Company no freight depot, warehouse, or other structure, except such as is necessary to its use as the site of a passenger station, shall be erected; and that no tracks, except such as are necessary to the service of such passenger station, shall be laid or operated on said land.

—location.

Arch passageway, West Capitol street.

Cost, etc., of station building.

Proviso. No freight depot, etc., on Mall.

TEMPORARY TRACKS.

Authority to lay temporary tracks.

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein

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authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the time fixed for the completion of the works herein authorized.

REMOVAL OF FISH COMMISSION BUILDING.

Fish Commission building.
—removal of.
—rebuilding.
—expense of; limit.
Proviso.
—United States liable for excess.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army; and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding forty thousand dollars: *Provided*, That the expense of such removal and rebuilding in excess of forty thousand dollars shall be paid by the United States.

RETAINING WALL.

Retaining walls for embankments, etc.
Space occupied on Maryland avenue.

SEC. 6. That in elevating or depressing its tracks, as hereinbefore authorized, the said railroad company is hereby required to support the sides of all embankments and excavations made in the streets wherein the same are located with suitable retaining walls of stone. These walls, in cases of excavation, shall be carried to a height of four feet above the revised grades of said streets, or shall be provided with suitable iron railings. The space to be occupied and used by the said railroad company where its tracks are depressed on Maryland avenue shall not exceed fifty-eight feet between the inside faces of the parallel retaining walls, measured at the level of the said tracks, as shown on said plans and profiles.

STREETS TO BE VACATED.

Streets to be vacated.

SEC. 7. That to enable said Baltimore and Potomac Railroad Company to effect the revision, change, and improvement in the alignment and grade of its railroad, and the relocation of parts thereof as authorized and contemplated by this Act, the following-named streets and crossings in said city of Washington shall be, upon the completion of the work herein authorized, completely vacated and abandoned for public use, namely:

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Canal street, as located and shown on the city maps, between South Capitol street and New Jersey avenue.

G street southeast and H street southeast, between South Capitol street and New Jersey avenue.

I street southeast, between First and South Capitol streets.

Virginia avenue, on the south side of the said railroad, between Second street and Four-and-a-half street southwest, and on the north side of the said railroad between Four-and-a-half street and Seventh street southwest.

Maryland avenue, on the south side of said railroad, between Ninth and Tenth streets southwest.

Maryland avenue, between Twelfth and Fourteenth streets southwest; and in consideration of, and in connection with, the vacation of said portion of Maryland avenue between Twelfth and Fourteenth streets southwest, the said railroad company shall acquire and dedicate to the District of Columbia the necessary property to increase the present width of D street southwest, between Twelfth and Fourteenth streets southwest, thirty feet on the south side thereof.

Thirteenth and Thirteen-and-a-half streets, between D and Water streets southwest, and

E street southwest, between Twelfth street southwest and Water street.

The following-named streets are hereby vacated and abandoned, namely:

F street southwest and E street southwest, where they cross the said railroad;

D street southwest, between Four-and-a-half and Sixth streets southwest;

C street southwest, between Sixth and Seventh streets southwest: *Provided, however*, That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, constructing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: *And provided further*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

Provisos.
Repair of sewers, etc., in vacated streets permitted.

CHANGES IN GRADE; WIDENING B STREET.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this Act

Commissioners may change grades.

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contemplated, and particularly are authorized and directed
Widening B street. to widen B street northwest, on its southerly side, between Sixth and Seventh streets, so as to conform to the southerly line of said street as it now exists west of Seventh street, and to widen Seventh street on its easterly side between B street northwest and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of one hundred and thirty feet south from the southerly line of said B street northwest, when widened as herein authorized, to a width of two hundred and twenty feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding one hundred and thirty feet.

GARFIELD PARK.

Use of part of Garfield Park authorized. SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this Act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation seventeen, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this Act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this Act vacated and abandoned.

DIVISION OF COSTS.

Division of cost of improvements. SEC. 9. That the entire cost and expenses of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this Act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this Act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public, and the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall,

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as well as the original cost of paving the roadways and sidewalks to be located within the said passageways. All other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this Act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this Act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per centum thereof by the United States and the remaining fifty per centum thereof by the District of Columbia, which last-mentioned fifty per centum shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

Approval of work, etc.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

PROPERTY TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.

Property to be acquired by purchase or condemnation.

SEC. 10. That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this Act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-three south, and four hundred and ninety-three; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets southeast and north of the northerly line of M street: *Provided, however*, That if land shall be acquired south of the present railroad yards and between South Capitol and First streets southeast as in this section authorized the said railroad company shall when so required by the Commissioners of the District of Columbia, make

Provisos.
Land acquired south of present yards, etc.

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adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: *Provided further*, That the cost and expense of raising grades of streets and all approaches to such bridges shall be borne and defrayed by the District of Columbia and the United States, as hereinbefore provided.

Expenses, etc.

Acquiring land by appraisal.

In case the said Baltimore and Potomac Railroad Company can not, for any reason, agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided*, That in every case in which an assessment of the damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: *Provided further*, That as to square southeast of square two hundred and sixty-seven and square two hundred and seventy the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) and its successors shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this Act provided for the acquisition of additional

R. S. D. C., secs. 648 to 663, pp. 78, 79.

Provisos.
—right of entry on deposit of award.

Sidings for manufactories, etc., authorized.

—no grade crossing to be created, etc.

Squares 267, 270, etc.

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land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railway Company and its successors to accommodate the handling and delivery of local freight traffic and for its other corporate purposes in the District of Columbia.

LONG BRIDGE.

Long Bridge. Railroad to substitute new railroad bridge for.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this Act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

PASSENGER BRIDGE.

New passenger bridge authorized.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company or any other party to construct within two years after the passage of this Act, at a point not less than five hundred feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of five hundred and sixty-eight thousand dollars, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

Street railroads may cross bridge, etc.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such

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Provisos. Mount Vernon railway may relocate, etc.

terms as may be prescribed by Congress: *Provided*, That the Washington, Alexandria and Mount Vernon Railway Company now using the Long Bridge shall be permitted, with the approval of the Commissioners of the District of Columbia, to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground, and that the cost of asphalt paving between the tracks and two feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay in addition to other taxes as by its charter provided, one-half of one cent for each and every passenger carried across said bridge.

—motive power, etc.

Passenger tax.

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

Commissioners to approve plans.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections eleven and twelve, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this Act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Completion of work.

Deposit for cost of inspection.

TAXATION.

Company's property taxable.

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated tracks, or subway which shall be located, constructed, or maintained under the authority of this Act, and forming part of said railroad, in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such

Proviso. —qualification.

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bridges, tunnels, elevated tracks, or subway forming a part of said railroad shall be assessed and valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

SEC. 15. That all the provisions of this Act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall, by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well as those granted by this Act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company. Rights of succession.

REPEAL OF CONFLICTING ACTS.

SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed. Repeal.

RESERVED RIGHTS OF CONGRESS.

SEC. 17. That Congress reserves the right to alter, amend, or repeal this Act. Amendment.

Approved, February 12, 1901.

SALE OF UNCLAIMED FREIGHT, ETC.

Extract from code of laws for the District of Columbia.

SEC. 642. Whenever any freight, baggage, or other property transported by a common carrier to, or deposited with a common carrier at, any point in the District of Columbia, shall remain unclaimed by the owner or consignee, or the charges thereon shall remain unpaid, for the space of six months after arrival at the point to which the same shall have been directed or transported, or after Unclaimed freight, etc., may be sold for charges.

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deposit as aforesaid, and the owner or person to whom the same is consigned, or by whom the same shall have been deposited, shall, after notice of such arrival, or after notice to take away such property so deposited, neglect or refuse to receive the same and pay the charges thereon within such period of six months, then it shall be lawful for such carrier to sell such freight, baggage, or other property at public auction, after giving three weeks' notice of the time and place of sale, once a week for three successive weeks, in a newspaper published in the District of Columbia.

Sales by order of court.

SEC. 643. Upon the application of such carrier, verified by affidavit, to the supreme court of the District of Columbia holding a special term, setting forth that the place of residence of the owner or consignee of any such freight, baggage, or other property is unknown, or that such freight, baggage, or other property is of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice or delay the sale for the period provided in the next preceding section, then it shall be lawful for such court to make an order authorizing the sale of such freight, baggage, or other property upon such terms as to notice as the nature of the case may admit of and to such court shall seem meet: *Provided*, That in case of perishable property the affidavit and proceedings required and authorized by this section may be had before a justice of the peace in cases where the value of the property involved does not exceed three hundred dollars.

Proviso.

Sale of perishable property.

Proceeds of sales.

SEC. 644. The residue of moneys arising from any such sale, under either the two next preceding sections, after deducting the amount of charges, including charges for transportation, the cost of handling and storage, demurrage, and the costs and expenses of proceedings to authorize the sale, and of advertising and sale, shall be paid to the owner of such freight, baggage, or other property, on demand.

Approved, March 3, 1901.

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BALTIMORE AND OHIO, AND PHILADELPHIA, BALTIMORE AND WASHINGTON (FORMERLY BALTIMORE AND POTOMAC) RAILROAD COMPANY.

UNION RAILROAD STATION.

AN ACT to provide for a union railroad station in the District of Columbia, and for other purposes. February 28, 1903.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Philadelphia, Baltimore and Washington Railroad Company, (a corporation duly created by consolidation and merger of the Philadelphia, Wilmington and Baltimore Railroad Company and the Baltimore and Potomac Railroad Company, their respective capital stocks, railroads, properties and franchises) or the terminal company provided for in section ten of the Act of Congress approved February twelfth, nineteen hundred and one, entitled "An Act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," be, and each of them is hereby, authorized and required to locate, construct, maintain, and operate a double-track railroad, commencing at a point on the railroad of said Philadelphia, Baltimore and Washington Railroad Company at or near the crossing of Second street southwest, at the elevation of said railroad provided for in the said Act of Congress relating to the Baltimore and Potomac Railroad Company approved February twelfth, nineteen hundred and one; thence curving toward the north, crossing over Virginia avenue with a clearance of fifteen feet above the present curb thereof, crossing over First street southwest and Delaware avenue southwest, at a point about forty feet north of the north house line of E street, with a clearance of not less than sixteen feet; thence curving to the northward, crossing over Canal street and South Capitol street with a clearance of not less than fourteen feet above the curbs thereof; thence passing under the intersection of D street with New Jersey avenue, C street southeast, and B street southeast at the intersection with First street; thence continuing under the west side of First street to near E street northeast; thence curving to the eastward, crossing under the proposed circle at Massachusetts avenue to a connection with the tracks in the proposed terminal station to be built on the north side of Massachusetts avenue hereinafter provided for; thence running from the said north line of Massachusetts avenue on the terminal station structure hereinafter mentioned northeastwardly to Delaware avenue; thence, still on said terminal structure, and on the easternmost part of the viaduct, hereinafter mentioned,

Merger of railroad lines.

Route.

Tunnel.

Terminal structure.

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to be located in Delaware avenue, to the north side of M street northeast; thence northwardly still on Delaware avenue, crossing Florida avenue overhead, by means of a girder bridge, or by masonry arches, to the north side of said avenue; thence by a line, still northwardly, curving to the east, and crossing under New York avenue, by the most practicable route, in a general northeasterly direction, to a point on the north line of Montana avenue, as projected, and shown on plan filed as required by this Act, from which terminal point the Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, shall be, and is hereby, authorized to locate, construct, maintain, and operate a line of railroad, of two or more tracks, by the most practicable route, to a point of connection with its present railroad near Magruder Station, in the State of Maryland, and to acquire, from time to time, such lands between Montana and Florida avenues, and east of the present Metropolitan Branch of the Baltimore and Ohio Railroad, as it may need for sidings, switches, yard tracks, with suitable structures and appliances, and other proper corporate purposes in connection therewith, and to use the same accordingly, subject to the approval of the Commissioners of the District of Columbia; and a right of way one hundred feet in width for said line of railroad as it shall be located through and upon lands belonging to the Reform School of the District of Columbia is hereby granted to and vested in said Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, on such terms as the Attorney-General shall prescribe: *Provided, however*, That the portion of said line of railroad lying south of Florida avenue within the limits of the city of Washington shall be used for passenger trains only, except in cases of temporary emergency, and then for a period not exceeding twenty-four hours, unless with the consent of the Commissioners of the District of Columbia.

Magruder Station Branch.

Right of way through Reform School grounds.

For passenger traffic only.

JOINT CONSTRUCTION.

Joint construction.

It is the intention of this Act that the portion of the line of railroad above authorized lying between the north line of Massachusetts avenue and the north line of Florida avenue, if constructed by said Philadelphia, Baltimore and Washington Railroad Company, shall be constructed jointly with the said terminal company, and, with the viaduct and elevated terminal carrying the same above or over the streets and avenues of the city, be continuous with the elevated terminal and viaduct of said terminal company; and in that case the cost of said joint works shall be borne by said railroad company and said terminal company in such proportions as they may agree on, or, in case of a disagreement, as may be determined by the supreme court of the District of Columbia in such manner as that court shall prescribe. If, however, the Philadelphia, Baltimore and Washington Railroad Company shall deem it expedient

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or advisable, and shall so elect, that the whole or any portion of the railroad hereby authorized south of the point hereinbefore designated, on the north line of Montana avenue, should be constructed and owned by said terminal company, then and thereupon the said Philadelphia, Baltimore and Washington Railroad Company shall acquire, by purchase, from the said Baltimore and Ohio Railroad Company one-half of the whole then issued capital stock of the terminal company, and be entitled to subscribe for and acquire equally with said Baltimore and Ohio Railroad Company all thereafter issued stock of said terminal company; and, upon such election, said terminal company shall have as full power and authority to locate, construct, maintain, and operate said line of railroad as it is possessed of with reference to the other works, specified in this Act, to be constructed by it, or which it is authorized to construct under the said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one.

UNION STATION.

SEC. 2. That the main passenger station and terminals for the accommodation of the passenger traffic of both the Baltimore and Ohio Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company, and the passenger traffic of such other companies as may be moved over the railroads of either of said two companies, as provided in section eleven, shall be constructed by said terminal company within the area described as follows, namely:

Location of passenger station.

Beginning on the north side of Massachusetts avenue at a distance of three hundred feet northwest from the west side of Delaware avenue measured at right angles thereto; thence by a line parallel with Delaware avenue and three hundred feet therefrom northeastwardly to a point in the south line of I street northeast; thence by a straight line northeastwardly to a point in the intersection of the west line of Delaware avenue with the south line of L street northeast; thence eastwardly, along the south line of L street northeast, to a point in the intersection with the west line of Second street northeast; thence south, along the west line of Second street northeast, to a point about eighty feet north of the north line of H street northeast; thence by a line parallel with and distant three hundred feet measured at right angles thereto eastwardly from the east line of Delaware avenue, southwestwardly to a point in the north line of Massachusetts avenue; thence by the said north line of Massachusetts avenue to the point of beginning.

Cost of station.

The terminal station contemplated by this Act shall cost not less than four million dollars and shall be monumental in character, and the plans thereof shall be subject to the approval of the Commissioners of the District of Columbia.

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And for the purposes of said passenger station and terminal said terminal company is fully authorized and empowered to acquire, take, and use all the lands and property lying within said area, or so much thereof as it may deem necessary: *Provided*, That on the westerly side of said railway station sufficient land for a street not less than forty feet in width shall be dedicated to the District of Columbia by the said railroad companies and said terminal company.

New street.

VIADUCT.

Plans of viaduct.

SEC. 3. That the viaduct leading northwardly from the passenger station and terminal between the south side of L street and the north side of M street may occupy so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and forty feet westwardly therefrom: *Provided, however*, That said terminal station and viaduct shall be so constructed as to permit H, K, L, and M streets, and Florida avenue to be passed and continued under the same through openings or spaces of sufficient clearance to permit the use of said streets and avenues in the form and manner and of the dimensions shown and indicated on the plan and profiles agreed upon between the Baltimore and Ohio Railroad Company, the terminal company, and the Philadelphia, Baltimore and Washington Railroad Company and the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner; and the said terminal company shall also grade and pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavements and roadways shall be provided for as in the case of other public highways in the District of Columbia.

Said viaduct shall be of sufficient width to carry, in addition to the tracks authorized by said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, such tracks as may be required to accommodate the traffic of the said Philadelphia, Baltimore and Washington Railroad Company, and one or more freight tracks for the Baltimore and Ohio Railroad Company, to be located on the west side thereof.

YARDS AND SWITCHES FOR TERMINAL COMPANY.

District Commissioners to approve plans and locations.

Said terminal company is also expressly authorized and empowered, subject to the approval of the Commissioners of the District of Columbia, to acquire and become possessed of such lands in the District of Columbia, outside the city limits, as may be from time to time needed for the purpose, and thereon to construct, maintain, own, and operate yard tracks, switches, roundhouses, shops, and other structures to adequately accommodate the handling,

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shifting, housing, storing, cleaning, and repairing of the locomotives and cars of such companies as shall be entitled to use the said passenger station and terminal; and also to establish, maintain, and operate the necessary tracks connecting the same with the tracks on Delaware avenue: *Provided*, That said roundhouses and shops shall be located as designated on plans to be approved by the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner.

BALTIMORE AND OHIO FREIGHT TRAFFIC.

Freight yards.

SEC. 4. That in order to provide terminal facilities for the freight traffic of the Baltimore and Ohio Railroad Company in lieu of those which said company is now authorized to have within the area to be occupied by the passenger station and terminal, described in the Act relating to it, approved February twelfth, nineteen hundred and one, the said Baltimore and Ohio Railroad Company be, and it is hereby, authorized and empowered (in addition to the power and authority conferred upon it by the provisions of said Act relating to it, approved February twelfth, nineteen hundred and one) to locate, construct, maintain, and operate tracks, switches, sheds, warehouses, other structures, and facilities necessary or proper for a freight-delivery yard and terminal in Eckington, in, over, and upon the bed of Quincy street and Third street between New York avenue and R street, and in and upon the property bounded by New York avenue, Florida avenue, Eckington place, and R street, outside the limits of the city of Washington; and also within the city of Washington in, over, and upon the bed of Second street between M and N streets and in and upon squares seven hundred and eleven, seven hundred and twelve, and seven hundred and thirteen; and also to extend its tracks and switches north of V street on the east side of the main tracks of its Metropolitan Branch Railroad to Rhode Island avenue extended; and said company is hereby authorized to acquire, by purchase or condemnation, as provided in this Act, the lands and property necessary for the additional freight facilities above mentioned.

STREETS TO BE VACATED.

SEC. 5. That to accomplish the purposes of this Act the following-named streets, in addition to the streets vacated, abandoned, and closed by the provisions of said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, are hereby vacated, abandoned, and closed, to wit: In Eckington, T street shall be closed between the west line of Seventh street and the right of way of the Metropolitan Branch of the Baltimore and Ohio Railway Company; Thomas street from the west line of Seventh street westward; Seaton street from Sixth street to Seventh street; S street from

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Sixth street to the Brentwood road; Brentwood road from the west side of Seventh street to the south side of S street; Third street from the south side of R street to Florida avenue; Quincy street shall be closed and abandoned: *Provided*, That no streets or avenues shall be closed or abandoned under the provisions of this Act or of the Acts relating to the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, until all of the property abutting on the streets or avenues, or portions thereof, provided to be closed in said Acts, shall have been acquired by said railroad company or companies or the terminal company referred to herein, either by condemnation or purchase, as hereinafter provided. No streets or avenues, except Ninth, Twelfth, and Fifteenth streets and New York avenue, shall be opened across the railroads constructed under authority of this Act between Florida and Montana avenues; and said Ninth, Twelfth, and Fifteenth streets, when and as opened, shall be carried above the railroads by suitable viaduct bridges, the cost whereof, with their approaches within the limits of the right of way, shall be paid by the terminal company, but shall be maintained as in the case of other public highways in the District of Columbia: *Provided*, That the Baltimore and Ohio Railroad Company shall make adequate and suitable provision for carrying T street over the railroad right of way to the west line of Seventh street east in a manner satisfactory to the Commissioners. And the terminal company shall construct the necessary tunnels or viaducts to permit New York avenue to be carried with its full width between parking lines over their rights of way as herein authorized; and shall fill said avenue to a like width to the grade approved for said avenue for the purposes of this Act across said right of way and westward to Florida avenue, and shall support the sides of said avenue with embankments or retaining walls wherever it abuts upon property belonging to said railroad, and nothing contained in the provisions heretofore made for the vacating of Third street and Brentwood road across said avenue shall operate to close said avenue in any way as a public thoroughfare at its full established width: *And provided further*, That the Baltimore and Ohio Railroad Company shall dedicate to the District of Columbia the necessary land to widen Eckington place on its east side to its full width in accordance with the recorded plans for street extensions, and the Philadelphia, Baltimore and Washington Railroad Company shall dedicate to the District of Columbia the necessary land to form a western exit from Ivy street to Canal street as shown on the plan filed by said company as required by this Act. Also, in the city of Washington the following-named streets are hereby vacated, abandoned, and closed, to wit: Ivy street between South Capitol street and a point two hundred and twenty feet east thereof; Second street northeast, between N street

Limitations on closing streets.

Bridges, etc.

Eckington place to be widened.

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and Delaware avenue, and, between the north side of M street and the south side of L street, so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and forty feet westerly therefrom; also all parts of streets included within the area of the terminal herein described, except H and K streets, it being the intention of this Act that all streets, avenues, ways, and alleys within the area to be occupied and used for said terminal and terminal tracks shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the company constructing such terminals for the purposes of the same, except that H and K streets shall be carried under said terminal and terminal tracks substantially in accordance with the plans agreed upon between the Baltimore and Ohio Railroad Company, the terminal company, and the Philadelphia, Baltimore and Washington Railroad Company and the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner.

H and K streets to be kept open.

MASSACHUSETTS AVENUE PLAZA.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed as provided in this Act, and in accordance with the intent thereof; and also to lay out a circle or plaza at the intersection of Massachusetts avenue and Delaware avenue, and to lay out and open streets leading to such circle, and to change the lines of certain other adjacent streets and of Ivy street, as shown on a plan filed in the office of the said Commissioner, and also to make such changes in the lines and grades of any existing street, avenue, or way and in the recorded plans of street extensions as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized. And authority is hereby given said Commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the proceedings authorized by this act, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder.

New streets to be laid out.

And authority is hereby given the District Commissioners to sell or equitably exchange any portion of existing public space abandoned by reason of the adjustment of streets as an approach to the plaza or circle at Massachusetts avenue: *Provided*, That the provisions of section three of the Act of February twelfth, nineteen hundred and one, in relation to new terminals for the Baltimore and Ohio Railroad Company which vacate, abandon, and close D and E streets between First street and North Capitol street and Delaware avenue between C street and the south line of Massachusetts avenue be, and the same are

Repeal provisions.

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hereby, repealed, and said streets are restored to the same status and ownership in all respects as they were prior to the passage of said Act.

DAMAGES.

All damages to adjacent property owners resulting from, incidental to, or connected with changes in the grades of the streets or alleys authorized by this Act shall be borne, paid for, and defrayed by the District of Columbia, and shall be recoverable by action of law against the said District on the part of the owners of the property so damaged. Fifty per centum of the amounts so recovered shall be refunded to the said District by the United States: *Provided*, That in determining the damages as herein provided the jury shall take into consideration any benefits that may have accrued by reason of the elimination of grade crossings or of the location of said station in proximity to the property alleged to have been damaged.

Limitations on damages.

TAXATION.

SEC. 6. That the property owned or occupied by the terminal company, or by the Philadelphia, Baltimore and Washington Railroad Company, or by the Baltimore and Ohio Railroad Company under authority of this Act, or otherwise, together with the improvements that may be put thereon, shall be subject to taxation in the District of Columbia in the same manner and to the same extent as other property in the District, and all tracks and sidings shall be taxed as real estate: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the stations, terminals, and lines of railroad located, constructed, or maintained under the authority of this Act in excess of that which would or could be lawfully made, laid, or levied if said stations, terminals, and lines of railroad were located, constructed, and maintained without the use of bridges, tunnels, viaducts, retaining walls, or other structures necessary or properly employed to elevate or to depress the same as required by this Act; it being the true intent and meaning hereof that the lines of railroad and terminals hereby authorized shall be assessed and valued for the purpose of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, tunnels, viaducts, retaining walls, and other structures: *Provided*, That such portions of the terminal structure or viaduct as may be constructed and used for storage or like commercial purpose shall be subject to taxation in the same manner as other property in the District of Columbia.

Elevated structures not to be taxed.

PLANS.

SEC. 7. That before any portion of the work of construction within the District of Columbia herein described shall

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be begun, plans thereof in accordance with the provisions of this Act shall be prepared by the company undertaking such work, and shall be submitted for approval to the Commissioners of the District of Columbia; also in so far as public parks and reservations may be affected, for approval also of the Secretary of War; and also in so far as underground construction is involved, for approval also of the Superintendent of the Library of Congress. Duly authenticated copies of said plans shall, after approval, be filed with the Commissioners of the District of Columbia, and all work shall be done in accordance therewith. The company undertaking such work shall deposit with the collector of taxes such sums of money as the Commissioners of the District may reasonably require to cover the cost of District inspection.

Approval of plans.

LIMIT OF TIME FOR COMPLETION.

SEC. 8. That of the works herein described, the lines of railroad leading northward and southward from the main passenger station and terminal connecting the same with lines of the Baltimore and Ohio Railroad Company and lines of the Philadelphia, Baltimore and Washington Railroad Company, respectively, shall be completed, and the main passenger stations and terminals shall be ready for occupancy, within five years from the date of the passage of this Act. The construction of said passenger station and terminal and viaduct by said terminal company, in accordance with the provisions of this Act, shall be deemed and taken to be a full compliance by the Baltimore and Ohio Railroad Company with the requirements in that regard of the said Act relating to it, approved February twelfth, nineteen hundred and one, and the respective periods of five and six years from the passage of said Act, as mentioned in section eight thereof, are hereby extended respectively for five and six years from the passage of this Act. Except as modified by this Act, all the provisions of said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, shall be and remain in full force and effect.

Time for completion.

REMOVAL OF TRACKS FROM THE MALL.

The construction of the lines of railroad hereinbefore mentioned, connecting the railroad of said Philadelphia, Baltimore and Washington Railroad Company with said main passenger station and terminal, whether constructed wholly by said Philadelphia, Baltimore and Washington Railroad Company or said terminal company, or partly by each, shall relieve said Philadelphia, Baltimore and Washington Railroad Company of any and all duties and obligations respecting relocation of its present passenger tracks and terminal, and location, construction, and operation of

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new passenger station and new terminal tracks, as prescribed in the Act relating to the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one; and upon completion either by said Philadelphia, Baltimore and Washington Railroad Company or said terminal company, or in part by one and in part by the other, of said connecting lines of railroad ready for use, in connection with said main passenger station and terminal, as contemplated by this Act, and within five years from the passage of this Act the said Philadelphia, Baltimore and Washington Railroad Company shall be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including the tracks on Sixth street, and its western connection via Maryland avenue, and to convey its passenger station building to the United States. And in consideration thereof, and of the relinquishment and surrender by said Philadelphia, Baltimore and Washington Railroad Company of its right to occupy and use the portion of the Mall, and to maintain thereon a new passenger station and terminals, granted to the Baltimore and Potomac Railroad Company by the Act aforesaid in consideration of and as a contribution toward the large expenditures to be made by said company in the relocation and improvement of its line of railroad and elimination of grade crossings resulting therefrom, as required by said Act, the sum of one million five hundred thousand dollars shall be paid to said Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, out of any moneys in the Treasury of the United States not otherwise appropriated, and said sum of one million five hundred thousand dollars is hereby expressly appropriated for this purpose, and shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that said passenger station and terminal and connecting lines of railroad contemplated by this Act are ready for occupancy. Except as modified by this Act, all provisions for said Act relating to the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, and all rights, powers, remedies, and processes thereby conferred on said last-named company, or upon Southern Railway Company, shall remain and continue in full force, and with like effect as if herein reenacted at length; and all rights, powers, and privileges granted to, or duties imposed upon, said Philadelphia, Baltimore and Washington Railroad Company by this Act shall accrue to and devolve upon its successors and assigns, as provided with respect to the Baltimore and Potomac Railroad Company by section fifteen of said Act relating to said Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, and all provisions of said section shall be applicable thereto in all respects, and in like manner as they are made applicable to the rights, privileges, and

Tracks to be removed from the Mall.

Payment to railroad.

Laws continued in force.

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duties granted to or imposed upon said company by said last-mentioned Act.

CONDEMNATIONS.

SEC. 9. That in the execution of the powers conferred by this Act, or by either of said before-mentioned Acts, approved February twelfth, nineteen hundred and one, by the terminal company, the Philadelphia, Baltimore and Washington Railroad Company, or the Baltimore and Ohio Railroad Company, each of said companies may acquire, by purchase or condemnat on, the lands and property necessary for all and every the purposes contemplated by each of said last-mentioned Acts and this Act respectively; and such condemnation shall be effected in the manner and by the methods and processes provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby continued in full force and effect, and, for the purposes contemplated by this section, are hereby specially enacted, with like effect as if the same were incorporated herein at length: *Provided*, That in every case wherein an assessment of damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceeding shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid: *And provided further*, That any property owner whose land is included within such location shall have the right, within two years, to begin proceedings to compel the appropriation of said land by said company and the payment of damages in the same manner as if the proceedings had been instituted by the company under the provisions of this Act.

Method of condemnation.

Property owners may bring suit.

The said terminal company, in respect of the additional works hereby authorized to be undertaken by it, shall be vested with and may exercise all the powers, authorities, rights, and privileges granted by the provisions of sections six hundred and eighteen to six hundred and seventy-six, both inclusive, of the Revised Statutes relating to the District of Columbia, to the same extent as if said provisions were fully set forth and enacted herein, and shall also be vested with and enjoy all the powers, authorities, rights, and franchises conferred or granted by said Act relating to the Baltimore and Ohio Railroad Company, approved February twelfth, nineteen hundred and one, except the power to sell all its railroad and works and property to the Baltimore and Ohio Railroad Company, as provided in said last-mentioned Act: *Provided, however*, That the Philadelphia, Baltimore and Washington Rail-

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road Company shall have the right to acquire, own, and hold one-half of the capital stock of said terminal company, whether now or hereafter issued, and said Baltimore and Ohio Railroad Company shall make necessary transfers thereof accordingly.

POWER TO CONTRACT.

Control of terminals.

The Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, and the said terminal company shall have power to contract each with the other, or with both the others, or with any other railroad company or companies whose passenger traffic may be moved over the railroads of either of said two railroad companies as provided in section eleven, in regard to the construction, maintenance, use, or operation of any line or lines of railroad, terminals, terminal tracks, stations, or other works or properties, held, owned, or possessed by any of said companies within the District of Columbia, or authorized so to be, or for the lease of the same upon such terms as may be agreed upon between the parties to any such contract. Said terminal company shall also have the right and power, exercisable at any time, to sell and convey, either to the Baltimore and Ohio Railroad Company or to the Philadelphia, Baltimore and Washington Railroad Company, so much of the line of railroad constructed by the said terminal company under the authority of this Act, north of the north line of Florida avenue, as may be set apart for the exclusive use of the traffic of either of said railroad companies by their mutual consent.

MAGRUDER STATION LINE.

Rights and duties.

SEC. 10. That in the location, construction, and maintenance of the connecting line of railroad which the Philadelphia, Baltimore and Washington Railroad Company is by this Act authorized and empowered to locate, construct, maintain, and operate, from the point hereinbefore mentioned on the north line of Montana avenue to a point of connection with its railroad near Magruder Station, in the State of Maryland, said Philadelphia, Baltimore and Washington Railroad Company shall have, be possessed of, and exercise the powers and processes of condemnation as prescribed by section nine of this Act, and also all authorities, rights, powers, privileges, and franchises conferred upon or vested in the Baltimore and Ohio Railroad Company by the twelfth section of said Act relating to it, approved February twelfth, nineteen hundred and one, in respect to the line of railroad therein authorized, and shall be subject to the same limitations and restrictions as in said twelfth section set forth.

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INTERSECTING HIGHWAYS.

Grade crossings prohibited.

Any and all streets or highways within the District of Columbia now or hereafter planned or projected to cross any line of steam railroad in the District of Columbia, which may be hereafter opened to public use, shall be located, constructed, and maintained either beneath such railroad by a suitable subway, or above the same by a suitable viaduct bridge at such altitude as will not interfere with the free and safe operation thereof. The cost and expense of opening said streets or highways within the limits of such railroad company's right of way, including the cost of constructing the portion of any viaduct bridge, within said limits, shall be borne and paid half by such railroad company, its successors and assigns, and half by the District of Columbia and the United States, but after construction the cost of maintenance shall be wholly borne and paid as in the case of other public highways in the District of Columbia; and the portions of such streets now or hereafter planned or projected as above which lie within a right of way belonging to such railroad company shall be dedicated by such company as a public thoroughfare when the portions of such street adjoining such right of way have been similarly dedicated or otherwise acquired.

Joint use of terminals by new roads.

SEC. 11. That any railroad company now or hereafter lawfully existing and authorized to extend a line of railroad into the District of Columbia, or having secured the right to operate over the lines of any other then existing railroad, to a point of connection with the tracks of said terminal company, shall have the right to the joint use of said station and terminals upon the payment of a reasonable compensation for the use of the same; and if the parties be unable to agree upon such terms, then the same shall be prescribed by the supreme court of the District of Columbia, upon petition of either party in interest, under such rules of procedure as the said court shall prescribe.

Station near Long Bridge.

SEC. 12. That the Philadelphia, Baltimore and Washington Railroad Company shall establish and maintain a substation with suitable accommodation for passenger travel at a convenient location north of the Long Bridge and at a point to be approved by the Commissioners of the District of Columbia.

AMENDMENT AND REPEAL.

SEC. 13. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 28, 1903.

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REPORTS AND DOCUMENTS RELATIVE TO EXISTING LAWS PROVIDING FOR THE ELIMINATION OF GRADE CROSSINGS AND THE CONSTRUCTION OF A UNION RAILROAD STATION IN THE DISTRICT OF COLUMBIA.

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Senate Report No. 1303, Fifty-sixth Congress, first session.

NEW TERMINALS AND TRACKS FOR THE BALTIMORE AND OHIO RAILROAD COMPANY.

May 14, 1900.—Ordered to be printed.

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

REPORT.

[To accompany S. 2329.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes, report the bill to the Senate with certain amendments and recommend its passage as amended.

The favorable report upon the bill to abolish grade crossings on the lines of the Baltimore and Ohio Railroad is the result of work that has been going on for a number of years. Many projects for these changes have been put forward, only to meet serious obstacles of one kind or another. First the railroad engineers were unable to sanction any plan that involved the separation of the two branches of the road at a point beyond Florida avenue; again, the use of the present station grounds as the site of the proposed new depot involved the closing of streets that should be kept open; still again the financial condition of the road, combined with the general depression in business, made it impossible for the company to accede to as complete a plan of reconstruction as the situation demanded.

DELAYS IN CARRYING OUT THE PROJECT.

While one thing after another tended to delay the completion of the plan the committee has never for a single session lost sight of the great object to be attained, but constantly has pressed upon both the Dis-

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trict Commissioners and the officials of the road the desirability, and indeed the necessity, of a thorough and complete rearrangement of the Baltimore and Ohio terminals in the District of Columbia. Thanks to the more careful study of the situation on the part of the engineers, to the masterly reorganization of the railroad company, and to the revival of business, the committee is able at this time to present a plan for eliminating grade crossings along the line of the Baltimore and Ohio road, not only within the city of Washington, but also for a considerable distance within the county. Also a provision has been made in the street-extension plans for such a treatment of streets and avenues as shall insure the systematic elimination of grade crossings along this line throughout the District of Columbia. Moreover, it is provided that the lines shall diverge at a point north of Florida avenue, and thus many streets that are now seriously encumbered by railway tracks will be entirely freed from the burden. As a result, a great and populous section of the city will be vastly improved. When to the material advantage thus gained is added the very considerable saving of life that will come from the elevation of these tracks, the committee feel justified in congratulating the people of the District on prospective changes that will place Washington on a par with the other great cities in the country in the matter of its railway terminals.

PUBLIC APPROVAL OF PROPOSED PLANS.

The engineering features of the plan now presented have the approval of the representative bodies of the citizens of the District. The committee acknowledges with pleasure the strong and earnest support given to the plan by the Northeast Washington Citizens Association. Although the individual interests of some of the members of this association will be hurt, at least temporarily by the changes contemplated, there is a unanimous desire that the scheme shall be carried out for the benefit of the whole section. So, too, the Eckington Citizens Association, while advocating a change in certain particulars, assured the committee that their objections would not be allowed to stand in the way of carrying out the plan as agreed upon, in case the engineering objections to their proposals seemed valid; and it is only after a careful reconsideration of the whole matter that the original proposition is recommended.

CHARACTER OF THE CHANGES.

In brief, the proposed changes are as follows: The Baltimore and Ohio Railroad Company is to remove its present station and build a commodious depot across Delaware avenue, 200 feet north of C street north. This will open North Capitol street to travel, and thus put into complete use one of the great thoroughfares of the city. For its station and grounds the company will occupy the squares east and west of Delaware avenue and north of C street, thus obtaining sufficient space for the transaction of its business with the public. Architecturally, the station building is to be a structure fit to occupy a prominent position within plain sight of the Capitol.

From the station the road will run northeasterly on Delaware avenue to Florida avenue, the tracks being carried on an elevated masonry

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structure underneath which the main thoroughfares are to be carried. From a point north of Florida avenue the road will be carried on an embankment. The line of road that now diverges at G street will be abandoned, thus doing away with eleven grade crossings and leaving those streets entirely free from railroad tracks. The great property of the United States now occupied by the Columbia Institution for the Deaf and Dumb, instead of being hemmed in between two lines of railroads crossing streets at grade, will be relieved altogether of one set of tracks, and from the west the approach will be underneath a sightly structure. Moreover, the occupation of Delaware avenue will be only to such an extent as will leave an ample driveway on each side of the elevated tracks.

THE QUESTION OF DAMAGES.

So systematically has the plan been worked out that no land damages are anticipated. There are, however, certain expenses that must be shared between the District and the railroad if these desirable changes are to be brought about. In making these adjustments the District Commissioners have followed what is now the well-settled policy in such cases—a division of those expenses directly consequent on abolishing grade crossings.

DIVISION OF COSTS.

The Baltimore and Ohio Railroad Company, under an existing agreement between said company and the municipal authorities authorized by Congress, has the right to maintain its present tracks within the District of Columbia until 1910, subject, of course, to the Government's right to exercise the power of eminent domain with regard thereto.

To elevate these tracks within the city and to confine the same to one line instead of two lines now existing, it is necessary to change both of the existing lines materially in a part of the District lying outside of the city limits, and to unite them beyond the boundary of the city to bring them down Delaware avenue, as proposed. This necessitates the abandonment for more than a mile and a half of the right of way on the Washington branch and of some right of way on the Metropolitan branch, and the purchase of a new right of way from Montello to Eckington, the abandonment of roundhouse, turntable, water tank, shops, buildings, and trestles at Trinidad on the Washington branch, and the construction of the same at or near Eckington, as proposed; it requires the construction of a new "Y" or device for the joining of two lines outside of the District. These costs are a part of the costs made necessary by the elevation, and their estimated sum was placed, for the purpose of agreement between the company and the District Commissioners, at a low figure. Under the general rule established in other localities, and recognized by this committee, one-half of these costs should be borne by the public benefited.

Moreover, it must be borne in mind that the company voluntarily relinquishes its right under the contract referred to, which would give it ten years more of existence under present conditions, and that it transfers to the public, without costs, the right of way abandoned on

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the Washington branch. Also, the company, in bringing its line from Montello to Eckington, adopted the line suggested by the Commissioners (even though a less expensive one might have been adopted), in order to enable the future streets of Washington, when extended into the part of the District traversed by the proposed line, to be extended without crossings at grade. The land purchased for the uses of the yards, roundhouses, etc., at Eckington, or purchased for the location of terminals in the city, are not included in the costs.

Appended may be found the report of the Commissioners of the District of Columbia, which presents in detail the features of the proposed plans, and a report made to the East Washington Citizens Association, showing the law and custom in regard to the division of cost of grade crossings.

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APPENDIX I.—ELIMINATING BALTIMORE AND OHIO RAILROAD GRADE CROSSINGS.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 27, 1900.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia, Senate.

SENATOR: The Commissioners have the honor to submit the following on Senate bill No. 2329, Fifty-sixth Congress, first session, to eliminate grade crossings on the line of the Baltimore and Ohio Railroad in the city of Washington, and for other purposes, referred to them by your committee for report:

PRESENT CONDITIONS.

A blue print is submitted herewith, showing the present and proposed routes of the Baltimore and Ohio Railroad within the District of Columbia. From this it may be seen that the tracks now cross 24 streets and avenues within the city limits. Along the Washington branch within the city limits the tracks are partly at grade at certain portions of the route, at others they are in a cut, and at others on an embankment. On this account Third, Sixth, Eighth, Ninth, I, and K streets NE. do not cross the road; at Florida avenue the tracks are below grade and difficult of approach; at Fifth and Seventh streets the tracks are on an embankment, and at Second street there is a bridge over the tracks, the approaches to the crossings being narrow and steep in each case, the bridge crossing being exceptionally undesirable. Between the present passenger station and H street the crossings are so obstructed by tracks, and also by shifting trains from time to time, as to be a constant source of annoyance and danger, and several of the crossings within the limits named are now practically abandoned on account of the difficulty attending their use.

The Metropolitan branch now comes into the city along First street east, which is 110 feet wide. It crosses Florida avenue practically in the line of New York avenue, making a bad curve upon both the south and the north side of Florida avenue, the one on the north, owing to the position of the small station at this point and the configuration of the ground, being exceptionally dangerous.

The Washington branch enters the city near the intersection of L street and Florida avenue northeast, between Ninth and Tenth streets, and crosses intervening blocks diagonally to the corner of Sixth and I streets. It then follows I street to Second, curving into Delaware avenue at H street. This curve is particularly dangerous, owing to the fact that H street is occupied by a street-car line and is one of the principal lines of travel to the northeastern portion of the city. Several bad accidents have occurred here.

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The freight and passenger stations of the company are inconvenient, and insufficient to meet the present demands of traffic and commerce, and this condition is becoming worse each year.

OBJECTS OF THE BILL.

The main objects of the bill are:

(1) To eliminate grade crossings by (*a*) abandoning certain portions of the railway routes; (*b*) by consolidating the Metropolitan and Washington branches, bringing them into the city on a single viaduct along the line of Delaware avenue, the viaduct being carried over street crossing; (*c*) by closing certain streets.

(2) To provide a modern passenger station on the north of C street northeast, between First and North Capitol streets, and also a station for fast and perishable freight on the east of North Capitol street, between D and F streets.

(3) To provide railroad yards and station for heavy freight in the territory bounded by Florida avenue, S street, the Metropolitan branch, and the Brentwood road.

The bill also proposes to authorize the formation of a terminal company, if desired, in carrying out the purposes of the bill. But this is believed to be an internal feature of the project which need not be discussed in this report.

ROUTES ABANDONED.

Under the bill the present Washington branch would be abandoned between Winthrop Heights station and Delaware avenue. This would abolish every grade crossing along the road within the city limits east of Delaware avenue. The right of way between Second street east and Winthrop Heights, thus vacated, would be deeded to the District of Columbia, in fee simple, for highway purposes.

The right of way is 66 feet wide and 1.5 miles long. It traverses a territory sorely in need of more direct highway connection with the city. The right of way is already at grade, and with a comparatively small expenditure for placing a proper roadway surface upon it, it would furnish a very valuable and highly desirable avenue through this section of the District.

The present Metropolitan branch would be abandoned south of the north line of New York avenue. This would clear New York avenue and First street east of tracks, thus abolishing all grade crossings along the line of road in the city limits west of Delaware avenue.

THE NEW ROUTES.

The new routes proposed by the bill are shown by red lines on the accompanying blue print. From this it will be seen that, beginning at the south end, the road commences in Delaware avenue, just north of C street at the station, thence runs northerly on Delaware avenue to Florida avenue, the Metropolitan branch continuing in a direct line until it joins the present right of way near S street, and the Washington branch bearing off to the east, paralleling New York avenue extended, about 200 feet to the north thereof, until it connects with the existing main line in the vicinity of Winthrop Heights.

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The two branches will be connected by means of a Y just north of R street, between Fifth and Seventh streets.

A glance at the map will at once manifest the magnitude of the improvement which would be accomplished by the proposed change. The number of street crossings on the line of the road within the city limits would be reduced from twenty-four to nine, and these nine would pass under the viaduct instead of crossing tracks at grade, thus being entirely free from the danger and annoyance attaching to crossings at grade. It is believed that this improvement would give a considerable impetus to the northeastern section of the city, which has heretofore been retarded in its growth by the fact that its communication with the center of the city and the various Government departments has been interrupted by crossing one or more railway tracks at grade.

THE VIADUCT.

Within the city limits the tracks will be placed upon a viaduct located in the middle of Delaware avenue. This avenue is 160 feet wide; the viaduct will be 80 feet in width, leaving 40 feet on each side for roadways and sidewalks, so that the usefulness of the avenue for highway purposes will be still preserved.

STREETS TO BE CLOSED.

The bill provides that the following-named streets shall be closed and abandoned to the uses of the railroad:

IN THE CITY LIMITS (NORTHEAST).

Delaware avenue between F and C streets.
D street between North Capitol and First streets.
E street between North Capitol and First streets.
F street between Massachusetts avenue and First street.
Delaware avenue between Florida avenue and M street.
N street between Second and Third streets.

IN THE COUNTY (NORTHEAST).

The streets east of the Metropolitan branch, between T street, Florida avenue, Brentwood road, and Sixth street.

Brentwood road between S street and Florida avenue.

R street between Third street and the Metropolitan branch.

Delaware avenue between F and C streets, and D and E streets between North Capitol and First streets.—These streets are bounded by squares owned or controlled by the company, or which the company is authorized by the bill to acquire for railroad purposes. They are virtually closed at present by reason of existing tracks and shifting trains. Practically no traffic passes over them except that connected with the business of the company. It is recommended that authority to close these streets be granted.

F street, between First street and Massachusetts avenue.—This street is quite an important line of communication between the eastern and western sections of the city. It is believed that the constructions of the company could be carried over it without undue difficulty or expense.

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It is therefore recommended that the street be not closed, and that the bill be amended so as to provide for carrying it through.

Delaware avenue, between Florida avenue and M street, and N street, between Second and Third streets.—These portions of the street and avenue are bounded by four small triangular blocks which are owned by the company, and all four put together are but little larger than an ordinary city block. There is a considerable rise in the ground here, and in order to carry N street under the road, Delaware avenue, within the limits named, would have to be first excavated and a viaduct then constructed. Through travel would not be in the slightest degree incommoded by the proposed closing, and as all of the abutting property is owned by the company there appears to be no objection to closing the streets as proposed.

The streets in Eckington east of the Metropolitan branch, between T street and Florida avenue, and Brentwood road, between S street and Florida avenue.—These streets are bounded by squares already owned by the company or which they are authorized by the bill to acquire. They are desired for use in connection with the proposed railroad yard and freight station and will not be needed if authority is not granted for the establishment of a yard at this locality. The question of locating the yard and freight station at this point is referred to further on in this report.

R street, between Third street and the Metropolitan branch.—This portion of R street is west of the Metropolitan branch. It is recommended that no portions of streets in Eckington west of the Metropolitan branch be closed.

STREETS KEPT OPEN.

The following-named streets will be entirely freed of railroad tracks and kept open to the public: Massachusetts avenue, G, H, I, K, L, and M streets, Florida and New York avenues, and T street.

As before stated, it is recommended that F street be kept open also.

All of the streets kept open, with the exception of T street, pass under the railroad viaduct. T street will be carried over the railroad on a bridge.

THE NEW PASSENGER STATION.

The new passenger and fast freight terminal of the company will be located in the squares between F and C, First and North Capitol streets NE., as shown on the accompanying map. The company now owns or controls most of the property necessary for the purpose.

The proposed site is a most admirable one. It is on a bluff just north of C street in the line of Delaware avenue. The ground is some 20 or 30 feet higher than the land to the north, and possesses peculiar natural advantages, which make possible the unique combination of an elevated railway with a station at grade. The station building will be set back from C street, affording a broad plaza in front. Its main floor will be on the grade of C street, so that passengers will not have to climb steps or use elevators. Along the street in front run the principal street-car lines of the District. It is bounded on the east by a street 110 feet wide and on the west by one 130 feet in width, which afford ample room for the traffic incident to a railway station. The location of the station upon this site will permit also the removal of

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tracks from North Capitol street and the full restoration of this grand avenue to the uses of the public.

THE FAST-FREIGHT STATION.

The company proposes to locate its depot for fast and perishable freight to the east of North Capitol street, between D and F streets. The station will be set back a good distance from the street, and an ample yard will be provided, so arranged that no business attaching to it will be transacted in the street, the freight yard having ample facilities within its own limits. The site is a most excellent one for the purpose, being centrally located and easy of access.

ECKINGTON YARD AND FREIGHT STATION.

The bill provides for the location of a railroad yard and freight station on the east side of the Metropolitan branch between Florida avenue and T street.

The Eckington Citizens' Association objects most strenuously to the location of a yard and freight station in this territory. Their grounds of objection are that such an establishment would affect most injuriously the value of the contiguous property; that the closure of the streets necessitated thereby would cut off all travel between their section and the east from New York avenue to T street; that a large number of residents in the county whose access to the city is by way of the streets to be closed would be seriously inconvenienced.

To obviate these objections they recommend that the Metropolitan branch leave the main stem of the road at Ninth street east instead of at Third street east, as at present, thence run northerly, connecting with the present Metropolitan branch in the vicinity of Indianapolis street, Brookland. Under this plan the Y would be located about a half mile farther out, in the vicinity of the subdivision of Fairview, and the yard and station would be situated on a part of the old Ivy City Race Course, about a mile farther from the center of the city than the site proposed in the bill.

To these recommendations the company replies that to place the yard and station so far out would make it impossible to carry on the business of the company or to handle the freight with convenience to itself or to the Washington public; that the land embraced within the Y would be rendered useless by the heavy grades; that most of the street spaces proposed to be taken have never been opened or improved, and that all of them are bounded by property which is owned by the company.

In this connection the Commissioners would state that the site proposed by the bill for the yard and freight station would close all the streets of Eckington of east the Metropolitan branch except the following, which would be kept open: T street; Sixth street north of the south line of S street; S, Seaton, T, and Thomas streets east of Sixth street.

The portions of R and S streets and Sixth street between S street and Brentwood road proposed to be closed are improved streets, having been paved with asphalt some years ago at private expense. The other streets proposed to be closed are not improved. South of R street the

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District. They were tentatively agreed upon by the Commissioners only after an exhaustive consideration of the subject, viewed in all of its aspects. And the plans were selected because, in the opinion of the Commissioners and the engineers, they were the best for the purpose which could be designed.

The plans were not exactly what the company wanted. The company has accepted a number of changes which were not desired by it. However, as before stated, the plans were tentatively agreed upon by the company and a former board of commissioners, and the company proceeded immediately to acquire the land necessary to carry them out, and it is believed that the company is entitled to some consideration in the matter.

As to the property interests locally affected, it may be stated as a broad proposition that no locality can be found which is entirely free from objection. No matter what site or plan is proposed something can and will be urged against it. The Citizens' Association opposes the first plan because it would approach near to the homes and property of its members, while the plan proposed by the association in lieu thereof would be most bitterly fought, because it would enter upon a cemetery and disturb the bodies of the dead. And the hostile sentiment aroused in the latter case would be far more bitter and strong than the material objections urged in the former. All things considered, it is believed that the second proposition would meet with a more formidable opposition than the first.

It is believed that Congress can readily decide on which side of the controversy the public interests are greater.

TEMPORARY TRACKS.

The bill authorizes the use of temporary tracks during the construction of the works authorized. This authority is very necessary, but owing to the change of route it need be used only to a small extent, as, with the exception of a few squares, the existing tracks can be used until the new ones are ready for occupation, thus reducing to a minimum the inconvenience to the public ordinarily incident to a work of this magnitude.

AUTHORITY TO ACQUIRE LAND, ETC.

The bill proposes to authorize the company to establish such additional freight and passenger stations as it may find necessary, at such points as may be approved by the Commisioners, and also to acquire any desired land adjacent to the streets along which the railroad or works of the company are situated.

It is deemed advisable to limit this authority to lands within the city limits west of Second street east, and east of North Capitol street.

SIDINGS INTO ADJACENT PROPERTY.

The company is authorized by the bill to run sidings into property adjacent to its line of road when desired by the owner of the same, the work to be done in accordance with plans approved by the Commissioners, and no grade crossings to be created thereby. This is believed to be a wise provision, as it will tend to develop the adjacent land into business property and to enhance its value.

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DIVISION OF COSTS.

The estimated cost of the works contemplated in the bill is $5,000,000.

It is proposed that the United States and the District of Columbia shall pay in equal proportion the cost of approaches to railroad crossings, which is estimated to be		$15,000
The United States and the District of Columbia are to pay in equal proportion on account of the betterments contemplated the sum of		1,500,000
Making the total cost to the public		1,515,000
From this should be deducted the value of the abandoned right of way of the company, outside of street limits, between Winthrop Heights and Delaware avenue, which land is to be deeded to the District in fee simple, being 12.1 acres, valued at $3,000 per acre	$36,300	
1.6 acres, valued at $8,125 per acre	13,300	
		49,300
Leaving a balance of		1,465,700

With reference to the proposition of the Government paying a million and a half dollars toward the project in question the company states that this amount is half the estimated cost of so much of the plan as relates directly to the abolishing of grade crossings—that is, the change of route and elevation of tracks—and they request the Government to pay this proportion of the proposed work. To this very necessary work they state that they are adding $2,000,000 more in betterments which will all be to the benefit of the public, and from the estimates submitted to them the Commissioners have reason to believe that the amounts have not been overstated.

Objection has been raised by a few parties in the District to this payment on the ground that the company needs new terminal facilities, which it must obtain for the transaction of its business. But the company states, and the Commissioners have reason to believe, that it now owns sufficient ground to give it all the terminal facilities it would need for fifty years to come, with tracks on grade, at an expenditure of not more than half a million dollars, and that the four or five millions required to do the work called for by the bill is mainly for the improvement and advantage of the District and city.

The company claims that under contracts and agreements made by said company and the municipal authorities, authorized by acts of Congress dated March 2, 1831, and March 3, 1835, under the terms of which the depot was removed from its original site to the site now occupied by it and its tracks were confined to that part of the city east of New Jersey avenue and north of C street, the right to occupy its present site and tracks was authorized and confirmed until 1910. The contract referred to is dated June 15, 1850, and the ordinances authorizing and confirming it are dated, respectively, May 31, 1850, and January 17, 1867.

The Commissioners believe, after examination and consultation, that there is merit in the claim of the company, and that should it not be willing to abandon the present routes and elevate its road it could not be compelled to do so even by Congress prior to 1910 without compensation.

The company states quite frankly that, under the circumstances, they expect assistance in carrying out so much of the plan as relates directly to changing their routes, elevating their tracks, and removing

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them from grade for the purpose of improving the city and for the convenience of street traffic.

Considering the advantages which will be derived by said city and the public generally and the vastly greater expense proposed to be incurred by the company than what could be required if it stood upon its strictly legal rights under the terms of the contract above referred to, and considering also that railways in other cities of the country have been aided by the city or State, or both, in the work of abolishing grade crossings, the Commissioners feel that the request of the company is equitable and not immoderate.

The manner in which payments are to be made is considered very reasonable. A sinking fund is to be established, and the million and a half dollars is to be paid only upon presentation of a certificate from the Commissioners that the work required by the bill has been satisfactorily executed.

It is believed that the value of the benefits and improvements resulting from the proposed changes will exceed considerably, even at the present time, the million and a half dollars which the Government is required to pay, and that the ultimate benefits will be of still far greater magnitude.

TAXATION.

It is recommended that a provision be included in the bill that the property occupied by the company under authority conferred by the bill, should it become a law, together with the improvements which may be put thereon, shall be subject to taxation by the District of Columbia the same as other property in said District.

ACQUIREMENT OF NECESSARY LAND.

In cases where the company can not agree with the owners for the purchase of any land it is authorized to acquire, it is believed that power should be given it, where necessary, to take immediate possession of such parcels as may be needed, upon filing with the court good and sufficient bond to insure the payment of its value when duly determined by the proper authorities. If this is not done condemnation proceedings may delay seriously the execution of the work and add considerably to the time and difficulty of bringing about the desired improvements in the railroad situation.

AMENDMENTS.

In accordance with the suggestions contained in the report, the Commissioners recommend that the bill be amended as follows:

Add the following at the end of line 20, page 2: "*Provided*, That no portion of any street shall be closed under authority of this act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property."

Strike out all of section 3 down to the word "New," in line 5, page 5, and insert in lieu thereof the following: "SEC. 3. That to accomplish the purposes of this act the following-named streets in the subdivision of Eckington, east of the right of way of the Metropolitan

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Branch of the Baltimore and Ohio Railroad Company, shall be completely vacated and abandoned by the public and closed to public use, namely: Q, R, Third, Fourth, Fifth, and Randolph streets; S and Seaton streets west of Sixth street, and Sixth street south of S street. The Brentwood road shall also be closed between S street and Florida avenue."

Add at the end of line 21, page 5, the following: "*Provided*, That M street may be crossed by a metal bridge instead of a masonry arch, if desired, in order to avoid any change in the grade of said street."

Strike out of line 2, page 6, the words: "F street between First street and Massachusetts avenue."

Page 6, line 14, after the word "avenue," insert the words: "and F street."

Page 6, line 15, strike out the words "as shown on the said plan" and insert in lieu thereof the words: "in accordance with plans approved by the Commissioners of the District of Columbia."

Page 7, line 20, strike out the word "District" and insert in lieu thereof the words: "city limits west of Second street east, and east of North Capitol street."

Page 13, line 15, after the words "SEC. 8" insert the following: "That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal company, under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*."

Attention is invited to the fact that under the terms of the bill the company would be authorized to acquire the premises in square 683 now occupied by the Senate stables and District engine house No. 3. The question of providing premises in lieu thereof is left to Congress.

A copy of the bill containing the amendments suggested above is inclosed. With the amendments the Commissioners recommend that a favorable report be made upon the bill.

Very respectfully, yours,

JOHN B. WIGHT,
JOHN W. ROSS,
LANSING H. BEACH,
Commissioners of the District of Columbia.

(Amended bill, blue prints showing plans as set forth in bill, and map showing plan recommended by Eckington Citizens' Association inclosed.)

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APPENDIX II.—BALTIMORE AND OHIO WASHINGTON TERMINAL IMPROVEMENTS.

ESTIMATED COST.

CUT-OFF FROM MONTELLO TO FLORIDA AVENUE.

Right of way and property:		
50 acres, at $5,000, including damages	$250,000.00	
44 acres, at $2,500, including damages	110,000.00	
Excavation, 205,500 cubic yards, at 35 cents	71,925.00	
Masonry, 17,000 cubic yards, at $9	153,000.00	
Bridges	111,935.00	
Arch masonry, 20,000 cubic yards, at $9	180,000.00	
Iron railing, 2,000 linear feet, at $1.50	3,000.00	
Track (main), 2,000 linear feet, at $1.15	23,000.00	
Ballast, 11,500 cubic yards, at $1	11,500.00	
		*$914,360.00

METROPOLITAN BRANCH CONNECTION.

Right of way, 132,000 square feet, at 25 cents	$33,000.00	
Embankment, 50,000 cubic yards, at 35 cents	17,500.00	($10,500)
Track (main), 6,000 linear feet, at $1.15	6,900.00	
Ballast, 3,500 cubic yards, at $1	3,500.00	
Bridge, T street	15,000.00	
		75,900.00

ECKINGTON YARD.

Property, 500,000 square feet, at 25 cents	$125,000.00	
Filling, 450,000 cubic yards, at 35 cents	157,500.00	($94,500)
Track in yard, 53,000 linear feet, at $1	53,000.00	
Ballast (cinder), 35,000 cubic yards, at 35 cents	12,250.00	
Frogs and switches, 80 sets, at $50	4,000.00	
Slip switches, 2 sets, at $350	700.00	
Roundhouse	*100,000.00	
Turntable	*5,000.00	
Water tank and connections	*2,500.00	
Shops and buildings	*10,000.00	
Coal trestle	*15,000.00	
		484,950.00

FLORIDA AVENUE TO SOUTH SIDE OF G STREET.

Viaduct, 65,000 cubic yards, at $9	*$585,000.00	
Filling, 60,000 cubic yards, at 35 cents	*21,000.00	
Iron railing, 6,800 linear feet, at $1.50	*10,200.00	
Interlocking	20,000.00	
Track, 17,000 linear feet, at $1.15	19,550.00	
Ballast, 11,000 cubic yards, at $1	11,000.00	
		666,750.00

TERMINALS SOUTH SIDE OF G STREET TO C STREET.

Property	$1,250,000.00	
Retaining wall, etc., 90,000 cubic yards, at $9	*810,000.00	
Filling, 1,500,000 cubic yards, at 35 cents	*525,000.00	
Ballast (cinder), 35,000 cubic yards, at 35 cents	12,250.00	
Interlocking	30,000.00	

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Paving driveways, 30,000 cubic yards, at $2	60,000.00	
Station building	250,000.00	
Platforms and pavements, 14,000 cubic yards, at $2	28,000.00	
4-inch granite curbing, 8,100 linear feet, at $1	*8,100.00	
Iron railing, C street, 635 linear feet, at $2	*1,270.00	
Iron railing, walls, 6,550 linear feet, at $1.50	*9,825.00	
Iron railing, train shed, 1,576 linear feet, at $3	4,728.00	
Train shed	240,000.00	
Freight shed	150,000.00	
Track, 54,000 linear feet, at $1.15	62,100.00	
Ballast, 5,625 cubic yards, at $1	5,625.00	
Frogs and switches, 50 sets, at $50	2,500.00	
Slip switches, 23 sets, at $350	8,050.00	
		$3,457,448.00
		5,599,408.00

(NOTE.—Items marked * included in other estimate.)

COST ATTRIBUTABLE TO ELEVATION AND CHANGE OF LINE.

CUT-OFF FROM MONTELLO TO FLORIDA AVENUE.

Right of way and property:		
50 acres, at $5,000, including damages	$250,000.00	
44 acres, at $2,500, including damages	110,000.00	
Excavation, 205,500 cubic yards, at 35 cents	71,925.00	
Masonry, 17,000 cubic yards, at $9	153,000.00	
Bridges	111,935.00	
Arch masonry, 20,000 cubic yards, at $9	180,000.00	
Iron railing, 2,000 linear feet, at $1.50	3,000.00	
Track (main), 20,000 linear feet, at $1.15	23,000.00	
Ballast, 11,500 cubic yards, at $1	11,500.00	
		$914,360.00

METROPOLITAN BRANCH CONNECTION.

Embankment, 30,000 cubic yards, at 35 cents		10,500.00

ECKINGTON YARD.

Filling, 270,000 cubic yards, at 35 cents	$94,500.00	
Roundhouse	100,000.00	
Turntable	5,000.00	
Water tank and connections	2,500.00	
Shops and buildings	10,000.00	
Coal trestle	15,000.00	
		227,000.00

FLORIDA AVENUE TO SOUTH SIDE OF G STREET.

Viaduct, 65,000 cubic yards, at $9	$585,000.00	
Filling, 60,000 cubic yards, at 35 cents	21,000.00	
Iron railing, 6,800 linear feet, at $1.50	10,200.00	
		616,200.00

TERMINALS SOUTH SIDE OF G STREET TO C STREET.

Retaining walls, 90,000 cubic yards, at $9	$810,000.00	
Filling, 1,500,000 cubic yards, at 35 cents	525,000.00	
4-inch granite curbing, 8,100 linear feet, at $1	8,100.00	
Iron railing, C street, 635 linear feet, at $2	1,270.00	
Iron railing, walls, 6,550 linear feet, at $1.50	9,825.00	
		1,354,195.00
		3,122,255.00

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APPENDIX III.—DIVISION OF COSTS OF GRADE CROSSINGS.

FEBRUARY 12, 1900.

To the Northeast Washington Citizens' Association:

Your committee on railroads has the pleasure to report that on January 11 last a bill providing for the abolition of grade crossings, prepared by the Baltimore and Ohio Company, was introduced in the United States Senate and is now before the District Commissioners for their consideration and report.

Of course it can not be expected that a bill emanating from such a source could be all that is generally desired; but taking into consideration that railroads are a necessity in any community, and are servitors of no mean proportions, and that the convenience of the traveling public and our merchants and other citizens is coequal with the prosperity of our railroads, there are some things which we must yield on the principle of the greatest good to the greatest number. Therefore we most respectfully submit and recommend that the bill should be amended by requiring the railroad company to increase the width of C street from New Jersey avenue to First street east at least 40 feet in order to provide for the increased traffic in front of their station. We would also emphasize the proposition that the parked spaces on the line of Delaware avenue north of Massachusetts avenue be left undisturbed as parks, and that the use of any part of North Capitol street or of that part of First street east, south of F street, be expressly prohibited.

The closing of F street, as provided for in the bill, should meet with our most uncompromising resistance.

To the other portions of the bill, so far as they relate to the route south of Florida avenue, we might give our passive acquiescence.

To that portion of the proposed route north of Florida avenue we would suggest the practicability of keeping farther to the eastward and locating the Y farther to the northward, so that the streets in Eckington may not be disturbed either by the presence of tracks, roundhouses, or repair shops. We are also of the opinion that the necessary changes of grade and any damage accruing to private property along the proposed route should be borne by the railroad company.

So far as we can learn the plans for the viaduct south of Florida avenue provides for a series of arches. To our mind's eye this seems to be a plan of architectural merit and pleasing effect, besides being of sufficient importance to adjacent private property that such openings should be kept open and unobstructed. But inasmuch as in other cities where such structures exist the area within the arches is sometimes used for warehouses, stables, and other purposes of the railroad companies, we would suggest that these archways, when so used, should pay a revenue to the District government, and that if the

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Government at any time should desire to use such archways it shall have the right to do so free of cost.

The bill allows five years for the completion of the work, but it is claimed by some engineers that it may be completed within three years. For these reasons we would recommend that the period of six years allowed for maintaining the tracks along the Deaf Mute College grounds, and the roundhouses and the works in Trinidad, be limited to six months from the completion and occupancy of the proposed new tracks.

The question of the division of costs of the structural work necessary to change from surface to elevated tracks, we think, is one that can safely be left to the discretion of Congress and the District Commissioners, because, so far as we are able to learn, the proportions vary in the many cities and States where such changes as are contemplated here have been made.

W. J. FRIZZELL,
Chairman of Committee on Railroads.

MARCH 12, 1900.

To the Northeast Washington Citizens' Association:

Under date of February 12 last, your committee on railroads submitted a report recommending, among other things, that the division of costs for the proposed work of elevating the Baltimore and Ohio tracks and abolishing grade crossings be left to the discretion of Congress and the District Commissioners. This proposition has been acquiesced in by several of our citizens' associations directly interested, and is opposed by only a few persons who have no community of interest in anything pertaining to the welfare of the whole city, and can see no farther than their own immediate neighborhoods.

Your committee has taken the trouble to inquire into the methods followed in other cities relative to the division of costs of abolishing grade crossings and submit a few examples, as follows:

By an ordinance of the city of Philadelphia, Pa., approved March 5, 1892, the city appropriated $30,000 to abolish grade crossings on the Philadelphia and Trenton Railroad at Comly, Longshore, Washington, and Union streets.

By another ordinance, April 10, 1893, the city appropriated $30,000 to abolish grade crossings on the Philadelphia and Trenton Railroad at Cottman street, and on the Princeton and Holmesburg Railroad at Hagerman street.

By another ordinance, February 12, 1897, the city appropriated $900,000 to change the grade of streets and to abolish grade crossings from Norris street to Butler street on the line of the Philadelphia and Trenton Railroad, and released the Pennsylvania Railroad Company, lessee of the Philadelphia and Trenton Railroad, from any liability for damages on account of this work.

By another ordinance, March 26, 1897, the city appropriated $25,000 to abolish grade crossings on the Philadelphia and Trenton Railroad at Magee and Vankirk streets.

By another ordinance of the same date the city appropriated $35,000 to abolish grade crossings on the Philadelphia and Trenton and Frankford and Holmesburg railroads at Rhawn street.

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In each of the above cases the mayor was authorized to enter into bond on behalf of the city for the payment of any damage accruing to property by reason of change of grade or otherwise.

You will see from the above that the city of Philadelphia by five separate ordinances contributed $1,020,000 as its proportion of the cost of abolishing grade crossings in that city on the line of one of its smaller steam railroads.

We find that the State of Connecticut has a statute which provides that whenever any city or town desires the elimination of grade crossings, such city or town shall pay 25 per cent of the costs where such crossing antedates the construction of the railroad and 50 per cent if such crossing has been laid since the construction of the railroad. If a railroad desires to make any such change, it shall pay the whole expense thereof.

By a special act of the Connecticut assembly, the changes made necessary for eliminating grade crossings by elevating the tracks and constructing two additional main tracks, etc., on the New York division of the Pennsylvania Railroad, the city of Bridgeport was required to pay such proportion of the cost as should be determined by agreement or by order of the railroad commissioners of the State.

In the same State the city of New Haven paid one-half of the cost of carrying the steam railroad tracks over East Chapel street.

By special act of the legislature of Massachusetts, providing for a change of grades, etc., on the Providence division of the Pennsylvania Railroad in the city of Boston, 55 per cent was paid by the railroad company and 45 per cent by the Commonwealth, the city of Boston being required to refund the State 30 per cent of the whole cost.

For similar changes in Brockton, Mass., including new stations, yards, tracks, etc., the railroad company paid 65 per cent, the State 25 per cent, and Brockton 10 per cent.

The law of the State of Massachusetts now provides that no matter from which side an application is made to abolish grade crossings, 65 per cent shall be paid by the railroad company, 25 per cent by the State, and 10 per cent by the municipality.

A recent law of the State of New York divides the cost of abolishing grade crossings as follows: 50 per cent by the railroad company, 25 per cent by the State, and 25 per cent by the municipality.

In a letter dated October 16, 1899, Mr. William Jackson, city engineer of Boston, states that in a special case involving an expenditure of $4,000,000 the State and the city of Boston paid 45 per cent (of which the city assumed 13.5 per cent) and the railroad company paid 55 per cent.

In a letter dated October 17, 1899, Mr. G. S. Webster, chief engineer of Philadelphia, states that in the construction of the Pennsylvania avenue subway whereby 16 grade crossings were abolished, involving an expenditure of $3,000,000, the city paid one-half and the Philadelphia and Reading Railway Company paid the other one-half.

The foregoing are only a few of the cases that have come to the knowledge of your committee, and we content ourselves by reciting them. We deem it too tedious to go into details of similar cases, such as Rochester and other cities in New York, and Pittsburg and other cities in Pennsylvania, and especially in the case of the Atchison, Topeka and Santa Fe Railroad in St. Louis, Mo., where the conditions were nearly identical with ours on the Baltimore and Ohio road.

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We may be asked, "How much did the city of Baltimore, Md., contribute to the Baltimore and Ohio tunnel under said city?" To the unbiased mind but one answer is necessary, which is that no disadvantage was suffered nor advantage gained by Baltimore in any of the conditions or changes, and no equitable reason existed for the city to pay toward accomplishing a shorter route and a saving in time for the great benefit of the railroad company.

In several other cities, under circumstance similar to those that existed in Baltimore, railroad companies have found it advantageous to themselves by shortening routes and saving time to do the whole work at their own expense.

In this city the jeopardy to life and limb will be lessened, the loss of valuable time by detentions and obstructions at crossings will be abolished, and real property values and revenues therefrom will be increased in some cases as much as fourfold, as we have reason to think, within a short time; and while we do not wish to put ourselves on record as fully indorsing the payment of $1,500,000 asked by the Baltimore and Ohio Railroad Company, we think all fair-minded men will agree that the equities of the case demand some consideration, and we firmly adhere to our former recommendation that the United States Senators and the Representatives in Congress from the cities and districts where such work has been done, and the Commissioners of the District of Columbia and practical railroad engineers have ample facilities for ascertaining the proper division of costs, and we most confidently leave it to their determination.

We are pleased to report, further, that the District Commissioners, in their report on the bill presented to the Senate Committee on the District of Columbia on the 27th ultimo, recommended an amendment that F street be not closed, and adopted other of our minor suggestions. As the case now stands, we are of the opinion that the Commissioners and this association are in perfect accord as far as the bill relates to conditions south of Florida avenue.

W. J. FRIZZELL,
Chairman for Committee on Railroads.

At a meeting of the Northeast Washington Citizens' Association held on March 12, 1900, the above report was unanimously adopted and the committee on proposed legislation was directed to submit copies of the same to Congress.

EVAN H. TUCKER, *President.*

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House Report No. 2036, Fifty-sixth Congress, second session.

NEW TERMINALS AND TRACKS FOR THE BALTIMORE AND OHIO RAILROAD COMPANY.

DECEMBER 17, 1900.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT.

[To accompany S. 2329.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2329) to provide for eliminating certain grade crossings of the railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes, report the bill back to the House and recommend that it do pass with the following amendments:

Page 4, strike out all of section 2 and insert in lieu thereof the following:

That said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of T street, yard tracks, switches, roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business or for the purposes of a freight yard, and also to locate, build, maintain, and operate, beyond the city limits, a branch track or "Y" for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city: *Provided*, That said roundhouses and shops shall be located within said "Y" as far eastwardly as in the judgment of the Commissioners of the District of Columbia it is practicable.

Page 7, insert after section 3 a new section, to be known as "section 4," as follows:

That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square six hundred and eighty-three, secure and convey to the United States a tract of ground containing not less than twenty-one thousand square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than twenty-

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Senate Report No. 928, Fifty-sixth Congress, first session.

GRADE CROSSINGS OF THE BALTIMORE AND POTOMAC RAILROAD COMPANY IN THE DISTRICT OF COLUMBIA.

APRIL 10, 1900.—Ordered to be printed.

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

REPORT.

[To accompany S. 1929.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, report the bill back to the Senate with certain amendments and recommend its passage.

For ten years the subject of eliminating grade crossings along the line of the Baltimore and Potomac Railroad and providing enlarged terminals has been agitated both in Congress and among the people of the District. The rapid increase in the Southern business of the railroads, the increasing size of the crowds of people who come to Washington on special occasions, and the natural growth of the city itself, all have combined to make the present terminal facilities of the Baltimore and Potomac Railroad inadequate to the point of discomfort of passengers and undue expense on the part of shippers. The crossing at grade of two great street railway lines and of many much-used streets has been the source always of delay and apprehension, often of loss of life. The press of the city, the representative bodies of citizens, and the public generally have repeatedly and unanimously called for a change in the location of the tracks of this company, and this committee has long been working on plans to meet a situation constantly growing more and more embarrassing.

There has been no reluctance on the part of the railroad company to meet the desires of Congress and of the people of the District. On the contrary, the highest officers of the Pennsylvania Railroad have recognized fully the importance and desirability of placing their Washington terminals in a condition not only to meet the fast-growing business, but also to make them worthy of the capital city of the United

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States. The one great thing that stood in the way of an adjustment was the engineering problem. The railroad regarded as a physical impossibility an overhead structure and the elevation of its tracks, while the District authorities opposed sinking the tracks, or at least were not able to work out the change in a way satisfactory to the engineers of the railroad.

THE ENGINEERING PROBLEM.

After repeated failures to handle the engineering features of the plans in such a way as to commend them for presentation to Congress, Capt. William M. Black, while Engineer Commissioner of the District, devised a plan of combining the depressed and overhead systems, according to the topography of the region through which the lines passed. This solution immediately commended itself to both the people and the railroad, and there is now no difference of opinion as to the proposed method of eliminating grade crossings along this line. Called to the war with Spain, Captain (now Major) Black left his plans to be completed by his successor in the Engineer Commissionership, Capt. Lansing H. Beach, on whom has devolved the arduous and exacting duty of making those adjustments with the railroad engineers by means of which the bill has been brought to a point as near perfection as can reasonably be expected in a measure containing so many details, and therefore such a wide range for difference of opinion on minor points. The committee have no hesitation in saying that in so far as the elimination of grade crossings is concerned no better plan will ever be proposed.

There are several questions not of an engineering nature that have demanded care and attention, and in all such matters the civilian members of the Board of Commissioners, Hon. John B. Wight and Hon. John W. Ross, have labored earnestly and successfully to make such adjustments as were needed to protect the interests of the United States and of the District. The officer in charge of public buildings and grounds, Col. Theodore A. Bingham, and the officer in charge of the Potomac Park improvements, Lieut. Col. Charles J. Allen, acting under the direction of Brig. Gen. John M. Wilson (whose knowledge of and interest in the District of Columbia have been lifelong), have also submitted for the guidance of the committee valuable reports as to the use and occupation of the lands committed to their charge. While in some instances the committee has been unable to agree with these officials, in the main their recommendations have been followed, and in all cases their views have had careful consideration.

GARFIELD PARK.

After much discussion of the proposition to straighten the lines of the railroad by allowing the occupation of a small portion of Garfield Park, the committee is of the opinion that such occupation is imperative in order to prevent the continued loss of life at the so-called Deadmen's Curve, at the western end of the tunnel under K street SE. The improvements contemplated will protect the lives of persons using the park, while the additions to the park spaces already made and in contemplation will allow the proposed diminution of Garfield Park to be made without any real curtailing of the parks in a section that must

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of necessity be given over largely to business purposes. While such use has met with objection from a considerable number of the people living in proximity of that park, it has also been favored by property owners thereabouts, and the committee is convinced that the proposed change will greatly improve the property conditions in that neighborhood. Such also is the view of the District Commissioners, who have given the matter careful consideration.

THE MALL.

The continued and enlarged occupation of the Mall is also a subject which has received much attention. As the District Commissioners point out (p. 12), the location of the railroad within the Mall was made by the board of aldermen and the common council of the city of Washington on March 23, 1871, which location was confirmed by act of Congress approved May 21, 1872. The city has adjusted itself to these conditions, and to disturb them now would be not only a practical impossibility, but also would be, in the opinion of the committee, highly undesirable. By virtue of the proposed changes this occupation will be greatly improved so far as sightliness is concerned, and as a result the visitor to the National Capital will not only be landed near to the heart of the city, but also his first impressions of the city will be of the pleasantest possible character.

It is proposed to remove the tracks of the railroad from Sixth street and to open that thoroughfare to public travel, and, in order to accommodate both the road and the public, to widen B street in front of the present station so as to make there a broad plaza. Then a new and commodious passenger station is to be constructed in such a manner as to make the building one of the architectural features of the capital. This station building will cost the company about a million and a half of dollars. From the station the tracks are to run on an elevated structure in a southerly direction to join the main lines of the company on Virginia and Maryland avenues, and provision has been made for carrying the proposed new avenue underneath the tracks by arches having a combined width of 200 feet, an architectural feature that can be made to add beauty to the new thoroughfare. Indeed, so far as sightliness is concerned the proposed changes will add greatly to the beauty of that portion of the Mall.

If it were possible to accommodate the public without the road crossing the Mall the committee would be glad to recommend such a plan. When the Mall was laid out the only land travel was by horses, and to accommodate this streets were opened across that park. The invention of the railroad, both steam and street, has made it quite as necessary to provide for such travel, and the only thing to be demanded is that such crossing shall be made with the least inconvenience and unsightliness. The pending measure provides for both of these considerations.

FISH COMMISSION BUILDING.

The proposed straightening of the lines and the removal of the tracks from Sixth street involves the removal of the Fish Commission building, and this change the committee proposes that the railroad company shall pay for, placing the limit at $40,000, which is believed to be a greater sum than will be necessary.

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WATER STREET AND POTOMAC PARK.

The bill as introduced proposed tracks on Water street and the use of a strip of land 500 feet wide across the Potomac Park, between the Washington and Virginia channels of the Potomac. The Commissioners recommended that these provisions be stricken out, and in these recommendations the committee concur.

LONG BRIDGE.

The engineer officers of the Government recommend that there shall be but one bridge across the main, or Virginia, channel of the Potomac, and the railroad people prefer two bridges. So strong is this preference on the part of the railroad company that it is willing to build the second, or highway, bridge for the sum that the District and the Government would be required to pay as their proportionate sum for a single bridge—that is to say, the railroad company would pay the difference in the cost between one and two bridges.

This question was taken up at length by the committee. A conference was held with Mr. William H. Brown, the chief engineer of the Pennsylvania Railroad; Lieutenant-Colonel Allen, in charge of the Potomac Flats improvements, and Captain Beach, the Engineer Commissioner of the District. After a full consultation the committee unhesitatingly report in favor of two bridges, as providing greater safety to life and property. The obstruction to navigation caused by two bridges is not to be considered, when it is remembered that the number of times the draws will be operated will average less than one a day.

The following memoranda in regard to the cost of the bridges is of interest and value:

MARCH 27, 1900.

DEAR SIR: We send you herewith a blue print showing the cross section of a combined bridge over the Potomac River, and also a blue print of our plan No. 7078, showing the highway bridge built parallel with and 260 feet above the proposed new railroad bridge across the Potomac River.

You will notice that the cost of the causeway on the north end of the river, across the park, will be the same for either plan, because the present wagon road will be entirely covered up by the embankment that it will be necessary for us to build to carry the railroad. We make comparative estimates of the cost of the two plans as follows:

For parallel bridges 260 feet apart (plan No. 1).

Causeway at north end:	
33,900 cubic yards embankment, at 50 cents	$16,950
11,560 square yards stone paving, at $2	23,120
100 linear feet bridge superstructure over outlet lock, at $80	8,000
River bridge:	
1,750 linear feet bridge superstructure, 250-foot spans, at $110	192,500
400 linear feet bridge superstructure, 200-foot spans, at $90	36,000
250 linear feet drawbridge, at $200	50,000
Machinery for drawbridge	5,000
2,400 linear feet I-beams and buckle plates for asphalt floor at $30	72,000
8,000 square yards asphalt, at $2.50	20,000
5,670 cubic yards masonry in 9 piers, at $12	68,040
1,822 cubic yards masonry in 2 abutments, at $12	21,864
1,840 cubic yards masonry in draw pier, at $12	22,080
1,200 linear feet pile guard through draw, at $20	24,000

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Causeway at south end:		
26,250 cubic yards embankment, at 50 cents		$13,125
3,500 square yards paving, at $2		7,000
Total		579,679

For combined railroad and wagon road bridge (plan No. 2).

Causeway at north end:		
33,900 cubic yards embankment, at 50 cents		$16,950
11,560 square yards stone paving, at $2		23,120
100 linear feet bridge superstructure over outlet lock, at $80		8,000
1,750 linear feet bridge superstructure, 250-foot span, at $110		192,500
400 linear feet bridge superstructure, 200-foot span, at $90		36,000
250 linear feet drawbridge, at $200		50,000
One-half machinery for 4-track draw, at $8,000		4,000
2,400 linear feet I beams and buckle plates for asphalt floor, at $30		72,000
8,000 square yards asphalt, at $2.50		20,000
9,963 cubic yards masonry in 9 piers, at $12	$119,556	
3,644 cubic yards masonry in 2 abutments, at $12	43,728	
4,800 cubic yards masonry in draw pier, at $12	57,600	
Total cost of combined masonry	220,884	
One-half of this amount chargeable to road bridge		110,442
800 linear feet pile guard for draw, at $20		16,000
Causeway at south end:		
24,000 cubic yards embankment, at 50 cents		12,000
3,500 cubic yards paving, at $2		7,000
Total		568,012
Difference		11,667

Respectfully submitted.

WM. H. BROWN,
Chief Engineer.

Capt. LANSING S. BEACH,
Engineer Commissioner, Washington, D. C.

LOCATION OF BRIDGES.

The question as to whether there should be two bridges across the Potomac in place of the present Long Bridge is one which should be determined upon the basis of the relative value of the commerce passing up and down the river and that passing across it at the point in question. The railroad desires to have wagon traffic removed from the railroad bridge on the ground that in spite of all precautions runaways and similar accidents are certain to occur due to proximity of trains. Mr. Brown, the engineer of the road, states that at least seven people already have been killed on the Long Bridge by such accidents.

The officer in charge of the river and harbor improvements of this District claims that the interests of navigation would be best served by one bridge; that one draw would form less obstruction than two, and also that there would be less liability of an ice gorge forming with one bridge. The only records which have been kept concerning the number of times the draw has been swung have been kept by the Pennsylvania Railroad Company. They report that during the calendar year 1899 the draw was opened 6,290 times, the number of vessels passing through being 13,130, of which 7,326 were steam vessels, and 5,804 vessels of other kinds.

It is believed that almost the entire amount of this commerce is due to the handling of scows carrying sand, etc. As far as can be ascer-

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tained the number of masted vessels that entered at Georgetown and Washington above the bridge during 1899 was not over 150, so that if the bridge were given a greater height it would be very seldom necessary to operate the draw.

The largest tug belonging to the port of Washington has the top of its pilot house 17 feet above the water, with an ornamental eagle on top of the pilot house 2 feet high. A number of tugs come to this port during the season from Baltimore, and it is believed that they are somewhat larger. High tide would diminish the clearance to some extent, but it is believed that if the bridge were put at an elevation of 24 feet above low water the tugs which would be apt to use these waters could go under at all ordinary stages without requiring the draw to be opened. This would require, of course, that the smokestacks be hinged—a thing which could be very easily done.

There is considerable force in the objection that two bridges would tend to cause an ice gorge, although the ice in the upper river is badly broken up by coming over the Little and Great Falls. Gorges have occurred, however, owing to the movement of the tides, and the ice between the two bridges would be less apt to move than that at other points, and floating ice would be apt to pass underneath and lodge, forming a gorge.

While two bridges placed so close together that a vessel entering the line of guide cribs or piles of one draw would enter the guide cribs or piles of the other draw therefrom would be less obstruction to navigation than if the bridges were farther apart, it is believed that if they were as close together as this the ice would hold more strongly and there would not be room between them to handle a tug so as to break up the ice. If they were removed to a distance of about 1,000 feet apart there would be room between them for a vessel to run back and forth to break up the ice, thus checking any tendency to gorge.

Owing to the fact that all wagon travel from the south has to cross the bridge at present provided at Roachs Run, the wagon bridge could be placed as much as 1,000 feet upstream from the railroad bridge without really increasing the distance to be traveled by teams, except those which start between Roachs Run and the south shore of the bridge.

COSTS.

It is the general rule that where changes are made to eliminate grade crossings one-half the expense shall be paid by the public and one-half by the railroad. The bill under consideration proposes an expenditure of not less than $6,000,000, $1,500,000 of which sum is for the new station, and therefore would not come into the division of costs. Some other items also belong to this category; but the cost of changes which in other cities would be subject to division amount to not less than $4,000,000. The rule adopted in this case is that the railroad company shall pay all the costs of changes, both of bridges and of excavations, within its right of way and that the District and the Government shall be responsible for land damages and for building the approaches. The District Commissioners estimate the land damages at less than $50,000 and the cost of approaches at $200,000. The entire money cost to the public for making these very necessary changes will be $250,000. This is exclusive of the bridge, which should be

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rebuilt under any circumstances. Adding the cost of the bridge ($568,000), the entire amount of money expense will be $918,000.

In addition to this should be added $162,000 for 270,000 square feet taken from Garfield Park, at 60 cents a foot, and $910,000 for 364,000 square feet of Mall (in addition to the portion already occupied), at $2.50 a square foot. This would make the entire cost to the public $1,890,000, of which, as has been stated, the money cost will be less than $1,000,000, the payment of which sum will be extended over five or six years.

REPORT OF THE DISTRICT COMMISSIONERS.

The details of the proposed changes have been set forth fully in the report of the District Commissioners, printed herewith. Other reports and documents helpful in obtaining a clear idea of the subject are given below.

CONCLUSION.

In conclusion, the committee would state its entire confidence that the legislation proposed in the bill as amended is as satisfactory as can be hoped for. There has been the most complete cooperation between the Commissioners of the District and the officials of the railroad.

The railroad company has been willing and anxious to revise and improve its terminals and to enlarge its facilities for doing business. It has met the Commissioners and the committee halfway in all the negotiations, and as a result there is no opposition to the general theory of the bill, nor are there any considerable number of persons—indeed, the committee knows of no single individual—who would prefer to have no change rather than to have the present measure passed. There has been a remarkable unanimity among the people of the District in favor of the bill, and it is safe to say that should it become a law it will prove a satisfactory and permanent solution of the grade-crossing problem along the lines of the Baltimore and Potomac Railroad Company.

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REPORT OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 6, 1900.

SENATOR: The Commissioners have the honor to submit the following on S. 1929, Fifty-sixth Congress, first session, to eliminate grade crossings on the Baltimore and Potomac Railroad in the city of Washington, and for other purposes, referred to them by your committee for report:

PRESENT CONDITIONS.

At present the tracks of the Baltimore and Potomac Railroad enter the city at the foot of Pennsylvania avenue SE., pass along the Anacostia River front to square 1067; thence through squares 1067, 1048, and 1024 into Virginia avenue at Eleventh street; thence by tunnel along Virginia avenue to Seventh street east; thence in the open through K street to Canal street; along Canal street and the south side of Garfield Park, by four tracks, crossing square E 642 to Virginia avenue just east of Delaware avenue; thence along Virginia avenue to its intersection with Maryland avenue, and along Maryland avenue to the river.

The passenger station is situated upon the portion of the Mall known as Armory square and is connected with the main line by a spur, forming a "Y." From the east the branch runs up Sixth street from Virginia avenue, and from the west the branch continues along from the main line on Maryland avenue to Sixth street, thence north to the station. The tracks and station on Armory Square occupy 129,000 square feet of land. The occupation is authorized by act of Congress approved May 21, 1872. The tracks on Sixth street, connecting the station with the main line, practically close Sixth street to vehicle traffic. The west side of Sixth street is inaccessible to vehicles.

There is a railroad yard, at grade, adjoining Garfield Park on the southwest, into which children playing in the park might easily wander.

With a few unimportant exceptions every street crossing along the line of the road within the city limits is at grade, subject to the delays, inconveniences, and dangers that notoriously attach to this class of crossing. The exceptions referred to are the crossings from Seventh to Eleventh streets SE., under which the road passes through a tunnel, and the driveway over the road just northeast of the Fish Commission building, which is highly objectionable on account of its steep approaches and narrowness.

The present Long Bridge is notoriously unsightly, inadequate, and obstructive of the flow of the Potomac.

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The freight and passenger terminals of the company are very unsatisfactory. The facilities for handling freight are entirely insufficient, which insufficiency has a direct and material bearing upon the price of every commodity coming into the city by freight. The passenger terminal is too small even for the ordinary volume of business and is utterly inadequate when important events attract unusual crowds to the city. A prominent railroad president remarked to the Commissioners several years ago that Washington was shunned as a convention city on account of the inability of the railroads to handle crowds here under existing conditions. These conditions have been recognized by Congress periodically, as, for instance, on inaugural occasions, when authority has been given for the temporary construction of additional tracks.

The business of the city has outgrown the railroad facilities, and a congested condition has resulted which is a daily cause of loss, inconvenience, and danger, both to the railroad company and the public.

OBJECT OF THE BILL.

The bill has for its object the correction of these conditions, its principal propositions being:

(1) To eliminate grade crossings along the line of road within the city limits by (*a*) closing certain crossings; (*b*) by carrying certain streets over the railroad on bridges; (*c*) by carrying the railroad over certain streets on a viaduct; (*d*) by changing the route between Eighth street SE. and Delaware avenue, passing underground by means of a tunnel along the line of Virginia avenue.

(2) To enlarge the present passenger terminal of the company, occupying an additional strip of the Mall 190 feet wide, on the west of its present station, and to erect on said strip and the present site (combined width 340 feet) a modern station building.

(3) To authorize the company to acquire additional property for freight and yard purposes.

(4) To reconstruct the Long Bridge and to construct in addition thereto a new and separate bridge for vehicles and pedestrians.

CROSSINGS TO BE CLOSED.

The bill proposes to close the following crossings to street traffic: F street SW., at Virginia avenue; E street SW., at Virginia avenue; D street SW., between Four-and-a-half and Sixth streets; C street SW., between Sixth and Seventh streets.

These crossings strike the railroad diagonally at an awkward angle. It is proposed to provide convenient crossings within a square or less of each of the points named. An examination of the map will show what a great length of tunnel would be necessary to carry these streets under the railroad viaduct, owing to the angle at which they intersect. On account of the position of adjacent streets practically no interruption of street travel will result from closing the crossings.

The bill also proposes to vacate to the uses of the railroad portions of streets as follows:

Canal street between South Capitol street and New Jersey avenue. This space is now completely occupied by railway tracks, as before stated. It is bounded on the north by Garfield Park and on the south

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by squares 695, W. 695, and NW. 695. Squares 695 and W. 695 are owned by the company, having been acquired under authority of act of Congress approved January 19, 1891. They are, together with square NW. 695, fully occupied by railroad yards, roundhouses, etc. Under existing conditions the street is inaccessible to vehicles, so that its abandonment will not result in any abridgment of street travel.

G and H streets SE. between South Capitol street and New Jersey avenue. G street is between square NW. 695 and the main line of the road in Canal street; H street is between squares NW. 695, W. 695, and 695, all of which are owned and occupied as stated in the preceding paragraph. These portions of G and H streets are now closed on the east by the tracks in Canal street, so that no through travel passes over them, and the abutting property on each side is controlled by the company. No abridgment of street travel would result from their being closed.

Virginia avenue, south side, between Second street and Four-and-a-half street SW. This portion of Virginia avenue is bounded on the north by the main tracks of the railroad and on the south by squares 537 and square north of 583, both of which are owned by the company; at present they are vacant, although in all probability sidings will be eventually run in. The street space on the north side of the avenue, within the limits named, is ample to care for all street traffic and can be reached without inconvenience.

Virginia avenue, north side, between Four-and-a-half and Seventh streets. This portion of the avenue is bounded on the south by the main tracks of the company and on the north by squares 493 and south of 463 and a small triangular reservation. The bill carries authority to acquire these squares by purchase or condemnation. The west half of 493 is now occupied by the company for freight purposes; the east part of square S. 463 is occupied by the Adams Express Company; sidings run into each of them. The street space on the south side of the avenue within the limits named is ample to care for all street traffic and can be reached without inconvenience. The holdings of the company in square 493 were acquired under act of Congress approved January 19, 1891.

Maryland avenue, south side, between Ninth and Tenth streets. This portion of the avenue is bounded on the north by the main tracks of the company, and on the south by square 386. This square, which is owned by the company, is occupied as a freight station. It was acquired under authority of act of Congress approved January 19, 1891. Sidings now cross the street and run into the square. The street space on the north side of the avenue within the limits named is ample to care for all traffic and can be reached without inconvenience.

Maryland avenue between Twelfth and Fourteenth streets, Thirteenth and Thirteen-and-a-half streets between D and Water streets SW., and E street SW. between Twelfth and Water streets. These spaces are bounded by squares 267, 268, 298, SE. 267, 269, 270, 299, and 300. Squares 267, 268, and 298 are owned and occupied by the company; squares 269 and 300 are held by the Southern Railway; square 299 is owned partly by the Southern Railway and partly by private parties. This section is at the north end of the Long Bridge, where the railroad enters the city from the south. The squares and portions of the streets named are now largely occupied by the tracks and sidings of the associated lines. The streets are practically closed to traffic, except such as is incident to the handling of freight.

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STREETS CARRIED OVER THE RAILROAD.

The following-named streets will be carried over the railroad on bridges, the depression of track, elevation of bridge, and grade and length of approach being given below:

Street.	Depression of track.	Elevation of bridge.	Grade and length of approach.			
			North.		South.	
			Per cent.	Length.	Per cent.	Length.
	Feet.	*Feet.*		*Feet.*		*Feet.*
6th, SE	14.8	5.2	1.4	220	5.5	240
5th, SE	20					
4th, SE	22					
3d, SE	22					
2d, SE	20.3					
New Jersey avenue	10	10	3	200	3	410
9th, SW	2	18	7.5	175	6.4	250
10th, SW	14.2	5.8	3.4	280	2.5	300
11th, SW	20					
12th, SW	20					

STREETS CARRIED UNDER RAILROAD.

The following-named streets will be carried under the railroad, the elevation of track, depression of street, and grade and length of approach being given below:

Street.	Elevation of track.	Depression of street.	Grade and length of approach.			
			North.		South.	
			Per cent.	Length.	Per cent.	Length.
	Feet.	*Feet.*		*Feet.*		*Feet.*
South Capitol	13.3	3.2	2.6	130	1.6	130
Delaware avenue	17.7					
1st, SW	17.7					
2d, SW	16.5					
3rd, SW	15	1.5	1.5	80	1.5	80
4½, SW	16.5					
6th, SW	14	2.5	0.5	150	2.2	175
7th, SW	8.6	7.9	2.5	300	2.8	300
Maryland avenue	15.6					
B, SW	16.3					
West Capitol	18.4					
Water	5.35	10.65				

THE TUNNEL UNDER AND ALONG VIRGINIA AVENUE.

By taking the road off K and Canal streets SE., and placing it in a tunnel along the line of Virginia avenue, it is believed that a great improvement will be accomplished. This would not only practically abolish grade crossings, but would remove the railroad from view in the southeastern section of the city. The road would be invisible between New Jersey avenue and Eleventh streets SE., K and Canal streets would be relieved of railroad tracks east of New Jersey avenue and entirely restored to the use of the public, an awkward elbow would be taken out of the line and the distance would be shortened. From an engineering standpoint the proposed route is incomparably better than the existing one.

Serious objection has been raised to this proposition, however, because, it has been stated, it will destroy Garfield Park. The area of

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the park is 23.98 acres; 6.20 acres would be taken by the railroad under the provisions of the bill, leaving 17.78 acres still available for park purposes. The park would not be destroyed by any means. By far the better and larger portion of it would be preserved, and, owing to the removal of the tracks from grade, it would be so protected that children could play in it without danger. At present, as before stated, the tracks lie along the south edge of the park and at the same grade, constituting an exceedingly dangerous condition if children are permitted to play there without supervision.

While a portion of the park would be taken, the advantages to the public of the proposed change are so many and great that they are believed to far outweigh the disadvantages and sufficient to warrant an approval of this portion of the bill.

THE PROPOSED PASSENGER STATION.

The bill proposes to grant the company a strip of the Mall 190 feet wide in addition and to the west of its present holdings. This would give the company a strip of the Mall 340 feet wide lying immediately west of Sixth street and between B street south and B street north. Sixth street would be entirely cleared of railway tracks, provided with a modern pavement at the expense of the company, and fully restored to the use of the public. B street between Sixth and Seventh streets would be widened on the south to a width of 175 feet, and Seventh street would be widened on the east to a width of 220 feet. On the square fronting this broad plaza an imposing station would be erected, within easy reach of the street railway lines, on which passengers may reach almost any portion of the District of Columbia for the payment of a single fare. The tracks would enter the station from the south on an elevated structure. This viaduct would be much less obstructive than the surface tracks now existing, and instead of the narrow bridge with steep approaches now crossing the tracks in the Mall, West Capitol street (so called) would be carried under, at grade, through a substantial arch 50 feet wide provided with paved roadway and sidewalks.

The need of a new passenger station is so apparent that argument on the subject is believed to be unnecessary. The main question, therefore, is: Shall the station be enlarged at the present locality, or shall a new one be built elsewhere?

The only reason for moving the station is the clearance of the Mall. To clear the Mall the present station and all tracks leading to it must be removed entirely and a new terminal established somewhere in South Washington. The new location must be, of necessity, farther removed from the heart of the city and situated at a place more inconvenient of access to the street railways, where the average cab drive would be longer and more expensive, and a longer haul necessary for the delivery of mail, baggage, and express. Would the clearance of the Mall compensate for these new disadvantages?

The present station was established under authority of an act approved March 23, 1871, by the board of aldermen and common council of the city of Washington, at a time when the people were supposed to have a voice in the affairs of the District government. It is therefore assumed that this location was the choice of the people at that time. This action was confirmed by the act of Congress approved May 21, 1872, since which time the company has been in

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quiet possession. The advisability of requiring a change of location at this time is left to the wisdom of Congress.

ADDITIONAL PROPERTY FOR FREIGHT AND YARD PURPOSES, ETC.

In addition to the property hereinbefore referred to, the bill proposes to authorize the company to acquire the following:

The east 340 feet of square 462, squares 463 and S. 463. These squares lie between Virginia avenue, B, Sixth, and Seventh streets SW. They are desired for the purpose of clearing Sixth street of tracks and for securing a more direct entrance to the proposed station, and for other railroad purposes. It is recommended that authority to acquire them be granted. The company should be required to acquire all of square 462, and the Commissioners so recommend.

Square 493. About half of this square is now owned and occupied by the company. It is used as a freight station. It is recommended that authority be granted to acquire the remainder of the square.

Squares south of the present main tracks between South Capitol, First, and M streets, SE. These squares are in a sparsely built-up section; the assessed value of the land ranges from 30 cents a square foot down; the assessed value of the improvements on them all aggregates less than $40,000. It is recommended that the company be authorized to acquire them as proposed by the bill. If such authority is granted, I street SE., between First and South Capitol streets, should be closed. Within said limits it would be entirely surrounded by railroad property, and no through travel passes over it on account of its being closed by existing tracks in Canal street.

Property on Water street west of Seventh street SW., said property to be connected with the main line by tracks in Water street. The Commissioners are of the opinion that tracks on the north side of Water street would not be close enough to the wharves to permit handling goods directly between cars and vessels, and a wagon haul from rail to water would thus be necessary. They further believe that the establishment of surface tracks along the entire water front is something not demanded by the city's commerce at the present time, nor is there any prospect of their being required soon. They therefore recommend that this portion of the bill be stricken out.

A 500-foot strip of land on the southeasterly side of the road between the main channel and the Washington channel of the Potomac. The Commissioners recommend that this portion of the bill be stricken out.

NEW BRIDGE OVER THE POTOMAC.

Sections 11 and 12 relate to the construction of new bridges in place of the present Long Bridge. The Long Bridge is notoriously inadequate, and a modern bridge for railway and highway traffic is most urgently needed. This portion of the bill, however, pertains to the War Department and not to them, and they respectfully suggest a reference to the Secretary of War for his views concerning the matter.

DIVISION OF COSTS.

According to the bill the cost of the work is to be divided thus:

The following is to be done at the expense of the company:

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K and Canal streets shall be cleared of railway tracks and the streets restored to the use of the public.

All tracks are to be removed from Sixth street, a modern pavement laid, and the street restored to the use of the public.

D street SW. is to be widened 30 feet on the south side, between Twelfth and Fourteenth streets.

West Capitol street, so called, is to be carried under the railroad viaduct through an arch, and a pavement and sidewalks provided beneath said viaduct.

The cost of retaining walls, all structures in the right of way of the company, all bridges over the railroad, and all crossings under the railroad to be borne by the company, so far as the same are within its right of way.

The United States and the District of Columbia are to pay, in equal proportion, the following:

The cost of approaches where streets are carried under or over the right of way of the company.

All damages resulting from change of grade.

The United States is to pay for removing the Fish Commission building.

The Long Bridge project is not discussed in this report for reasons before stated.

As the Fish Commission building is not under the supervision or control of the Commissioners, they also deem it best not to go into the question of the cost of its removal, but to respectfully suggest a reference of the matter to the authorities having charge of same.

The provision that all damages to property shall be paid by the District of Columbia and the United States is objected to by the board of trade, who are of the opinion that they should be borne by the railroad company. On this point the Commissioners would state that as far as they have been able to ascertain, damages of this character have been paid generally by the municipalities in similar cases elsewhere, and they do not think that harsher terms should be imposed on the company here than have been imposed in other cities. As a matter of fact, a careful consideration of the features of the plan leads to the belief that the expense on this account will not be large, if there is any at all. The approaches to the crossing can be so constructed, it is believed, as not to produce any injurious effects to the adjacent property, and it is estimated that the amount of damages will not exceed $50,000 at the utmost.

The estimated cost of building the approaches to the company's right of way is	$200,000
The amount of damages is estimated to be	50,000
The amount of land taken in Garfield Park is 270,000 square feet, valued at 60 cents per square foot	162,000
The amount of land taken in the Mall in excess of that at present occupied is 364,000 square feet (not including street spaces), valued at $2.50 per square foot	910,000
Making the total cost to the Government, excluding the bridge over the Potomac and the removal of the Fish Commission building	1,322,000
Of this sum there is paid in land	1,072,000

The actual money cost being:

Payable by the District of Columbia	$125,000	
Payable by the United States	125,000	
		250,000

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In the above statement the portions of streets abandoned to the uses of the railroad are not charged against the company for the reason that public travel will not be interfered with by such closure, there being no traffic over the portions closed except in connection with the railroad, and, of course, ample lines of ingress and egress for this purpose will be provided by the company. It would be an expense to the public to keep them open without any corresponding advantage, and it is believed that the company should be required to maintain and care for them at its own expense.

ACQUIREMENT OF NECESSARY LAND.

In cases where the company can not agree with the owners for the purchase of any land it is authorized to acquire, it is believed that power should be given it, where necessary, to take immediate possession of such parcels as may be needed upon filing with the court good and sufficient bond to insure the payment of its value when duly determined by the proper authorities. If this is not done, condemnation proceedings may delay seriously the execution of the work and add considerably to the time and difficulty of bringing about the desired improvements in the railroad situation.

SIDINGS INTO ADJACENT PROPERTY.

It is also recommended that the company be authorized, upon the petition of the owner or owners of any lot or lots adjacent to the line of its railway, to run branch tracks or sidings into such lot or lots, provided, of course, that no grade crossings are created thereby. It is believed that this policy would tend to develop the land lying near the railway into business property, instead of encouraging its being held for residence purposes, thus enhancing rather than depreciating its value.

TEMPORARY TRACKS.

Section 4 of the bill provides for the laying of temporary tracks in Sixth street. It is believed that the section should be of wider scope, so as to authorize the laying of temporary tracks along the route wherever demanded by the work of reconstruction, and it is recommended that the section be amended so as to give this very necessary authority, the work being subject, of course, to the control of the Commissioners.

AMENDMENTS.

In accordance with the suggestions contained in the report, the Commissioners recommend that the bill be amended as follows:

Strike out section 4 and in lieu thereof substitute the following:

SEC. 4. That if it should at any time be deemed necessary or advisable in the construction of the works herein authorized to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the completion of the works herein authorized.

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Insert the following after line 23 on page 6: "1 street southeast, between First and South Capitol streets."

Strike out lines 7, 8, 9, and 10, page 12, and insert in lieu thereof the words: "All of square four hundred and sixty-two."

Strike out the words "railroad yards," in line 14, page 12, and insert in lieu thereof the words "main tracks of the company."

Strike out all after the word "street," in line 16, page 12, down to the word "provided" in line 12, page 13,

Add the following to section 10 (p. 14):

And in case the company requiring such land and property wishes to take immediate possession of the same it may at the time of filing a description of the rights and interests intended to be appropriated, as provided in section six hundred and fifty of said Revised Statutes, file also with the clerk of the supreme court of the District of Columbia its bond to the owner or owners of such land and property to be appropriated, conditioned for the payment to such owner or owners of the damages for the taking thereof when the same shall have been ascertained according to the provisions of said sections of the Revised Statutes; and upon the filing of said bond, and the approval of the same by a judge of said court, the right of the company to enter upon the property to be appropriated shall be complete; and the amount of the bond, the sufficiency of the surety or sureties thereon, and the form thereof, shall be subject to the approval of one of the judges of the said court, and recovery may be had thereon for the amount of damages assessed if the same be not paid or can not be made by execution on final judgment in the condemnation proceedings. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however,* That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof; and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia.

Strike out section 14.

Insert the following before the word "That" in line 7, page 17:

That the property occupied by the Baltimore and Potomac Railroad Company under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided,*

Change the numbers of sections 15, 16, 17, and 18 to 14, 15, 16, and 17, respectively.

A copy of the bill containing these amendments is inclosed.

* * * * * * *

The question of abolishing grade crossings in the city of Washington has been agitated for the past twenty years without the accomplishment of material results. After a generation of waiting a measure has been framed which, with legislative sanction, bids fair at last to give the long-desired relief. If it does not receive such sanction, there is a possibility of the citizens having to wait a generation more without anything being done.

The railroad is now recognized, in a certain sense, as the lifeblood of a community. The communication of its citizens with the outer world and the transaction of its business depend upon it, and the prosperity of a city is linked with it.

Washington being the national capital, the amount of passenger traffic to and from it is greater than in other cities of several times its population, and the people throughout the country are interested in

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the railroad that gives them access to the national capital. The plans, therefore, should be considered as national in character and treated in a broad-minded manner from that point of view, and such plans should be adopted as will serve the people of the nation for years to come, and not such as will require another change soon in order to properly accommodate travel or allow for the growth of the city.

Where interests conflict it is believed that the principle of the greatest good to the greatest number should be followed, and that individual preferences should not be allowed to stand in the way of securing such results as are proposed by the measure.

The conflicting interests have, it is believed, been harmonized as far as possible, and it is doubtful if they could be brought in as close accord again; and while the bill as recommended is not exactly what the Commissioners might prefer nor all that the railroad desires, it is believed to be one which will secure the support of as large a number of citizens as any other measure which could be framed; and, as the main object of avoiding grade crossings would be accomplished, the Commissioners recommend that the bill, with the changes suggested, be reported favorably.

Very respectfully, yours,

JOHN B. WIGHT,
JOHN W. ROSS,
LANSING H. BEACH,
Commissioners of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia, Senate.

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REPORT OF THE WAR DEPARTMENT ON THE BILL (S. 1929) TO PROVIDE FOR ELIMINATING CERTAIN ROAD CROSSINGS ON THE BALTIMORE AND POTOMAC RAILROAD.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, January 29, 1900.

SIR: I have the honor to acknowledge the reference to this office of a letter, dated the 22d instant, from the Senate Committee on the District of Columbia, inclosing Senate bill No. 1929—

to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes—

and requesting a report on the bill, so far as it relates to bridges across the Potomac River, and the parks under the jurisdiction of the War Department.

The legislation proposed in the bill touches the interests committed to the charge of the War Department in the following particulars:

1. By authorizing the appropriation by the Baltimore and Potomac Railroad Company of certain United States reservations in the city of Washington.

2. By authorizing a like appropriation of certain areas in Potomac Park.

3. By authorizing the destruction of the present bridge, known as the "Long Bridge," across the Potomac River, and the construction of two bridges in lieu thereof.

Regarding the first proposition attention is respectfully invited to the accompanying report, dated the 18th instant, from Col. Theo. A. Bingham, the officer in charge of public buildings and grounds, from which it will be seen that the area proposed to be taken by the railroad company for its own use amounts to 34½ acres near the center of the city, and that the carrying out of the plans of the company will seriously affect the beauty and utility of additional areas.

I concur in the opinion of Colonel Bingham that this proposition is objectionable, and favorable action thereon is not recommended.

Regarding the second and third propositions, I beg to invite attention to the accompanying report of the 25th instant by Lieut. Col. Charles J. Allen, Corps of Engineers, the officer in charge of the improvement of Potomac River.

By the second proposition, contained in section 14 of the bill, the company is granted the use and occupation of a strip of land 500 feet in width and extending entirely across Potomac Park, an area of about 25 acres. Colonel Allen states that this area would include about 13 acres upon which the present Government contractor for dredging in

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Potomac River is to deposit dredged material, and also a portion of land at present occupied by the Department of Agriculture for experimental or test purposes. He recommends that the section containing this provision be eliminated, in which I concur.

The third proposition is contained in sections 11 and 12 of the bill, the former requiring the removal, by the company, of the present "Long Bridge" and the building of a new railroad bridge in lieu thereof, and the latter requiring the construction, by the Secretary of War, of a new bridge for highway travel above the site of the present Long Bridge. Concerning this, Colonel Allen says:

> The existence of two bridges across the Potomac River, as contemplated, would be objectionable from every point of view. Such an arrangement would be detrimental to navigation. The general line of highway travel should be maintained, and that would bring the two bridges close together. There would thus be delay and more danger to vessels in passing the two draws. * * * Two rows of piers across the stream, in close proximity to each other, would form a greater obstruction than would one row. A separation of the two bridges, sufficient to meet the needs of navigation, would require that they be distant from each other about 1,000 to 1,200 feet. That would not only necessitate a marked deviation from the present line for vehicular traffic, but it would also require the traversing of Potomac Park by draft wagons, etc., along a line considerably to the westward of the present causeway, and to the great detriment of Potomac Park.

Colonel Allen suggests that—

> the case should be met by the construction of a combined railroad and highway bridge structure across the Virginia channel, the highway crossing Potomac Park at or about park grade, at a reasonable distance from the railroad track, and connecting with the spans and bridge across the Washington and Virginia channels by suitable inclines, the lowest part of the portion of Long Bridge across Virginia channel to afford a clear head room of at least 18 feet above mean low tide. * * * For the present causeway across the flats (Potomac Park) a viaduct of steel of open work and pleasing design should be substituted, in order to afford carriage way through it, and also a clear view through it of the park beyond the viaduct; and no greater width of park should be occupied by the viaduct or other portions of the bridge, or in connection therewith, than that necessary for the crossing of the two parallel tracks at the usual distance apart, as well as for the width of the inclines connecting the highway with the bridge, and for the usual stations for operating the track.

I am of the opinion that the construction of two bridges as contemplated by the bill is objectionable, and I concur in Colonel Allen's suggestion for the construction of a combined highway and railroad structure.

Colonel Allen submits a proposed substitute for section 11 of the bill, embodying his ideas as above expressed, which is commended for the favorable consideration of the committee.

The letter from the committee, with its inclosure, is herewith returned.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. A.

Hon. ELIHU ROOT,
Secretary of War.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, January 18, 1900.

GENERAL: Replying to indorsement from the office of the Chief of Engineers January 13, 1900, calling for report upon Senate bill 1929,

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Fifty-sixth Congress, first session, which provides for abolishing certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the District of Columbia, I have the honor to report as follows:

There are transmitted herewith—

1. A copy of Senate bill 1929, Fifty-sixth Congress, first session.

2. Copy of lithograph map published by this office in 1894, showing United States reservations in the District of Columbia, upon which has been indicated in red the route proposed to be followed by the Baltimore and Potomac Railroad in entering the city of Washington, as set forth in Senate bill 1929, Fifty-sixth Congress, first session.

3. Two tracings, showing on a large scale the highly improved parks which will be ruined should the proposed bill become law.

4. Copy of report of the District Commissioners on Senate bill No. 1702, Fifty-fourth Congress, first session (without illustrations).

The United States reservations invaded by the proposed bill (S. 1929) and the areas included are as follows:

	Square feet.
No. 4. Armory Park (14 acres)	37,830
17. Garfield Park (part) (12 acres)	630
113. (2 acres)	11,376
114	10,428
115	8,075
116	4,625
117	16,775
118	14,414
119	405
120	4,032
121	2,580
200	10,098
287	2,929
288	11,462
289	1,520
197	4,402
198	5,029
199	4,132

About 34½ acres.

It will be observed that the area of Government property proposed to be taken by the railroad company for its own use amounts to 34½ acres in the center of the city. It is proposed to take about 12 acres off the area of Garfield Park, and what is left of that park would be practically ruined by the proximity of the railroad, because the proposed tunnel ends near the eastern extremity of the park, and the entire passage of the railroad through the park, together with the proposed yards at this point, would make this property very undesirable for the purpose of a pleasure ground.

It is also proposed to take over 14 acres out of the center of the "Mall." The "Mall" is a part of that great original reservation set aside by President Washington and the original commissioners for the establishment of a great and superb boulevard, to extend from the Capitol to the Washington Monument, and thence north to the President's house. This noble plan contemplated such a boulevard as exists nowhere else in the world, which was intended to be flanked on the north and south sides by public buildings, and has already been almost irreparably injured by permitting the Pennsylvania Railroad to run its tracks north on Sixth street to its present station. The admission of the railroad to the "Mall" is the main cause of the fact that the superb possibilities of the public park in the center of the city and south of

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the Executive Mansion have never been realized. It is readily perceived that the presence of locomotives and trains of cars right across the middle of an area prevents its use for the purposes of a stately, highly improved, fashionable, and famous boulevard.

Considering that this park was specially reserved in the formation of the city by our immortal President Washington, it does seem unpatriotic, and even irreverent, that Washington's ideas should not be carried out, particularly as no local interests would be seriously damaged by keeping this area for the park it was intended to be; and the national interests—for this is not merely a town of local interest, but one which is the pride of our great nation—will be very much improved and advanced in the estimation of the entire country by keeping this area free from commercial encroachment. Further argument on this point is deemed unnecessary, as a simple inspection of the map carries its own argument.

Garfield Park also is one of the 17 original reservations set aside by President Washington and the early commissioners for the ornamentation of the National Capital. This park has been named after a President whose tragic death stirred the hearts of the entire world.

It is, in my humble judgment, the national interests and the interests of this city, as the capital of our great nation, and not merely the local commercial interests, which should govern the consideration of this entire question of railroad terminals within the District. The question of abolishing the grade crossings of railroads in the District of Columbia is a very serious and important one, and has been very ably discussed and solved to the satisfaction at least of those to whom the beauty of the national capital is the main question.

The report by the District Commissioners, made on Senate bill No. 1702, Fifty-fourth Congress, first session, under date of February 9, 1897, is, in the minds of unprejudiced readers, conclusive; the whole subject of grade crossings in the District is elaborately discussed, and the conclusions therein reached are those which will meet the approval of the entire country. The report of the Commissioners above mentioned not only elaborates the points which have been made above, but discusses a number of other vital points at stake in the settlement of this question. The plan therein proposed and called plan No. 5 is, in my humble judgment, the one which should be adopted.

I am not aware of the facilities needed by a railroad for terminals, but Washington will always be a residence city, and never a commercial metropolis; and the location for the Pennsylvania Railroad station suggested in plan No. 5 of the District Commissioners (above referred to) is the logical location, would preserve the historical "Mall," permit of the development and completion of Washington's original plan, and, so far as convenience of traffic is concerned, would merely require the laying of a few rails by the street railways.

It is earnestly hoped that those who have the decision as to this matter will take a broad view of the case, and not permit the beauty of our famous city to be irreparably injured.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,
Colonel, U. S. A., Major, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. A., Washington, D. C.

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UNITED STATES ENGINEER OFFICE,
Washington, D. C., January 25, 1900.

GENERAL: I have the honor to submit the following upon sections 11 and 12 of Senate bill No. 1929, Fifty-sixth Congress, first session, and which were referred to me, by indorsement of the Chief of Engineers of the 19th instant, for early expression of my views and recommendations regarding the legislation proposed in those sections.

Section 11 requires the removal by the Baltimore and Potomac Railroad Company of the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, the building by the same company of a new bridge in lieu of and on practically the same lines as the present bridge, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge to be constructed within four years from the date of the passage of "this act."

Section 12 provides for the construction, by the Secretary of War, within two years after the passage of "this act," across the Potomac River, at a point above the site of the present Long Bridge, of a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches and with a sufficient draw, all in accordance with plans and specifications prepared under his direction and by him approved.

Long Bridge was originally built by the Washington Bridge Company, the act of Congress of February 5, 1808, which authorized its construction, also authorizing the collection of tolls. At that time there was no causeway, as there is now, between the Washington channel and the Virginia, or main, channel. In 1831 the bridge was destroyed by a freshet. It was rebuilt under an appropriation for that purpose made in 1834. In 1840 the bridge was partly destroyed by a freshet and the sudden breaking up of ice. In 1843 it was repaired and again opened for travel. Congress, by act of June 21, 1870, authorized the Baltimore and Potomac Railroad Company to take possession of and extend its tracks across the bridge under certain conditions. The act in full is as follows:

CHAP. 142. An act supplementary to an act entitled "An act to authorize the construction, extension [extension, construction], and use of a lateral branch of the Baltimore and Potomac Railroad Company into and within the District of Columbia," approved February fifth, eighteen hundred and seventy [sixty-seven].

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 be, and they are hereby, authorized and empowered to extend their lateral branch, authorized by the act to which this is a supplement, and by former supplements to said acts, by the way of Maryland avenue, conforming to its grade, to the viaduct over the Potomac River, at the city of Washington, known as the Long Bridge, and to extend their tracks over said bridge, and connect with any railroads constructed, or that may hereafter be constructed, in the State of Virginia. To effect these purposes the said Baltimore and Potomac Railroad Company are hereby authorized and empowered to take possession of, hold, change, and use the said bridge, and the draws connected therewith, in perpetuity, free of cost: *Provided*, That the said Baltimore and Potomac Railroad Company will maintain in good condition the said bridge for railway and ordinary travel; and the bridge shall at all times be and remain a free bridge for public use for ordinary travel: *And provided further*, That the said Baltimore and Potomac Railroad Company shall erect and maintain the drawbridges, so as not to impede the free navigation of the Potomac River, in efficient working condition at all times; and that, until such time as the needful changes are made to accommodate railroad and other traffic, as contemplated by this supplement, it shall be the duty of the said Baltimore and Potomac Railroad Company to repair without delay all damages to the present bridge and maintain it without cost to the United States:

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Provided, That said railroad company shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon, or Congress prescribe.

SEC. 2. *And be it further enacted*, That if the said Baltimore and Potomac Railroad Company shall at any time neglect to keep such bridge in good repair, and free for public use for ordinary travel, the Government of the United States may enter into possession of the said bridge; and Congress reserves the right to alter or amend this law.

Approved, June 21, 1870.

The bridge remains to-day the property of the Baltimore and Potomac Railroad Company by virtue of the act of Congress just quoted. By the term bridge is meant the entire structure from the Washington shore to the Virginia shore, including the causeway across the flats.

The reclamation of the flats in the Potomac River in front of Washington, generally known as the Potomac Flats, was fully authorized by the act of Congress of August 2, 1882, in the following words:

Improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with the plan and report made in compliance with the river and harbor act approved March third, eighteen hundred and eighty-one, and the reports of the Board of Engineers made in compliance with the resolution of the Senate of December thirteenth, eighteen hundred and eighty-one. * * *

The project approved by that act for the said reclamation and for improvement of the Potomac River at Washington has for its objects the improvement of the navigation of the river by widening and deepening its channels, the reclamation of the flats by depositing on them the material dredged from the channels, the freeing of the Washington channel, so far as it can be done, of sewage, and the establishment of harbor lines beyond which no wharves shall be built.

To accomplish these objects the channels were to be improved so as to have depths of 20 feet at low water. The flats above Long Bridge were to be filled in to a height of 3 feet above the flood plane of 1877; below Long Bridge the middle longitudinal line of the flats was to be filled to the same height, but the fill was to slope thence toward each channel so as to have a height of 6 feet above low tide at the margins of the fill. In order to purify the water in the Washington channel, cut off at its upper end from the Virginia, or main, channel, a tidal reservoir or basin was to be established above Long Bridge not less than 8 feet deep and provided with inlet and outlet gates of ample dimensions, automatically arranged for filling the reservoir on the flood tide from the Virginia channel and emptying it into the Washington channel to the level of low water at the ebb. An ample system of drainage for the reclaimed area was to be provided.

The project also provided for the rebuilding of Long Bridge at an early period during the progress of the improvement, with wide spans upon piers offering the least obstruction to the flow of water, and also for the interception of all sewage discharged into the Washington channel and its conveyance to the James Creek Sewer Canal; but neither of these two works was included in the estimated cost of the improvement, which was $2,716,365. A revision of this estimate, made in 1897, places the cost at $2,953,020.

A training dike on the Virginia shore was added in 1890.

The total amount expended on the improvement since August 2, 1882, is about $2,217,480. The result has been an improvement of the Washington and Virginia channels so as to afford depths at low

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water of about 20 feet and the reclamation of 621 acres, the average elevation of the reclaimed area above mean low tide of the Potomac being about 10 feet.

The reclaimed land incloses a tidal reservoir of 111 acres and a smaller one of about 7½ acres, the total acreage of the reservoirs and of the reclaimed land being about 739½ acres. The land thus reclaimed is very valuable. A portion of the northeasterly margin of the tidal-reservoir beach was set apart by Congress a few years ago for a public bathing beach. The reclaiming of the flats has disposed of the great injury to public health in that part of the city by converting what were large areas of submerged and partly submerged flats, covered more or less with rank growths of marine vegetation, and which collected refuse and sewage, into an area of elevated land capable of being turned into one of the finest city parks in the country.

Congress, by act of March 3, 1897, enacted as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entire area formerly known as the Potomac Flats, and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

The reclaimed area (not yet entirely raised to the full height contemplated by the project, and not yet provided with the inlet gates) has, therefore, been for nearly three years a public park set apart for the pleasure and recreation of the people.

The necessity for rebuilding Long Bridge with broad spans, so as to provide better for the flow of water, has long been recognized, and in fact the reclamation of the flats and improvement of the Virginia channel have been carried on with the understanding that the bridge would, at an early day, be reconstructed so as to remove the obstruction to the passage of floods resulting from its piers and the slight elevation of its bottom chord above low water.

Long Bridge at present consists of three sections, as follows:

1. Commencing at the Washington shore is a double-track, two-span, plate-girder bridge, having a total length of 162 feet, across the head of the Washington channel. It replaces the wooden span of the old bridge. This part of the bridge was rebuilt by the Baltimore and Potomac Railroad Company in about 1891 and practically as part of a plan recommended in 1890.

The elevation of the base of the railroad rails across this part of the bridge is 20½ feet above mean low tide. The highway at present crosses this bridge adjacent to the railroad.

2. A causeway of earth, between retaining walls of masonry, traversing the area of the reclaimed flats between the Washington and Virginia channels and about 2,000 feet in length, on which is laid a double-track railroad line. The elevation of the base of the rails along this causeway varies from 20 to 13 feet above mean low tide.

3. A bridge across the Virginia channel nearly 2,000 feet in length, which is the structure specifically referred to in sections 11 and 12 of the pending bill. This portion of Long Bridge consists of a wooden Howe truss bridge, reinforced by wooden arch beams. The spans number 13, each 135 feet in the clear, and one pivot drawspan 182 feet in length, affording two openings of about 70 feet in the clear each, only one of which is arranged for the passage of vessels. The extreme width of this part of the bridge, from out to out of trusses, is

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about 40.4 feet. On the upstream or northwest side is a wagon road about 19 feet wide, but with no sidewalk; while on the downstream side is the single track of the Baltimore and Potomac Railroad, with a clear width between trusses of about 13.2 feet. The widths of wagon road and track are included in the width of 40.4 feet given above. The bridge spans rest upon masonry piers, built of an inferior quality of stone and resting upon pile and grillage foundations, the grillage being at the level of low tide. In order to protect these foundations from being undermined by river currents large quantities of riprap have been deposited about them, causing a series of immense mounds of stone extending across the river channel. The effect of the piers and riprap has been to reduce the natural discharge area of the river at this part of Long Bridge about 30 per cent.

The direction of the bridge is not normal to the present, the proposed, or even to the original direction of the river current, so that the piers, built at right angles to the line of the bridge, are not parallel to the direction of the current, but are more or less oblique to it, and become themselves, to greater or less extent, an obstruction to the flow of freshets. A further obstruction is reported to have arisen during the freshet of 1889, on account of the water rising to a height of about 2½ feet above the lowest part of the superstructure, and which is only about 10.3 feet above mean low tide.

Recurring to the proposed new bridge or bridges; the existence of two bridges across the Potomac River, as contemplated, would be objectionable from every point of view. Such an arrangement would be detrimental to navigation. The general line of highway travel should be maintained, and that would bring the two bridges close together. There would thus be delay and more danger to vessels in passing the two draws. The two bridges being in close proximity to each other, objectionable features of a combined bridge across the Virginia channel would not be materially lessened.

Two rows of piers across the stream, in close proximity to each other, would form a greater obstruction than would one row. A separation of the two bridges sufficient to meet the needs of navigation would require that they be distant from each other about 1,000 to 1,200 feet. That would not only necessitate a marked deviation from the present line of vehicular traffic, but it would also require the traversing of Potomac Park by draft wagons, etc., along a line considerably to the westward of the present causeway and to the great detriment of Potomac Park.

The case should be met by the construction of a combined railroad and highway bridge structure across the Virginia channel, the highway crossing Potomac Park at or about park grade at a reasonable distance from the railroad track and connecting with the spans and bridge across the Washington and Virginia channels by suitable inclines, the lowest part of the portion of Long Bridge across Virginia channel to afford a clear head room of at least 18 feet above mean low tide.

For the present causeway across the flats (Potomac Park) a viaduct of steel of open work and pleasing design should be substituted, in order to afford carriageway through it, and also a clear view through it of the park beyond the viaduct, and no greater width of park should be occupied by the viaduct or other portions of the bridge or in connection therewith than that necessary for the crossing of the two parallel tracks at the usual distance apart, as well as for the width of

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the inclines connecting the highway with the bridge, and for the usual stations for operating the track.

AMENDMENTS PROPOSED.

I would respectfully recommend the striking out of section 12 altogether. And although I am not required to report upon section 14 of the proposed bill, I beg leave to say that, in order to carry out what is herein recommended, it would be necessary to strike out that section which proposes to grant to the said Baltimore and Potomac Railroad Company the right to occupy and use —

for yard tracks and other corporate purposes, all that certain tract and parcel of land (part of a larger tract owned by the United States), situated in said District of Columbia, lying between what is known as the Washington channel and the Main channel of the Potomac River, 500 feet in width, parallel with and contiguous to, and on the southeasterly side of, the railroad of said company as now maintained and operated: *Provided*, That the said company shall so locate and construct and maintain its tracks, structures, and appurtenances on said parcel of land as at all times to afford and furnish ample and adequate passageways, and maintain the same, beneath its tracks and other structures at each end of said hereby-granted parcel of land, and adjacent to each of said channels, for the use of vehicular and pedestrian traffic.

This section (14), which it is proposed to strike out, provides for granting the use and occupation by the company of a strip of land 500 feet in width and extending entirely across Potomac Park. The area would be about 25 acres. It would include about 13 acres upon which the present contractor for dredging in Potomac River is to deposit dredged material. It would also infringe upon the area of land at present occupied (under revocable permit from the Secretary of War) by the Department of Agriculture for experimental or test purposes.

The following is proposed as a substitute for section 11 of the said bill No. 1929:

SEC. 11. That inasmuch as the present Long Bridge, consisting of two spans across the Washington channel of the Potomac River, of a causeway across Potomac Park, and of a bridge of thirteen spans and a draw across the Virginia channel of the Potomac River, fails to meet public needs in the following manner: The causeway obstructing communication between the upper and lower portions of the park and being, also, unsightly; and the bridge across the Virginia channel being inadequate for present and prospective railroad and vehicular traffic, as well as for pedestrians, and being also in a manner obstructive of navigation, and not being capable of alteration to meet the demands of the public, the Secretary of War is hereby authorized and directed to cause the removal of the said bridge across the Virginia channel and of the said causeway across Potomac Park, and the construction at that locality of a combined railway and highway bridge of steel, of broad spans, with sufficient draw openings, and a draw or draws, to be opened promptly for the passage of vessels, and providing for a clear headroom of at least eighteen feet from the plane of mean low tide to the lowest part of the superstructure; to provide for sufficient width of carriage way and sidewalk and for two or more railway tracks (not exceeding four tracks); and also to cause the replacing of the said causeway across the said Potomac Park by a viaduct of steel, providing for a similar number of railway tracks (not exceeding four); the plan for both bridge and viaduct to be of pleasing design, and the design for the viaduct to admit of free communication through it, and also a good view through it of Potomac Park. And the Secretary of War is also authorized and directed to cause such work to be done as may be needed to the piers or abutments at, and the spans across, the said Washington channel, to a proper connection with the said viaduct; and to also cause the construction of a paved roadway, with sidewalks, across Potomac Park at park grade, or at such grade as he may determine upon, to connect, by suitable inclines, with the bridge crossings over the Washington and Virginia channels. The plans for the foregoing work to be prepared and the removal and construction to be done by the Secretary of War. And it is hereby provided that the railway tracks shall be running tracks, and that railway cars or engines shall not rest

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for any length of time upon the tracks of the said viaduct, bridge, or spans: *And provided further*, That the expense of the removal of the said causeway and bridge and of the building of the new bridge across the Virginia channel, of the viaduct, of the roadway and inclines, and of the work at the crossing of the said Washington channel shall be equally borne by the United States and the said Baltimore and Potomac Railroad Company, and that the said railroad company shall have the free use, under regulations to be prescribed by the Secretary of War, of the said track throughout the distance from Washington, D. C., to the Virginia termination of the bridge, and shall operate the draw and light the bridge at its own expense, and shall also keep the said bridge, viaduct, and spans in repair at its own expense, all to the entire satisfaction of the Secretary of War; the road across Potomac Park herein provided for to be maintained and kept in repair by and at the expense of the United States: *Provided*, That other railroad companies shall have the right to cross the said bridge upon such terms as may be prescribed by the Secretary of War: *And provided further*, That Long Bridge shall be a free bridge, without tolls or charges whatsoever, for the passage, at all times excepting when the draw shall be open for vessels, of vehicles, pedestrians, and driven animals.

Should this proposed section be accepted in lieu of section 11 as printed in the bill, more or less modification of other sections in the bill would become necessary.

The bill No. 1929 is herewith respectfully returned with the proposed change in section 11, and the proposed striking out of sections 12 and 14 indicated thereon. There is also herewith a sketch of Potomac Park, showing areas proposed for occupation by the Baltimore and Potomac Railroad Company.

Very respectfully, your obedient servant,

CHAS. J. ALLEN,
Lieutenant-Colonel, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. A., Washington, D. C.

DIVISION OF COST OF ELIMINATING GRADE CROSSINGS.

PENNSYLVANIA RAILROAD COMPANY, GENERAL OFFICE,
Philadelphia, December 26, 1899.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

GENTLEMEN: In connection with the pending bill (S. 1929), providing for the elimination of grade crossings, by requiring the Baltimore and Potomac Railroad Company to elevate and depress its tracks and make other substantial improvements on its railroad within the District of Columbia, and the division and apportionment thereby made of the cost, expense, and damages incident thereto or resulting therefrom, I beg to submit for your information the following data, showing the policy as to division of cost and expense of improvements substantially similar in character to that contemplated by the pending bill, and a comparison wherewith will, it is believed, justify the provisions of said bill in that regard:

Similar work has been done in most of the large cities of this country, notably, in New York, Philadelphia, Pittsburg, and Chicago. Since the Pennsylvania Railroad Company is so largely interested in the Baltimore and Potomac Railroad Company, both as owner of its stock and guarantor of its bonds, both of which represent the cost of said railroad as it now exists, and since that company has carried out similar work on its lines elsewhere, reference thereto, as well as to analogous work elsewhere by other companies, may appropriately be made.

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New York City.—The New York and Harlem Railroad Company, which owns the approaching line to the Grand Central Station at Forty-second street, prior to 1872 used the surface of Fourth or Park avenue. Under what is called the "Fourth avenue improvement," this railroad between the Grand Central Station and the Harlem River was reconstructed by depressing the same into covered ways and tunnels, under the provisions of chapter 702 of the "Laws of New York of 1872," the entire expense thereof being borne equally by the railroad company and the city. The improvement resulted not only in the elimination of all grade crossings, but gave the railroad two additional tracks. This improvement continued as originally constructed until 1896, when, under certain revisions of the "Laws of New York," the tracks were elevated on a steel viaduct, one-half of the expense (excluding the expense of stations) being borne by the city to an amount not exceeding one-half of $1,500,000, and an amount not exceeding one-half of $100,000, under the amending act of 1894, and the balance of the expense being borne by the railroad company. The reason for this last improvement was the necessity of elevating the bridge over Harlem River, in order to comply with act of Congress, but in order to do this it was only necessary to change the grade of the railroad as far south as One hundred and twenty-fifth street. The improvement, however, was continued as far south as One hundred and sixth street to meet the demand of the property owners for the elevation of the tracks.

New York State.—The existing general grade-crossing act of New York provides that the expense of abolishing grade crossings is to be borne 50 per cent by the railroad company, 25 per cent by the municipality, and 25 per cent by the State. The provisions of this act, however, do not apply to the city of Buffalo, which is specially provided for, and under which the various railroad companies whose lines are in Buffalo have entered into agreements to eliminate the grade crossings in said city.

Pittsburg.—The main line of the Pennsylvania Railroad approaches Pittsburg through the suburbs of Homewood, East Liberty, Shady Side, and Lawrenceville, all of which are included within the limits of said city.

On December 30, 1872, the company entered into an agreement with the city of Pittsburg providing for the elimination of certain grade crossings by building bridges to provide undergrade and overhead crossings therefor, which agreement had legislative sanction.

The Pennsylvania Railroad Company, under said agreement, assumed the responsibility for, and the cost of, doing all the work along its right of way, including the erection of all necessary bridges, the changes in the grades of the streets and alleys immediately adjoining and leading to its stations and property, and the maintenance of all abutments and supports of crossings; the city being responsible for, and assuming the cost of, changing the grades of the streets leading thereto, and the maintenance of the superstructure of the bridges as part of the public highways.

Philadelphia.—In the elevation of the Philadelphia and Trenton Railroad a leased line of the Pennsylvania Railroad Company—which was authorized on April 2, 1890, under the authority of city ordinance, the company entered into an agreement with that city whereby it paid all the expense, within the lines of its right of way, of constructing six-

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teen undergrade and three overhead bridges. The next work on the Philadelphia and Trenton Railroad, which was authorized under ordinance of February 2, 1897, amended on April 1, 1899, was treated more liberally by the city authorities, the latter contributing $750,000 toward the work of elevating the railroad, constructing its bridges, and other work incident thereto, the railroad company dedicating to the city, for highway purposes, the bed of the street which it owned as its right of way. The city also set aside on account of this work $150,000 for the payment of any damages which might be assessed by reason of the necessary changes in grade or opening of certain streets.

Under ordinances of March 15 and 17, 1894, providing for the abolishment of grade crossings on the Philadelphia and Reading Railway, the cost of the work of depressing said railway and providing the necessary overhead and undergrade bridges, estimated at $6,000,000, was divided equally between the city and the railroad company, the railway company's liability, however, being limited to $3,000,000.

Chicago.—During the past few years the tracks of the Pittsburg, Fort Wayne and Chicago Railway and Pittsburg, Cincinnati, Chicago and St. Louis Railway have been elevated under city ordinances, the companies paying all the expense, including the cost of approaches and property used by the railroads in elevating, changing streets, etc., the city being responsible for all property damages, future viaducts to be constructed at city's expense.

The bill before you contemplates that the railroad company shall bear the whole expense of all changes in its railroad within its right of way, including the cost of all overhead and undergrade bridges for intersecting streets, and that the only expense to the District of Columbia is in the expense of the changes in the grades of the streets approaching said overhead and undergrade crossings and the damages thereby resulting to abutting property owners.

I am endeavoring to obtain additional accurate data respecting work of like character in other localities, which will be promptly communicated to you.

Very respectfully,

SAMUEL REA,
Fourth Vice-President.

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House Report No. 2026, Fifty-sixth Congress, second session.

GRADE CROSSINGS OF THE BALTIMORE AND POTOMAC RAILROAD COMPANY IN THE DISTRICT OF COLUMBIA.

DECEMBER 14, 1900.—Referred to the House Calendar and ordered to be printed.

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

REPORT.

[To accompany S. 1929.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate certain parts of its railroad thereon, and for other purposes, have given careful consideration to the measure, and report it back to the House with the recommendation that it do pass with the following amendments:

Page 1, line 9, strike out the word "Eighth" and insert in lieu thereof the word "Eleventh."

Page 1, line 11, after the word "for," insert the words "not less than," and after the word "two" insert the words "nor more than four."

Page 5, line 18, after the word "the," at the end of the line, add the words "time fixed for the."

Page 9, line 8, insert the word "it" after the word "as" where it appears before the word "now."

Page 11, line 2, strike out the semicolon where it appears after the word "public" and insert the word "and."

Page 11, line 6, strike out the semicolon where it appears after the word "passageways" and insert in lieu thereof a period; also at the end of said line strike out the word "and."

Page 11, line 7, strike out the small letter "a" in the word "all" and insert a capital "A."

Page 13, line 10, after the word "Columbia" strike out the period and add the following: "and the United States, as hereinbefore provided."

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Page 13, line 19, after the word "Columbia," strike out the period and insert a semicolon, and add the following:

Provided, That in every case in which an assessment of the damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid.

Page 14, line 18, after the word "therefor" and the parenthesis, add the words "and its successors."

Page 14, line 23, strike out the word "Railroad" and insert in lieu thereof the word "Railway."

Page 14, line 24, after the word "Company," add the words "and its successors."

Page 14, line 25, after the word "traffic," add the following: "and for its other corporate purposes."

Page 16, line 2, after the word "Company," add the words "or any other party."

Page 16, lines 20 and 21, strike out the word "reasonable," in line 20, and also the following: "agreed upon between the companies or."

Page 16, line 21, strike out the word "street" at the end of the line.

Page 16, line 22, strike out the word "railroad" and insert in lieu thereof the following: "Washington, Alexandria and Mount Vernon Railway Company." Also at the end of the line, after the word "permitted," insert the words "and required."

Page 17, line 4, after the word "bridge," insert the following: "and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground."

These amendments are recommended for the purpose of more clearly indicating the view of the committee with reference to the division of the costs between the railroad company and the District of Columbia and for effectuating the general purposes of the bill.

The committee have not felt called upon to enter upon any discussion as to the removal of the main passenger station of this company to a point in the southern section of the city below the Mall. That is an old subject-matter which has been thrashed over in the public press and in the discussions of Congress in previous sessions. In the judgment of the committee the business interests of the city, the convenience of the traveling public, as well as a practically unanimous public sentiment, are united in opposition to any such removal.

An exhaustive and elaborate report was made on this measure in the Senate by Mr. McMillan, and it is incorporated and adopted as a part of this report.

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House Report No. 2026, Part 2, Fifty-sixth Congress, second session.

GRADE CROSSINGS OF THE BALTIMORE AND POTOMAC RAILROAD COMPANY.

DECEMBER 15, 1900.—Referred to the House Calendar and ordered to be printed.

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

VIEWS OF THE MINORITY.

[To accompany S. 1929.]

The undersigned members of the Committee on the District of Columbia, not being able to reach the conclusion of the majority of the Committee on S. 1929, a bill for the abolishment of grade crossings on the Baltimore and Potomac Railroad, respectfully submit for the consideration of the House the following:

The proposed bill provides that the tracks of this road shall enter the city in part through a tunnel and in part over an elevated structure. In order to obtain the consent of the company to this change (a matter which we submit is not necessary), it is proposed to give to the company 14 acres out of the center of the Mall—12 acres off of the area of Garfield Park and other Government lands, worth in all $1,394,500.

The District of Columbia and the United States are to pay all damages to private property and all the cost of building approaches where streets are carried under or over the right of way, the two items being estimated at $250,000. In addition it is proposed to appropriate $568,000 for the building of a highway bridge, separated from the Long Bridge, now used by the railroad, which is to be rebuilt by the company. Summing the cost to the public of the proposed change, it is as follows:

Land given	$1,394,500
Cost and damages borne by District and United States	250,000
Appropriation for new bridge	568,000
Total	2,212,500

It is claimed that where a railroad is compelled by a municipality to change the grade of its tracks to abolish grade crossings equity requires the city to bear a portion of the cost involved. While this

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may be true where a road owns its right of way and has erected permanent improvements thereon, we respectfully submit it should not be invoked in the present instance. The tracks of this road now in the city of Washington are laid on public property; its depot is located on a public reservation; it crosses the Potomac on a bridge furnished it by the Government at great cost. The obtaining of suitable terminals in the great cities is always the most serious and most costly question involved in railroad building. Here are the three great items of expense which any road seeking entrance to this city must meet all furnished free to this road, the use of which it has enjoyed for nearly half a century. Under these circumstances we contend it would be no hardship on the company for Congress to withdraw the rights heretofore granted and compel the company to change the grade of its tracks.

It would seem that the bare statement of the foregoing facts in itself should be sufficient to defeat the proposed bill, but the unwarranted bestowal of the people's property upon a favored corporation is the least objectionable feature of the bill.

Stretching from the Capitol to the Monument and thence to the White House lies "the Mall," the distinctive feature of Washington's reservations designed by L'Enfant, and especially reserved by Washington to be the most beautiful of all the city's system of parks. This magnificent reservation of 600 acres in the heart of the city offers possibilities to the landscape architect the equal of which can be found in no other city on earth.

The reason the permanent improvement of the Mall has been so long neglected is due to the fact that in 1871, just prior to the time Congress and the citizens of Washington turned their attention to the work of beautifying the nation's capital, the Baltimore and Potomac Railroad obtained permission to lay its tracks down Sixth street and occupy with its station a strip of the reservation 150 feet wide. This prevented, and it still prevents, any permanent improvement of this reservation. This occupation and the improvements erected are temporary in their nature; but if the proposed bill should be passed and the 14 acres out of the center of the park given to the company and they build thereon, as is proposed, a terminal station and improvements costing nearly or quite $2,000,000, then we have surrendered forever all hope of hereafter treating this great reservation as Washington intended, and with it goes the opportunity to make the nation's capital the most beautiful of cities.

We respectfully submit this is a part of the heritage of all the people and should be preserved for them.

By act approved June 6, 1900, the Chief of Engineers was authorized to report to Congress plans for the treatment of this reservation, and the sum of $1,000 was appropriated to secure the services of a landscape architect of conspicuous ability. That report has just been submitted and recommends the removal of the present depot and tracks of the company to a point on the south line of the reservation. We quote from the report:

One of the most important features of the plan will be found in the new site assigned to the Pennsylvania Railroad station, now a serious obstruction to the development of the new park. Its present location, if retained, would utterly destroy the harmonious arrangement of the ovals and sunken transverse roads, which are the distinguishing characteristics of the present design. The passage of trains through a park, whether over, or under, or on the level, is always to be deprecated. It destroys the restfulness and isolation of the place, and it should be prevented by any arrange-

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ment that is not absolutely inimical to the comfort and business necessities of the public. A lightning express is quite incompatible with a green garden and singing birds.

The proposed site for the station, it will be seen, is large and commodious and situated directly in front of the transverse road at Seventh street, which is made as wide as Pennsylvania avenue, and only 1,600 feet from its nearest borders. The station as now situated, in the heart of the proposed park, would completely destroy the unity of the park design, for it stands at the very point where the loss would be the greatest. Under the new arrangement proposed, every advantage in the way of electric cars and convenient and commodious foot and carriageways could be secured, as they could all be brought directly under the roof of the station.

I dwell thus strongly on the importance of a new location for the railroad station because I believe that if all parties genuinely and patriotically interested in securing a really great park were thoroughly alive to the real merits of the question, it would be readily conceded that the railroad should be banished to parts where it would be invisible, if not wholly inaudible, from the main drives of the park, and especially from the bridges over the transverse roads. Its removal is a serious necessity.

This bill is strenuously opposed by the Chief of Engineers in charge of public buildings and grounds, and we refer to his report to the Secretary of War on the Senate bill, together with the report of Col. Theodore A. Bingham and Lieut. Col. Charles J. Allen, attached to the report of the majority.

We submit the bill should be recommitted to the committee.

W. S. COWHERD.
T. W. SIMS.

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Senate Report No. 982, Fifty-seventh Congress, first session.

UNION RAILROAD STATION AT WASHINGTON, D. C.

APRIL 3, 1902.—Ordered to be printed.

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

REPORT.

[To accompany S. 4825.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having considered the same, make a favorable report thereon.

The bill proposes that the Baltimore and Potomac Railroad Company shall remove its tracks from the Mall and shall unite with the Baltimore and Ohio Railroad Company in the construction of a union passenger station on the north side of Massachusetts avenue at its intersection with Delaware avenue.

The Baltimore and Potomac Railroad Company occupies a portion of the Mall by virtue of a grant made by the common council and the board of aldermen of the city of Washington, made on March 20, 1871, which grant was confirmed by the act of Congress entitled "An act to confirm the action of the board of aldermen and common council of the city of Washington, designating a depot site for the Baltimore and Potomac Railroad Company, and for other purposes," approved May 21, 1872, the bill having been passed by a two-thirds vote in each the Senate and the House of Representatives. A station site south of the Mall had been granted to the road, but the people living in the neighborhood strenuously objected to a location near the schools and churches, and leading merchants petitioned Congress for a site convenient to business on Pennsylvania avenue.

During the Fifty-sixth Congress legislation was enacted enlarging the occupation of the railroad in the Mall. This action was taken only after years of effort to obtain the withdrawal of the road from

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public space, and because of the demand for the elimination of grade crossings, and increased facilities for handling the rapidly growing traffic. In the adjustment then made, the railroad received land in the Mall in lieu of the usual cash payment of one-half the cost of track elevation.

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad has been paying taxes for thirty years, and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connections with the proposed union station.

This proposition does not come from the railroads. They are satisfied with their present situation. When the question of improving the District of Columbia was taken up, the removal of the railroad tracks from the Mall was considered absolutely essential. The Mall was laid out to form the great approach to the Capitol, and it is impossible to conceive any adequate treatment of the capital park system without freeing the Mall from the railroad tracks and station. When this view of the situation was placed before the president of the Pennsylvania Railroad, he replied, after very careful consideration, that while he did not desire any change, yet he realized that if Washington is to have the development of a capital city in the true sense of that word, the railroad must leave the Mall; and he was willing to accept any adjustment that would be fair to the stockholders whose interests he represented.

From the standpoint of economical railroad management, the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about $1.20 per passenger car, and there will be no corresponding increase in passengers. The Baltimore and Ohio Company, which does a comparatively small passenger business, claims that it would be much better off by keeping to the C street site provided for in existing legislation, especially as contemplated change compels that road to give up its present extensive and well-located freight yards, and purchase city blocks in Eckington.

Yet a station at C street would bring a great commercial structure in close proximity to the Capitol, the approaches would be narrow and indirect, and Massachusetts avenue would be permanently disfigured by being bridged by a train shed 800 feet in length. Those ugly features which lead to the removal of the railroad from the Mall would be repeated by the C street location.

Very careful figures have been made in regard to the height at which the station should stand above the present grade of Massachusetts avenue. The architect desired the lowest possible grade, but the Engineer Commissioner of the District has figured that the grade selected (+ 56) will result in the smallest amount of damages to property. At the same time the new grade will allow the grade of

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North Capitol street to be raised and other like improvements to be made, and the location of the station as proposed will greatly increase property values in what has long been practically dead territory. The Massachusetts avenue site also benefits the Government Printing Office by removing the car shifting and the consequent dust and smoke.

The new station will be the finest structure of its kind in the world. Its length will be 760 feet, which is 8 feet 8 inches longer than the Capitol itself. It will be built of white marble, with the interior of marble and stone. The classical style of architecture will be used, and the building will be so located and designed that while distinctly subordinate to the Capitol it will take rank among the great public structures in Washington. The minimum cost of the station has been placed at $4,000,000, but the total cost will be nearer $5,000,000.

The station as planned is arranged for 29 tracks, with room for 7 additional tracks, thus providing for an indefinite future. The public convenience has been studied, with the result that persons arriving or departing will be accommodated without loss of time; and a private entrance is provided for use of the President of the United States and for ceremonial occasions. All street-car lines receive and discharge passengers in close proximity to the station, and ample accommodations are provided for bodies of troops and great delegations arriving or departing at inaugural times or when other large gatherings occur at the capital. In a word, every provision has been made for a great, dignified, convenient, accessible gateway to the capital of the nation.

At the same time the occupation of public space set apart by Washington to give dignity and beauty to the Capitol will be restored to public uses; and that great thoroughfare, Massachusetts avenue, which under present legislation would be disfigured by the construction of a railroad viaduct, will be left free and open. Every question relating to beauty, dignity, and convenience has received attention; and while the initial expense of a union station is large, at the same time the solution reached seems to the committee ideal in every respect.

It is proposed to pay to the Baltimore and Potomac Railroad Company $1,500,000 for the ground in the Mall, this amount to be expended by the company as a portion of the cost of making the connection with the new union station. The tunnel under Capitol Hill alone will cost $1,649,000. The ground given up by the railroad becomes available for two public buildings, as well as for park purposes.

It is further proposed that the District of Columbia shall make suitable approaches to the new station. This is a municipal improvement; it will not increase the revenues of the railroads, but it will conduce to the convenience of the people of the District, of Government officials, and of visitors to the national capital. It is provided that the railroads shall construct so much of the plaza as lies between the building line of Massachusetts avenue and the new station; and, also, that they

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shall provide for streets on the west side of the station. The cost of these street improvements will be $620,000 for grading and paving, $500,000 or less for land, and $550,000 for damages to property due to changes of grade; in all, $1,670,000, the payment of which amount will be spread over a number of years.

It is not proposed to disturb the present legislation in regard to the elimination of grade crossings in the District of Columbia. That legislation was the result of an agitation carried on in Congress and in the District for the past twenty years. Aside from the question of the occupation of the Mall, the present laws are well adapted to secure all the results necessary to give to the District of Columbia the best possible railroad terminals. The acquisition by the Pennsylvania Railroad Company of a controlling interest in the Baltimore and Ohio Railroad makes it possible at this time to secure such a modification of the project of last year as will, when carried out, give a complete, adequate, and monumental treatment of the railroad terminals in Washington.

The entire cost to the railroads of all the changes that are to be made in the District of Columbia for the elimination of grade crossings and the construction of improved terminals amounts to $6,761,651 for the Baltimore and Potomac Railroad Company, and for the Baltimore and Ohio, $5,599,408, or a total of $12,361,059.

In addition to this amount the District and the United States is to expend on its own property in streets and avenues $1,670,000, thus bringing the total sum of money to be spent in the District to more than $14,000,000. Of this amount the United States and the District of Columbia contribute $1,500,000 to the Baltimore and Ohio, as their share in the elimination of grade crossings along that line; and the United States pays $1,500,000 toward the elimination of grade crossings along the line of the Baltimore and Potomac. The railroad relinquishes its occupation of the Mall. There are various smaller items in the account, such as the use of lands in Garfield Park, and damages to property along the line of the Baltimore and Potomac; but these are comparatively small items and do not materially affect the above statement.

There is practical unanimity among the people of the District of Columbia in favor of a union depot on the Massachusetts avenue site. Indeed, the solution of the railroad problem proposed is what the District of Columbia has been striving for during the past quarter of a century.

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Senate Committee on the District of Columbia.

RAILROAD TERMINALS IN WASHINGTON, D. C.

APRIL 17, 1902.—Printed for the use of the committee.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 27, 1902.

SENATOR: The Commissioners have the honor to submit the following preliminary report upon Senate bill 2481, Fifty-seventh Congress, first session, "To effect the relinquishment and surrender by the Baltimore and Potomac Railroad Company of its right to use and occupy a portion of the Mall for a passenger station, and to provide for a passenger station and terminals in the city of Washington, District of Columbia, to be used in common by the Baltimore and Ohio Railroad Company, and the Baltimore and Potomac Railroad Company, and for other purposes."

A full report can not be submitted at this date on account of certain data as to cost of work to be done by the railroad, and of land owned by the railroad not having been obtained. All the main engineering features have been thoroughly considered and are included in this report. The full report will follow within a few days.

This bill is supplemental to the acts of Congress approved February 12, 1901, entitled, "An act to provide for eliminating certain grade crossings in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad company in the city of Washington, and for other purposes," and "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and enable it to relocate part of its railroad therein, and for other purposes," which acts still continue in force except as modified by this bill.

OBJECTS OF THE BILL.

The general provisions of the bill are:

First. The relinquishment by the Baltimore and Potomac Railroad Company of the public space occupied, in accordance with existing

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legislation, on the Mall, on the streets north of Maryland avenue west of Eighth street, and north of Virginia avenue east of Eighth street.

Second. The construction of a union passenger station on the axis of Delaware avenue and near the north edge of Massachusetts avenue.

Third. The construction of a double-track line from the present tracks of the Baltimore and Potomac Railroad at Virginia avenue and Second street, southwest, passing under Capitol Hill by means of a tunnel to the new station.

Fourth. The relinquishment of the proposed Baltimore and Ohio passenger station and freight stations as authorized under existing law.

Fifth. The establishment of a Baltimore and Ohio freight station in Eckington at New York avenue and Eckington Place, and a second station at M, N, and Second streets, NE.

Sixth. The construction of a new line for the Baltimore and Potomac Railroad from the new station to Magruder Junction, none but passenger trains coming south of Florida avenue.

Seventh. To increase and construct new yards at Eckington Place and eastward.

DESCRIPTION OF CHANGES.

Taking up the changes in detail, they are as follows:

In South Washington, the main line of the Baltimore and Potomac is generally not altered. The tracks are to be removed that branch out from the main line to the present passenger station on the Mall, except that at Sixth street a freight station, with overhead crossing over that street between Virginia avenue and C street, will be built. At a point near the crossing of Second street SW. a branch line of two tracks leaves the main tracks, crossing Virginia avenue with a clearance of 15 feet; First street and Delaware avenue with a clearance of 16 feet; and South Capitol street with not less than 14 feet; thence entering a tunnel just before reaching New Jersey avenue, keeping in tunnel under First street until station is reached at Massachusetts avenue. This tunnel presents no difficulties. It is not known just what the material is through which it will pass, though probably it is clay, or clay mixed with sand, as the indications from sewers and old wells are of that nature. Whether it is earth or rock, there should be no difficulty in driving and protecting the tunnel. It will pass with the rails about 55 feet below surface at Capitol Hill and under the west side of First street E. There can be no danger anticipated to the Congressional Library, nor to any private buildings. At the south edge of the plaza in front of the station the double track branches into six tracks entering the station. The west end of Ivy street is closed and the street diverted into Canal street.

The station is built on the axis of Delaware avenue at the north edge of Massachusetts avenue. In front will be an elliptical plaza about 500 feet

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in width along the axis of Delaware avenue and about 1,000 feet at right angles thereto. From this plaza the existing streets and avenues, as well as certain projected ones, radiate in a symmetrical manner, making the frontage of this terminal a focus for the thoroughfares leading from all parts of the city.

The terminal structure, which has a frontage of 760 feet on the plaza, has a length of 1,500 feet without a reduction of width up to a point between H and I streets; it then begins to narrow until at the south side of L street, which is the end of the terminal structure proper, it has a width of 160 feet. From that point a viaduct extends to Florida avenue, where the tracks divide into three branches, the first connecting with the Metropolitan Branch of the Baltimore and Ohio, as in existing legislation; the second connecting with the Washington branch of the Baltimore and Ohio near Montello station, and the third connecting with the main line of the Baltimore and Potomac near Magruder station.

F street and G street will be closed. It is not important in the former case as Massachusetts avenue is so near, and in the latter case it is impossible to keep the street open. H street will be kept open under the railroad. I street is closed. K street will be kept open under the railroad, and similarly L and M streets. N street is already closed under existing legislation. Florida avenue will be kept open under the tracks, and New York avenue it is planned to carry over the railroad.

The Washington Branch of the Baltimore and Ohio and the Baltimore and Potomac then run north of New York avenue extended to Montana avenue.

Ninth, Twelfth, and Fifteenth streets will be carried over the railroad and Montana avenue underneath.

From Montello station the Baltimore and Ohio continues on its present line. The Baltimore and Potomac continues between U and V streets, crossing the Reform School grounds near the District line. The projected streets that are to be kept open are Twenty-second, Twenty-fourth, Twenty-sixth, Twenty-eighth, Thirty-first, Thirty-third, and Thirty-fifth. The plan of street extension will be so altered as to accommodate itself to the changed conditions, which can be done without difficulty, as the streets have not yet been opened.

CHANGES OF STREET GRADE.

The main changes of grade, according to this bill, will be at the terminal station. At that point there will be a maximum fill of 35 feet with changes of grade as far east as Second street and as far west as New Jersey avenue, with about 23 feet fill at North Capitol street and a maximum grade of 3 per cent on Massachusetts avenue. The exact figures are shown on the map transmitted herewith.

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At H street there will be a tunnel 800 feet in length and a cut of 9 feet at the east end, and no change of street grade at the west end, with a grade of approach of 4 per cent. It is proposed to have openings for air and light, and further, to require any street-car company using this street to light the tunnel. At K street the tunnel will be 430 feet long with a cut at the east end of 12 feet and at the west end of 5.6 feet, with a grade of approach of 3 per cent. At L street the tunnel will be 160 feet with a cut at the east end of 11 feet and at the west end of 9 feet, and a grade approach of 3.7 per cent. At M street the cut at the east end will be 15 feet and at the west end 11 feet, with a grade approach of 3 per cent. In all these streets the grades are not difficult and there will be a continuous fall from east to west. At Florida avenue the tunnel will be 160 feet long; there will be a cut of 14 feet at the east end and 15 feet at the west end, giving a depression of 9 feet below the summit of the western approach.

At New York avenue an overhead bridge is recommended, principally because to the east of the railroad and south of New York avenue the ground is high and the avenue will better serve this property if a bridge is constructed over the railroad instead of a tunnel under. The crossings of the streets farther to the east are not difficult and can readily be arranged.

The elevation of the plaza and the arrangements of street crossings have been carefully studied, and assuming the location of the station as fixed the grades agreed on are as favorable as possible to the District. The difficulty of arriving at a thoroughly satisfactory arrangement of street crossings lies in the necessity of bringing the trains from the south under the plaza and then over H street. Any further raising of the plaza would increase the fill and grades, and besides, in the opinion of the Park Commission, be injurious to the appearance of the station building. Any lowering of the plaza would injure all the street crossings to the north of the station, as the streets would have to dip under the tracks. If the plaza were lowered about 20 feet bridges could be built over the tracks instead of carrying the streets under, but this would cause great damage to the property on these streets, and besides the crossings would, in each case, be more difficult, as there would be an up-and-down grade in the streets instead of a continuous grade in one direction. It would also make the grades of the Baltimore and Ohio to the north very heavy.

The subways for the streets will be lined with light brick and will have air and light shafts. In order to have as little change of grade as possible the bridges will go over in four spans, with columns in the center and at curbs, allowing 50 feet width between the curbs and 12-foot sidewalks.

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LIST OF STREETS VACATED AND OF THOSE RESTORED TO PUBLIC USE.

The streets vacated and abandoned to the Baltimore and Potomac Railroad Company under the act of February 12, 1901, are as follows:

Canal street, between South Capitol street and New Jersey avenue.

G and H streets SE., between South Capitol street and New Jersey avenue.

I street SE., between First street and South Capitol street.

South side of Virginia avenue between Second and Four-and-a-half streets SW.

North side of Virginia avenue SW., between Four-and-a-half and Seventh streets.

South side of Maryland avenue SW., between Ninth and Tenth streets.

All of Maryland avenue SW., between Twelfth and Fourteenth streets.

Thirteenth and Thirteen-and-a-half streets SW., between D and Water streets.

E street SW., between Twelfth and Water streets.

E and F streets SW., where they cross the new railroad right of way.

D street SW., between Four-and-a-half and Sixth streets.

C street SW., between Sixth and Seventh streets.

That portion of Garfield Park lying south of the main tracks authorized by the act, as well as all the area of the Mall lying between Sixth street and a line 340 feet west thereof.

The streets vacated and abandoned to the Baltimore and Ohio Railroad Company under the act of February 12, 1901, are as follows:

N street NE., between Second and Third streets.

Delaware avenue, between M street and Florida avenue.

E street NE., between North Capitol and First streets.

D street NE., between North Capitol and First streets.

Delaware avenue NE., between C and F streets; and all streets embraced within the area of the terminal and viaduct described in the act.

In the subdivision of Eckington, east of the right of way of the Metropolitan Branch:

All streets between T street, Florida avenue, Brentwood road, and Sixth street; also Brentwood road, between S street and Florida avenue, and R street, between Third street and the Metropolitan Branch.

Under the provisions of the pending bill the following additional streets are vacated and abandoned for railroad use:

In the city of Washington: The west 220 feet of Ivy street; Second street NE., between N street and Delaware avenue; the west 40 feet of Delaware avenue NE., between the north side of M street and the south side of L street; and all parts of streets and avenues within the area

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of the terminal and viaduct described in the bill, except H street, K street, L street, M street, and Florida avenue shall be carried under the railroad through these structures, and that New York avenue extended shall be carried over them.

In Eckington: T street between the right of way of the Metropolitan Branch and the west line of Seventh street; Thomas street from the west line of Seventh street westward; Seaton street from Sixth street eastward; S street from Sixth street to the Brentwood road; Brentwood road from the south side of S street to the west side of Seventh street; Third street from the south side of R street to Florida avenue; and Quincy street throughout its length; except that T street shall be carried over the railroad by a bridge.

The streets and reservations that are granted to the railroads by the acts of February 12, 1901, and which will revert to public use under this bill, are as follows:

Delaware avenue NE., from C street to Massachuseets avenue; Massachusetts avenue within the limits of the terminal specified in those acts; E street, from North Capitol street to First street east; D street, from North Capitol street to First street east; the portion of F street from Massachusetts avenue to the west line of the terminal structure authorized by the pending bill; the area of the Mall between Sixth street and a line 340 feet west thereof, and C street SW. between Sixth and Seventh streets.

To summarize the above, the value of public property in addition to present occupation, with deductions for such as is restored to the public use, is as follows (the prices per square foot being either those used in previous reports and estimates, or, where such are not found, being arrived at by careful analagous determination):

Under the act of February 12, 1901, in relation to the Baltimore and Potomac Railroad, $1,374,000; in relation to the Baltimore and Ohio Railroad, $1,138,610; total $2,512,610.

Under pending bill there is an occupation in common by both railroads of portions of public space, giving a total of $1,454,521. The figures relate in each case to a comparison with conditions as they exist today.

PROVISION FOR DAMAGES.

The principal objections that have been raised to the bill by citizens and property owners, are regarding the damage to property due to change of grade. This cannot be avoided, but it is thought that by concentrating the changes at the station a less permanent amount of damage is done, as it is expected that the rise in value of the property around the station will, in many cases, counterbalance the damage. The damages at the other streets, where there would be less advantage due to the location, have been minimized. The Commissioners have introduced an amendment allowing damages to property owners

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injured. This provision would take into consideration in awarding damages any increase in value due to location near the new station.

SUGGESTED CHANGES.

Some citizens of South Washington have petitioned that instead of the railroad crossing at Ninth street at existing grade and at Sixth street about 20 feet above existing grade, as required by existing legislation, that the railroad tracks should be lowered so as to have the street at Ninth street at about existing grade and the railroad at Sixth street at about grade, carrying the street over by a viaduct. The object of this would be to depress the tracks around the park at Virginia and Maryland avenues, and to carry Seventh street above the railroad instead of below, on account of the less damage to business and other property in that vicinity and to better save the park. It would also be of advantage in that the view down Maryland avenue from the Capitol will be less obstructed. The citizens claim that the grades authorized by existing legislation were assumed so as to allow the railroad to get readily into the Mall.

The Commissioners do not recommend the change for the reason that Sixth street is a through street from Pennsylvania avenue south to the wharves and will probably become an important thoroughfare, while Ninth street is a short street, not passing through the Mall. The arrangement proposed by existing legislation takes Seventh street under the railroad, and while the cut will be greater than the fill suggested by the citizens of South Washington, the dip would be about the same as the rise on a bridge, as there is a slight elevation at present at Seventh street and Virginia avenue. The damage to property in that vicinity is estimated, in the report on existing legislation, as not great.

The citizens who claim to be affected most disadvantageously by the proposed legislation are those living in and around Eckington. This suburb has the railroad to the east and south and a hill to the west, over which the streets are not yet improved, and even when improved will have heavy grades. Communication with the city is only to be had along R street, between Second and Eckington place. This short piece of street has double car tracks with curves at Eckington place and Second street, making it rather difficult passing. Existing legislation provides for the final opening of Third street, but the present bill closes this street. The widening of Eckington place will help the matter somewhat, but the exit will still be inconvenient, and S and T streets should be opened and improved as soon as possible. The Eckington Citizens' Association has expressed itself as interested in the project, and while it states that the proposed legislation will damage property in Eckington, it only asks for the following concessions:

First. That the roundhouse and shops be located east of Seventh

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street. This is provided for in the plan submitted by the railroad companies.

Second. That the freight station be kept south of Q street, and failing that, south of Quincy street. The former restriction does not seem practicable, as the station covers most of Q street east of Eckington place. The railroad plans do not indicate at present any extension north of Quincy street, but it is explained that the railroad may wish to extend over the whole space to the south side of R street within a short time.

The south side of R street between Third and Second streets is almost entirely built up with substantial houses; the north side of R is as yet unimproved. The north side of Quincy street, on the part opened, is built up with brick dwellings; the south side is unimproved.

Owing to the shut-in condition of Eckington it would be desirable, unless the railroad company has absolute need of this land for freight facilities in the near future, to require Quincy street to be kept open and continued to Eckington place.

Third. That there should be a stone wall 7 or 8 feet high built between Eckington and the freight yards and tracks as far north as T street. This is simply a question of expense. This fence would cost $12 per foot, or a total cost of $28,000. If the railroad extends its freight yard to the south side of R street such a fence should undoubtedly be built for the protection of dwellers on the north side of R street.

COST.

The cost will approximate as follows:

The bill provides that the Baltimore and Potomac Railroad shall receive $1,500,000. This is approximately the assumed value of the property on the Mall occupied by the railroad under existing legislation and is intended to repay the company for its relinquishment. As the Mall is to become United States property this cost is, according to the bill, to be borne by the United States.

Existing legislation requires the Baltimore and Ohio Railroad to be paid the sum of $1,500,000. As the final figures of the cost of the changes required by this bill have not yet been received, it is not possible to make exact comparisons. It is probable that the cost will be less than by existing legislation, due to the Baltimore and Potomac sharing many of the expenses and to less length and height of viaduct. Besides, the Baltimore and Ohio will have a southern connection, which is very valuable. On the other hand, the cost of operation as to terminal facilities, and more especially the change of location of the freight depot, will be a continuous source of expense to the railroad.

The railroad companies are required to construct the street crossings of existing streets within the right of way, the streets thereafter,

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including viaducts carrying the streets, to be cared for as other streets and bridges in the District.

In cases of streets not yet opened the bill directs that the railroad companies shall pay half the cost. This is the usual method in such cases.

The money to be expended by the Government in making the changes is as follows:

The estimated cost in South Washington, according to existing legislation, was $250,000. This amount will be reduced to about $170,000, on account of work around the Mall which will not be necessary, $50,000 of which is due to damages on account of change of grade.

North of the Capitol the cost is estimated as follows:

233,943 cubic yards grading (cut to be used in fill), at 40 cents	$93,577.20
547,283 cubic yards grading (barrow to be used in fill), at 15 cents	82,092.15
25,580 linear feet curb reset, at 30 cents	7,674.00
7,500 linear feet new curb set, at $1.10	8,250.00
77,803 square yards asphalt (new and relaid), at $2	155,606.00
4,599 square yards granite block relaid, at 75 cents	3,449.25
7,851 square yards macadam relaid, at 20 cents	1,570.20
7,610 square yards gravel relaid, at 25 cents	1,902.50
49,158 square yards sidewalk to be laid, at $1	49,158.00
	403,279.30
Changes in sewers and water pipes	25,000.00
	428,279.30
Add 15 per cent for contingencies	64,241.89
Total cost of grading and paving	492,521.19

Say $500,000.

The railroad companies agree to supply earth for filling free of cost on cars at station, thus allowing this great fill to be estimated at 15 cents per cubic yard.

The asphalt pavements that are to be relaid are generally quite old, and the ones that will replace them will be a betterment to this extent. While difficult to estimate the value of this betterment, it can safely be placed at not less than $20,000.

Of the above total of $500,000 the following are directly attributable to change of grade of streets, due to elimination of grade crossings from H street, inclusive, northward:

233,943 cubic yards grading (cut to be used in fill), at 40 cents	$93,577.00
9,789 square yards grading in fill, at 15 cents	1,468.35
11,020 linear feet curb reset, at 30 cents	3,306.00
2,040 linear feet new curb, at $1.10	2,244.00
15,248 square yards asphalt, at $2	30,496.00
3,668 square yards gravel relaid, at 25 cents	916.75
7,851 square yards macadam relaid, at 20 cents	1,570.20
19,103 square yards sidewalk to be laid, at $1	19,103.00
	152,681.30

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Changes in sewers and water pipes	$25,000.00
	177,681.30
Add 15 per cent for contingencies	26,652.19
Total	204,333.49

Say $200,000.

The balance of the total of $500,000, or $300,000, is directly connected with the grading and paving of the plaza and streets leading thereto, itemized as follows:

537,494 cubic yards grading in fill, at 15 cents	$80,624.10
14,560 linear feet curb reset, at 30 cents	4,368.00
5,460 linear feet new curb, at $1.10	6,000.00
62,555 square yards asphalt (new and relaid), at $2	125,110.00
4,599 square yards granite block relaid, at 75 cents	3,449.25
3,943 square yards gravel relaid, at 25 cents	985.75
30,055 square yards sidewalk (new and relaid), at $1	30,055.00
	250,598.10
Add 15 per cent for contingencies	37,589.70
Total	288,187.80

The real estate to be purchased can not be valued until further figures are obtained from the railroad. The president of the Baltimore and Ohio has promised that such land required as is owned by the railroad will be given at cost price. A preliminary estimate is made of $500,000.

A map showing all property affected is submitted. The value of most of the unimproved property will probably be enhanced. While the work is going on around the plaza, and until the roads are paved, much of the improved property will be difficult of access. It will also be left below grade. In many cases it will be possible to raise the houses, but there will be considerable damage to private owners. It is impossible to estimate, even with reasonable accuracy, the amount of these damages. As far as can be estimated it will be at least $500,000.

A summary of the preliminary estimated cost is as follows:

To be paid by the United States, $1,500,000, to the Baltimore and Potomac Railroad for evacuation of the Mall.

To be paid half by the District and half by the United States: $1,500,000 to the Baltimore and Ohio Railroad as per act of February 12, 1901; $620,000, cost of grading and paving; $500,000, real estate to be purchased; $550,000, damage to property.

All of this will not be paid out at once. The sums to go to the railroad companies will be paid only when the work is completed, and the remainder only as the work is done.

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CONCLUSION.

Taking all questions into consideration, the Commissioners are of the opinion that the proposed arrangement is for the best interests of the District. The change is a great one and intended to be permanent. All grade crossings within the city limits and on all new construction are abolished. A union station is built, monumental in character, and in keeping with the plans for beautifying the District. The location, while not as simple from an engineering point of view as the one on C street, has the great advantage of keeping Massachusetts avenue open, of locating the station where it will appear to the best advantage, and of being reached by direct line and wide streets from any part of the city. The cost to the District will be greater than the first-named location, but it is thought it will in the end be more satisfactory.

Provision should be made for the street cars to come to the station. The companies have submitted plans for this, but such can hardly be considered as final. As the tracks can not be put in until the grading is completed, there is no need of immediate legislation, but it may be advisable to authorize the Commissioners to make proper provision for the street-car companies to connect with the plaza.

The Commissioners return the bill with certain amendments inserted, most of which are minor and have practically all been agreed to by the railroad companies.

The following maps are submitted herewith:

A. Map showing existing and proposed terminal systems within the District.

B. Map showing public space vacated for railroad uses in the northeast section.

C. Map showing changes in street grades and property affected thereby.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners
of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia, Senate.

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SUPPLEMENTARY REPORT OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA RELATIVE TO A UNION RAILWAY STATION.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 16, 1902.

SENATOR: The Commissioners have the honor to submit the following supplemental report to their report of March 27 last on Senate bill 2481, Fifty-seventh Congress, first session, relative to the abolition of grade crossings in the city. This report has been delayed on account of not receiving from the railroad companies a statement of the cost of the proposed work and of the value of some of the land owned by the Baltimore and Ohio Company which it will be necessary to acquire under the bill and which the president of the company stated would be sold to the District for street purposes at cost price.

The estimated cost of the work to the railroad companies under this bill has been stated by them to be as follows:

The parts of the structure to be used by the roads in common are estimated to be equally shared, while the parts used solely by one railroad are separated.

The cost to the Baltimore and Potomac under the present bill is estimated at $5,764,800. In addition, they will be required to spend, in accordance with existing legislation, $1,464,753. This makes a total of $7,239,553, an additional expenditure of $3,584,340 over what, under existing legislation, the railroad would be required to expend.

The present bill requires the Baltimore and Ohio to make an estimated expenditure of $5,883,550. Existing legislation requires an estimated expenditure of $5,599,408, leaving an excess under the present bill of $284,142.

In the reports of the Commissioners on the acts abolishing grade crossings, passed in 1901, in the discussion as to the cost, a distinction was made as to what was considered in the light of betterments and the work due to the abolition of grade crossings. The former was supposed to be paid entirely by the railroad companies and the other to be shared with the District of Columbia and the United States. In that way the sum to be paid the Baltimore and

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Ohio ($1,500,000) was approximated. It is difficult, if not impossible, under the present bill to make these distinctions, as the line between betterments and necessary changes is hard to determine, and in constructions used by both companies it might seem betterments to one and changes necessary to the abolition of grade crossings to the other. Moreover, the railroads claim that the present bill gives them no betterments. In the case of the Baltimore and Ohio the claim is made that the greater part of their business is freight and that the proposed location of their freight depot is greatly to their disadvantage. They, of course, obtain the advantage of a southern connection, for which, however, they pay half the cost of the tunnel.

The most practical way to discuss the division of cost would seem to be to take the total cost to the railroads of the work which they have to do and the total cost to the District and the United States consequent upon these changes.

The details of the figures submitted by the companies are on file in the office of the Commissioners. These estimates are liberal and higher than those made for similar work in 1901. The reasons given for the change are increased cost of doing the work, due to advance in prices and uncertainty of the character of the excavations, which will have to be carried to greater depths.

In the case of the Baltimore and Potomac the extra estimated cost is nearly $3,600,000, and the bill provides that the company is to receive from the United States $1,500,000 for vacating the Mall.

In the case of the Baltimore and Ohio the total estimated cost is $250,000, or $300,000 greater than that of last year. This is due to sharing the cost of the tunnel, estimated at $824,525. Outside of the tunnel the cost is less on account of the lessened length of viaduct and because a part of the expense is to be shared by the Baltimore and Potomac.

The cost to the United States and the District of Columbia is estimated as follows:

To be paid by the United States to the Baltimore and Potomac for vacating the Mall	$1,500,000
To be shared by the United States and the District, to be paid the Baltimore and Ohio under existing legislation	1,500,000
Cost of grading and paving	500,000
Cost of real estate to be purchased	500,000
Damages to property due to change of grade	600,000

The last item is, of course, very uncertain, as it is very difficult to estimate accurately what damages will be given by the courts. In addition to the above, existing legislation requires—

An expenditure in South Washington, estimated in previous reports as	$120,000
For grading and paving and for damages to property	50,000
	170,000

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This is $80,000 less than what is estimated in this section under existing legislation, as work in connection with the main tracks leading into the Mall will not be necessary.

The total cost of the changes is estimated as follows:

Work done by the railroad companies	$13,073,103
Work done by the District, with damages to the property	1,770,000
Making a total of	14,843,103

This would be apportioned as follows:

Railroad companies	$10,073,103
United States and District of Columbia	4,770,000
(Of which the District pays $1,635,000.)	

While the figures presented by the railroad companies are liberal, it is considered that they will spend at least the amounts named, as the estimate is $4,000,000 for a union station and foundations, and it is probable that the actual cost will exceed this.

In the discussion of the public space in the way of closed streets granted the railroads, it is difficult to make a distinction between that allowed the Baltimore and Ohio and that allowed the Baltimore and Potomac, as they will occupy so much of it in common. In general, it may be said that the Baltimore and Ohio receives less public land in the way of streets closed under the present bill than it does under existing legislation, while the Baltimore and Potomac receives more, leaving out the evacuation of the Mall, which is separately considered.

The total amount of streets closed is somewhat greater under the bill than under existing legislation. This increased occupation is, however, mostly in the way of a further closing of streets already closed, and as in all cases the abutting property on the closed streets will have to be bought by the railroad, and as free communication is to be maintained, there will be little damage to the public, and the expense of keeping up the streets will be saved. Many of the streets to be evacuated by the companies are, on the contrary, quite important, being long lengths of streets, such as First street NE. and the right of way of the Baltimore and Ohio between Delaware avenue and Winthrop Heights. It is therefore considered that, as far as land is concerned, the equities have been maintained.

The abolition of grade crossings in the District of Columbia has been agitated for a number of years, and it was only last year that acts were passed providing for the work. These acts are presumed to have preserved the equities between the United States and the District on the one hand and the railroads on the other.

The changes directed in the present bill are mainly the vacation of the Mall and the building of a large union station north of Massachusetts avenue. It is considered that the vacation of the Mall is worth to the United States the million and a half asked for it, and the Balti-

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more and Potomac spends nearly $4,000,000 additional. The cost of the work done by the Baltimore and Ohio, according to the present bill, does not greatly exceed that directed by existing legislation, and if the southern connection is left out it is less than that. On the other hand, the railroad company does not seek this change, and claims that it will be at a considerable disadvantage in handling its freight business, and also at a considerable increased expense in handling the passenger business, due to the extra terminal charges.

The District of Columbia pays for these changes a sum which should not exceed $2,000,000 and which will probably be considerably less.

The Commissioners are of the opinion that it is for the best interests of the District that this bill should become a law.

Very respectfully yours,

HENRY B. F. MACFARLAND,
JOHN W. ROSS,
JOHN BIDDLE,
Commissioners of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia, Senate.

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HEARING AS TO PROPOSED TUNNEL UNDER CAPITOL HILL.

SENATE COMMITTEE ON DISTRICT OF COLUMBIA,
Washington, D. C., March 18, 1902.

Present: Senators McMillan (chairman), Hansbrough, Dillingham, Wellington, Heitfeld, Martin, Clark, of Montana, Foster, of Washington, and Foster, of Louisiana.

The CHAIRMAN. The purpose of the present meeting of the committee is to ascertain whether or not this proposed tunnel would in any way affect the Library building, so I have asked the engineer officer of the District, Colonel Biddle, and Mr. Brown, the chief engineer of the Pennsylvania Railroad, and Mr. Green, who built the Library building and knows all about it, and who is in charge of it now, to be present to-day and answer any questions that the committee would like to ask them concerning the tunnel.

Mr. Brown will give us some facts in relation to it that may be of interest. As I understand, this tunnel is to be from 50 to 60 feet below the surface of the ground, and the character of the ground is such as to render it impossible for any vibration to take place.

Senator FOSTER, of Washington. I would like to inquire if they have made their borings, and what the material is?

Mr. BROWN. We have not made any borings at all.

Senator FOSTER, of Washington. There is rock all around there, is there not?

Mr. BROWN. We have always been expecting to strike rock there.

Senator CLARK. How deep did they dig in making the excavation for the Library?

Mr. BROWN. I do not know as to that.

The CHAIRMAN. Mr. Green will tell us all about the Library.

Senator MARTIN. Mr. Chairman, I think we had better ask Mr. Green to make his statement first.

STATEMENT OF BERNARD R. GREEN.

Senator CLARK. I would like to ask if in the excavation for the Library building they went below the natural surface.

Mr. GREEN. The depth below the surface of the ground would of course be a little greater than below the grade of the street just in front; that is somewhat lower. Perhaps that is what you would like to know—how far the foundation of the Library is below the grade of the street. It is not more than 9 feet.

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Senator CLARK. What did they have for a base there, sand or rock?

Senator FOSTER, of Washington. It was concrete.

Mr. GREEN. It was a natural bed foundation; it is a sandy clay and very uniform, with certain alluvium, but no rock.

Senator CLARK. Have you ever had any boring done, or do you know of any borings having been made to determine the underlying formation between the Capitol building and the Library building?

Mr. GREEN. No, sir; we never made any. The character of the ground developed by the foundation of this building at the time and also of that one (these were deeper than those) indicates that there must be a considerable depth of alluvium and that the rock must be a considerable distance down. I should judge it would not be found under 30 or 40 feet, and I believe it will be found, if examinations are made, to come a way below the proposed tunnel grade or railroad grade. This is an alluvium hill on which these buildings stand.

Senator CLARK. But there was no alluvium or rock exposed anywhere that would enable you to form a conclusion of that kind?

Mr. GREEN. None that I have ever heard of, and I am pretty familiar with the hill. The District engineer can probably give you a better opinion on that subject because he made the excavations for sewers and other underground work all about the hill.

The CHAIRMAN. There is a big sewer that runs up in front of the Capitol here?

Senator HEITFELD. That is west?

Mr. GREEN. Yes. Now this much may be said, that no rock appears about the hill anywhere near its base. I believe the Engineer Commissioner will corroborate that, and that all along Pennsylvania avenue, which is the lowest part of the city, the rock is known to be not less than 30 or 40 feet deep, and probably 60 feet in many places; where the foundations of the Post-Office Building are, near Twelfth street, for instance.

Senator HEITFELD. That would be on the river bottom, virtually. That may not be the condition on the hill.

Mr. GREEN. Yes, sir; that appears to be the condition all around, and we know the existing condition of the Pennsylvania avenue tunnel above the navy-yard. There is quite an excavation through that portion of the hill. I do not think there is any rock there at all.

Senator MARTIN. You have given consideration to this special subject, have you not, as to this tunnel and what its effect would be upon the Library building?

Mr. GREEN. Yes, sir; I have.

Senator MARTIN. Are you satisfied that it would have no injurious effects, or what is your conclusion as to that? We would be glad to have your views in full.

NO DANGER TO THE LIBRARY.

Mr. GREEN. My view is that putting this two-track tunnel through the hill at the proposed depth, which I understand is about 56 feet to the bottom of the tunnel below the present surface of the ground, and running trains through it, would not endanger the Library building or its approaches at all, and especially if in boring the tunnel, or in building it, the proper precautions were taken for guarding against the settlement of the earth overhead as the work progresses, which precautions are entirely within the power and resources of the engi-

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neers and contractors to exercise. I think there would be no settlement and no injury, therefore, to the Library foundations.

Senator CLARK. Suppose, in excavating that tunnel, there should be any mistake made about protecting or supporting it and a cave should take place there, is the nature of that ground such as it would cause a run of the earth to go down and injure the foundation?

Mr. GREEN. No sir; the angle on which a sliding would occur in that ground would be very steep. The ground is quite firm and there is no difficulty in making an excavation of ten or even fifteen feet on a vertical cut without sliding.

Senator CLARK. You do not know whether this clay on which the foundation of the Library building was constructed extends to any very great depth, do you?

Mr. GREEN. Well, there may be a bluish clay farther down; we do not know about that, but there is no reason to apprehend that the character of the clay, or of the alluvium, whatever it is, is different in that respect from that on the surface; that is, it would stand at a very steep slope.

Senator CLARK. Are there any gravel or pebbles mixed at the depth of 5 feet that you found?

Mr. GREEN. No, sir; for 2 or 3 feet we find sometimes a stratum of that kind mixed with the clay. If there was any height or considerable depth of a stratum of that kind the sliding might be on a flatter slope, of course, but it is not probable that this stratum would be of any great thickness, not more than a very few feet. So that the angle of a sinkage—even a sinkage all over a tunnel—caused by the excavations you refer to would spread but slightly on the surface.

Senator CLARK. Are there any deposits of quicksand in this hill that you know of?

Mr. GREEN. I do not know of any.

Senator CLARK. Is there any sand at all, or homogeneous bodies of sand?

Mr. GREEN. They are likely to be scattered through the clayey strata, but not continuing clear through the hill, I think. That is, the indications in the ground are of that general character everywhere.

Senator HANSBROUGH. How far below the bottom of the Library foundation would the bottom of this tunnel be?

Mr. GREEN. It would be about 47 feet. It is projected to be 56 feet below the street, and the foundation of the Library is about 9 feet below the street—the bottom of the footings.

NO VIBRATIONS.

The CHAIRMAN. You do not think that in a tunnel of that depth the running of fast trains on a level would make any vibrations that would be noticed in the Library?

Mr. GREEN. I should not expect it; no, sir.

The CHAIRMAN. I understand that in this present tunnel, on Virginia avenue, there is no vibration at all.

Mr. GREEN. So I am informed.

The CHAIRMAN. The Engineer Commissioner of the District has been over there and he says there is no vibration at all. How deep is that Virginia avenue tunnel?

Mr. BROWN. About 40 feet.

The CHAIRMAN. All the freight trains and passenger trains go

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through that tunnel and yet there is no vibration, and this proposed tunnel is intended for nothing but passenger trains, and on the level. There is a very heavy grade there.

Mr. GREEN. There is another consideration of importance in connection with the vibrations—that the ground on which the Library stands is not exceedingly loaded by the Library. Vibrations can only disturb the stability of a structure standing on such a foundation seriously when the load per unit of bearing surface is great. For instance, a feather lying on the ground would not be disturbed, and so, logically, in increasing that load within a safe margin of stability, such as we have over there, it would take a very considerable vibration, I think, to disturb the stability of the building on its present foundations.

RIFTS OF ROCK NOT DANGEROUS.

Senator CLARK. If it should be discovered that there are rifts of rock running through the ground here, and this tunnel should penetrate them, and trains run over these rocks in passing, that would cause a vibration, would it not?

Mr. GREEN. I think it would not.

Senator CLARK. Do you know what distance from the limit, say the upper limit of the rock, vibration will be communicated to the superimposed formation—whether it is sand or clay—probably one or the other?

Mr. GREEN. The amount of vibration communicated would, of course, depend upon the severity of the vibration and its amplitude. A very heavy vibration in the rock would, of course, send the results through a much thicker covering of earth than if it were lighter, but it would seem to me that passenger trains running through a tunnel as far from the building as has been stated would hardly be noticeable on the surface or in the Library.

Senator CLARK. This tunnel is projected to run under the street, is it not?

Mr. GREEN. Right under the middle of the street, as I understand from the drawings.

Senator CLARK. How far is the Library from the eastern limit of the street—how far is it set back?

Mr. GREEN. It is about 100 feet back from the eastern side of the street. The tunnel is proposed to run under the center of the street, so there would be 150 feet from the center of the tunnel to the Library walls.

Senator HEITFELD. How wide will the tunnel be?

Mr. GREEN. Twenty-eight feet, the engineer says.

Senator HEITFELD. He says the street is probably 50 feet.

Mr. GREEN. That is the paved portion.

Senator HEITFELD. I mean the paved portion.

Mr. BIDDLE. That would include the parking.

Senator MARTIN. The center of the tunnel is the center of the street?

Mr. GREEN. Yes, sir.

Senator MARTIN. And it is 28 feet wide?

Mr. GREEN. Yes, sir.

Senator MARTIN. So that 14 feet of tunnel will extend from the center of the street in the direction of the Library?

Mr. GREEN. Yes, sir; about 14 feet would be to the inner wall of the tunnel, and there would then be 3 or 4 feet more to the outside of the excavation.

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WIDTH OF FIRST STREET.

Mr. BIDDLE. The street is 110 feet wide.

Senator MARTIN. How many feet is it from the eastern limit of the tunnel to the foundation of the Library building?

Mr. BIDDLE. It would be about 45 feet from the outside of the tunnel to the street line, but Mr. Green says there would be 100 feet more, which would make it 145 feet.

Senator MARTIN. So it is 145 feet from the outside to the foundation?

Mr. GREEN. No, sir; it would be a little less. It is 150 feet between the center and the wall, and if you then subtract the half width of the tunnel it would be about 133 feet.

Senator MARTIN. It would be about 133 feet from the eastern end of the tunnel to the Library building proper?

Mr. GREEN. Yes, sir. Of course, there are approaches that extend out to the street.

Senator MARTIN. I understand that your professional conclusion is that there would be no danger of vibration to the Library foundations.

Mr. GREEN. Yes, sir. That is my conviction, especially if the proper precautions are taken.

Senator MARTIN. Of course, I am assuming that all proper precautions shall be taken, as are required.

Mr. GREEN. Of course, in boring such a tunnel in such a place the contractors would naturally be expected to use very much more precaution than they would in excavating through a mountain out in the woods where vibrations would be of no consequence.

NO DOUBT AS TO SAFETY.

Senator MARTIN. Are you entirely conclusive in your mind about that? Is there any doubt about it?

Mr. GREEN. None, whatever.

Senator MARTIN. Because we would not be justified in taking any risk if there is any doubt about it.

Mr. GREEN. I am quite sure that the cutting of the tunnel through under the front of the Library building, with proper precautions, especially at the approaches, which is comparatively a short distance, there would not be any danger whatever.

The CHAIRMAN. We propose to put that matter under your supervision to some extent, so that you will see that everything of that kind is done.

Mr. GREEN. Conditions could very well be imposed upon the railroad company, or whoever is to construct the tunnel, that the proper precautions should be observed.

Senator CLARK. If you were acquainted with that ground below the depth of 9 feet—which I believe is where your excavation extends—and you should find that there were rifts of rock running through there, might that not change your opinion as to the possibility of danger?

Mr. GREEN. No, sir; in fact, I think that would be an advantage if they were cutting through solid rock and using light blasts. They would not use heavy blasts to blow out large pieces to get through in a hurry. They would use lighter ones and bore the tunnel through the rock with greater security.

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Senator CLARK. Are you familiar with the conditions in Baltimore where a tunnel has been driven through one portion of the city?

Mr. GREEN. Yes, sir.

Senator CLARK. We have a report here that some of the buildings in Baltimore were damaged by reason of vibration or settlement.

Mr. GREEN. Those settlements occurred in a few places because of the treacherous character of the ground through which they had to go. They found quicksand through there, and other bad material in places. And then I do not know that they took the utmost precautions in constructing the tunnel. The contractors, I think, took the chances and thought it probably cheaper to get through the tunnel a little faster and pay the damages.

Senator CLARK. Was that tunnel lined with rock?

Mr. GREEN. It was lined with brick.

Senator CLARK. Did this damage occur after it was lined with brick, or before?

Mr. GREEN. I understand that it was during the process of construction; at the time of the boring. That is when it is most likely to occur. If the lining in the tunnel is carefully laid, and the back filling is very carefully done as they go along, there ought to be no disturbance after that.

Senator CLARK. Is it not possible that they might encounter, in driving the tunnel, beds of quicksand?

Mr. GREEN. That may be.

Senator CLARK. In that case might there not be some possibility of danger?

Mr. GREEN. Well, if the ground proves to be so bad as that the danger, I am sure, could not extend farther back than just to the front of the approaches, along the street, where their foundation is. It would not disturb the building itself, and if it should injure that, they could repair it; but it would not injure the building itself.

Senator CLARK. Is not quicksand sometimes very uncertain; when it begins to run will it not run a considerable distance away from the place of operation?

HANDLING QUICKSANDS.

Mr. GREEN. Oh, yes, sir; but the means of cutting tunnels nowadays and apparatus for the handling of material and guarding against those difficulties are very much increased. The resources of engineers and contractors for that kind of work have been very greatly increased during the last half dozen years. A few years ago it was a very difficult operation, and never entirely satisfactorily accomplished. The tunnel under the East River at New York was only constructed a few hundred feet and then abandoned. At the present time there would be no difficulty in putting a tunnel through there without interruption.

Senator CLARK. Do you know why the tunnel has been projected so near the Library building? However, I suppose the engineers of the Pennsylvania Company could give us information as to that.

Mr. GREEN. They would know better about that.

Senator CLARK. I will withdraw that question, then, and ask the engineer of the Pennsylvania Company.

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STATEMENT OF WILLIAM H. BROWN, CHIEF ENGINEER OF THE PENNSYLVANIA RAILROAD COMPANY.

Senator WELLINGTON. I would like to ask a question or two, from the fact that this matter has been brought to our attention very forcibly. In the first place, as to the trouble with the Pennsylvania tunnel at Baltimore, and, secondly, the trouble with the construction of the Baltimore Belt Line. I know something about that myself, and that has given me some trouble concerning this matter.

When the Baltimore and Ohio Railroad Company constructed its Belt tunnel in Baltimore city, they ran up Howard street a part of the way, and when they got up Howard street to the City College—a building of some dimensions, of course, but not in any wise as large as this; I should say not one-twentieth as heavy or as great as the Library building here. When they got that far there was a cave in, and it extended from the tunnel, which was run, I think, in the middle of the street out beyond the pavements some distance until it reached this building, when it completely demolished it, as it were. Now, that gives to me the idea that we ought to be very careful in the construction of this tunnel. It may be that it can be constructed without danger, as Mr. Green suggests, but what I would like to know is whether Mr. Brown thinks there would be any danger of encountering the difficulties that were encountered in the building of the Baltimore and Ohio Belt Line tunnel there.

Mr. BROWN. I do not think so. The tunnel that Mr. Green refers to in Baltimore, that had the cave in last winter, was built in a 50-foot street, to begin with, and it was built a good many years ago, when they did not know as much about tunnels as they do now; and to tell you the honest truth, it was a pretty bad job of contracting at the time. It was not properly backed and filled; the arch was not made heavy enough and there were two houses along there that were damaged somewhat that we had to buy that were pretty badly damaged. But we have a tunnel in Philadelphia on Thirty-second street, where the trains go through between Thirty-second street and Walnut up to Market, and it is built in a 50-foot street and through the rock. We have not had any complaint there of any kind whatever. The Drexel people came there and built a great big building right in front of our center line in the tunnel.

Senator HEITFELD. That is, they built it after the tunnel was constructed?

Mr. BROWN. Yes, sir; and they appeared to be satisfied because they put an addition to it, and we never heard any complaint about it whatever.

Senator WELLINGTON. The great danger would be that this building is already on the ground, and the matter of running the tunnel through—taking the same supposition that Senator Clark suggested a moment ago—if there should be a recurrence of the same trouble that they had in Baltimore, when they ran the tunnel up Howard street, when they struck a quicksand—would there be any danger, in your opinion, to the Library?

Mr. BROWN. I do not think so, because they would have to take the necessary precautions to shore that up.

Senator WELLINGTON. Would it not be necessary then, instead of

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building an arch, to have a cube, as it were, as they were forced to build there?

Mr. BROWN. They would have to put a protection behind the arch, so as to keep the thing clear until they could build the arch. We had our grade made low enough under First street to get under the sewer and street-car tracks and conduits, and such things as we found there, so that we would not interfere with those constructions in any way, and we had to make the contractors give heavy bond that they would not disturb the condition, and it would be to their own interest, anyway, to do this thing in the proper way. The first thing to come down on him would be the sewer—if there are sewers there, and there are sewers in that street, I understand.

Senator WELLINGTON. I understand that there are.

Mr. BROWN. And pipe of any kind. I do not think they would ever know that there was a train under there after it was built.

Senator WELLINGTON. I do not see as much trouble after the building of it as during the time of the building of it, because I believe that those very things that have occurred concerning the cave-in of the tunnel at Baltimore would make the companies hereafter very much more careful in the construction of future tunnels.

Mr. BROWN. They build tunnels very differently now from what they did in those days. We are arranging to-day to build two tunnels under New York City 40 feet underground, right across Manhattan Island from East River to North River, under a 60-foot street. This street is 110 feet wide.

Senator WELLINGTON. How near will this tunnel approach to the Library building?

Mr. BROWN. The center of it is 150 feet from the nearest portion of the Library—from the center of the tunnel.

Senator WELLINGTON. I thought the distance was much less than that.

Mr. BROWN. No, sir; it is 150 feet from the nearest part of it.

Senator CLARK. How deep is that tunnel that you speak of in Philadelphia below the surface of the ground?

Mr. BROWN. It is so close to the surface that it is unnecessarily cramped for head room. It is not over, certainly, 21 or 22 feet from the bottom.

Senator CLARK. It was an open excavation to begin with?

Mr. BROWN. Yes, sir; an open excavation and the tunnel was arched in and built up again.

The CHAIRMAN. The tunnel that they are building in New York under this new law authorizing the commission to go under the streets, comes right close to the post-office building. There is an application now before the Committee of Commerce, of which I am a member. They want to come right close to the post-office building and go 30 feet down and strike the corner of the building because they want to handle all the post-office matter, so that they would not be nearer than they would otherwise care to go. They do not think there would be any trouble there. The question came up there whether the vibration would affect the courts, and the information to the War Department seemed to be that it would not.

Senator CLARK. Have you had considerable experience in this city with regard to making excavations of tunnels; and have you studied the geological formations here?

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Mr. BROWN. I have not been engaged in very deep foundations. I have done some work along the railroad and made very deep foundations and there is no rock along there that I know of.

Senator CLARK. This road that we pass over in going to Baltimore, how deep is that below the surface of the streets?

Mr. BROWN. I suppose the deepest place is about 40 feet, but in the center of the street it is not more than 30 feet.

Senator CLARK. Would you encounter any solid rock there?

Mr. BROWN. That I do not know. I do not think so because there is no rock along the road that would show. In fact there is no rock on this road for several miles away from Washington.

Senator CLARK. I will ask you if it is necessary in order to cheapen the construction of this tunnel or to get the proper grades, to build it so close to the Library building; can you not just as well build it through the park, several hundred feet away?

Mr. BROWN. Well, when this station was located on C street we had a line run through the Capitol park about 50 feet inside of the street line, but when they moved the station up to Massachusetts avenue it was necessary to get our line farther up to accommodate the tracks.

Senator CLARK. Could you not run diagonally, beginning farther west to the entrance of the grounds and run diagonally through so as to get farther away from the Library building.

Mr. BROWN. That would make a crooked or curved tunnel. As it is now the tunnel would be almost straight; it will be straight from the passenger station to B street SE., and then there will be a slight curve around. But the other would make it crooked or curved right at the station.

Senator CLARK. Would it make any difference in getting your approaches to the tunnel as respects the right of way and matters of that kind?

Mr. BROWN. It would make a good bit of difference in the matter of right of way because we would have to purchase property for the tunnel. That is about all the difference it would make. Of course it could be as easily built at one place as the other.

Senator CLARK. You are familiar with railway building and the construction of tunnels, I suppose; you have had a great deal of experience in that?

Mr. BROWN. Yes, sir.

WORKING QUICKSAND.

Senator CLARK. What is your opinion—I believe you answered in the question asked you by Senator Wellington—as to whether or not, in case quicksand should be encountered, it would be dangerous? If you answered that question before, you need not answer it now.

Mr. BROWN. Well, there are two ways of working where there is quicksand. In the first place, you should put a tight bulkhead in to hold it back. Now, they have a process of freezing with some kind of chemical, as was done at a place out in Missouri. There was a very bad place there—a sink; I think it went down 90 feet. That same party is now before us in New York endeavoring to get his plan adopted for the North River tunnel. We have seen enough of his method, and also of other people's methods, to know that we can put a tunnel under the North River, which is all like mud; it is so light that it won't bear the weight of a train. We have to support the tunnel

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after we get it built through its bottom in the North River. There would be no trouble in handling quicksand in a hill like this. We have had a good deal of quicksand in tunnels, but we have always managed it.

Senator CLARK. What would be the result if you should encounter rifts of rock running through there at a depth above the tunnel that would project above the tunnel, so far as vibration is concerned?

Mr. BROWN. We would take the bottom of the tunnel down below the subgrade, so that the tracks would lie on the same kind of substrata over the rock as it would over clay. It would depend on the ballast entirely. We would take out rock enough so as to let us get enough ballast below the bottom of the tie and the bottom of the tunnel. We always do that.

Senator CLARK. That would break the vibration, would it—the material that you would put in there? You would excavate at a sufficient depth to put in a cushion, as it were, to break the vibration?

Mr. BROWN. Yes, sir; that is what it is put there for. Then our track could be used especially in a tunnel and on bridges, and we would want it a little more extra than we do outside. It is always laid with a great deal of care and the joints are fished, so that there is any amount of them, and they are not laid with both rails on a tie like some English roads are. Some Western roads are also built that way—with both joints on a tie where the grade is very light—part two-tenths and part only one-tenth per mile, and the balance only 10 to 11 feet to the mile.

Senator CLARK. Is it intended to line this tunnel with masonry?

Mr. BROWN. Yes, sir; we put it in to prevent falls.

Senator CLARK. How close can you carry your lining from the breast of the tunnel when you are building?

Mr. BROWN. How far can we do what?

Senator CLARK. How far can you carry your lining to the breast of the tunnel. How near to the breast of the tunnel can you carry your masonry work, in other words?

Mr. BROWN. Do you mean to the end of the tunnel?

Senator CLARK. No; while you are building.

Mr. BROWN. Oh, the way we generally do that is to put a drift through about where the top of the tunnel is going to come and keep shoring that up until we come to the side, and then put the wall right up as soon as they get down to grade. The wall of the tunnel is generally finished within a very few weeks after the excavation is finished. It follows right up as close as possible.

Senator HANSBROUGH. Have you made any borings along the line of this proposed tunnel so as to ascertain the character of the proposed formation?

Mr. BROWN. No, sir; we have not.

Senator MARTIN. Do you think it is necessary at all to have those borings?

Mr. BROWN. We would probably do that before we entered into the contract.

Senator MARTIN. That is not to ascertain the safety of it, but simply the cost of it, is it not?

Mr. BROWN. That is what we use to ascertain what kind of material is to go there, so that the contractor can go about his business.

Senator MARTIN. Exactly; but I had supposed you were satisfied

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that you would manage any material met with, and that the boring was therefore not necessary because of the advances in engineering. You know that you can handle any material that you may meet with.

Mr. BROWN. Yes, sir.

Senator MARTIN. And the boring is purely to ascertain the cost, and not the safety?

Mr. BROWN. We did not want to do too much boring on the line of this road until we got the line established, because we did not want to start any trouble among the real-estate owners, etc. Just as soon as the line is finally established, then, of course, we will have an accurate survey and make borings and all of those things.

Senator HANSBROUGH. That would be after the bill was a law?

Mr. BROWN. Yes, sir.

Senator HANSBROUGH. If you should discover anything that was difficult to pass through you would be loath to turn around and go back?

The CHAIRMAN. There is no difficulty nowadays in that regard.

Senator MARTIN. Sand or anything else that they might meet with is no barrier now?

The CHAIRMAN. I know that in Detroit they attempted to build a tunnel under the river and could not control the quicksand, while now they can accomplish it without any trouble at all under modern methods, and here there is very little danger of anything of that kind.

Mr. BROWN. I do not think there is any danger. I do not think you would ever know it was there after it was built. You would not hear a train go through—even people who were standing right on top of the tunnel.

Senator CLARK. I want to ask another question, Mr. Brown. Are you familiar with the construction of the Lake Shore road through the city of Toledo, in Ohio?

Mr. BROWN. No, sir.

NOT A TUNNEL.

Senator CLARK. Mr. Chairman, the reason I ask that question is because I see a telegram in the Sun, which reads as follows:

TOLEDO, OHIO, *March 16.*

The big plant of the Toledo Metal Wheel Company, which employs from 600 to 800 men, stands along the Lake Shore Railway as it runs through the Auburndale suburb. This afternoon just as a west-bound passenger passed the building the building collapsed and fell across the track, barely missing the rear coach. Two seconds earlier and every occupant of that coach would have been killed.

The loss will be heavy, and while covered by fire insurance this, it is said, will not apply. It is supposed by architects that the continual passing of trains caused the walls to weaken. This, attorneys say, may involve a new question of responsibility.

This is, I take it, something similar to the Baltimore matter that was suggested.

Mr. BROWN. That was not a tunnel, was it? That was where the road ran along the street, I think.

Senator CLARK. It does not say that it was a tunnel but the matter of vibration, however, is involved in it.

Mr. BROWN. Well, the vibration would be considerably greater on a piece of alluvium ground by a lake shore or river than it would be on hard clay or rock bottom.

The CHAIRMAN. That is all pretty much made ground there in Toledo, and there are an enormous number of trains passing by there every day.

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Senator CLARK. There is an immense traffic on it, as there would be here.

The CHAIRMAN. No; the traffic here is by passenger trains from the South; the freight would go as it does now. This is contemplated only for passenger trains.

Senator HEITFELD. Did we not take those large cars off of the Metropolitan line on F street in this city on account of the vibrations?

The CHAIRMAN. That was because of their going around The Richmond and one or two other places in that vicinity. That relates to the surface, of course. Some of the houses are built rather cheaply in that neighborhood, and something fell off of one of the mantelpieces in one of the houses, I believe?

Senator HEITFELD. They make considerable noise though. I was informed at the time that the objection was on account of the vibration that was caused by those cars.

The CHAIRMAN. I understand that in going around the curves there considerable objection was occasioned.

I think that is all the committee desires to ask you, Mr. Brown.

STATEMENT OF COL. JOHN BIDDLE, ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA.

The CHAIRMAN. Colonel Biddle, the Engineer Commissioner, is present, and will be glad to answer any questions that the committee desires to ask him.

Senator MARTIN. Colonel Biddle, you have thoroughly investigated this matter, have you not?

Mr. BIDDLE. I have gone over it somewhat. I asked the superintendent of sewers what he thought about the ground around here. We have never bored it ourselves, but he has constructed a considerable number of sewers in Washington for many years, and he informs me that he thinks it is all clay down as far as the river; that he has run, as far as sewers are concerned, from P street, and he never discovered rock south of that. But I do not think it makes the slightest difference whether it is clay or rock. I do not think it would affect the Library building at all. I really do not think that the building of a tunnel of that kind would affect the Library building at all, because the angle would only be about forty-five degrees, and that would be about 100 feet

Senator MARTIN. In your professional judgment it would be absolutely safe?

Mr. BIDDLE. Yes, sir; absolutely safe.

Senator MARTIN. And the use of it after it is completed would be perfectly safe?

Mr. BIDDLE. Yes, sir.

Senator MARTIN. Your opinions are absolute—you have no misgivings as to the matter?

Mr. BIDDLE. No, sir. The underground railway in New York runs under the streets of New York, and the Pennsylvania Railroad is right close to the houses and there were no misgivings, and I do not anticipate any danger here.

Senator CLARK. Suppose in building we should encounter hard rock, rifts of hard rock, one or more we will say, in the blasting operations there; would there not be severe vibrations?

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Mr. BIDDLE. Not if they were small joints. They have been doing that in New York right in the middle of the street without affecting the houses.

Senator CLARK. Were there any rifts of rock there?

Mr. BIDDLE. Yes, sir; along the streets of New York sometimes there is rock.

Senator CLARK. We have heard a great deal about damage in New York resulting from blasts in the excavations there that may probably be due to an unusual and improper storage of powder; it may have resulted from that.

Mr. BIDDLE. Of course. No one can account for those accidents.

Senator Clark. Might not the same thing occur in the building of this tunnel?

Mr. BIDDLE. I do not think there is any likelihood of it at all.

Senator CLARK. Can you always throw safeguards around such construction that would prevent accidents of that kind?

Mr. BIDDLE. I think you can.

Senator CLARK. They did not do it in New York.

NO DANGER TO BE APPREHENDED.

Mr. BIDDLE. They were in a great hurry there and were trying to put the work through as fast as they could. I do not think that a small accident in a tunnel, that would really blow it out at the top would do any damage, and that is not likely to occur here.

Senator CLARK. You are familiar with the Library building and the delicate work there—the frescoing, mosaic work, and marble work, and all that?

Mr. BIDDLE. Yes, sir.

Senator CLARK. You, of course, appreciate the consequences if there should be anything that would cause a crack in that fine work; the enormous damage it would do, and the expense it would involve?

Mr. BIDDLE. I appreciate that, of course, but I do not anticipate any results of that kind.

The CHAIRMAN. I think that is all we desire to ask these gentlemen. I simply invited them to be present at the meeting to-day to give us their views upon this matter, and I think I can say that we are very glad that they have come. I had, of course, myself heard Colonel Biddle's views, but I did not know as much about it as I do now.

Senator CLARK. I have had a good deal of experience in the construction of tunnels, and I know that in many instances abutting houses have been almost entirely rent in two by the settling of earth half a mile away.

The CHAIRMAN. That is probably so, but this is a small tunnel, and it is to be handled by the best railroad men in this country. We have letters from Mr. Cassatt stating that he can not conceive of the slightest danger. They are bound in honor to do the work properly, and I think we ought to put in an amendment leaving that matter to be superintended by Colonel Biddle and Mr. Green.

Mr. BIDDLE. That is already in the bill.

Senator CLARK. Mr. Chairman, I think that in Philadelphia they exacted bonds from the contractors to cover any damages that might result. If these people are still determined to build, or wish to build, and can not change the projected tunnel without material expense or

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inconvenience for the route of the cars, can not some safeguard be thrown about the Library with regard to its safety by exacting bonds that will cover any possible damages that might result?

RAILROADS NOT ASKING LEGISLATION.

The CHAIRMAN. I do not think you quite understand the position of the railroad company. The railroad companies are not asking to do this at all. The railroad companies, by bills that were passed at the last session of Congress, have been given permission to put up a station at the Mall and another station at the Baltimore and Ohio Railroad depot. They are entirely satisfied with those bills and do not desire any change made. They think there is some advantage in having the two bills; the Pennsylvania Company thinks there is some advantage in having them near the center of the city. This matter was up ten years ago, in regard to getting one station in Washington, and we never could bring the two railroad companies to even consider it. Now the people of this District have been trying to get them to consider the propriety of having this one station, and we are urging this; they are not urging it, and it is not thought that it would be wise to put any stumbling-blocks in their way.

Senator CLARK. Is it not customary—and these gentlemen can answer as to that—to have bonds executed by contractors under any circumstances?

The CHAIRMAN. I suppose the Pennsylvania Company would exact the bonds from the contractors, but we simply demand that they shall build a proper tunnel—a tunnel that is perfectly safe for traffic, and one which will not injure any property. I do not know whether it is customary to give bond or not.

Senator WELLINGTON. I understand from the statement of the engineer that they would require bonds of the contractors.

Senator HEITFELD. If the railroad company is entitled to bonds it seems to me that the city is.

The CHAIRMAN. Under our bill we give back to the railroad company the amount of money which we were going to give them in land, as I explained the other day. We do not pay a dollar of that million and a half to them until this work is satisfactorily completed. We hold it in our hands.

Senator CLARK. I did not understand that feature of it.

The CHAIRMAN. Yes; that we hold in our hands until all of this work is satisfactorily completed, and the bill provides that it shall be satisfactory, so I think that covers that point.

Mr. GREEN. As an illustration of the care that may be exercised by contractors in doing difficult work, or working in rock, I will say that I know of a number of instances that show how safely a piece of work of that character can be done. I was consulted as an engineer some years ago when the union station in Georgetown was proposed. It was in a kind of rock that was very slippery and sliding, and a party who had a house on the verge of this deep cut, which was about 60 feet deep, was very apprehensive of the stability of the building, and he objected to the work that was going on there, and kept some lawyers very busy to save his property. The excavation went on, and the work was completed without the slightest crack or injury to his property.

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In New York, not long since, I was examining the work that was going on in the subways that were being constructed and which you know are beneath an endless tangle of the water pipes and sewers, and everything you can think of; it was work of the most complex sort. I saw the men blasting rock near the water mains that were not more than from 1½ to 3 feet apart, mains 2 feet in diameter, between which were pieces of rock sticking up. They used little blasts and knocked out the pieces of rock without the slightest danger. That shows how it can be done safely by exercising the proper care.

Senator CLARK. Mr. Chairman, I do not appear here as an obstructor; I want that distinctly understood. I am just as desirous to see this improvement go on as anyone, with proper safeguards. But I consider the safety of that magnificent building, which has no peer on this continent, as paramount to any advantages that may grow out of this contemplated improvement, and that is the reason for my asking so many questions.

Mr. GREEN. I do not want to be understood as advocating this scheme for the Government. I happened to have these items in mind, and I have given them to the committee.

The CHAIRMAN. Knowing that Mr. Green was the father of the building, and took more interest than any other person who has charge of it, I was anxious to have him here, and he has kindly consented to see that the tunnel is put in properly and without danger to this building.

Senator CLARK. I think if it were possible to change the route of this tunnel without too much cost or inconvenience that it ought to be done in order to make sure of this proposition, because unforeseen difficulties in enterprises of this kind often arise.

The CHAIRMAN. I do not think there is anything more that the committee cares to hear to-day. At the next meeting we will take up the report of the engineers.

The committee thereupon adjourned.

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House Report No. 2788, Fifty-seventh Congress, second session.

UNION RAILROAD STATION AT WASHINGTON, D. C.

DECEMBER 9, 1902.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT.

[To accompany S. 4825.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, report the same back to the House, by a unanimous vote, and recommend that it do pass, with the following amendments:

Page 1, line 11, strike out the words "empowered and" and insert after the word "authorize" the words "and required."

Page 5, line 21, strike out the words "with its consent" and insert in lieu thereof the words "as provided in section eleven."

Page 10, line 1, after the word "thirteen" and before the word "and" insert the following:

and also to extend its tracks and switches north of V street on the east side of the main track of its Metropolitan Branch Railroad to Rhode Island avenue extended.

Page 10, line 20, strike out the period after the word "abandon" and insert in lieu therof a colon, and add the following:

Provided, That no streets or avenues shall be closed or abandoned under the provisions of this act or of the acts relating to the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, approved February twelfth, nineteen hundred and one, until all of the property abutting on the streets or avenues, or portions thereof, provided to be closed in said acts, shall have been acquired by said railroad company or companies or the terminal company referred to herein, either by condemnation or purchase, as hereinafter provided.

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Page 11, line 6, strike out the word "across" and insert the word "over"; in line 7, strike out the words "from the present Metropolitan Branch," and in line 8 strike out the words "by an overhead bridge."

Page 14, line 22, insert before the word "of," where it first appears in said line, the words "of the elimination of grade crossings or."

Page 15, line 18, insert after the word "the" and before the word "viaduct" the following: "terminal structure or."

Page 18, lines 21 and 22, strike out the words "five hundred thousand."

Page 19, line 1, strike out the words "five hundred thousand."

Page 20, line 25, strike out the words "is included within such location" and insert in lieu thereof the words "can be so acquired."

Page 22, lines 7 and 8, strike out the words "with its consent" and insert in lieu thereof the following: "as provided in section 11."

Page 24, strike out all of lines 12 to 24, inclusive.

Page 25, strike out all of lines 1 to 7, inclusive.

Page 25, strike out all of lines 8 to 18, inclusive, and insert in lieu thereof the following:

SEC. 11. That any railroad company now or hereafter lawfully existing and authorized to extend a line of railroad into the District of Columbia, or having secured the right to operate over the lines of any other then existing railroad, to a point of connection with the tracks of said terminal company, shall have the right to the joint use of said station and terminals upon the payment of a reasonable compensation for the use of the same; and if the parties be unable to agree upon such terms, then the same shall be prescribed by the supreme court of the District of Columbia, upon petition of either party in interest, under such rules of procedure as the said court shall prescribe.

Page 25, insert between lines 18 and 19 two new sections, as follows:

SEC. 12. That the Baltimore and Potomac Railroad Company shall establish and maintain a substation at a convenient location east of the north end of the Long Bridge and at a point to be approved by the Commissioners of the District of Columbia.

SEC. 13. That paragraphs 3 and 4 of section 8 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," be, and they are hereby, amended so that they shall read as follows:

"In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be

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used for a street or avenue for the public benefit, the sum of one million dollars, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this act.

"In order to provide for the one half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the first day of July following the passage of this act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of one hundred thousand dollars, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of five hundred thousand dollars, as provided herein, shall have been paid."

Your committee has given very careful consideration to the bill as passed by the Senate, having held hearings, and permitted the citizens, the Commissioners of the District of Columbia, and parties representing the railroad companies to appear and discuss fully all phases of the proposed improvements.

The amendments recommended by this committee, it is believed, will perfect the measure so the objections that have been raised to certain provisions will not now apply.

The first important amendment, on page 10, provides that no streets or avenues shall be closed or abandoned under the provisions of this act or of the act of February 12, 1901, until all of the abutting property on the streets or avenues, or portions of them to be closed, shall have been acquired, by condemnation or purchase, by the terminal company or the railroad company.

The next amendment, on page 15, provides that such portions of the terminal structure or viaduct as may be constructed and used for storage or like commercial purpose shall be assessed the same as other property in the District of Columbia.

The next amendment, on pages 18 and 19, and also the new section 13 recommended by your committee, reduce the amounts to be granted to the railroad companies $500,000 each, making a total saving to the District of Columbia and the Government of $1,000,000.

Your committee has given a large amount of time to the consideration of the feasibility of locating the union station at C street, between New Jersey avenue and First street NE. The location of the station at this point would greatly reduce the expense to the District of Columbia and the Government by making unnecessary the cost for damages to adjacent property, the opening and paving of new streets, the purchase of private property for the plaza, and the filling in to make the proper grades provided in the Senate bill. One great disadvantage, however, would be the necessity of covering Massachusetts

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avenue by a viaduct about 800 feet long, which meets with serious opposition, based on the ground that it would disfigure and otherwise mar this great avenue.

The Massachusetts avenue site, on the other hand, in the opinion of the architects of the station, would be much more satisfactory with reference to the Capitol and lend itself better to the necessary development of the surroundings. Massachusetts avenue, an important thoroughfare, would be saved as a boulevard, and the facilities for handling large crowds would be greater than at C street by reason of the larger number of streets, making access easier to the station.

The railroad companies deem the Massachusetts avenue site the best and most advantageous from a railroad point of view and strongly object to the suggested C street location for the station.

In view of all of these facts, your committee believed that, by reporting the Massachusetts avenue site—which involves an expenditure to the District and Government of an amount estimated at $1,600,000 for damages, the location of the plaza, opening of new streets, and establishing proper grades—that the reduction provided for in the amendments, so that each road shall receive $1,000,000 in place of $1,500,000, making a total saving of $1,000,000, would equalize the advantages to the railroad companies in the selection of the Massachusetts avenue site and the advantages which would have accrued to the District and Government had the C street site been determined upon.

The next amendment, striking out section 11, removes from the bill the permission granted to the two railroad companies and the terminal company to either accept or reject the provisions of this act for the building of a union station.

The next amendment, striking out section 12, removes from the bill the authority given to the Commissioners of the District of Columbia to permit the extension of street-railway lines to and from the proposed union station. Congress has always handled legislation of this character for the District of Columbia, and your committee believes that the chartering of new street railways or the changing of the routes of existing lines should be considered by Congress, as in the past.

Section 11 has been amended by your committee with a view of making this provision clear—to give permission to other railroads to enter the District of Columbia and use the terminals and union station upon terms which are to be prescribed by the supreme court of the District of Columbia, if the parties in interest can not agree.

The new section 12 reported by your committee provides for the location of a substation by the Baltimore and Potomac Railway Company at a convenient location near the north end of Long Bridge to accommodate suburban traffic. It was represented to this committee that department clerks and others living at Alexandria and suburban

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points would be greatly accommodated by the establishment of a sub-station near the Long Bridge, which would make it unnecessary for them to remain on the trains and pass through the tunnel to the union station on Massachusetts avenue.

The Commissioners of the District of Columbia estimate the cost of the improvements under the bill as amended, as follows:

Work to be done by railroad companies	$13,073,103
Work done by the District of Columbia, with damages to property	1,770,000
	14,843,103

This would be apportioned as follows:

Railroad companies	$11,073,103
United States and the District of Columbia	3,770,000
	14,843,103

Estimate of the Commissioners of the District of Columbia of detailed cost to the United States and the District of Columbia:

To be paid by the United States and District of Columbia as one-third of the cost of the elevation of tracks	$2,000,000
Cost of grading and paving	500,000
Cost of real estate to be purchased	500,000
Damages to property, due to changes of grade	600,000
In addition, existing legislation requires an expenditure in South Washington, estimated	120,000
Grading, paving, and damages to property	50,000
	3,770,000

Your committee incorporates as a part of its report the following, taken from the Annual Report of the Commissioners of the District of Columbia for the year ending June 30, 1902, in the last paragraph of which it will be noted that the Commissioners recommend the Massachusetts avenue site:

THE UNION STATION.

It is earnestly hoped that final action will be taken this year on the bill for the union station and abolishing grade crossings within the city. Every public event that attracts an unusual crowd to the city manifests the need of better terminal facilities. Under present conditions it is necessary to lay temporary tracts and suspend the handling of freight whenever a large gathering takes place, and, as Washington has many events of this kind, the need is accentuated from year to year. With the railroad companies and the Commissioners in accord upon all the material features of the improvement, it is hoped that the project will soon receive Congressional approval. A union station seems to be practically assured, the only question being that of location.

At the last session of Congress a bill was introduced in the Senate providing for the location of a union station at Delaware and Massachusetts avenues, fronting upon the latter. The bill was referred to the Commissioners for report and was recommended

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favorably by them, and later it passed the Senate. The bill then went to the House of Representatives and was referred to the Committee on the District of Columbia, which requested a statement from the Engineer Commissioner upon the alternative locations of the site as above and one at C street and North Capitol street as provided by existing legislation for the station of the Baltimore and Ohio Railroad. On June 23, in response to this request, the Acting Engineer Commissioner made this report, giving the relative advantages and disadvantages of the two sites. Congress adjourned a few days after the report was submitted, and no action was taken on the bill.

The advantages of the C street site may be briefly repeated: The engineering situation is better, this site being on the side of a hill, so that there would not have to be a large fill, as in the other case; the foundations of the buildings around the station would be better and would possibly attract, at the outset, a better class of buildings; the crossing of the streets to the north of the station, with the exception of Massachusetts avenue, would be more satisfactory, as a greater track elevation would be obtained, causing less change in existing grades and permitting stone arches instead of steel girders to be used; the C street site is also nearer the lower part of Pennsylvania avenue and to the main street-car lines as they exist at present; it would cost less and cause less damage to the adjacent property, although no plan has yet been made for treating the surroundings on as large a scale as has been done in the case of the Massachusetts avenue site, and the probable necessity for buying two large squares, estimated to cost $850,000, immediately in front, would bring the cost to a figure much nearer that of the Massachusetts avenue site.

The advantages of the Massachusetts-avenue location are: It would be, in the opinion of the architects of the station, much more satisfactory with reference to the Capitol and lend itself better to the necessary development of the surroundings; Delaware avenue between Massachusetts avenue and the Capitol grounds would be saved as a boulevard; Massachusetts avenue, instead of being covered by a viaduct 800 feet long, would be open, although H street, now an important thoroughfare, would have a similar viaduct instead; the city must grow to the north, and therefore this would be nearer the center of population; the facilities for handling crowds would be much better, as in the C-street site, being situated on the side of a hill, the approaches would practically be along one or two streets, while at Massachusetts avenue there would be several wide avenues; the street cars could, of course, easily change their routes so as to accommodate themselves to any location.

As the station is to be a permanent and monumental structure, it is considered by the Commissioners that the location best adapted for the future should be chosen, even though it may involve a greater initial expense and greater temporary damage to property. The cost of the Massachusetts-avenue site is stated in their report to the Senate Committee on the District of Columbia, and they are of the opinion that it is the better site.

The Senate bill was referred to the Secretary of War for examination and report. His report is as follows:

REPORT OF SECRETARY OF WAR.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 23, 1902.

The SECRETARY OF WAR.

SIR: I have the honor to inclose herewith, for examination and report, Senate bill 4825, "to provide for a union railroad station in the District of Columbia, and for other purposes."

Very respectfully, J. W. BABCOCK, *Chairman.*

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[First indorsement.]

WAR DEPARTMENT, *May 27, 1902.*

Respectfully returned to the chairman Committee on the District of Columbia, House of Representatives inviting attention to the accompanying report of the Chief of Engineers, United States Army, of yesterday's date, in whose views the Department concurs.

The only matters in which the proposed new railway station appears to concern the War Department officially are the improvement to the public buildings and grounds involved in removing the present railroad from the Mall and securing sufficent space about and in front of the railway station to make practicable the massing and movement of military escorts upon occasions of ceremony, such as the funeral of the late President McKinley and the reception of Prince Henry of Prussia. In both of these respects the proposed change is very desirable.

E. ROOT, *Secretary of War.*

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, May 26, 1902.

Hon. ELIHU ROOT, *Secretary of War.*

SIR: I have the honor to return herewith letter dated the 23d instant from the chairman of the House Committee on the District of Columbia inclosing, for examination and report, Senate bill 4825, Fifty-seventh Congress, first session, "An act to provide for a union railroad station in the District of Columbia, and for other purposes."

The only interests peculiarly under the control of this Department that would be affected by the proposed legislation are such as concern the parks pertaining to the public buildings and grounds under the charge of the War Department, and the system of water mains of the Washington Aqueduct and the water supply of the District of Columbia.

So far as the parks are concerned, no objection is seen to the passage of the proposed measure, but before favorable action is taken thereon adequate provision should be inserted for the protection of the water-supply mains and for the execution of the work under the supervision of the officer in charge of the Washington Aqueduct at all points where the interests of the aqueduct or any portion of its water mains are concerned.

A copy of the bill was referred to the officer in charge of public buildings and grounds, who states that he knows of no objection to the enactment of the legislation therein proposed.

It would seem that the subject-matter of this measure pertains more particularly to the government of the District of Columbia, and that the views of the Commissioners should be requested.

Very respectfully, your obedient servant,

G. L. GILLESPIE,
Brigadier-General, Chief of Engineers, U. S. Army.

Your committee also incorporates as a part of its report the report made to the Senate on April 3, 1902, by Senator McMillan, as follows:

[Here follows the Senate report as above.]

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Senate Committee on the District of Columbia.

SENATE 4825.—AN ACT TO PROVIDE FOR A UNION RAILROAD STATION IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

COST OF TERMINALS.

JANUARY 22, 1903.—Papers before the conference committee.

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD CO., OFFICE OF THE PRESIDENT,
Philadelphia, January 20, 1903.

Hon. J. H. GALLINGER,
Chairman Senate Conferees on Bill S. 4825,
United States Senate, Washington, D. C.

DEAR SIR: I beg the privilege of inviting your especial attention to the following considerations in support of the appropriation of $1,500,000 made by the Senate to the cost of the work to be performed by the Philadelphia, Baltimore and Washington Railroad Company, which is reduced to $1,000,000 by the House amendment.

First. By the act of February 12, 1901, this company is afforded an eligible site for a terminal station on the Mall, which is adequate for its purposes and well adapted to the public convenience. Viewed from the standpoint of the company's interest alone, this site is preferable to the union station site provided for by the pending bill. By the act of February 12, 1901, the land on the Mall (valued by the representatives of the District in the negotiations leading to the agreement embodied in that act at $1,275,000) is granted to the company as a contribution toward the large expenditure for the elimination of grade crossings on its existing line within the District of Columbia, which the act requires, while the pending bill proposes a contribution in money in substitution for the station site on the Mall, which is to be relinquished. The pending bill in no wise relieves the company from the duty and obligation, and the expenditures incidental thereto, of eliminating grade crossings and of making other changes and improvements prescribed by the act of February 12, 1901.

Second. Estimates certified by the chief engineer of this company, which are submitted herewith, show that the cost to the company of all the improvements contemplated by the act of February 12, 1901, including the terminal station, would have amounted to $4,392,656, while the cost of the improvements provided for by the present bill, including one-half of the cost of the terminal station, will be $7,966,926, so that this company is required to incur an additional

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expenditure of over $3,500,000 without deriving any direct advantage therefrom.

Third. In this connection it may be properly stated that the pending bill for the establishment of a union station did not originate with this company, but was prepared and introduced in the Senate to accommodate a scheme of public improvement which was deemed to be of great interest and importance to the city of Washington, and this company was asked to accede to the proposed changes with the understanding and assurance that in lieu of the site on the Mall granted by the United States as a contribution toward the cost of the improvements provided for by the act of February 12, 1901, a fair and equitable appropriation in money toward the very large increased expenditure required by the present bill would be made.

These considerations appear to me to so fully justify the contribution of $1,500,000 toward the cost of eliminating grade crossings and of making the other improvements for the benefit of the District required by the bill in the Senate form that, without intending undue obtrusion on your deliberation, I am impelled by a sense of duty to the company and its interests in this important matter to submit the same to you with the hope and belief that upon considerate reflection you will concur in the propriety and justice of the appropriation of $1,500,000 and conclude accordingly.

I have the honor to be, very respectfully, yours,

A. J. CASSATT, *President.*

Estimates of cost to the Philadelphia, Baltimore and Washington Railroad Company of making the improvements contemplated by the act of February 12, 1901, and of the cost of those to be made under Senate bill 4825.

Cost of work under act of February 12, 1901:	
Cost of old line, tunnel to Long Bridge	$1,464,733
Branch from Virginia avenue north to station	968,480
Passenger station and train shed	1,222,000
Long Bridge	737,443
Total	4,392,656
Cost of work to be done under Senate bill 4825:	
New tunnel, one-half cost	824,525
New station, one-half cost	2,000,000
Line to New York avenue, one-half cost	1,228,125
Line to Magruder	1,292,450
Add one-half cost of coach yard	419,650
Cost of eliminating grade crossings on old line between tunnel and Long Bridge	1,464,733
Long Bridge	737,443
Total cost to Philadelphia, Baltimore and Washington Railroad under pending bill	7,966,926
Cost under act of February 12, 1901	4,392,656
Total excess cost to Philadelphia, Baltimore and Washington Railroad	3,574,270

Respectfully submitted.

WM. H. BROWN,
Chief Engineer Philadelphia, Baltimore and Washington Railroad.

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THE BALTIMORE AND OHIO RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
Baltimore, January 21, 1903.

To the conferees appointed by the Senate and House of Representatives on Senate bill 4825 with the amendments of the House.

GENTLEMEN: I desire to call your particular attention to the provision in section 13 of Senate bill 4825 whereby the amount to be paid by the United States Government and the District of Columbia to the Baltimore and Ohio Railroad Company toward the cost of the construction of the proposed elevated terminals, viaducts, and structures within the city of Washington was, by the action of the House of Representatives, reduced from $1,500,000, as provided in the bill as passed by the Senate, to $1,000,000.

By act approved February 12, 1901, the Baltimore and Ohio Railroad Company was required to eliminate certain grade crossings within the District of Columbia, and authorized to construct new terminals and tracks in the city of Washington.

In section 8 of the bill last referred to it was provided that—

> In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of one million five hundred thousand dollars, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures, within the city of Washington, shall be, and is hereby, appropriated, one-half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia.

The Baltimore and Ohio Railroad Company was entirely contented with the legislation contained in said act of February 12, 1901, and was preparing to proceed with the work of construction thereby authorized, when the proposition to bring the Pennsylvania and the Baltimore and Ohio roads into a union station was urged upon both of the roads named by prominent members of the Senate committee, and also by the commission having in charge the improvement of the park system of the District of Columbia.

The suggestion of a union depot was reluctantly taken under consideration by the roads. The Baltimore and Ohio was particularly anxious to proceed under its separate act of February 12, 1901, and was unwilling to surrender the location and advantages secured to it by that act and assume the very large additional costs which would be imposed by a participation in the joint construction of a union depot and terminals.

A strong sentiment, however, in favor of a union depot was found to exist not only in Washington but in the mind of the public and of Congress, and in consideration of this sentiment, which was urged very forcibly by the Senate committee and by the park commission, the Baltimore and Ohio, with the Pennsylvania, finally consented to the provisions contained in Senate bill 2481 as it passed that body.

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This consent, so far as the Baltimore and Ohio is concerned, was based upon the preservation to it of many of the provisions of the act of February 12, 1901, and particularly of the provision above quoted in full, providing for the payment to this company of $1,500,000, which was considered only a reasonable consideration for the surrender by the company of valuable rights secured to it by former acts of Congress, the abolition of grade crossings and grant to the Government of valuable lands included in the old roadway of the Washington Branch, and of the expenditures to be incurred in connection with the construction authorized.

When it is remembered that, by accepting the provisions of the Senate bill referred to, this company assumed a much larger burden in the matter of the costs of construction, and received back none of the rights and grants surrendered under the act of February 12, 1901, it is difficult to see upon what equitable ground the reduction of the appropriation by the Government from $1,500,000 to $1,000,000 can be based or defended.

If at the time of consenting to the union-depot proposition the company had been informed that it would lose in any part the appropriation given it under the act of February 12, 1901, this company certainly would not have considered with favor the proposition or consented to it. Its consent being based upon the conditions fixed first by the act of February 12, 1901, and subsequently by the Senate bill No. 2481, it does not seem that these conditions should now be disturbed.

None of the considerations for the payment of the $1,500,000 enumerated in section 8 of the act of February 12, 1901, are done away with by the Senate bill, but several additional considerations are in the provisions of the last-named bill contained, and these are to be found in the increase of costs of construction to be borne by the Baltimore and Ohio, which is charged with the payment of one-half of the costs of the union depot and one-half of terminal construction, and this of itself would more than equal the costs of depot and terminals under the act of February 12, 1901; but to this must be added the loss to the Baltimore and Ohio of its freight facilities within the city and the added costs imposed by the necessity for the purchase of additional property at Eckington.

Again, the company, under the provisions of the act of February 12, 1901, purchased nearly all of the property needed for its depot and terminals at the C street location. Of this property more than a million dollars' worth can not be used for the union depot and terminals, but must be carried by the company, which, at the same time, is compelled to bear the costs of property required under pending legislation.

It has been suggested in support of the action of the House of Representatives that the cost to the Baltimore and Ohio is lessened by reason of the shortening of the viaduct, the lowering of the grade, and the participation on the part of the Pennsylvania in the costs of the terminals outside of the depot. It will appear from an examination of the plans that the grade has been increased rather than lowered, and that the amount actually to be expended by the company under pending legislation is greater than that required under the act of February 12, 1901. The latter fact will be seen by reference to state-

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ment of costs hereto appended. In your consideration of the comparative expenditures under the two bills, I ask that you will bear in mind that we are obliged under the pending bill to move our freight depot from one of the very best locations in the city to a much inferior and more remote location at Eckington. The advantage in the matter of freight traffic of a freight depot centrally located in the city will be readily appreciated, although impossible to reduce to figures.

When it is considered that Congress in the act of February 12, 1901, in consideration of benefits surrendered by the Baltimore and Ohio Railroad Company of property donated by the company, and of expenditures which are now sought even to be increased, consented to, and in fact did, make the appropriation of $1,500,000; and when it is considered further that the company was induced to give its assent to the provisions of the Senate bill because in part of this appropriation, even though under the Senate bill it had to assume a heavier burden in the matter of construction and costs, the proposition to cut down this appropriation at this time, and under the circumstances and conditions above stated, is one that I am unwilling to think will be entertained by this committee.

Fully convinced of the absolute justice of my position, and because of my responsibility to the company in accepting the Senate bill after sufficient legislation (which gave the company the $1,500,000) had been secured, I feel obliged to urge either that the Senate provision be restored or that the Baltimore and Ohio be permitted to proceed under the act of February 12, 1901.

Very respectfully, L. F. LOREE, *President.*

Estimates of cost to the Baltimore and Ohio Railroad Company of making the improvements contemplated by the act of February 12, 1901, and the cost of those to be made under the bill now pending.

Cost of work under act of February 12, 1901:	
Cut-off from Montello to Florida avenue	$914,360
Metropolitan Branch connection	75,900
Eckington yard	484,950
Florida avenue to south side of G street	666,750
Terminals south side of G street to C street	3,457,448
	5,599,408
Cost of work to be done under bill now pending:	
New tunnel, one-half cost	824,525
New station, one-half cost	2,000,000
Line from terminal to New York avenue	1,228,125
Metropolitan Branch and freight tracks, L street to New York avenue	263,150
North side New York avenue to Montello	532,500
Coach yard	419,650
Metropolitan Branch connection	130,000
Baltimore and Ohio freight terminal	358,600
Total cost to Baltimore and Ohio Railroad under bill now pending	5,756,550
Cost under act of February 12, 1901	5,599,498
Total excess cost to Baltimore and Ohio Railroad	157,142

Respectfully submitted.

J. M. GRAHAM,
Chief Engineer.

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MEMORANDUM.

The real objection to the bill, however, is not so much in the increased cost as the decreased value to the Baltimore and Ohio Railroad. In the matter of freight terminals especially the loss is very great. Our freight station, as will be seen from the accompanying blue print, on the original plan was located south of Massachusetts avenue, in probably the best location possible for a freight house in Washington City. On the present plan the freight house is located more than a mile north of the above site and practically outside the city.

Provision suggested by the District Commissioners.

DAMAGES.

That all damages to adjacent property resulting from changes in the grades of streets, avenues, or alleys authorized by this act or the acts referred to herein approved February 12, 1901, shall be borne by the District of Columbia. Said damages shall be appraised by a Commission, which shall be appointed by the Commissioners of said District and shall consist of three capable and disinterested citizens of said District, who shall each receive for his services ten dollars per day when actually employed; and said commission shall have the power to administer oaths, summon witnesses, and hear testimony in the matter of said damages, after giving public notice by advertisement in three daily newspapers in the city of Washington ten days in advance of its meeting for said purpose. The owner of any such property shall have the right, within one year after the completion of the grading of any such street, avenue, or alley, to file with said commission, in writing and sworn to, a petition for an allowance of such sum as he believes said property to have been damaged, and upon failure to make such claim within said period of one year said right shall cease and determine.

When said commission shall have made any such appraisement the same shall be submitted to said Commissioners for approval, and when so approved it shall be published twice a week for two weeks in a daily newspaper published in the city of Washington, and, if practicable, notice in writing shall be personally served by the auditor of said District on the persons entitled to receive awards of damages under said appraisement that the amount thereof will be paid to them by said auditor. A sufficient sum to pay the salaries and expenses of said commission and the amount of said awards of damages is hereby appropriated out of the revenues of the District of Columbia, and fifty per centum of said salaries, expenses, and awards of damages shall be refunded to said District by the United States: *Provided*, That said commission, in making its appraisement, shall take into consideration any benefits that may have accrued by reason of the elimination of grade crossings or the location of said terminal station in proximity to the property alleged to have been damaged.

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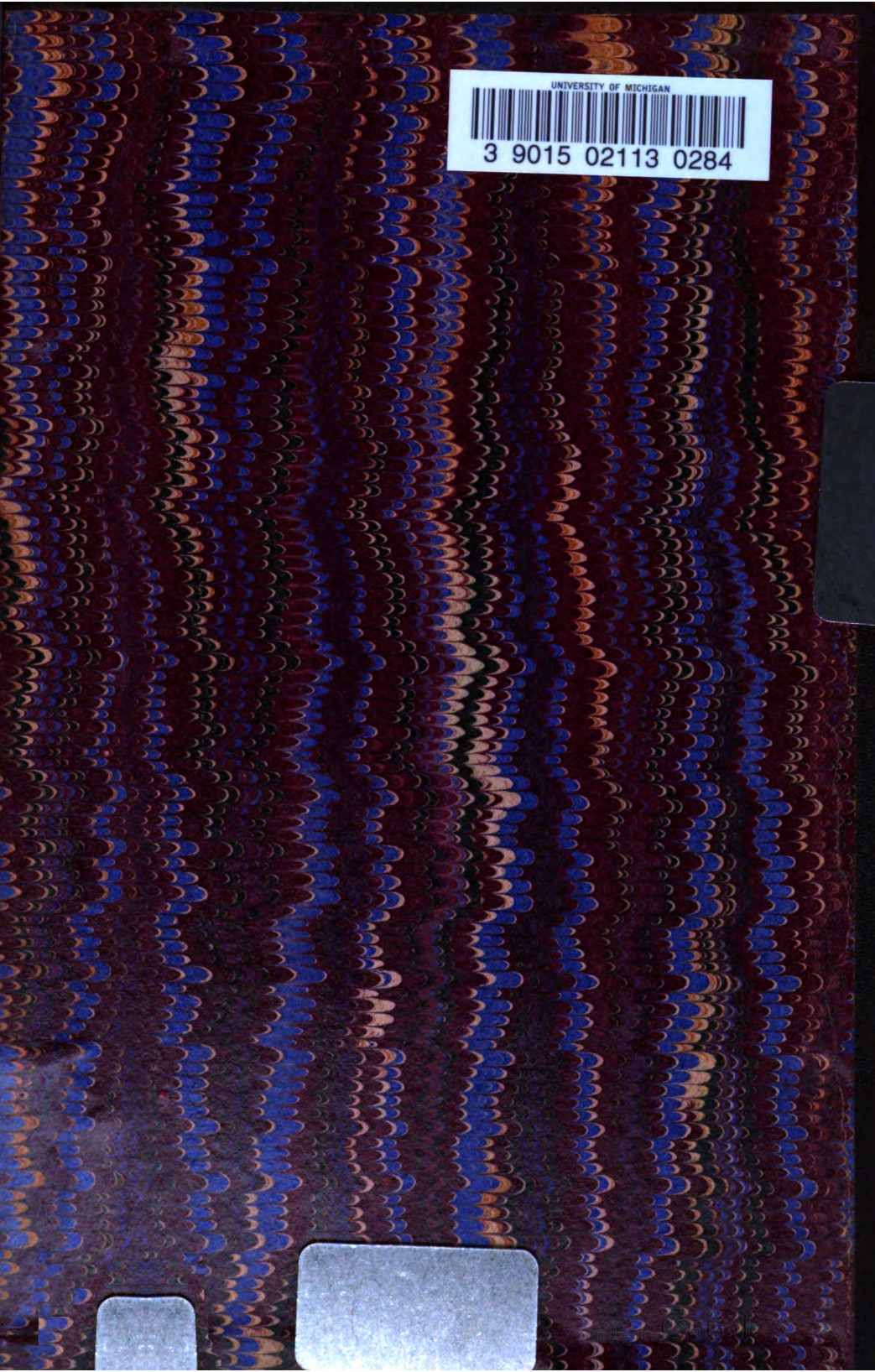
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