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Terms of the Star

ARE TWO DOLLARS AND FIFTY CENTS per annum, payable half yearly IN ADVANCE: No paper can be discontinued until the same is paid for.—

ADVERTISEMENTS,

ARE inserted *three weeks* for *ONE DOLLAR*, and continued *weekly*, for *TWENTY-FIVE CENTS* per square.

Law of the Union.

(BY AUTHORITY.)

AN ACT

To incorporate a company for making certain turnpike roads 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 Daniel Carroll, of Duddington, George W. P. Custis, Thomas Fenwick, John Tayloe, Samuel Harrison Smith, Daniel Brent, Daniel Rapine, Frederick May, Elias B. Caldwell, William Brent, James D. Barry and John Law, be and they are hereby appointed and constituted a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books, as they may deem proper, by themselves or by their agents, subscriptions for raising a capital stock of sixty thousand dollars, in shares of one hundred dollars each, for the purpose of opening, gravelling and improving the following roads in the district of Columbia, to wit: One road from the boundary line of the city of Washington, to the boundary line of the district of Columbia, in the most direct and practicable route from the Capitol to Baltimore. One road from the boundary line of the city of Washington, to the boundary line of the district of Columbia, in the most direct and practicable route from the Capitol to Montgomery court house; and one road from the western extremity of the causeway leading from Alexander's island to the boundary line of the district of Columbia, in in the most direct and practicable route towards the little river turnpike road, in the state of Virginia. The times, places and manner of receiving and entering subscriptions, and the manner of authenticating powers of attorney, or other instruments of writing authorising subscriptions, to be made by any person or persons, in the name of any other person or persons, to be ascertained by said board of commissioners, and duly advertised in such gazettes or public prints, as they may deem expedient: *Provided*, That no subscription shall be received, unless the sum of ten dollars be first paid into the hands of such agent or other person, as said commissioners may authorise to receive it.

Sec. 2. *And be it further enacted*, That when any number of persons shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners, or a majority of them, may, and when the whole number of shares aforesaid shall be subscribed, shall give notice in some newspaper, printed in the district of Columbia, of a time and place to be by them appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes to be delivered by ballots in person, or by proxy duly authorised, shall elect one president and four directors, to conduct the business of said company for one year, and until other such officers shall be chosen in their places: and at that or any subsequent legal meeting of stockholders, may make such rules, orders and regulations, not inconsistent with the constitution and laws of the United States, as shall be necessary for the well being of the affairs of said company: *Provided always*, That no stockholder shall, in person or by proxy, have more than twenty-five votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold; and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held, not exceeding said number, and all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock either as subscribers for the same, or as the legal representatives, successors or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the "President, Directors and Company of the Columbia turnpike roads;" and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them, and their successors and assigns in fee simple, or for any lesser estate, all such lands, tenements hereditaments and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing concerning the subject aforesaid, which a corporation or body politic, may lawfully do.

Sec. 3. *And be it further enacted*, That the said company shall meet on the first Monday in January, in every year, at such place as shall be fixed by their bye-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid, at which annual or special meetings, they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company; and the president and directors for the time being, shall hold their offices till others shall be appointed in their places, and the said corporation shall not be deemed to be dissolved, by reason of any defect of officers, but if it should happen that there should be no president or directors competent to call a meeting of stockholders, the same may be called by any stockholder, for the purpose of electing such officers, giving thirty days notice of the time and place of such meeting, by advertisement in a newspaper printed in the city of Washington.

Sec 4. *And be it further enacted*, That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable, at his or her pleasure, in person or by attorney, in the presence of the president, clerk or treasurer, of said company, who shall witness the same, subject however to all payments due or to grow due thereupon: and the assignee holding any such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company, and for every certificate by him held, shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days public notice in a newspaper printed in the city of Washington, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such deliquency has taken place may be sold at public auction, and transferred by them to any person or persons, willing to purchase for such price as can be obtained; or in case any proprietor shall fail to pay any instalment which shall be duly assessed, such instalment or any part thereof that shall remain deficient or unpaid, may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days notice, in any court of record in the county or district where the debtor may be found; or by action at law in the usual course of judicial proceedings, at the option of the said president and directors; and in all such warrants motions or actions the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the share or shares held by such defendant.

Sec. 5. *And be it further enacted*, That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer and all other officers necessary or convenient, and agree with and appoint all such surveyors, intendants, artists, or other agents as they shall judge necessary to carry on the intended works, and to fix their salaries, wages or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay monies due on their respective shares; to draw orders on the treasurer for all monies due from the said company, and generally to do and transact all such other matters, acts and things as by the bye-laws, rules and regulations of said company shall be required or permitted.

Sec. 6. *And be it further enacted*, That upon application of the said president and directors of the said company to the circuit court of the district of Columbia, or to the judges thereof out of court, the said court or the judges, or any two of the judges thereof out of court, shall appoint three commissioners not interested in any of the lands through which either of the said roads may be laid out, nor interested in the stock of the company hereby created, nor in the stock of any other turnpike company, who shall each receive from the said president, directors and company two dollars for every day they shall respectively be actually necessarily employed in or about the affairs of the said company. And each of the said commissioners before he proceeds to act as such, shall take and subscribe an oath or solemn affirmation, in the presence of a justice of the peace. That he will well, faithfully and impartially, according to the best (of) his skill and judgment, and without unnecessary delay, execute and perform all the duties required of him as a commissioner, under the sixth section of the act of Congress, entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia"—which oaths or affirmations so subscribed and certified by the justice in whose presence they shall be severally taken and subscribed, shall be filed in the office of the clerk of the said circuit court, and enrolled among the land records of the county of Washington. And the said commissioners of any two of them being qualified as aforesaid shall upon the request of the said president and directors cause to be surveyed, laid out, ascertained, described and marked, by certain metes & bounds, each of the aforesaid turnpike roads, described in the first section of this act, not less than sixty-six feet in breadth, in such routes, tracts, or courses for the same respectively as in the best of their judgment will combine shortness of distance with the most convenient ground, and the smallest expence of money; and for this purpose it shall be lawful for them and such agents, assistants, servants or attendants they may think proper to employ, to enter upon any of the lands through or near which the said roads or either of them, may be laid out; having first given twenty days public notice, in some newspaper printed in the city of Washington, of the time and place of their entering on the said business of surveying and laying out each road respectively. And if any proprietor of any part of the lands, through which either of the said roads may be laid out, shall require compensation for so much of his or her said lands as may be occupied by the said roads or either of them or shall claim damages for or on account of the opening or laying out the said roads, or either of them, through his or her land, and if the said president and directors cannot agree with such proprietor respecting the same, then the said commissioners, at the request of either party, shall appoint a day and place to hear and decide upon such claim, and the amount of compensation and damages which such proprietor shall be entitled to receive from the said President, directors and company, therefor, first giving twenty days notice to the adverse party, his or her agent or attorney in fact, or other legal representative, if either shall be within the district of Columbia: and if the party so notified shall fail to attend, or if the party shall be an infant under age, *non compos mentis*, *feme covert*, or absent out of the district of Columbia, and have no known agent or other legal representative therein, then the said commissioners may proceed exparte to hear and decide the same; and the award of them or any two of them, made in writing, signed by them or any two of them, shall by them, be returned to the office of the clerk of the said court for the county of Washington, within ten days after such hearing, and a copy thereof shall within ten days after such return, be served upon such of the parties as are resident in the district of Columbia; and if such award be not at the session of the said circuit court, in the county of Washington, next, after such return of the said award to the clerk's office, be set aside on account of fraud or partiality in the said commissioners the same shall be final and conclusive between the parties, and shall be recorded by the said clerk: and the sum so awarded being paid to the said clerk for the use of the person entitled to receive the same, the said land mentioned and described in said award, shall and may be taken and occupied as a turnpike road, and public highway for ever. And the said commisssioners upon completing the said survey of the said roads, or either of them, shall return a plat and certificate of such survey to the said clerk, and the same being accepted by the said court, shall be recorded by the said clerk, and thereupon the road so laid out shall be taken, used and occupied as a turnpike road and public high way for ever; and the said president, directors and company may thereupon proceed to enter upon the same, and shall cause at least twenty four feet in breath, throughout the whole length thereof to be made an articial road, of stone, gravel or other hard substance of sufficient depth or thickness to secure a solid and firm road, with a surface as smooth as the materials will admit, and so nearly level, that it shall in no case rise or fall more than an angle of four degrees with a horizontal line, and the said road shall hereafter be kept in good and perfect repair; and whatsoever upon the said roads any bridge shall be deemed necessary the same shall be built of sound and suitable materials. And in case either of the said commissioners should die or refuse to act or become incapacitated, or should be removed by the court for misconduct, the said court may appoint another in his place, and when in the opinion of the said president and directors either of the said roads shall be completed to the extent of twenty four feet in breadth, the same shall be examined by the said commissioners, or any two of them, and if in the opinion of them or any two of them, the said road should have been completed to the extent of at least twenty four feet in breadth, according to the meaning of this act, they shall certify the same to the said circuit court or the judges thereof out of court, and their certificate being accepted by the said court or any two judges thereof, and recorded, the said president and directors shall and may thereat[illegible] and for such and so many gates and turnpikes, not exceeding two upon and across each of the said roads, as shall be necessary and sufficient to collect the tolls hereinafter granted to the said company; and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary to collect and receive of and from all and every person and persons using the said road or roads, the tolls and rates hereinafter mentioned, and to stop any person or persons, riding leading or driving any horses, mules, cattle, hogs, sheep, sulky, chair, chaise, phæton, chariot, coach, cart, waggon, sleigh, sled, or any carriage of burden or pleasure from passing through the said gates, until the said tolls shall be paid, that is to say: For the whole distance in length of the whole of the said roads, and so in proportion as near as may be, for any less distance within the district of Columbia, viz. for every score of sheep, twenty cents; for every score of hogs, twenty cents; for every score of cattle, forty cents, and so in proportion for any greater or less number; every horse or mule with a rider, twelve and an half cents; for every stage and waggon and two horses, thirty cents, for either carriage last mentioned with four horses, forty cents; for every led or driven horse or mule, six cents; for every sulky, chair chaise carriage of pleasure with two wheels and one horse twenty cents; for every coach, chariot, coachee, phæton, or chaise with four wheels and two horses, thirty seven and an half cents; for any of the said carriages last mentioned with four horses, fifty cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, twelve and an half cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, eight cents for each horse drawing the same; for every cart or waggon whose wheels do not exceed four inches in breadth, twelve and an half cents for each horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches and not exceed seven inches, six cents for every horse drawing the same; for every cart or waggon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, five cents for every horse drawing the same; for every cart or waggon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, four cents for every horse drawing the same. And that all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as aqual to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. And it shall be also the duty of the said commissioners after hearing all parties to decide and award what proportion of the cost already incurred of making the causeway from Alexander's island to the main land, and of the road from the said causeway to the west end of the Washington Bridge, shall be paid by the President, Directors and Company of the Columbia Turnpike Roads, to the President and Directors of the Washington and Alexandria Turnpike Company, and also, in what proportion the former company shall contribute and pay towards the future repairs and improvements of the said causeway and roads; and the award of the said commissioners, or any two of them so made, shall be returned to the office of the clerk of the said court for the county of Washington, and being accepted by the said court and recorded, shall be final and conclusive.

Sec. 7 *And be it further enacted*, That in all cases where stone, gravel, earth or sand, shall be necessary for making or repairing either of the said roads, and the said President, Directors and Company of the Columbia Turnpike Roads, cannot agree for the same with the owner thereof, then upon application by the said President and Directors or any person authorised by them, to any one of the judges of the said circuit court, he may if he see cause, by warrant under his hand and seal, command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit court, to meet at the place where such materials may be, on some day, not more than ten days after the date of such warrant, and to give the other party five day's notice of the said time and place, if such party be found within the district of Columbia; and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those who [illegible] and shall administer an oath to the said jurors and talesmen as the case may be, justly and impartially to value the said materials, and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president, directors and company of the Columbia turnpike roads; which valuation and assessment of damages made by the said jurors, or a majority of them, shall be signed by the said marshal, and the jurors, or so many of them as shall agree thereto, and be returned by the marshal to the said clerk of the said court for the county of Washington to be by him recorded, and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the parties, who may be resident in the district, and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued for the purposes aforesaid. And the said president, directors and company, shall pay the said marshall five dollars for his service in summoning and impannelling the said jury, and taking and returning the said inquest, and two dollars to each of the jurors so sworn.

Sec. 8. *And be it further enacted*, That for the purpose of ascertaining the weight, that may be drawn along the said road, in any cart, waggon, or any carriage of burthen, it shall and may be lawful, for the said president, managers and company to erect and establish scales and weights at or near such and so many of the gates erected, or to be erected in pursuance of this act, as they may think proper, and where there may seem reasonable cause, to suspect, that any cart, waggon or other carriage of burthen, carries a greater weight than is or shall be by law allowable, it shall be lawful for the toll gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart waggon, or carriage of burthen, shall be drawn into the fixed or erected scales at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing; and if the person or persons driving, or having care or charge of any such cart, waggon or other carriage of burthen, shall refuse to drive the same into any such scales for the purpose aforesaid the person or persons so refusing shall forfeit and pay to the said president managers and company, any sum

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