



AND

North-Carolina State Gazette.

THURSDAY, SEPTEMBER 1, 1868

No. 467.

V. L. IX.

By Authority.

AN ACT

Authorizing the erection of a Bridge over the river Potomac, within 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 following persons, viz. Robert Brent, Daniel Carroll, of Duddington, Thomas Munroe, James D. Barry, Frederick May, Samuel Harrison Smith, Jonah Thompson, Jonathan Swift, Thomas Powell, Cuthbert Powell, Elisha Janney and Charles Alexander, or any seven of them, be, and they are hereby constituted a board of commissioners, with full power and authority to open, or cause to be opened, books for receiving and entering subscriptions for raising a capital stock, not exceeding two hundred thousand dollars, in shares of one hundred dollars each, for the purpose of erecting a bridge over the river Potomac, between the City of Washington and Alexander's island, and making such other incidental works, and defraying such other incidental expenses, as shall be required by this act, or deemed necessary or expedient, by the company hereinafter named; the time, place, and manner, of receiving and entering such subscriptions, to be ascertained by the said board of commissioners, and duly advertised in such Gazettes, as they may deem expedient: Provided, That the time to be fixed upon by the said board of commissioners, for opening books for receiving the said subscriptions, shall be on or before the first Monday in July next, and that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of the person authorized to receive the same, on each share subscribed for.

Sec. 2. And be it further enacted, That whenever nineteen hundred of the said shares shall be subscribed for, 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 be, and they are hereby made and created a body politic and corporate, by the name and style of "The Washington Bridge Company," and by that name may sue, and be sued, implead and be impleaded, and do and suffer all acts, matters, and things, which a body politic and corporate may lawfully do and suffer; and may have a common seal, and the same may break and alter at pleasure, and may make all bye-laws, rules, regulations & ordinances, for the good government and well being of the said company, and for carrying into effect the object of their institution, so that such bye-laws, rules, regulations, or ordinances, be not repugnant to the laws of the United States, in force within the district of Columbia.

Sec. 3. And be it further enacted, That when nineteen hundred of the said shares shall be subscribed for, as aforesaid, or as soon after as may be, the said board of commissioners, shall call a meeting of the company, at the City of Washington, by public advertisement, in one or more Gazettes published in Washington, Alexandria, or Georgetown, appointing a fit and convenient time and place of meeting for the purpose of electing five directors, a clerk and treasurer, and such other officers, agents and servants, as the said company may think fit to appoint, and for transacting any other business in pursuance of this act, and appertaining to the nature and objects of the institution of the said com-

pany: and the said board of commissioners shall, if necessary, adjourn the said meeting, from time to time, until a quorum shall be formed; and a majority of the said company, or the proprietors of the two thirds of the number of shares actually subscribed for, their legal representatives, successors, or proxies, shall be a quorum to do business; and the said board of commissioners, before opening the said subscription books shall ascertain and publish in their said advertisement, a fit and convenient mode of authenticating all powers of attorney authorizing subscriptions to be made in the name of any person or persons; and before calling a meeting of the said company, shall ascertain and publish, in their advertisement, a fit and convenient mode of authenticating all instruments of writing, authorizing any person or persons to act and vote at such meeting, as the proxy or proxies of any member of the said company; all which powers of attorney and instruments of writing shall be filed with the clerk of the said company, and by him be safely kept among the records and documents appertaining to his office; and as soon as a quorum of the said company, and a board of directors shall be formed, as aforesaid, all the powers, authority, and duties whatsoever, by this act vested in the said board of commissioners, shall cease and determine, and thenceforward become vested in the directors, for the time being, of the said company, under such limitations and restrictions, as the said company may think fit to prescribe; and the said board of commissioners shall account to the said company, at the first meeting of the same, for all monies received by them or their agents, on account of such subscriptions, and shall immediately pay over the same to the treasurer of the said company, or to such other person or persons, as the said company may direct and appoint: the said company nevertheless, to allow all just credits for monies actually and necessarily expended by the said board of commissioners, in the execution of their said trust and duties.

Sec. 4. And be it further enacted, That there shall be annually holden, on the first Monday in January, a meeting of the said company, for the purpose of electing five directors, a clerk, and a treasurer: and the said company shall have power, at any meeting, legally called and constituted, in pursuance of this act, to displace any of their directors or officers, and to supply, by a new election or appointment, all vacancies that may happen among the directors or officers of the company; and the said company shall have power to prescribe and regulate the powers and duties of the said directors, and of all other officers of the company: and a majority of the said directors may from time to time, elect one of their body as a President, and may provisionally supply, by their own election, any vacancies that may happen among the number of directors, or among any of the officers of the company, and the persons so elected by the said directors, may continue in office till the next legal meeting of the company; and the directors of the said company, to be elected, in pursuance of this act, shall, unless sooner displaced by the said company, continue in office until the first Monday in January next, succeeding their

election, and from that time until a new election shall be made by the said company.

Sec. 5. And be it further enacted, That a meeting of the said company may, at any time be called by a majority of the directors of the company, for the time being, and by one third of the members of the said company, or by the proprietors of one third of the shares actually subscribed for, or the legal representatives or successors of such members or proprietors: Provided however That no meeting of the said company shall be legal or valid, unless a quorum shall be formed, consisting of the majority of the members of the said company, or of the proprietors of at least two thirds of the number of shares actually subscribed for, their legal representatives, successors or proxies, nor unless the place (being within the city of Washington) and the time of such meeting being previously advertised, for three weeks successively, in one or more Gazettes, in the city of Washington, Alexandria, or Georgetown.

Sec. 6. And be it further enacted, That the said shares shall be negotiable and transferable from one to another by assignments in writing, executed before two witnesses at least, and authenticated and registered, as the said company may prescribe and direct in their bye-laws and regulations.

Sec. 7. And be it further enacted, That in suits at law against the said company, the first process shall be a summons, to be served on the President, or any one or more of the directors of the said company; upon the service and return of which summons, if no appearance shall be entered for the said company, at the return term, the court may order the general issue to be entered on the record, and may proceed to trial and judgment, in like manner as if an appearance had been entered and the issue made up by the said company; and if judgment shall be recovered against the said company; the court may order the usual process of execution, or a special writ to attach the money, goods, chattels, debts, choses in action, and tolls in the hands of any officer of the said company, or of any other person; and such attachment shall operate on the tolls thereafter to be received, which may [be] collected by a person specially appointed by the court, for the use of the plaintiff recovering such judgment, until such judgment shall be satisfied; and the court may make such further or other order for enforcing the payment of such judgment as may be consistent with the practice and powers of such court, as a court of law or equity; and that the shares in 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 an individual shall be liable to be attached, or taken by fieri facias, to satisfy any debts due from such individual in like manner as other personal property may be.

Sec. 8. And be it further enacted, That the amount of each share shall be paid by instalments of ten dollars at such time as the said company shall direct; and in case any instalment or instalments shall not be paid at the time appointed by the said company, or within ten days thereafter, the same may be recovered in the name of the said company, by warrant from a justice of the peace, if the amount due 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 shall be found; and in all such warrants and motions, the certificate of the clerk of the said company, authenticated by the president, under the common seal 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 shares held by such defendant. And if such instalment or instalments be not paid within sixty days, after the time limited for the payment of the same, and advertised for four weeks successively, in one or more Gazettes published in Washington, Alexandria, or Georgetown, the president and directors of the said company may proceed to forfeit, for the use of the company, the share or shares of the person or persons failing to pay.

Sec. 9. And be it further enacted, That the said company be, and they are hereby authorized and empowered to erect and build or to cause to be erected and built over the river Potomac, between the termination of Maryland avenue and Alexander's island, a good and sufficient Bridge, at least thirty-six feet wide, of sound and suitable materials and in all respects adequate for the passage of travellers, horses, cattle and carriages, with a secure railing on each side at least four feet high; of which width six feet on one side shall be appropriated for the purpose of a way for foot passengers, and shall be separated from the carriage way by a good and sufficient railing at least four feet high.

Sec. 10. And be it further enacted, That the said company shall cause to be built and kept and maintained in good repair a convenient and sufficient draw or passage way, at least thirty five feet wide, in the said bridge, over the main channel of the river, for the passing and repassing of vessels, by day and by night; and shall also cause to be built, and to be kept and maintained in good repair, a well constructed and substantial wharf, erected on piles, on each side of the said bridge, and adjoining or near to the said draw, in every respect sufficient for ships and other vessels to lie at security; and all ships, waiting for a passage through the said draw, may lie at such wharves free of charge, until a suitable opportunity offers for passing through the said draw; and the said company shall, at their own cost, and without toll, cause the said draw or passage way, to be hoisted, or removed, without delay, for the passage of all ships and vessels with masts, that are unable to pass under the same; and if through the unskillfulness or negligence of the person or persons employed by the said company, to hoist or remove the said draw, any ship or vessel shall be unjustly or unreasonably hindered or delayed, or shall be damaged in her hull, spars or rigging, in passing the said draw, the said company shall be liable to the master or the owner or owners of such ship or vessel, for damages at the rate of six cents per ton of such ship or vessel, for each and every hour such ship or vessel shall be hindered or delayed, and for all damages in her hull, spars and rigging, as aforesaid, to be ascertained and recovered in a special action on the case, in any court of competent jurisdiction; and the said company shall constantly keep the said bridge furnished with twenty good lamps, to be supplied with oil, and lighted in due season, four of which lamps shall be kept at the said draw, and be kept burning through the night, and the others shall be kept burning until the hour of twelve at night, under the penalty of five dollars for each offence, to be recover-

ed by warrant before any justice of the peace, having jurisdiction, by such person or persons as shall sue for the same. And it shall be lawful for the said company, to cause each leaf of the said draw to be made of the width of twenty feet instead of thirty-six feet, the width of the said bridge; and if at any time hereafter the channel under the said principal draw of thirty-five feet shall change and shift to and under any other part of the said bridge, then it shall be the duty of said company at all times to remove the former and keep a good and sufficient draw of thirty-five feet in width over the main and principal channel wherever the same shall pass under the said bridge; provided that the same shall appear necessary on a survey to be made by three commissioners to be appointed for that purpose by the President of the United States.

Sec. 11. And be it further enacted, That the said company shall, in like manner, cause a draw or passage way, at least fifteen feet wide, to be made in the said bridge, across the other channel of the said river, near the eastern shore commonly called the Maryland channel, subject to all the restrictions, penalties and provisions contained in the last preceding section, for keeping and maintaining the draw or passage way over the main channel of the said river, except so far as respects the building of wharves on each side thereof: Provided, The same shall appear necessary on a view and survey thereof, by three commissioners to be appointed for that purpose by the President of the United States.

Sec. 12. And be it further enacted, That as soon as the said bridge and wharves shall be erected and built, and furnished and completed, as required by this act, the said company shall be entitled to demand and receive, by their proper agents, servants, or officers, tolls at the following rates, viz. For each foot passenger six cents and a quarter; for each person and horse, eighteen cents and three quarters of a cent; for each chaise, sulky or riding chair, thirty seven cents and a half; for each coach, stage-wagon, chariot, phaeton, or carriage, one hundred cents, and the further sum of twelve cents and a half for each horse, more than two, by which such coach, chaise, chariot, phaeton or carriage, shall be drawn; for each sled or sleigh, thirty seven and a half cents, and the further sum of twelve cents and a half for each horse or other beast, more than two, by which the same shall be drawn; for each two-wheeled wagon, cart, or other four-wheeled carriage of burthen, thirty seven cents and a half, and the further sum of twelve cents and a half, for each horse or other beast, more than two, by which the same shall be drawn; for each two-wheeled cart, drag, or other two-wheeled carriage of burthen, thirty seven cents and three quarters, and the further sum of twelve cents and a half for each horse or other beast, more than one, by which the same shall be drawn, for each sheep or swine, three cents; for horses and neat cattle, other than those in teams, drawing sleds, logs, or carriages or those with riders, six cents and a quarter each, and one person only to each team or drove shall be allowed to pass free of toll: Provided, That no toll shall be exacted at said bridge for the passage of any wagon or carriage, laden with the property of the United States, or for the property of the United States of the militia or State, or the district of Columbia, marching in a body, or any non or military equipments.