



AND North-Carolina State Gazette.

Course are the plans of fair and faithful justice, Unswayed by party rage, to live like Brothers.

THURSDAY, SEPTEMBER 8, 1808.

No. 468.

V. IX.

By Authority.

AN ACT

For the establishment of a Turnpike Company in the county of Alexandria, 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 Jonah Thompson, Thomas Swan, Charles Alexander, Edward L. Lee, Jacob Hoffman, Cuthbert Powell, and John Mandeville, or a majority 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 twenty thousand dollars, in shares of fifty dollars each, for the purpose of opening, gravelling, and improving a road not exceeding one hundred, nor less than thirty feet wide, between the town of Alexandria and Bridgeport, on Alexander's island, opposite the city of Washington, and of erecting a bridge over Four Mile Creek, in the county of Alexandria; and of making such other incidental works, and defraying such other incidental expenses, as may be 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 by the said board of commissioners for opening books for receiving the said subscriptions, shall be on or before the first Monday in April 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, as an advance subscribed for.

Sec. 2. And be it further enacted, That whenever two hundred of the said shares shall be subscribed for, all persons who may then be, or there after 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 and Alexandria Turnpike 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 by-laws, rules, regulations and ordinances, for the good government and well being of the said company, and for carrying into effect the objects of their institution, so that such by-laws, rules, regulations, or ordinances, be not repugnant to the laws of the United States in force within the said county of Alexandria.

Sec. 3. And be it further enacted, That when two 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 town of Alexandria, by public advertisement in one or more gazettes published in Washington and Alexandria, appointing a fit and convenient time and place of meeting, for the purpose of electing five directors, a clerk, and a 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 company; 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 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, authorising 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, authorising 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 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 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 until 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, or 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 town of Alexandria) and the time of such meeting be previously advertised for three weeks successively, in one or more gazettes in the city of Washington, and Alexandria.

Sec. 6. And be it further enacted, That every director, clerk, and treasurer, before he acts as such, shall take an oath or affirmation, for the due execution of his office.

Sec. 7. 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 the least, and authenticated and registered, as the said company may prescribe and direct in their bye-laws and regulations.

Sec. 8. And be it further enacted, That the amount of each share shall be paid by instalments of ten dollars, at such times as the said directors, for the time being, shall appoint; and in case any instalment or instalments shall not be paid at the time appointed, or within ten days thereafter, the same may be recovered in the name of the 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 may be found; and in all such warrants and motions the certificate of the clerk 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 or Alexandria, 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 so failing to pay.

Sec. 9. And whereas, Certain individuals have already subscribed and paid sundry small sums of money, which have been appropriated to the purpose of opening and partially improving the said road from Alexandria to Washington: Be it further enacted, That it shall and may be lawful for the said board of commissioners to place the said payments to the credit of those individuals who have respectively paid the same, and who are desirous of purchasing stock in the said company, by allowing them the full amount of the money they have respectively advanced, in the purchase of a share or shares in the said company.

Sec. 10. And be it further enacted, That the said company be, and they are hereby authorised and empowered to open, extend, gravel and improve, in the turnpike manner, a good and sufficient road, commencing at the intersection of Washington and Montgomery streets, in the said town of Alexandria, thence extending in a straight line to the north-eastern corner of the alms-house lot, and thence by the most eligible and convenient route, to the bridge point on Alexander's island; and also to erect and build, or cause to be erected and built over Four Mile Creek, a good and sufficient bridge, of sound and suitable materials, and in all respects adequate for the passage of travellers, horses and carriages, with a secure railing on each side, at least four feet high, and a convenient way for foot passengers, on one side, which shall be separated from the carriage way, by a good and sufficient railing, at least four feet high.

Sec. 11. And be it further enacted, That it shall and may be lawful for the said president and directors, or the majority of them, to agree with the owners of any land, through which the said road is intended to pass, for the purchase thereof; and in case of disagreement, and in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the circuit court, the said judge shall issue a warrant directed to the marshal of the district, to summon a jury of twenty-four inhabitants of Alexandria county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter: and the marshal, upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided that there be not less than twelve, shall adminis-

ter an oath or affirmation to every jurymen that shall appear: "That he will faithfully, justly, and impartially value the land (not exceeding the width of one hundred feet) and all damages the owner thereof shall sustain by opening the road through such land, according to the best of his skill and judgment." And the inquisition thereupon taken, shall be signed by the marshal, and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded, and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative; and on payment thereof, said land shall become an open public road forever.

Sec. 12. And be it further enacted, That as soon as the road shall be opened and improved, and the said bridge shall be erected and built, as required by this act, the said company shall be entitled to demand and receive by their proper agents, servants, or officers, at the said bridge-tolls not exceeding the following rates, to be regulated from time to time by the circuit court of the United States, in and for the district of Columbia, in the county of Alexandria, under the direction of Congress: for each person and horse, six cents and a quarter; for each chaise, ulky, or riding chair, twelve and a half cents; for each coach, coacher, stage-waggon, chariot, phaeton or carriage, or other riding carriage, twenty-five cents, and the further sum of four cents for each horse, more than two by which such coach, coacher, chariot, phaeton, or carriage shall be drawn; for each sled and sleigh, twelve and a half cents, and the further sum of four cents for each horse or other beast, more than two, by which such sled or sleigh shall be drawn; for each four wheeled waggon, cart or other four wheeled carriage of burthen, twenty-five cents, and the further sum of four cents for each horse or other beast, more than two, by which the same shall be drawn; for each two wheeled cart, dray, or other two wheeled carriage of burthen, twelve and a half cents, and the further sum of four cents for each horse or other beast, more than one, by which the same shall be drawn; for each sheep or swine, one cent; for horses and neat cattle, other than those in teams, drawing sleds, sleighs, or carriages, or those with riders, two cents each. And it shall be the duty of the said company to keep posted up in some conspicuous place at the said bridge, where the toll is collected, a printed list of the rates of toll allowed by this act, and for every day that the same shall be neglected, they shall forfeit and pay one dollar, to be recovered by warrant by any person who shall sue for the same.

Sec. 13. And be it further enacted, That it shall be the duty of the said corporation, to keep the said road and bridge in good repair; and if in neglect of their said duty the said corporation shall at any time suffer the said road or bridge to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction; and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court; and shall also be responsible for all damages which may be sustained by any person or persons, in consequence of such want of repair, to be recovered in an action of trespass on the case, in any court competent to try the same: Provided always, and it is further enacted, That whenever the net proceeds of toll collected on said road, shall amount to a sum sufficient to reimburse the capital stock which shall be expended in the purchase of said land, building the said bridge, and making said road, and twelve per cent. interest thereupon, to be ascertained by said circuit court, the same shall become a free road, and toll shall no longer be collected

thereon; and said company shall annually make returns to said circuit court, of the amount of toll collected; and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

J. B. VARNUM, Speaker of the House of Representatives. S. SMITH, President of the Senate, pro tempore. TH. JEFFERSON.

Twenty Dollars Reward, WILL be given for the apprehension and delivery of Henry Jackson, a Deserter from the United States Gun Boat, No. 7, to any Officer in the service, or lodged in the County Jail, so that I get him again. The said Jackson has a Mother living in the back part of Chatham County, and from the best information, said to be about sixty or seventy miles above Fayetteville, where it is supposed he will immediately direct his course. He had on when he went away, a new blue Jacket, with white Buttons, a white Shirt, a pair of yellowish Fustian Trowsers, and a pair of blue Trowsers. THOMAS N. GAUTIER, Wilmington, Aug. 19, 1808. Command.

STOLEN, From the lower edge of Warren County, on the night of the 9th inst.

A BAY HORSE, six years old, nearly five feet high, is branded with I H on his left shoulder; one of his hind feet white, thin mane and tail; has a small scar on his nose where he had been bitten by a dog. The person supposed to have stolen the said horse, is a young Man about 23 years old, about five feet ten inches high, stout made, black eyes and hair. Had on blue Broad-cloth coat and Shoe Boots. He had with him a Blue Great Coat, and other clothes, Saddle-bags and Wallet. Whoever shall apprehend the said Horse Thief, and lodge him in any Jail, so that he may be brought to trial, shall receive a Reward of Twenty Dollars; or Ten Dollars will be given for information which shall lead to a recovery of the Horse. JOHN PEARSON, Warren County, Aug. 11, 1808.

Fifty Dollars Reward.

RAN AWAY from the Subscriber, living near Hamptonville, Surry County, N. C. on Sunday the tenth of July last, a negro man named Elijah, about twenty-five years of age, 5 feet 6 or 9 inches high, well made, black complexion, a large scar on one of his knees. He carried with him a grey cloth coat, a striped coating coat, a pair of blue Fustian Trowsers, and the remainder of his clothing was Homespun. He also stole from me about \$200 in Silver. As I purchased him from a trading Gentleman from the lower part of Virginia or Maryland, he will probably make that way. I will give the above Reward to any person that will secure him in any Jail, so that I can get him again. MESHACH GENTRY.

CAUTION.

DANIEL LAMBDEN, of the County of Richmond and State of North-Carolina, assigned three different Notes of Hand to Francis Folkner of Blount county, Tennessee, viz. the first for the sum of two hundred and twenty-five dollars, payable January last; the second note for one hundred dollars payable January 1809; and the third note one hundred and twenty-five dollars, payable January 1810. The aforesaid are created by George W. the Em. I forwarn all persons from trading for said Notes, or purchasing them, or not to pay them, as they their duties obtained by said Folkner. DANIEL LAMBDEN, August 8th, 1808.

A POST SWEEPS' him WILL be run for once at each entrance on this Fall. His olds, entrance one hundred cents. Four or more to make a lot are entered. Any person inclined to enter, do so by letter or personal application, before the 15th of September next, the subscription will close. ROBERT H. JOHNSON, Proprietor of the Grounds, Warrenton, Aug. 15.

NOTICE, THE Subscriber having qualified as Executor to the late Will and Testament of the Rev. NATHAN GALT, N. C. deceased, and Agent Court, 1808, N. C. County, N. Carolina, therefore all persons indebted to and deceased, are requested to make payment, and those having demands are requested to bring them forward, properly authenticated, within the time limited by law, so that they will be paid in due season. ALBEMUN BURNETT, Aug. 31.