

March 3, 1871. CHAP. CXXXIX. — *An Act to authorize the Establishment of certain free public Highways in the District of Columbia, and for other Purposes.*

Authorities of the District of Columbia to construct a free public highway over part of the Columbia turnpike road, and may take real estate, &c. ;

1810, ch. 26.
Vol. ii. p. 570.

over road of Rockville and Washington Turnpike Company.

1819, ch. 21.
Vol. iii. p. 482.

Compensation for damages, how to be determined.

Jury.

Tax therefor and how apportioned.

Value of franchise.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper municipal authorities of the District of Columbia are hereby authorized and directed, within sixty days from and after the passage of this act, to locate, construct, and maintain a free public highway on and over that part of the Columbia turnpike road which leads from the boundary of the city of Washington to the boundary of the District of Columbia towards the village of Bladensburg, in the State of Maryland, and which is now commonly called the Bladensburg turnpike road, and which is described in the act of Congress approved April twentieth, eighteen hundred and ten, incorporating the president, directors, and company of the Columbia Turnpike Roads as the line in the most direct and practicable route from the capital to Baltimore ; and for the purpose aforesaid the said municipal authorities shall have power to take any real estate or franchise of the said president, directors, and company of the Columbia Turnpike Roads Company necessary for the construction and maintenance of said free public highway, and no more.

SEC. 2. That the proper municipal authorities aforesaid shall, within the time aforesaid, locate, construct, and maintain a free public highway on and over the turnpike road in the District of Columbia leading from the boundary of the city of Washington, and beginning at or near the end of Seventh Street of said city, and extending to the boundary of the District of Columbia towards Brookville, Maryland, authorized by the act of Congress approved February fifteenth, eighteen hundred and nineteen, entitled "An act to authorize the president and managers of the Rockville and Washington Turnpike Company of the State of Maryland to extend and make their turnpike road to or from the boundary of the city of Washington, in the District of Columbia, through said District to the line thereof" ; and for the purpose aforesaid the said proper municipal authorities shall have power to take any real estate or franchise belonging to said turnpike company which may be necessary for the construction and maintenance of said free public highway, and no more.

SEC. 3. That just compensation shall be made to the aforesaid companies for the real estate and franchise so taken, and which compensation shall be ascertained in the following manner : immediately after the said proper municipal authorities shall have taken any of said real estate and franchises, the marshal of the District of Columbia shall in each case summon a jury of twelve men, who shall, under oath, and after due notice given to the companies interested, and also to the said municipal authorities, proceed, under the direction of one of the justices of the supreme court of the District of Columbia, to assess the damages due to each of said companies, which said damages shall be paid by the said District of Columbia, who are hereby authorized to levy a sufficient tax for that purpose, in the following proportions : one tenth of said damages by the county of and nine tenths by the city of Washington.

SEC. 4. That in fixing the measure of damages, and in fixing the present value of the franchise of either of said turnpike companies, the jury may take into consideration the question whether such franchise has been forfeited by such company.

APPROVED, March 3, 1871.

March 3, 1871. CHAP. CXL. — *An Act to enable the Jackson, Lansing, and Saginaw Railroad Company to change the northern Terminus of its Road from Traverse Bay to the Straits of Mackinaw, 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 Jackson, Lansing,