twentieth day of February, one thousand eight hundred and four, intituled "An act continuing for a limited time the salaries of the officers of government, therein mentioned," shall be, and continue in force for the term of three years, and to the end of the next session of Congress thereafter, and no longer.

continued in force for three years.

Approved, January 27, 1808.

Statute I.

Feb. 5, 1808.

Chap. XV.—*An Act authorizing the erection of a bridge over the river Potomac, within the District of Columbia.*

Names of persons constituted a board of commissioners for receiving subscriptions, &c. &c.

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 Monroe, James D. Barry, Frederick May, Samuel Harrison Smith, Jonah Thompson, Jonathan Swift, Thomas Vowell, 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 herein after 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.

Site of the bridge.

Books to be opened before the first Monday in July, 1808.

The company made a body politic or corporate.

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 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 district of Columbia.

Name of the company.

Their powers, &c. &c.

A meeting of the company to be advertised for choosing directors, officers, &c. &c.

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 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

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Meetings may be adjourned by the company until a quorum shall be formed.

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 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.

All the powers of the company to be vested in the directors.

Directors to be annually appointed, &c. &c.

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.

Directors may fill vacancies in the board of directors.

A meeting of the company may at any time be called by a majority of directors.

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

A majority of the members of the company to be a quorum.

the place (being within the city of Washington) and the time of such meeting be previously advertised for three weeks successively, in one or more gazettes in the city of Washington, Alexandria or Georgetown.

Shares made negotiable and transferable.

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

Mode of recovering debts from the company.

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 any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from such individual in like manner as other personal property may be.

Shares to be deemed personal property.

Mode of paying up the shares.

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, so failing to pay.

Dimensions of the bridge to commence from Maryland avenue, &c.

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 to 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.

A draw and wharf to be made and kept in proper order.

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 securely; and all ships, waiting for a passage through the said draw, may lie at such wharves, free of charge, until a suitable opportunity offers of 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 unskilfulness 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 well 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 recovered 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 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.

Penalties for the detention of vessels, &c. &c.

A second draw to be made across the Maryland channel.

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.

Proviso.
A survey to be made.

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 a horse, eighteen cents and three quarters of a cent; for each

Tolls.

chaise, sulky or riding chair, thirty-seven cents and a half; for each coach, coachee, stage-wagon, chariot, phaeton or curricle, or other riding carriage, one hundred cents, and the further sum of twelve cents and a half for each horse, more than two, by which such coach, coachee, chariot, phaeton, or curricle, shall be drawn; for each sled or sleigh, 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 such sled or sleigh shall be drawn; for each four-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, dray, or other two-wheeled carriage of burthen, eighteen 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, sleighs, 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 drivers thereof; or for the passage of any troops of the United States, or the militia of any state, or the district of Columbia, marching in a body, or any cannon or military equipments belonging to the United States; and it shall be the duty of the said company, to keep posted up in some conspicuous place on the said bridge, where the toll is collected, a printed list of the rates of toll allowed by this act; and for every day 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: *Provided also*, that if the number of nineteen hundred shares shall not be subscribed within one year from the time of opening subscription books by the commissioners, as herein before directed, or if the said bridge and wharves be not erected and built, and finished and completed, as required by this act, within five years, from and after the first day of October next, or if it should remain at any time thereafter, so out of repair, for two years, as to be unsafe for travelling; then and in that case, all the powers, authority, privileges, emoluments, and immunities whatsoever, by this act granted to the said company, shall cease and determine, and become absolutely forfeited.

Tolls.

Proviso, that no toll be exacted for the passage of any wagon or carriage laden with the property of the U. States, or of any troop of the U. States or militia of any state.

Proviso, if nineteen hundred shares are not subscribed in one year, and if the bridge be not completed in five years, &c. the authorities, &c. of this act to cease.

Sec. 13. *And be it further enacted*, That it shall be the duty of the said corporation, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said 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 five 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 or actions of trespass on the case, in any court competent to try the same.

Bridge to be kept in good order.

Penalty.

Sec. 14. *And be it further enacted*, That the toll to be taken at the said bridge shall be receivable by the said corporation, for and during the term of sixty years, to commence from the day when the said bridge shall be opened for passengers; after which time the said bridge shall be the property of the United States, and the said corporation be dissolved.

Limitation of tolls.

Approved, February 5, 1808.