

estate or interest, or for declaring or limiting any use or trust in and of the same, before any judge of a court of record and of law of the state and county in which such person or persons may be, or before any chancellor of any such state, or before any judge of the Supreme, circuit, district or territorial courts of the United States, or before any two justices of the peace of the state, district or territory and county in which such person or persons may be; and such judge, chancellor or justices shall annex to such a deed, a certificate, under his or their hands, of the execution and acknowledgment thereof, and that the grantor or grantors was or were known to him or them, or that his, her or their identity had been satisfactorily proved, and the register, clerk or prothonotary of such court or county, shall also certify under his hand and the seal of his office, that the judge, chancellor, or justices, is or are, was or were such at the time of the execution and acknowledgment thereof; or if any such person or persons, seised or possessed as aforesaid, shall be in some foreign country, and shall execute and acknowledge any such deed before any judge or chancellor of any court, master or master extraordinary in chancery, or notary public, in such foreign country; and such execution and acknowledgment, and also the identity of the grantor or grantors shall be certified upon, or annexed to, such deed, under the hand and seal of any such judge, chancellor, master or master extraordinary, or notary public, and such deed, so executed, acknowledged and certified in the several and respective modes aforesaid, shall be recorded amongst the land records of the county of Washington, or the county of Alexandria in the District of Columbia, within six calendar months from the day of its date, if executed and acknowledged within the United States or the territories thereof, or within twelve calendar months from the day of its date, if executed and acknowledged in some foreign country; such deed shall be good and effectual for the purpose or purposes therein mentioned.

SEC. 2. *And be it further enacted*, That if any feme covert in whom such estate or interest may be, shall be a party with her husband, executing such deed, or shall only be relinquishing her right of dower, in or to such estate or interest, and the judge, chancellor, justices, master or master extraordinary in chancery, or notary public, aforesaid, before whom the same may be executed and acknowledged, shall make the contents thereof known to her, and shall examine her, out of the presence and hearing of her husband, whether she doth make her acknowledgment of the same voluntarily, and without being induced to do so by fear or threats of, or ill usage by her husband, or fear of his displeasure; and such examination and acknowledgment, and also the identity of the party shall be certified in the mode prescribed in the first section of this act, according to the place or country where such feme covert shall be at the time of such examination and acknowledgment, and such deed shall be recorded within the several and respective periods herein before mentioned; the same shall be good and available for the purposes therein mentioned, and thereby intended.

SEC. 3. *And be it further enacted*, That the clerks of the circuit court of the District of Columbia for the counties of Washington and Alexandria, respectively, are hereby authorized to record any deed or conveyance, executed and authenticated agreeably to the provisions of this act.

APPROVED, May 31, 1832.

Before whom
to be acknow-
ledged.

Certificate.

Deeds by per-
sons in foreign
countries.

Where and
when to be re-
corded.

Deeds to which
feme covert is a
party.

Examination
of feme.

Certificate.

Record.

Clerks autho-
rized to record.

STATUTE I.

May 31, 1832.

CHAP. CXIII.—*An Act vesting in the corporation of the city of Washington, all the rights of the Washington Canal Company; and for other purposes.*

WHEREAS, it is represented that the mayor, board of aldermen and board of common council of the city of Washington, have purchased,
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Right vested
in mayor, &c.

Proviso.

Dimensions
of canal: width,
depth.

Basins:

At west end.

At eastern
branch.

At Virginia
avenue.

Sides of canal to
be walled, &c.

Time for com-
pletion.

Draining of
grounds along
canal.

Mayor, &c.
authorized to
collect wharf-
age.

and are now exclusive owners of all the stock of the Washington Canal Company, and are desirous that the entire property, rights, privileges, and immunities of the said company, be vested in them for the use and benefit of the said city: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the right, title, interest, property, and estate, either in law or equity, of the Washington Canal Company be, and the same are hereby, vested in the said mayor, aldermen, and common council, for the use aforesaid; and that the said mayor, aldermen, and common councilmen, shall have full power and authority to take possession of the canal and works of the said company, and to hold, use, occupy, and repair the same, from time to time, as occasion may require, and as to them shall seem expedient: *Provided,* That the said canal shall be finished and completed, of the breadth and depth, and in the manner, and within the time hereinafter prescribed, and not otherwise.

SEC. 2. *And be it further enacted,* That the said canal shall be finished in such manner that the width thereof, from Seventeenth street west to Sixth street west, at the water line, shall be one hundred and fifty feet; from Sixth street west to B street south, eighty feet, at the water line; from B street south to the basin at the Virginia avenue, sixty feet, at the water line; from said basin to L street south, forty-five feet, at the water line; from L street south to N street south, forty feet, at the water line; and from L street south to the channel of the eastern branch, one hundred and twenty feet, at the water line; and the said canal, throughout its whole length and breadth aforesaid, shall have a depth of at least four feet water at all times. There shall also be made by the said mayor, aldermen, and common councilmen, three basins attached to the said canal, which shall be by them kept in repair, of the following dimensions, that is to say: one at the western termination of the said canal, at least one hundred and fifty feet wide, and five thousand five hundred and forty-five feet long; one at the Eastern branch, at the eastern termination of the said canal, of at least one hundred and twenty feet in width and six hundred and ninety feet in length; and one at the Virginia avenue, of at least eighty feet in width, and one hundred feet in length; each of which basins shall, at all times, have, throughout its length and width, a depth of water equal to that hereby required in the said canal. And the sides of the said canal and basins shall be secured by walls of stone or other materials, where necessary, of sufficient strength and height to allow the use of steam vessels therein; all which work hereby required to be done to complete the said canal and basins, shall be done and finished in the manner aforesaid by the first day of March, in the year one thousand eight hundred and thirty-three, or in default thereof, this act, and all the rights and privileges thereby granted, shall cease and determine.

SEC. 3. *And be it further enacted,* That all such provisions in any former law, as required the Washington Canal Company to raise, drain, or improve the low or wet grounds along or near the said canal, shall remain in full force, and be obligatory on the said mayor, aldermen, and common council: *Provided,* That no funds for that purpose shall be raised by lottery.

SEC. 4. *And be it further enacted,* That for and in consideration of the expenses which have been, and will be, incurred in finishing the said canal and basins, and of securing the sides thereof, and of the expenses of erecting and maintaining locks, and of completing the whole work according to the provisions of this act, and of keeping the same in repair, including the expense of draining, or otherwise improving or drying the low and wet grounds along and near the said canal, the said mayor, aldermen, and common council, are hereby authorized to collect, on all articles and materials landed on each side of the canal and basins,

from on board any boat, scow, or other vessel, or water craft, or placed on either side of the said canal or basins for the purpose of being taken therefrom by any boat, scow, or other vessel, or water craft, wharfage, according to such rates as they, by any by-laws or regulations, may, from time to time, ordain and establish: *Provided*, That the said rates shall, at no time hereafter, and in no particular, exceed those charged on the same articles by the owners of private wharves in the said city. And it shall and may be lawful for the said mayor, aldermen, and common council, to demand and receive at the most convenient place, or places, for all articles carried along the said canal, tolls not exceeding the following rates, that is to say: for each unloaded boat, scow, or other vessel or water craft, twenty-five cents; for each barrel of flour, beef, or pork, two cents; for each barrel of whisky, brandy, or spirituous liquors, of any description, three cents; for each hogshead or pipe, six cents; and upon all other articles, packages, or commodities, not exceeding six cents for each ton; and after that rate for any article or quantity weighing less than one ton. And said mayor, aldermen, and common council, shall also have the exclusive right to establish a packet boat or boats on the said canal for the conveyance of passengers; and no other boat or boats for that purpose, except such as are established or permitted by them, shall be allowed to convey passengers on the said canal for hire. The tolls hereby granted shall be demandable on any boat, scow, vessel, or other water-craft, on any of the articles aforesaid for a passage through either of the locks, or along any part of the said canal, but the public property of the United States shall be landed, and pass free of wharfage and tolls.

SEC. 5. *And be it further enacted*, That the said mayor, aldermen, and common council, shall, from time to time, erect and keep in repair, all such bridge or bridges over the said canal, in each and every street crossing the same, as the convenience of the inhabitants of the city may require; which bridges shall be erected at least eight feet above high water, and of not less width than twenty-four feet, and be safe for the passage of footmen, horses, cattle, carriages, and loaded wagons.

SEC. 6. *And be it further enacted*, That the said mayor, aldermen, and common council, shall, annually, in the month of January, lay before Congress a true statement of the capital invested by them in the purchase, completion, and improvement, of the said canal and works, with the amount of their annual expenditures and receipts, so as to show the clear net profit by them so received on such investment; and if at any time the net profit shall happen to fall short of six per. centum on the said capital so invested, it shall be lawful for them to increase the said rates of toll and wharfage in such manner as they may judge sufficient to produce six per centum per annum on the said investment; and should it so happen at any time that the net proceeds aforesaid shall exceed a rate of ten per centum per annum, they shall so reduce the said rates as not to produce a greater net profit than of the said rates of ten per centum. In estimating the amount of capital invested, the proceeds of sale of the real estate hereby granted to the said mayor, aldermen, and common council, to aid them in the execution of the works hereby required, shall not be included, but the amount of sales of the said property, showing what part thereof shall have been sold, and at what price each part of the said property shall have been sold, shall form part of the said annual report.

SEC. 7. *And be it further enacted*, That the said mayor, aldermen, and common council, shall not begin to collect wharfage or tolls, until the said canal and works shall have been wholly completed according to the provisions of this act, in the opinion of the Secretary of the Treasury of the United States for the time being, who is hereby authorized and required to give his certificate thereof, whenever, in his opinion, the same

Proviso.

Tolls.

Wharfage.

Exclusive right to establish packet boats.

United States property, toll free.

Bridges.

Annual statement of costs and profits.

No tolls or wharfage to be collected, till completion of canal.

shall have been so completed; and upon obtaining such certificate, and depositing the same with the clerk of the circuit court for the District of Columbia, in the county of Washington, to be by him recorded, it shall and may be lawful, to and for the said mayor, aldermen, and common council, to commence the collection of the said wharfage and tolls. And such right to collect the said rates of toll and wharfage shall cease, whenever the said canal shall be so out of repair as to impede the free and convenient use thereof by vessels or craft drawing four feet water, so long as the same shall so remain out of repair or obstructed.

Collection to
cease, &c.

Title of the
United States in
Mall vested in
the mayor, &c.

SEC. 8. And in order to aid the said mayor, aldermen, and common council, in fulfilling the objects and requirements of this act, *Be it further enacted*, That all the right, title, property, interest, and estate, in law or equity, of the United States, of, in, and to, that part of the public reservation in the city of Washington, known and designated as the Mall, which is bounded as follows; lying between Sixth and Fifteenth streets west, and extending from Canal street two hundred and fifteen feet south to the continuation of A street north, and all that part of the said reservation on the south side of the said Mall extending from B street south, three hundred and sixty-six feet, to A street south, and lying between Sixth and Fifteenth streets west, and all the right, title, interest, and estate, which is now, or ought to be, vested in any trustees, commissioners, or other person, for, and on behalf, and in trust, for the benefit of the United States, be, and the same are hereby, vested in the said mayor, aldermen, and common council, in fee, for the purpose, and to be by them sold and applied for the purposes aforesaid, or so much thereof as they shall deem it advisable to sell for the said purposes, and the said residue to hold and use for the benefit and convenience of the said city.

Width of land-
ing.

SEC. 9. *And be it further enacted*, That the said mayor, aldermen, and common council, shall not be authorized to occupy, nor permit others to occupy, more than forty feet for the purpose of landing on either side of the said canal, extending from the Eastern branch to Seventeenth street west upon the plan of the city.

Street on south
side of canal.

SEC. 10. *And be it further enacted*, That a street be laid out along the entire length of said canal, on the south side thereof, of the width of eighty feet, between said Sixth and Fifteenth streets west, which shall be kept open for ever as a public street, and subjected to the same rules, regulations, and ordinances, as shall and may affect the other streets and avenues in said city; and that all the streets of said city running north and south, and all the avenues which, by continuing the same, shall extend through said Mall, and such as running westwardly and eastwardly would in like manner intersect the same, shall, in like manner, be opened and kept open, and subject as aforesaid.

Map of De
Krafft.

SEC. 11. *And be it further enacted*, That a map or plat of the said land, squares, streets, and avenues, made and prepared by F. C. De Krafft, United States' surveyor of the city of Washington, dated December twenty-seventh, one thousand eight hundred and thirty-one, marked A, be, and the same is hereby, ordered and directed to be recorded in the office of the commissioner of public buildings, and also in the office of said surveyor of the said city of Washington, and shall be held and deemed as indicating correctly the said lands and squares, streets and avenues, and be of full authority as designating and exhibiting the same.

Owners of lots
on B. street, en-
titled to ex-
change them,
&c.

SEC. 12. *And be it further enacted*, That if any proprietor or proprietors of any lots now fronting north on B street south, between said Sixth and Fifteenth streets, shall signify his, her, or their desire and intention to exchange said lots for an equal quantity of the lands herein and hereby conveyed to the said mayor, board of aldermen, and board of common council, situated on the south side of A street south, and immediately north of his, her, or their, said lots, it shall be the duty of the said mayor, board of aldermen, and board of common council, on such intention and

desire being made known to them, to and upon a conveyance in due form of law, clear of all encumbrances, being made to them for the said lands so held by such proprietor or proprietors, to convey and assign to the said proprietor, or proprietors, a corresponding quantity on the square immediately north and fronting on A street south. And in case such proprietor or proprietors shall have made any substantial improvements on the said land so held by him or them as aforesaid, to make a fair and equitable allowance on said surrender or conveyance, either in land or money, as may be agreed on between the parties: *Provided*, Said proprietor or proprietors shall make known such intention to the said mayor, board of aldermen, and board of common council, on or before the first day of August next.

Proviso.

SEC. 13. *And be it further enacted*, That the said mayor, board of aldermen, and board of common council, be, and they are hereby, authorized and required to lay out and divide the said lands, so conveyed and vested by virtue of this act, into lots with alleys, as to them shall seem meet and proper, and to dispose of and sell the same, or so much thereof as shall remain unexchanged as aforesaid, and also all such lots as they shall receive in exchange as aforesaid, at such times and upon such terms as to the said mayor, board of aldermen, and board of common council, shall seem meet; and to execute, or cause to be executed, good and sufficient deeds of conveyance to the purchasers thereof.

Mall to be laid out in lots, and sold.

SEC. 14. *And be it further enacted*, That the proceeds arising from said sales shall be and constitute a fund, which shall be applied by the said mayor, board of aldermen, and board of common council, to pay and extinguish any debt which has been, or may be, contracted, either in the purchase of the Washington City Canal, or the shares of stockholders in said canal, or in the completion of the same, and in the expenses attending said purchase and completion, and shall not be applicable to any other object or purpose until said debts be extinguished.

Proceeds, how to be applied.

SEC. 15. *And be it further enacted*, That nothing in this act contained shall be held or deemed, in any manner or way, to impair or injure any private rights or interests, or in any manner to affect the same beyond the mere transfer of the rights of the United States to said mayor, board of aldermen, and board of common council.

All other rights saved.

SEC. 16. *And be it further enacted*, That the several acts passed on the first day of May, one thousand eight hundred and two; the sixteenth day of February, one thousand eight hundred and nine; the sixth day of May, one thousand eight hundred and twelve; and the twentieth day of May, one thousand eight hundred and twenty-six, in relation to the Washington Canal Company, shall be, and the same are hereby, repealed, except as herein before provided.

Former acts repealed.

APPROVED, May 31, 1832.

STATUTE I.

CHAP. CXIV.—*An Act changing the times of holding the courts in the District of Columbia.*

May 31, 1832.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the circuit court of the District of Columbia, for the county of Washington, shall hereafter be held on the fourth Monday in March, and on the fourth Monday in November, in every year, instead of the times now designated by law; and the court for the county of Alexandria shall be held on the first Monday in May, and on the first Monday in October, in every year, instead of the times now designated by law; and that all process shall be made returnable to the said terms as herein directed. This act shall take effect from and after the first day of June next.

Court to be held on fourth Monday in March and November and first Monday in May and October.

APPROVED, May 31, 1832.