

thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall moreover be absolutely void and of no effect: *Provided nevertheless*, that in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

Penalty of three thousand dollars.

Advances made by the U. States to be repaid.

SEC. 2. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

Provisions of this act not to extend to incorporated companies, or to bills of exchange negotiated by members of Congress.

SEC. 3. *And be it further enacted*, That in every such contract or agreement to be made or entered into, or accepted as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

Members of Congress to be excepted by particular clauses from participation in public contracts, &c. &c.

SEC. 4. *And be it further enacted*, That if any officer of the United States, on behalf of the United States, shall directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

Penalties upon officers making public contracts with members of Congress.

SEC. 5. *And be it further enacted*, That from and after the passing of this act it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and the Postmaster-General annually, to lay before Congress, a statement of all the contracts which have been made in their respective departments, during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

Secretary of the Treasury, War, &c. to make to Congress, annual statements of contracts made by their departments.

APPROVED, April 21, 1808.

STATUTE I.

CHAP. L.—*An Act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia.*

April 21, 1808.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Jonah Thompson, Thomas Swann, Charles Alexander, Edmund I. Lee, Jacob Hoffman, Cuthbert Powel, 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 Bridgepoint, on Alexander's island, opposite the city of Washington, and of erecting

A board of commissioners for receiving subscriptions, appointed.

a bridge over Fourmile 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 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:

Proviso.

*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 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, on each share subscribed for.

Subscribers created a body politic, by the name of the Washington and Alexandria turnpike company, &c. &c.

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 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 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.

Board of commissioners to call a meeting of the stockholders to choose directors &c. &c.

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 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, 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 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, 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 by-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

Directors to be annually appointed by the company, &c. &c.

Meetings of the company may be called by a majority of the directors.

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

Directors &c. &c. to take an oath of office.

Shares transferable.

Shares to be paid for by instalments.

Mode of recovering arrears of instalments.

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 or persons so failing to pay.

Former payments towards opening the road, to be placed to the credit of those who advanced the money, and now wish to purchase stock in this company.

Direction or course of the road.

A bridge to be built over Four Mile creek.

Land through which the road is to pass may be purchased, &c. &c.

Tolls, when demandable.

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 authorized 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 northeastern corner of the almshouse lot, and thence by the most eligible and convenient route, to Bridgepoint, on Alexander's island; and also to erect and build, or cause to be erected and built over Fourmile 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, or 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 there be not less than twelve, shall administer 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 for ever.

SEC. 12. *And be it further enacted*, That as soon as the said 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 de-

mand 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, sulky, or riding chair, twelve and a half cents; for each coach, coachee, stage-wagon, chariot, phaeton, or curricule, or other riding carriage, twenty-five cents, and the further sum of four cents for each horse, more than two, by which such coach, coachee, chariot, phaeton, or curricule, shall be drawn; for each sled or 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 wagon, 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 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 nett 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 said bridge, and making said road, and twelve per cent. interest thereon, to be ascertained by said circuit court, the same shall become a free road, and toll shall be no longer 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.

APPROVED, April 21, 1808.

Rates of tolls.

Road to be kept in good repair.

Penalties.

Proviso.

STATUTE I.

April 21, 1808.

CHAP. LI.—*An Act to continue in force an act intituled "An act to extend jurisdiction in certain cases to state judges and state courts; and for other purposes."*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to extend jurisdiction in certain cases to state judges and state courts," passed the eighth day of March, one thousand eight hundred and six, be, and the same is hereby continued in force without limitation of time.

Act of March 8, 1806, ch. 14, continued in force without limitation.

(a) See notes to act of March 8, 1806, chap. 14.