

CHAP. LXXXV.—*An Act supplementary to the act entitled "An act concerning the District of Columbia."*

STATUTE II.
May 25, 1838.
1801, ch. 15.
Preamble.

Whereas the present Judge of the Orphan's Court, in and for the county of Washington, in the District of Columbia, is, by reason of age and infirmity, disqualified for the due and proper discharge of the duties of his office:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, there shall be appointed in and for the county of Washington, an additional Judge of the Orphan's Court, who shall take an oath for the faithful and impartial discharge of the duties of his office; and who shall have the same powers, perform the same duties and receive the same salary, as are exercised, performed and received by the present Judge of the said Orphan's Court.

An additional judge to be appointed for the Orphans' Court of Washington; his powers.

SEC. 2. *And be it further enacted,* That during the life or continuance in office of the present Judge of the said Orphan's Court, the powers of the said Orphan's Court shall be vested in the said two Judges jointly, or may be exercised by the said additional Judge separately, as provided in the foregoing section; and that after the death or resignation of the present Judge, the said Orphan's Court shall consist of a single Judge as heretofore.

The powers of the Orphans' Court, how vested. After the death, &c. of the present judge, the court to consist of one judge.

APPROVED, May 25, 1838.

CHAP. LXXXVIII.—*An Act to extend the charter of the Union Bank of Georgetown, in the District of Columbia. (a)*

STATUTE II.
May 25, 1838.
1847, ch. 38.
Preamble.
Act of Aug. 25, 1841, ch. 12, § 8.
1840, ch. 40.

Whereas, it appears that an extension of the charter of the Union Bank of Georgetown beyond the first day of July, eighteen hundred and thirty-eight, together with some amendment thereof, is necessary to enable the said corporation the better to close its concerns, redeem its obligations, and collect its debts; and the extension and amendment as aforesaid have been asked by the said corporation for the purposes above specified and for none other: Now therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the said corporation be extended until the first of July, eighteen hundred and forty-two, so as further to grant, continue, and reassure to said corporation the rights and privileges thereof, upon the conditions and with the limitations in said charter specified, and with certain exceptions and other conditions and limitations hereinafter to be named, until the day and year last mentioned.

Charter of the Union Bank of Georgetown extended to the 1st July 1842.

SEC. 2. *And be it further enacted,* That on the first Monday in April next, and thereafter, the number of directors of the Union Bank shall be reduced to four, together with a president, to be elected as now provided by the charter of said bank, any one of which directors, together with the president, shall constitute a board to do the business of the bank.

Number of directors reduced.

SEC. 3. *And be it further enacted,* That the president and directors of said bank may call a meeting of the stockholders of said bank, in such manner as shall be prescribed by the laws and ordinances of said corporation, and at such time as they may select, for the purpose of electing a trustee or trustees, (not exceeding three,) to whom shall be granted, until the first of July, eighteen hundred and forty-two, (should a majority of the votes present so decide,) the management of the concerns of said bank, together with the powers relating thereto, as fully and with the same limitations, together with others hereinafter to be

The president and directors may call a meeting of the stockholders for the election of a trustee or trustees, &c.

(a) See notes to the act of May 31, 1838, chap. 91.

named, as they are now given to the president and directors of the said corporation. And should it be the pleasure of the said stockholders, signified as aforesaid, to make the said change in the direction and management of the said bank, the trustee or trustees shall be elected in the same manner as is prescribed by the charter of said corporation for the election of directors. In such case as made and provided, the president and directors then being shall select a commissioner to convey to such trustee or trustees all the property, real and personal, of said corporation, and all its choses in action, its rights and interests of every description, whether in litigation or not, upon the condition, first, of discharging all the debts due from said corporation; and, after the satisfaction of this trust, upon such other trusts, conditions and limitations, not inconsistent with the general laws for the government of the District of Columbia, or with their said charter, as herein amended, as they may see fit to prescribe in the conveyance by which they appoint the said trustee or trustees: *Provided, however,* That the charter of the said corporation, as now amended, shall be voidable, upon any act of the said trustee or trustees, for which it might be avoided if it had been committed by the president and directors of said corporation: *And provided also,* That nothing herein contained shall be so construed as to incapacitate the president and directors of said bank in being at the time of said election, from receiving at that election the appointment of trustee or trustees, and taking to him or them the deed of trust aforesaid, which may provide, if three trustees be selected, that any one or two may act in the case of the death or removal from the trust of the others.

And the president shall select a commissioner to convey to the trustee or trustees all the property, &c.

Proviso.

Further proviso.

After 1st July 1838, no bills, &c. payable to bearer, shall be issued; no deposits, except from a stockholder, received; and no obligations entered into, except, &c.

Proviso.

Nothing herein contained shall be so construed as to impair the obligations, &c. of the corporation; but all suits, &c. shall proceed without abatement, &c.

Proviso.

SEC. 4. *And be it further enacted,* That the said corporation shall not, after the first day of July, eighteen hundred and thirty-eight, issue or reissue any bills, notes, or checks, payable to bearer; nor shall they issue certificates of deposit, payable to bearer; nor shall it receive any money or other property from any other corporation or from any person other than one of its stockholders, on deposit, and under an obligation to return it; nor shall the said corporation at any time after the first of July, eighteen hundred and thirty-eight, receive or enter into any new obligations or liabilities other than such deeds or assignments as may be necessary to convey away absolutely the property, real or personal, of the said bank, or other than the renewal from time to time of existing debts due said corporation on the receipt of partial payments, and the taking of such obligations, additional assurances, new liens, or new sureties, as may be necessary and proper for securing the collection of debts due to the said bank on the first of July, eighteen hundred and thirty-eight, and for enforcing the performance of obligations created on or before the day and year last aforesaid: *Provided, however,* That nothing herein contained shall prevent the said corporation from employing such officers and agents as may be necessary for transacting its affairs.

SEC. 5. *And be it further enacted,* That nothing herein contained shall be so construed as to destroy or in any manner impair the force of the obligations, rights, and liabilities, to or from the said corporation; but, on the contrary, all suits, bills, complaints, informations, actions, whether legal or equitable, judgments, decrees, and executions, by or against said corporation, shall proceed without abatement, discontinuance, or necessity for revivor, in due course of law, as if no change had been hereby made in the affairs of said corporation, and as if the charter by original creation had extended to the first of July, eighteen hundred and forty-two; and in all actions, legal or equitable, and in all process by or against said corporation, the name and style thereof shall remain the same: *Provided, however,* That, if a trustee or trustees should be elected, all summons, notices, and other process, legal or equitable,

shall afterwards be served upon him or them in the same manner as before they were served upon the president and other officers of said bank; but all acquittances for debts due to the said corporation, in any manner whatsoever, must be given by the said trustee or trustees after their appointment by deed as aforesaid; and in that case, and after that event, no payment, except to him or them, or to his or their authorized agents, shall operate as a discharge of the obligation or debt due to said corporation. Any creditor of said corporation who shall obtain executions or attachments upon any decree or judgment, may levy the same upon any property, real or personal, subject in its nature to such execution or attachment, and conveyed by the said corporation, as herein-after mentioned, to such trustee or trustees; and if not enough of such property be found to satisfy the debt, then the said trustee or trustees shall be personally liable for the same, to the extent to which he or they may have received property, real, personal, or mixed, from said corporation, (estimated at the time of conveyance without interest,) and may not have applied the same to the payment of debts due from said corporation.

SEC. 6. *And be it further enacted*, That the said trustee or trustees, should they be appointed, may prosecute, after the first day of July, eighteen hundred and forty-two, any action, legal or equitable, or judgment, decree, attachment, and execution, then in existence, or then pending in any court having competent jurisdiction of the subject, without abatement, discontinuance, or necessity for revivor, in the same manner as if such corporation were still in existence for the uses and trusts of the deed hereinbefore mentioned, and under which they derive this authority. Any person purchasing from the trustees their rights and interests in said actions, legal or equitable, judgments, decrees, or executions, shall be substituted in the said privilege of prosecuting their claims in manner aforesaid, in the name of the said corporation, and for his own benefit. And all actions, legal or equitable, judgments, decrees, attachments, and executions, against said corporation, which may be pending in any court having competent jurisdiction of the subject, on the first of July, eighteen hundred and forty-two, may proceed according to the forms of law, without abatement, discontinuance, or necessity for revivor, in the same manner as if said corporation were still in existence: *Provided, however*, That the said trustee or trustees, after the first of July, eighteen hundred and forty-five, shall not be liable for any debt due from the said corporation to others than stockholders, except in those cases in which judgments, decrees, attachments, or executions are obtained upon them in actions, whether legal or equitable, which were instituted before the day and year last mentioned.

SEC. 7. *And be it further enacted*, That in the event of a selection of a trustee or trustees as aforesaid, it shall be their duty to advertise the fact for eight weeks successively in two of the newspapers published in the District, one of which shall be selected in Washington, and the other in Alexandria. And it shall also be the duty of the said trustee or trustees to cause a copy of the deed conveying to them in trust as aforesaid to be recorded in the clerk's office of the court for the county of Washington, District of Columbia, and also to forward a copy of the same to the Secretary of State for the United States.

SEC. 8. *And be it further enacted*, That unless the president and directors for the time being of the said corporation shall, on behalf of the stockholders, and in virtue of an authority from them, or from a majority in interest and number of them, file their declaration, in writing, in the office of the Secretary of the Treasury, within six months from the passage of this act, assenting to and accepting the extension of the charter hereby granted, under the terms, conditions, and limita-

Trustee or trustees, if appointed, may, after 1st July 1842, prosecute any action, &c. without abatement, &c.

Persons purchasing the rights, &c. of the trustees in said actions, &c. may prosecute, &c.

All actions, &c. against said corporation, which may be pending on 1st July 1842, may proceed, &c. Proviso.

In the event of a selection of a trustee or trustees, they shall advertise the fact, &c.

Unless the President, &c. file with the Secretary of the Treasury, within six months, a declaration assenting to the charter, the corporation shall

forfeit all right to the extension.

his act to be considered a public act; and acts repugnant hereto, repealed.

tions contained in this act, then [the] said corporation shall forfeit all right to an extension of charter.

Sec. 9. *And be it further enacted*, That this act shall be considered a public act; and so much and such parts of any act or acts heretofore passed in relation to said corporation as may be repugnant to this act, be, and the same are hereby, repealed and annulled.

APPROVED, May 25, 1838.

STATUTE II.
May 31, 1838.

[Expired.]

Charters of Farmers' and Mechanics' Bank, Bank of the Metropolis, &c. extended to 4th July, 1840, &c.
Proviso.

CHAP. XCI.—*An Act to continue the corporate existence of the Banks in the District of Columbia. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the fourth day of July, in the year eighteen hundred and forty: *Provided*, The said banks, each for itself, shall conform to the following conditions:

First. To cease receiving or paying out all paper currency of less denomination than five dollars, on or before the day of the promulgation of this act.

Second. To redeem all their notes of the denomination of five dollars in gold or silver, from and after the first day of August, in the present year.

Third. To resume specie payments in full, on or before the first day of January, in the year one thousand eight hundred and thirty-nine, or sooner, if the principal banks of Baltimore and Richmond should sooner resume specie payments in full.

APPROVED, May 31, 1838.

STATUTE II.
May 31, 1838.

[Obsolete.]

CHAP. XCII.—*An Act making appropriations for the naval service for the year one thousand eight hundred and thirty-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, in addition to the unexpended balances of former appropriations, out of any unappropriated money in the Treasury, for the naval service, for the year eighteen hundred and thirty-eight, viz:

Pay of officers and seamen.

For the pay of commissioned, warrant, and petty officers, and of seamen, one million three hundred and twelve thousand dollars;

Pay of superintendents, &c. at yards.

For pay of superintendents, naval constructors, and all the civil establishments at the several yards, sixty-nine thousand seven hundred and seventy dollars;

Provisions.

For provisions, six hundred thousand dollars;

Repairs, &c.

For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, one million two hundred thousand dollars;

Medicines, &c.

For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, seventy-five thousand dollars;

Portsmouth navy yard.

For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, twenty thousand dollars;

Charlestown navy yard.

For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, seventy-four thousand dollars;

Brooklyn navy yard.

For improvement and necessary repairs of the navy yard at Brooklyn, New York, sixty-one thousand dollars;

(a) An act to revive and extend the charters of certain banks in the District of Columbia, August 25, 1841, chap. 12.

An act to extend the charters of the District banks, June 17, 1844, chap. 98.