

SEC. 2. *And be it further enacted,* That in all matters relating to pay, allowances, rank, duties, privileges, and rights of officers and soldiers of the army of the United States, the same rules and regulations shall apply without distinction for such time as they may be or have been in the service, alike to those who belong permanently to that service and to those who, as volunteers, may be or have been commissioned or mustered into the military service under the laws of the United States for a limited period. But nothing in this act shall be construed as affecting or in any way relating to the militia of the several States when called into the service of the United States.

All rules as to pay, rank, duties, &c. to apply alike to officers and soldiers of the regular army and of the volunteer service.

State militia not affected hereby.

SEC. 3. *And be it further enacted,* That the act entitled "An act to increase the pay of soldiers in the United States army and for other purposes," approved June twentieth, eighteen hundred and sixty-four, shall not be so construed as to increase the emoluments of the commissioned officers of the army at the date of its passage, and the first section of the act entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces and for other purposes," approved March third, eighteen hundred and sixty-five, was not intended to be retrospective or retroactive in its operation, and shall not be so construed.

Emoluments of commissioned officers of army not increased by act 1864, ch. 145. Vol. xiii. p. 144.

The first section of act 1865, ch. 79, vol. xiii. p. 487, not retroactive.

APPROVED, March 2, 1867.

CHAP. CLX. — *An Act to grant certain Privileges to the Alexandria, Washington, and Georgetown Railroad Company, in the District of Columbia.* March 2, 1867.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress be, and the same is hereby, granted to the Alexandria, Washington, and Georgetown Railroad Company to use steam power in drawing the cars of said company on the structure across the Potomac river erected by said company, under the provisions of the act entitled "An act to extend the charter of the Alexandria and Washington Railroad Company, and for other purposes," approved March three, eighteen hundred and sixty-three, and along the railway now laid by said company, or which may be hereafter laid, under the provisions of the said act, along Maryland Avenue, in the city of Washington, to the present depot of the Washington branch of the Baltimore and Ohio railroad, subject always, and in all particulars, to such restrictions and regulations concerning the use of such steam power as the corporation of Washington may, by its ordinances, at any time impose upon, or at any time require of, the said railroad company.

The Alexandria, Washington, &c. R. R. Co. may use steam power to draw their cars, &c.

1863, ch. 110. Vol. xii. p. 805.

Corporation of Washington may make regulations.

APPROVED, March 2, 1867.

CHAP. CLXI. — *An Act authorizing limited Partnerships in the District of Columbia.* March 2, 1867.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District of Columbia may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed.

Limited partnerships for, &c. may be formed in the District of Columbia.

SEC. 2. *And be it further enacted,* That such partnership may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners are by law, and of one or more persons, who shall contribute in actual cash payments a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership beyond the fund so contributed by him or them to the capital; but the number of special partners shall in no partnership exceed six.

Partnership to consist of general and special partners.

Liability of each.

Number of special partners not to exceed six.

SEC. 3. *And be it further enacted,* That persons desirous of forming

Mode of forming limited partnerships; certificate to be signed and to state what:

how to be acknowledged and certified, and where to be filed and recorded.

Affidavit of general partner to be filed with the certificate, and to state what.

Partnership not to be formed until certificate and affidavit are filed.

All persons interested to be liable as general partners, if, &c.

Terms of the partnership when registered to be published.

Affidavits of publication, how made, filed, and effect thereof.

Renewals or continuance of such partnerships.

Certain alterations in the partnership to be deemed a dissolution.

Business may be conducted under what name.

such partnerships shall make and severally sign a certificate, which shall contain the name or firm under which such partnership is to be conducted; the general nature of the business intended to be transacted; the names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence; the amount of capital which each special partner shall have contributed to the common stock; the period at which the partnership is to commence, and the period at which it is to terminate.

SEC. 4. *And be it further enacted*, That the certificate shall be acknowledged by the several persons signing the same before a notary public or a judge of any court in the District of Columbia, and such acknowledgments shall be made and certified in the same manner as the acknowledgments of deeds of land, and when so acknowledged and certified shall be filed in the office of the clerk of the supreme court of the District of Columbia, and shall be recorded by him at large in a book kept for that purpose, open to public inspection.

SEC. 5. *And be it further enacted*, That at the time of filing the original certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed therewith in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock have been actually and in good faith paid in cash.

SEC. 6. *And be it further enacted*, That no such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been made and filed as above directed; and if any false statement (not the result of accident or mistake) shall be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof as general partners.

SEC. 7. *And be it further enacted*, That the partners shall publish the terms of the partnership, when registered, three times a week for at least four weeks, immediately after such registry, in two newspapers to be designated by the clerk of the court in which such registry shall be made, the first publication to appear within one week after the registry, and if such publication be not made, the partnership shall be deemed general. The affidavits of the publication of such notice by the editors or publishers of the newspapers in which the same shall have been published shall be filed with the clerk directing the same, and shall be prima facie evidence of the facts therein contained; the affidavit of any one editor or publisher of each newspaper being sufficient.

SEC. 8. *And be it further enacted*, That every renewal or continuance of such partnership beyond the time originally fixed for its duration shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner herein required for its original formation; and every such partnership which shall be otherwise renewed and continued shall be deemed a general partnership.

SEC. 9. *And be it further enacted*, That every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall in any manner be carried on after any such alteration shall have been made shall be deemed a general partnership, unless renewed as a special partnership, under the provisions of the last preceding section.

SEC. 10. *And be it further enacted*, That the business of the partnership may be conducted under the name of any one or more of the general partners, and with or without the addition of the word Co. or company, as the parties may determine; and in any action or suit to be brought on any

contract or engagement of the partnership, or to enforce any liability of the same, the general partner or partners whose name or names shall be used in said firm or business shall be the only necessary defendants; and any judgment or decree recovered against said defendant or defendants shall have the same legal effect and operation, and execution thereon shall be enforced and have like effect against the partnership assets as if the judgment or decree had been recovered against the general partners.

In suits against the partnership the general partners only to be necessary defendants.

Effect of judgments.

SEC. 11. *And be it further enacted,* That if the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner, and the general partners only shall transact the business; and if a special partner shall interfere, contrary to this provision, he shall be deemed a general partner, but he may from time to time examine into the state and progress of the partnership concerns and advise as to their management.

General partners to transact the business.

Special partners to be liable, if, &c.

SEC. 12. *And be it further enacted,* That no part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him or paid or transferred to him in the shape of dividends, profits, or otherwise, during the continuance of the partnership, but any partner may annually receive lawful interest on the sum so contributed by him if the payment of such interest shall not reduce the original amount of such capital; and if, after payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

Sums contributed by special partners not to be withdrawn, &c.

Interest and profits.

SEC. 13. *And be it further enacted,* That if it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, on being notified thereof.

If capital is reduced by payment to special partner, he shall make good the same, &c.

SEC. 14. *And be it further enacted,* That every sale, assignment, or transfer of any property or effects of such partnership, or of any general partner, made by such partnership or general partner when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any general partner, with the intent of giving a preference to any creditor of such partnership or insolvent partner, and every judgment confessed, lien created, or security given by such partnership or general partner under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

Sales, transfers, &c. of partnership property, or, &c. because, or in view, of insolvency, or to give preference, to be void as against creditors.

SEC. 15. *And be it further enacted,* That every special partner who shall violate any of the provisions of the last two sections, or who shall concur in or assent to any such violation by the partnership or by any individual partner, shall be liable as a general partner.

Special partners to become liable as general partners if, &c.

SEC. 16. *And be it further enacted,* That in case of the insolvency or bankruptcy of the partnership no special partner shall, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied.

In case of insolvency, special partners not to claim as creditors, until, &c.

SEC. 17. *And be it further enacted,* That all suits respecting the business of the partnership shall be brought by and against the general partners only, except in those cases in which provision is hereinbefore made that special partners shall be deemed general partners and special partnerships general partnerships, when all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships, and except, also, the case provided for in section number ten.

Suits respecting partnership business to be brought by and against general partners, except, &c.

SEC. 18. *And be it further enacted,* That if, in any case or suit brought against general and special partners, and at the trial of the cause, it shall appear that the special partners or any of them are not liable to the writ of the plaintiff, the court may proceed to judgment or decree against the partners who may appear to be liable, in the same manner as if such partners were the only parties defendant to the writ, excepting that the partners who may be deemed not liable shall recover their legal costs

Proceedings in suits against general and special partners, when special partners appear not to be liable;

Proceedings against general partners, when special partners afterwards appear to have become liable.

Judgment to be prima facie evidence of, &c.

Partnership not to be dissolved before the time stated in certificate, unless, &c.

General partners liable to account to each other and to special partners.

against the plaintiffs; and if creditors shall have recovered a judgment or obtained a decree against general partners only, and shall afterwards discover that special partners or some one or more of them have become liable as general partners, he may bring a new suit against such special partner or partners; and in such suit the judgment recovered as aforesaid shall be prima facie evidence of the amount due by the partnership, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners, as against any other partner or partners.

SEC. 19. *And be it further enacted,* That no dissolution of such partnership by act of the partners shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless in consequence of the death of one of the partners, or insolvency of the partnership, or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published once a week for four weeks in two newspapers, to be designated by the clerk of the supreme court of the District of Columbia, which publication may be proved by affidavit and recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

SEC. 20. *And be it further enacted,* That the general partners shall be liable to account to each other and to the special partners for the management of the concern, both in law and equity.

APPROVED, March 2, 1867.

March 2, 1867. CHAP. CLXII. — *An Act to incorporate the Howard University in the District of Columbia.*

The Howard University incorporated in the District of Columbia.

Corporators.

Corporate name and powers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be established, and is hereby established, in the District of Columbia, a university for the education of youth in the liberal arts and sciences, under the name, style, and title of "The Howard University."

SEC. 2. *And be it further enacted,* That Samuel C. Pomeroy, Charles B. Boynton, Oliver O. Howard, Burton C. Cook, Charles H. Howard, James B. Hutchinson, Henry A. Brewster, Benjamin F. Morris, Danforth B. Nichols, William G. Finney, Roswell H. Stevens, E. M. Cushman, Hiram Barbour, E. W. Robinson, W. F. Bascom, J. B. Johnson, and Silas L. Loomis, be, and they are hereby, declared to be a body politic and corporate, with perpetual succession in deed or in law to all intents and purposes whatsoever, by the name, style, and title of "The Howard University," by which name and title they and their successors shall be competent, at law and in equity, to take to themselves and their successors, for the use of said university, any estate whatsoever in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain, sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare, to use and farm let, and to place out on interest, for the use of said university, in such manner as to them, or a majority of them, shall be deemed most beneficial to said institution; and to receive the same, their rents, issues, and profits, income and interest, and to apply the same for the proper use and benefit of said university; and by the same name to sue and be sued, to implead and be implead[ed], in any courts of law and equity, in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises: *Provided,* That the same do not exceed the value of fifty thousand dollars net annual income, over and above and exclusive of the receipts for the education and support of the students of said university.

Net annual income not to exceed \$50,000 over, &c.