

in the district of Columbia"—which oaths or affirmations so subscribed and certified by the justice in whose presence they shall be severally taken and subscribed, shall be filed in the office of the clerk of the said circuit, and enrolled among the land records of the county of Washington. And the said commissioners or any two of them being qualified as aforesaid, shall upon the request of the said president and directors cause to be surveyed, laid out, ascertained, described and marked, by certain metes and bounds, each of the aforesaid turnpike roads described in the first section of this act, not less than 66 feet in breadth, in such routes, tracts or courses for the same respectively as in the best of their judgment will combine shortness of distance with the most convenient ground, & the smallest expence of money; and for this purpose it shall be lawful for them and such agents, assistants, servants or attendants they may think proper to employ, to enter upon any of the lands through or near which the said roads or either of them may be laid out; having first given twenty days public notice, in some newspaper printed in the city of Washington, of the time and place of their entering on the said business of surveying and laying out each road respectively. And if any proprietor of any part of the lands thro' which either of the said roads may be laid out, shall require compensation for so much of his or her said lands as may be occupied by the said roads or either of them, or shall claim damages for or on account of the opening or laying out the said roads or either of them, through his or her land, and if the said president and directors cannot agree with such proprietor respecting the same, then the said commissioners at the request of either party, shall appoint a day & place to hear and decide upon such claim, and the amount of compensation and damages which such proprietor shall be entitled to receive from the said president, directors and company therefore, first giving twenty days notice to the adverse party, his or her agent or attorney in fact, or other legal representative, if either shall be within the district of Columbia; and if the party so notified shall fail to attend, or if the party shall be an infant under age, *non compos mentis feme covert*, or absent out of the district of Columbia, & have no known agent or other legal representative therein, then the said commissioners may proceed ex parte to hear and decide the same; and the award of them or any two of them, made in writing, signed by them or any two of them, shall be returned to the office of the clerk of the said court, for the county of Washington, within ten days after such hearing, and a copy thereof shall, within ten days after such return, be served upon such of the parties as are resident in the district of Columbia; and if such award be not at the session of the said circuit court in the county of Washington, next after such return of the said award to the clerk's office, be set aside on account of fraud or partiality in the said commissioners the same shall be final and conclusive between the parties, and shall be recorded by the said clerk; and the sum so awarded being paid to the said clerk for the use of the person entitled to receive the same, the said land mentioned and described in the said award, shall and may be taken and occupied as a turnpike road, and public highway forever. And the said commissioners upon completing the said survey of the said roads, or either of them, shall return a plat and certificate of such survey to the said clerk, and the same being accepted by the said court, shall be recorded by the said clerk, and thereupon the road so laid out shall be taken, used and occupied as a turnpike road and public highway forever; and the said president, directors and company may thereupon proceed to enter upon the same, and shall cause at least 24 feet in breadth, throughout the whole length thereof to be made an artificial road, of stone, gravel or other hard substance of sufficient depth or thickness to secure a solid and firm road, with the surface as smooth as the materials will admit, and so nearly level, that it shall in no case rise or fall more than an angle of four degrees with a horizontal line, and the said road shall hereafter be kept in good and perfect repair; and wheresoever upon the said roads any bridge shall be deemed necessary, the same shall be built of sound and suitable materials. And in case either of the said commissioners should die, or refuse to act, or become incapacitated, or should be removed by the court for misconduct, the said court may appoint another in

his place, & when in the opinion of the said president and directors either of the said roads shall be completed to the extent of twenty four feet in breadth, the same shall be examined by the said commissioners, or any two of them, and if in the opinion of them, or any two of them, the said road should have been completed to the extent of at least twenty four feet in breadth, according to the meaning of this act they shall certify the same to the said circuit court, and their certificate being accepted by the said court, or any two judges thereof, and recorded, the said president and directors shall and may thereafter erect and fix such and so many gates and turnpikes, not exceeding two, upon and across each of the said roads, as shall be necessary and sufficient to collect the tolls hereinafter granted to the said company; and it shall be lawful for them to appoint such and so many toll gatherers as they shall deem necessary to collect and receive of and from every person and persons using the said road or roads, the tolls and rates hereinafter mentioned, and to stop any person or persons, riding, leading or driving any horses, mules, cattle, hogs, sheep, sulky, chair, chaise, phaeton, chariot, coach, cart, waggon, sleigh, sled, or any carriage of burden or pleasure, from passing through the said gates, until the said tolls shall be paid, that is to say: For the whole distance in length of the whole of the said roads, and so in proportion as near as may be, for any less distance within the district of Columbia, viz. for every score of sheep, twenty cents; for every score of hogs, twenty cents; for every score of cattle, forty cents, and so in proportion for any greater or less number; for every horse or mule with a rider, twelve and an half cents; for every stage and waggon, and two horses, thirty cents; for either carriage last mentioned with four horses forty cents; for every led or driven horse or mule, six cents; for every sulky, chair, chaise or carriage of pleasure, with two wheels and one horse, twenty cents; for every coach, chariot, coach, phaeton, or chaise with four wheels, and two horses, thirty seven and an half cents; for any of the said carriages last mentioned with four horses, fifty cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, twelve and an half cents for every horse drawing the same, for every sled or sleigh used as a carriage of burden, eight cents for every horse drawing the same; for every cart or waggon whose wheel does not exceed 4 inches in breadth, twelve and an half cents for each horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches, and not exceed seven inches, six cents for every horse drawing the same; for every cart or waggon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, five cents for every horse drawing the same; for every cart or waggon, the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, four cents for every horse drawing the same. And that all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by oxen, or to be drawn by mules in the whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. And it shall be the duty of the said commissioners after hearing all parties to decide and award what proportion of the cost already incurred of making the causeway from Alexander's island to the main land, and of the road from the said causeway to the west end of the Washington Bridge, shall be paid by the president, directors and company of the Columbia turnpike roads, to the president and directors of the Washington and Alexandria turnpike company, and also, in what proportion the former company shall contribute and pay towards the future repairs and improvements of the said causeway and roads; and the award of the said commissioners, or any two of them so made, shall be returned to the office of the clerk of the said court for the county of Washington, and being accepted by the said court and recorded, shall be final and conclusive.

Sec. 7. And be it further enacted, That in all cases where stone, gravel earth or sand shall be necessary for making or repairing either of the said roads, and the said President, Directors and Company of the Columbia Turnpike Roads, cannot agree for

the same with the owner thereof then upon application by the said President and Directors or any person authorized by them, to any one of the judges of the said circuit court, he may if he see cause, by warrant under his hand and seal, command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit court to meet at the place where such materials may be, on some day, not more than ten days after the date of such warrant, and to give the other party five days notice of the said time and place if such party be found within the district of Columbia; and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those that are absent, and shall administer an oath to the said jurors and talesmen as the case may be, justly and impartially to value the said materials and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president, directors and company of the Columbia turnpike roads; which valuation and assessment of damages made by the said jurors or a majority of them, shall be signed by the said marshal and the jurors, or so many of them as shall agree thereto, and be returned by the marshal to the said clerk of the said court for the county of Washington to be by him recorded and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the parties, who may be resident in the district, and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said President and Directors may proceed to take and carry away the said materials so valued for the purposes aforesaid. And the said president, directors and company shall pay the said marshal five dollars for his service in summoning and impanelling the said jury and taking and returning the said inquest and two dollars to each of the jurors so sworn.

Sec. 8. And be it further enacted, That for the purpose of ascertaining the weight, that may be drawn along the said road, in any cart waggon, or any carriage of burthen it shall and may be lawful, for the said president, managers and company to erect and establish scales and weights at or near such and so many of the gates erected, or to be erected in pursuance of this act, as they may think proper and where there may seem reasonable cause to suspect, that any cart, waggon or other carriage of burthen, carries a greater weight than is or shall be by law allowable, it shall be lawful for the toll gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike until such cart, waggon, or carriage of burthen shall be drawn into the fixed or erected scales at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing; and if the person or persons driving or having care or charge of any such cart, waggon or other carriage of burthen shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers, and Company any sum not less than 5 dollars nor more than 8 dollars to be recovered in the manner herein after mentioned.

Sec. 9. And be it further enacted, That no waggon or other carriage with 4 wheels, the breadth of whose wheels shall not be 4 inches, shall be drawn along the said roads with a greater weight therein than 3 tons; that no such carriage the breadth of whose wheels shall not be 7 inches, or being 6 inches or more shall roll at least 10 inches, shall be drawn along the said roads with more than 5 tons; that no such carriage, the breadth of whose wheels shall not be 10 inches or more, or being less shall not roll at least 12 inches shall be drawn along the said roads with more than 8 tons; that no cart or other carriage with 2 wheels the same breadth of wheels as the waggon aforesaid shall be drawn along the said road with more than half the burden or weight aforesaid. And if any cart waggon, or carriage of burden whatsoever shall be drawn along the said roads, with a greater weight than is hereby allowed the owner or owners of such carriage if the excess of burden shall be 300 weight or upwards, shall forfeit and pay 4 times the customary tolls, for the use of the Company. Provided, always, That it shall and may be lawful for the said Company by their by laws to alter any or all the regulations herein contained, respecting the burthens or carriages to be drawn over

the said roads and to substitute other regulations if upon experiment such alteration shall be found conducive to the public good. Provided nevertheless, That such regulations shall not lessen the burthens of carriages above described.

Sec. 10. And be it further enacted, That the president and directors of the said company shall keep or cause to be kept, fair and just accounts of all monies to be received by them from the said commissioners first herein named and from the stockholders or subscribers to the said subscriptions or shares; and of all monies by them to be expended, in the prosecution of their said work; and shall once, at least in every year, submit such accounts to a general meeting of the stockholders until the said roads shall be completed, and until all the costs, charges and expences of effecting the same shall be fully liquidated, paid, and discharged. And if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said roads, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders, being convened according to the provisions of this act, or their by-laws and rules, to increase the amount to be paid on the shares from time to time to such extent as shall be necessary to accomplish the work and to demand and receive the increased amount so to be required on such charges, in like manner and under the like penalties as are herein before provided for the original payments, or as shall be provided by their by-laws.

Sec. 11. And be it further enacted, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all monies to be received by their several collectors of tolls at the turnpike gates on the said roads; and shall make and declare a half yearly dividend of the clear profits and income thereof all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half yearly dividend aforesaid in some newspaper printed in the district of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Sec. 12. And be it further enacted, That it shall be the duty of the said corporation to keep the said roads, as they are respectively completed, in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said roads to be out of repair, so as to be presented for such neglect, before any Court of competent jurisdiction, and, upon conviction thereof to pay to the U. S. a penalty not exceeding 100 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 net proceeds of tolls collected on said roads shall amount to a sum sufficient to reimburse the capital which shall be expended in the purchase of such land and making said roads, and 12 per cent. interest per annum thereon, to be ascertained by the Circuit Court of the U. S. in and for the district of Columbia, the same shall become free roads, and tolls shall be no longer collected thereon; and said company shall annually make returns to said Circuit Court of the amount of the tolls collected, and for their necessary expenses so as to enable said Circuit Court to determine when said tolls shall cease.

Sec. 13. And be it further enacted, That if any person or persons, riding in or driving any carriage of any kind, or leading, riding, or driving any horses, sheep, hogs, or any kind of cattle whatever on said roads, shall pass through any private gate, bars or fence or over any private way or passage or pass through any toll-gate under any pretended privilege or exemption to which he or they may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act; such person or persons, for every such offence, shall forfeit to the said president and directors not less than 3 nor more than 10 dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable. Provided, That it shall not be lawful for the company to ask, demand, or receive from or for persons living on or adjacent to the said roads, who may have oc-