

Bids, how opened.
31 Aug., 1852, c. 103, s. 1, v. 10, p. 93.
 Contracts in advance of appropriations void.
Ibid.
 Security required for advances to contractors.
Ibid.
 Rule of measurement.
Ibid.
 Extra materials, how rated.
Ibid.
 Illegal vouchers to be stopped.
Ibid.
 Penalty for making or passing, &c., fraudulent vouchers.
Ibid.

SEC. 239. Bids shall be opened in the presence of the bidders, if any of them shall be present, and notice thereof shall be given in the advertisement for proposals.

SEC. 240. All contracts made without an appropriation of money for an object, the subject of a contract, are void. [See R. S. U. S., §§ 3723, 3503.]

SEC. 241. Good and sufficient security shall be given for twice the amount of money advanced at any time to a contractor under any contract.

SEC. 242. The following rule of measurement shall be applied to all buildings and other public works and contracts in the District of Columbia, namely:

FIRST. The work and materials shall be measured agreeably to the original contracts.

SECOND. The contracts and the proposals shall be put in the hands of the measurer, who, before entering on duty, shall be sworn to examine and measure and report every part of the work and materials without deviation from the contracts and proposals.

SEC. 243. If it is shown that any extra materials are used they shall be rated at the pro-rata price for materials only, and shall be entered in a separate column of the account.

SEC. 244. It shall be the duty of the First Comptroller of the Treasury to arrest and stop any voucher not made in form and in accordance with the terms of the contract against which it is drawn.

SEC. 245. It shall be a penal offense for every measurer and inspector of work, or disbursing officer, to make, or present, or to pass, or attempt to pass, any falsely made or fictitious voucher to draw money from the Treasury on any contracts or accounts whatever.

[See R. S. U. S., §§ 5428, 5440, 3490-3494.]

CHAPTER ELEVEN.

HIGHWAYS, ROADS, AND BRIDGES.

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What are public highways.

30 Mar., 1810, c. 21, s. 1, v. 2, p. 569; 1 July, 1812, c. 117, s. 4, v. 2, p. 772; 3 May, 1862, c. 63, s. 2, v. 12, p. 383; 21 Feb., 1863, c. 51, s. 1, v. 12, p. 658; 3 Mar., 1863, c. 106, s. 8, v. 12, pp. 801, 802; 25 June, 1864, c. 157, s. 8, v. 13, p. 194; 9 May, 1866, c. 76, v. 14, p. 45; 3 Mar., 1871, c. 139, ss. 1, 2, v. 16, p. 586.

SEC. 246. All public roads within said District, outside the limits of Washington and Georgetown, which have been duly laid out or declared and recorded as such, are public highways.

SEC. 247. The legislative assembly shall have the care and charge of, and the exclusive jurisdiction over, all the public roads and bridges, except such as belong to and are under the care of the United States, and except such as may be otherwise specially provided for by Congress.

Legislative assembly to have jurisdiction over roads and bridges.

[See § 67.] 25 June, 1864, c. 107, s. 1, v. 13, p. 193; 21 Feb., 1871, c. 62, ss. 5, 18, v. 16, pp. 420, 423.

SEC. 248. Every public highway shall be surveyed and platted, and a certificate of the survey and plat shall be recorded among the records used for recording surveys and plots of highways.

Public highways to be surveyed and recorded.

1 July, 1812, c. 117, s. 4, v. 2, p. 772; 3 May, 1862, c. 63, s. 3, v. 12, p. 383; 21 Feb., 1863, c. 51, s. 1, v. 12, p. 658.

SEC. 249. The boundaries of every public highway shall be permanently marked and fixed by the erection of stones or posts at the different angles thereof.

Boundaries to be permanently marked.

3 May, 1862, c. 63, s. 3, v. 12, p. 384.

SEC. 250. In laying out new roads, the proper authorities charged therewith shall cause such roads to be of a width not less than fifty nor more than one hundred feet, and may also cause the width of any existing roads to be increased to not more than one hundred feet, and may change the location of any of them as may be deemed best for the public interest.

Width and location of roads.

Ibid., s. 5, p. 384.

SEC. 251. No field, garden, or yard in actual cultivation shall be laid open or used as a public highway until after the usual time of taking off the crops growing thereon.

Fields, gardens, and yards, when not to be taken for roads.

Ibid., s. 7, p. 384.

SEC. 252. Whenever application shall be made to the proper authorities, by residents of the District without the limits of Washington and Georgetown, to lay out a new or alter any existing road, and whenever such authorities shall deem it conducive to the public interests to open a new road, or widen or change the course of an old one, the route of such road shall be surveyed, and a plat or map of the same prepared.

Laying out or widening, or changing roads.

3 Mar., 1863, c. 106, sec. 8, v. 12 pp. 801, 802.

3 May, 1862, c. 63, s. 5, v. 12, p. 384.

SEC. 253. The proper authorities shall cause notice to be given, by advertisement twice a week for three weeks, of the proposed opening of the new road, or of the alteration of an existing one, calling upon all persons who may have any objections thereto to present them to such authorities at their next regular meeting, when, if any objections are made, such objections shall be heard.

Notice to be given and objections heard.

3 Mar., 1863, c. 106, s. 8, v. 12, p. 801.

SEC. 254. If the route only is objected to, and another suggested as more advantageous, such route may be adopted, or five discreet, disinterested men, of whom the surveyor shall be one, may be appointed to examine all the proposed routes and report such one as they shall deem most feasible and advantageous to the District, and such report shall be made to the authorities at their next meeting.

Proceedings when route objected to and others proposed.

Ibid.

SEC. 255. If no objection to opening or altering a road is made by the owners of the land through which it must pass, after such notice, it shall be taken for granted that no damages are or will be claimed, and the road may be recorded and opened, and shall then be a public road or highway.

When no objection is made after notice.

Ibid.

SEC. 256. The notice required to be given by section two hundred and fifty-three need not be given when all the parties interested are agreed, and all roads laid out under such agreement without notice being given are lawful highways.

When parties in interest are agreed.

25 June, 1864, c. 157, s. 8, v. 13, p. 194.

SEC. 257. If any owner of land shall object and claim damages, and the amount cannot be agreed upon, the proper authorities shall direct the marshal of the District to summon a jury of seven judicious, disinterested men, not related to any party interested, to be and appear on the premises on a day specified to assess the damages, if any, which each owner of land through which the road is to pass may sustain by reason thereof.

When owners of land object and claim damages.

3 Mar., 1863, c. 106, s. 8, v. 12, p. 802.

Marshal to give notice to owners.

3 Mar., 1863, c. 106, s. 8, v. 12, p. 802.

When objection shall be presumed.

Ibid.

Marshal to summon jury and administer oath.

Ibid.

What the jury shall consider.

Ibid.

Proceedings upon rendering verdict.

Ibid.

When a second jury may be summoned; proceedings.

Ibid.

Verdict of second jury conclusive.

Ibid.

Costs, by whom paid.

Ibid.

Fees of marshal and jurors.

Ibid.

SEC. 258. It shall be the duty of the marshal, upon receiving the order mentioned in the preceding section, to give the owners not less than ten days' notice of the time and place of the meeting of the jury to assess their damages.

SEC. 259. In cases where notice cannot be served on the owner, and in all cases where the land through which it is proposed to run a road shall belong to a minor or minors, it is presumed that objection is made, and damages shall be assessed accordingly.

SEC. 260. The marshal shall summon the jury, and administer an oath or affirmation to them that they will, without favor or partiality to any one, to the best of their judgment, decide what damage, if any, each owner may sustain by reason of running the road through his premises.

SEC. 261. In making their decision the jury shall take into consideration the benefit such road may be to each owner by enhancing the value of his land, or otherwise, and shall give their verdict accordingly.

SEC. 262. The jury, having been upon the premises and assessed the damages, shall make out a written verdict, to be signed by them, or a majority of them, and attested by the marshal, which the marshal shall transmit to the proper authorities at their next meeting, and which shall be recorded.

SEC. 263. If the proper authorities or any owners of the land are dissatisfied with the verdict thus rendered, and no arrangement being made between them, the marshal shall be ordered to summon a second jury of twelve judicious, disinterested men, not related to any one interested, to meet and view the premises, giving the parties interested at least ten days' notice of the time and place of meeting. And the marshal and jury shall proceed as before directed in regard to the first jury.

SEC. 264. The verdict of the second jury, signed by each of the jurors, or a majority of them, shall be returned to the proper authorities at their next meeting and recorded as final and conclusive, and the road shall then be declared a public road, and opened as such.

SEC. 265. In all cases where it becomes necessary to summon a second jury to assess damages, if the amount assessed by the second jury shall not be greater than the amount assessed by the first, the costs of the second jury shall be paid by the parties objecting to the first verdict; but if greater, they shall be paid by the District. All expenses up to the second jury shall be paid by the District.

SEC. 266. The following fees are payable under the provisions of this chapter:

MARSHAL'S FEES.

For summoning each juror the marshal shall be entitled to fifty cents.

For travel, per mile, going and coming to the premises to be examined, twelve and a half cents.

For each day's attendance, two dollars and fifty cents.

JUROR'S FEES.

For each day's attendance, two dollars.

SEC. 267. In any case where materials of any kind shall be deemed necessary for making or repairing a public road, if the proper authorities cannot agree with the owner as to their purchase, such materials may be condemned in the same manner as provided for in this chapter in cases of condemnation of land for the purposes of a public road.

SEC. 268. If any person shall alter or in any manner obstruct or encroach on a public road, or cut, destroy, deface, or remove any mile-stones set up on such road, or place any rubbish, dirt, logs, or make any pit or hole therein, such person may be indicted, and, upon conviction thereof before the proper court, shall be fined or imprisoned, in the discretion of the court, according to the nature of the offense.

Materials, how may be condemned.

Ibid., s. 9, p. 802.

Penalty for willful injury to public road.

1 July, 1812, c. 117, s. 7, v. 2, p. 772.

SEC. 269. Any person who, without lawful authority, shall obstruct the free use of any of the public highways, which had been used and recognized as public county-roads for twenty-five years prior to May third, eighteen hundred and sixty-two, and which were thereafter duly surveyed, recorded, and declared public highways according to law, shall be subject to a fine for each offense of not less than one hundred nor more than two hundred and fifty dollars, and be imprisoned till the fine and the costs of suit and collection of the same are paid.

Penalty for obstructing free use of highways.

3 May, 1862, c. 63, s. 2, v. 12, p. 383.

SEC. 270. The fines provided for in the preceding section shall be collected in the name of the United States for the use of that portion of the District outside of the limits of Washington and Georgetown.

Fines, how collected and disposed of.

[See §§ 313-316.]

Ibid.

CHAPTER TWELVE.

PUBLIC SCHOOLS.

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SEC. 271. Every person in the District of Columbia, having under control any child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of the District in which he shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the school of that portion of the District in which he resides a sum not

All children between certain ages to be sent to school; penalty for neglect.

25 June, 1864, c. 156, s. 20, v. 13, p. 192.