

FORTY-THIRD

CONGRESS OF THE UNITED STATES, AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-THREE.

AN ACT

To revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the first day of December, in the year of our Lord one thousand eight hundred and seventy-three.

CHAPTER ONE.

ORGANIZATION AND GOVERNMENT.

Sec.

1. Territorial area.
2. A body-corporate for municipal purposes ; powers and limitations.
3. Governor, appointment and term of office.
4. Qualifications.
5. Salary, how payable.
6. Powers and duties.
7. Veto power.
8. Passage of bills over governor's veto.
9. Vote, how taken.
10. Bills not returned within ten days.
11. Secretary, appointment, qualifications, and term of office.
12. Salary, how payable.
13. Duties of secretary.
14. When to act as governor.
15. Provision in case of vacancy in offices of both governor and secretary.
16. Legislative assembly.
17. Council; number and qualifications of members.
18. Appointment and term of office.
19. House of delegates; term of service and qualifications of members.
20. Apportionment of council and delegate districts.
21. Formation of districts, how prescribed.
22. Salaries of members of legislative assembly.
23. Additional allowance to presiding officers.
24. Officers of legislative assembly.
25. Salaries.
26. Time of meeting of legislative assembly.
27. Length of sessions.
28. Limitation of sessions.
29. Restrictions upon members.
30. United States officers prohibited from being members.
31. Oath of members.

Sec.

32. Forfeiture of office for refusal to take oath.
33. Penalty for false swearing.
34. Quorum of legislative assembly.
35. House to determine qualifications of its members.
36. Rules of each house and choice of officers.
37. Opening of council.
38. Opening of house.
39. Expulsion of members.
40. Punishment of non-members for contempt.
41. Adjournment.
42. Yeas and nays.
43. Where bills may originate.
44. Vote on final passage.
45. Bills to be read at large.
46. Subject of act to be embraced in title.
47. Restrictions upon legislation in appropriation bills.
48. When acts take effect; emergency clause.
49. Extent and limitations of the legislative power.
50. All acts subject to repeal, &c., by Congress.
51. Extra allowances to officers, contractors, &c., prohibited.
52. Unauthorized contracts void.
53. District not to give its credit, &c., to corporations or individuals.
54. Special laws ; in what cases shall not be passed.
55. Legislative assembly not to release indebtedness to the District.
56. Nor to establish banks of circulation or authorize issue of currency.
57. Legislative assembly not to pass certain laws.
58. Right of suffrage not to be abridged.
59. Free schools.

- Sec.
60. Paupers.
 61. Practice and jurisdiction of courts.
 62. Justices of the peace and notaries public.
 63. Power to impose additional duties on certain United States officers.
 64. Ministerial officers.
 65. Creation of corporations by general law.
 66. Townships.
 67. Roads and bridges.
 68. Payment of debts of old corporations.
 69. Delegate to Congress may be elected.
 70. Qualifications.
 71. Rights and Privileges.
 72. Board of health; appointment, powers, and duties.
 73. Salaries.
 74. Board of public works.
 75. Term of office.
 76. Salaries.
 77. General powers.
 78. Disbursement of moneys.
 79. To make building regulations subject to supervision of legislative assembly.
 80. Contracts to be in writing and copies filed in office of secretary of the District.

- Sec.
81. Restrictions upon contracts.
 82. Contracts in which members of board are interested void.
 83. Restrictions upon making contracts or incurring liabilities on account of United States.
 84. Annual report, how made and to whom transmitted.
 85. Oath of District officers.
 86. Disqualification for crime.
 87. Disbursing officers to give security.
 88. Salaries of District officers, how paid.
 89. Judicial courts, how continued.
 90. Register of wills, recorder of deeds, attorney, and marshal.
 91. Laws and ordinances remaining in force.
 92. Certain laws of Maryland continued in force.
 93. Laws of United States not locally inapplicable.
 94. Cities of Washington and Georgetown to continue to be so known.
 95. Charters continued for certain purposes.
 96. District the successor of old corporations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia is that portion of the territory of the United States ceded by the State of Maryland for the permanent seat of government of the United States, including the river Potomac in its course through the District, and the islands therein. [Sec R. S. U. S., § 1795.]

Territorial area.

16 July, 1790,
c. 28, s. 1, v. J, p.
130.

27 Feb., 1801, c. 15, s. 2, v. 2, p. 105. 21 Feb., 1871, c. 62, s. 1, v. 16, p. 419. *United States vs. Hammond*, 1 Cranch, C. C., 15; *Kendall vs. United States*, 12 Peters, 524; *Reily vs. Lamar*, 2 Cranch, 343; *Gordon vs. Lindo*, 1 Cranch, C. C., 588; *Bank of Alexandria vs. Dyer*, 14 Peters, 141; *United States vs. Simms*, 1 Cranch, 252; *Fenwick vs. Sears's Administrator*, 1 Cranch, 259; *Stelle vs. Carroll*, 12 Peters, 201; *Loughborough vs. Blake*, 5 Wheaton, 317; *Cohens vs. Virginia*, 6 Wheaton, 424; *Hepburn and Dundas vs. Ellzey*, 2 Cranch, 444; *Mutual Assurance Society vs. Watts' Executor*, 1 Wheaton, 279; *Westcott's Lessee vs. Inhabitants*, 1 Peters, C. C., 45; *O'Neill's Lessee vs. Brown*, 1 Peters, C. C., 69; *United States vs. Watkins*, 3 Peters, C. C., 441.

The District created a government and constituted a body corporate for municipal purposes.

21 Feb., 1871, c. 62, s. 1, v. 16, p. 419.

SEC. 2. The District is created a government by the name of the District of Columbia, by which name it is constituted a body-corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this title.

THE GOVERNOR.

Governor, appointment, and term of office.

Ibid., s. 2.

Qualifications.

Ibid.

Salary, how payable.

Ibid., s. 32, p. 425.

Powers and duties.

Ibid., s. 2, p. 419.

SEC. 3. The executive power is vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall hold office for four years, and until his successor is appointed and qualified.

SEC. 4. The governor shall be a citizen of the District, and shall have resided therein twelve months before his appointment, and shall have the qualifications of an elector.

SEC. 5. The governor shall receive an annual salary of three thousand dollars, payable quarter-yearly from the date of his appointment, at the Treasury of the United States; but no payment shall be made until he shall have entered upon the duties of his office.

SEC. 6. The governor may grant pardons and respite for offenses against the laws of the District enacted by the legislative assembly thereof. He shall commission all officers elected or appointed under the

laws of the District so enacted, and shall take care that the laws be faithfully executed.

SEC. 7. Every bill which passes the council and house of delegates shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large on the journal, and proceed to reconsider it.

Veto power.
21 Feb., 1871, c. 62, v. 16, s. 3, p. 420.

SEC. 8. If, after reconsideration, two-thirds of all the members appointed or elected to said house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of all the members appointed or elected to that house, it shall become a law.

Passage of bills over governor's veto.
Ibid.

SEC. 9. In all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively.

Vote, how taken.
Ibid.

SEC. 10. If any bill shall not be returned by the governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return; in which case it shall not be a law.

Bills not returned within ten days.
Ibid.

THE SECRETARY.

SEC. 11. There shall be appointed by the President, by and with the advice and consent of the Senate, a secretary of the District, who shall reside therein, and possess the qualifications of an elector, and who shall hold office for four years, and until his successor is appointed and qualified.

Secretary, appointment, qualifications, and term of office.
Ibid., s. 4.

SEC. 12. The secretary shall receive an annual salary of two thousand dollars, payable quarter-yearly from the date of his appointment, at the Treasury of the United States, but no payment shall be made until he shall have entered upon the duties of his office.

Salary, how payable.
Ibid., s. 32, p. 425.

SEC. 13. The secretary shall record and preserve all laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and four copies of the laws to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress.

Duties of secretary.
Ibid., s. 4, p. 420.

SEC. 14. In case of the death, removal, resignation, disability, or absence from the District of the governor, the secretary shall execute and perform all the powers and duties of the governor during such vacancy, disability, or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

When to act as governor.
Ibid.

SEC. 15. In case the offices of governor and secretary shall both become vacant, the powers, duties, and emoluments of the office of governor shall devolve upon the presiding officer of the council, and in case that office shall also be vacant, upon the presiding officer of the house of delegates, until the office shall be filled by a new appointment.

Provision in case of vacancy in offices of governor and secretary.
Ibid.

THE LEGISLATIVE ASSEMBLY.

SEC. 16. The legislative power is vested in a legislative assembly, which shall consist of a council and house of delegates.

Legislative assembly.
Ibid., s. 5.

SEC. 17. The council shall consist of eleven members, of whom two shall be residents of Georgetown, and two residents of the District outside of Washington and Georgetown, and they shall have the qualifications of voters and shall reside in and be inhabitants of the districts from which they are appointed. [See § 86.]

Council: number and qualifications of members.
Ibid.

Appointment and term of office.

21 Feb., 1871, c. 62, s. 5, v. 16, p. 420.

House of delegates: term of service and qualifications of members.

Ibid.

Apportionment of council and delegate districts.

Ibid.

Formation of districts, how prescribed.

Ibid., p. 421.

Salaries of members of the legislative assembly.

Ibid., s. 32, p. 425.

Additional allowance to the presiding officers.

Ibid.

Officers of the legislative assembly.

Ibid.

Salaries.

Ibid., p. 426.

Time of meeting.

Ibid., s. 5, p. 421.

Length of sessions.

Ibid.

Limitation of sessions.

Ibid., s. 32, p. 426.

Restrictions upon members.

Ibid., s. 19, p. 423.

United States officers prohibited from being members.

Ibid.

Oath of members.

Ibid., s. 9, p. 421.

SEC. 18. Members of the council shall be appointed by the President, by and with the advice and consent of the Senate, for the term of two years, in such manner that five shall be appointed one year, six the succeeding year, and so on alternately.

SEC. 19. The house of delegates shall consist of twenty-two members, whose term of service shall continue one year. They shall have the qualifications of voters, and reside in and be inhabitants of the districts from which they are elected. [See § 86.]

SEC. 20. An apportionment shall be made as nearly equal as practicable, into eleven districts, for the appointment of the council, and into twenty-two districts for the election of delegates, giving to each section of the District representation in the ratio of its population as nearly as may be.

SEC. 21. The formation of districts for members of the council and house of delegates shall be prescribed by law.

SEC. 22. Members of the legislative assembly shall be entitled to receive four dollars each per day, during their actual attendance at the session thereof.

SEC. 23. An additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he shall so preside.

SEC. 24. A chief clerk, one assistant clerk, one engrossing and one enrolling clerk, and a sergeant-at-arms, may be chosen for each house.

SEC. 25. The chief clerk shall receive four dollars per day, and the other officers authorized by the preceding section three dollars per day, during the session of the legislative assembly.

SEC. 26. The day of the commencement of the regular sessions of the legislative assembly shall be prescribed by law.

SEC. 27. No session of the legislative assembly in any one year shall exceed the term of sixty days.

SEC. 28. There shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together.

SEC. 29. No member of the legislative assembly shall hold or be appointed to any office which is created or the salary or emoluments of which is increased while he is a member, during the term for which he is appointed or elected, and for one year after the expiration of such term.

SEC. 30. No person holding any office of trust or profit under the Government of the United States shall be a member of the legislative assembly.

SEC. 31. Members of the legislative assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and will faithfully discharge the duties of the office upon which I am about to enter; and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept, or receive, directly or indirectly, any money or other valuable thing for any vote or influence that I may give or withhold on any bill, resolution, or appropriation, or for any other official act."

SEC. 32. Any member of the legislative assembly who refuses to take the oath prescribed in the preceding section shall forfeit his office.

Forfeiture of office for refusal to take oath.

21 Feb., 1871, c.

62, s. 9, v. 16, p. 421.

SEC. 33. Every person who shall be convicted of having sworn falsely to or of violating the oath prescribed in section thirty-one, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in the district, and shall be deemed guilty of perjury, and upon conviction shall be punished accordingly.

Penalty for false swearing.

Ibid.

SEC. 34. A majority of the legislative assembly appointed or elected to each house shall constitute a quorum.

Quorum of legislative assembly.

Ibid., s. 10, p. 422.

SEC. 35. The house of delegates shall be the judge of the election returns and qualifications of its members.

House to determine qualifications of its members.

Ibid.

SEC. 36. Each house shall determine the rules of its proceedings, and shall choose its own officers.

Rules of each house and choice of officers.

Ibid.

SEC. 37. The governor shall call the council to order at the opening of each new assembly.

Opening of council.

Ibid.

SEC. 38. The secretary of the District shall call the house of delegates to order at the opening of each new assembly, and shall preside over it until a temporary presiding officer shall have been chosen and shall have taken his seat.

Opening of house.

Ibid.

SEC. 39. No member shall be expelled by either house except by a vote of two-thirds of all the members appointed or elected to that house.

Expulsion of members.

Ibid.

SEC. 40. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but no such imprisonment shall extend beyond twenty-four hours at one time.

Punishment of non-members for contempt.

Ibid.

SEC. 41. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which such house shall be sitting.

Adjournment.

Ibid.

SEC. 42. At the request of any member the yeas and nays shall be taken upon any question and entered upon the journal.

Yeas and nays.

Ibid.

SEC. 43. Bills may originate in either house, but may be altered, amended, or rejected by the other.

Where bills may originate.

Ibid., s. 11.

SEC. 44. On the final passage of all bills the vote shall be by yeas and nays upon each bill separately, and shall be entered upon the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

Vote on final passage.

Ibid.

SEC. 45. Every bill shall be read at large on three different days in each house.

Bills to be read at large.

Ibid., s. 12.

SEC. 46. No act shall embrace more than one subject, and that shall be expressed in its title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Subject of act to be embraced in title.

Ibid.

SEC. 47. No bill making appropriations for the pay or salaries of the officers of the District government shall contain any provisions on any other subject.

Restrictions upon legislation in appropriation bills.

Ibid., s. 13.

SEC. 48. No act of the legislative assembly shall take effect until thirty days after its passage, unless, in case of emergency, which emergency shall be expressed in the preamble or body of the act, the legislative assembly shall, by a vote of two-thirds of all the members appointed or elected to each house, otherwise direct.

When acts take effect. Emergency clause.

Ibid., s. 12.

SEC. 49. The legislative power of the District shall extend to all rightful subjects of legislation within the District, consistent with the Constitution of the United States and the provisions of this title, subject to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States.

Extent and limitation of legislative power.

Ibid., s. 18, p. 423.

All acts subject to repeal, &c., by Congress.

21 Feb., 1871, c. 62, s. 18, v. 16, p. 423.

Extra allowance to officers or contractors, &c., prohibited.

Ibid., s. 15, p. 423.
Unauthorized contracts void.

Ibid.

District not to give its credit, &c., to corporations or individuals.

Ibid., s. 16.
Special laws; in what cases shall not be passed.

Ibid., s. 17.

Legislative assembly not to release indebtedness to the District.

Ibid.
Nor to establish banks of circulation or authorize issue of currency.

Ibid.
Legislative assembly not to pass certain laws.

Ibid., s. 20.

Right of suffrage not to be abridged.

Ibid., s. 7, p. 421.
Free schools to be maintained.

Ibid., s. 23, p. 424.
Paupers.

Ibid., s. 29, p. 425.

Practice and jurisdiction of judicial courts.

Ibid., s. 25, p. 424.

SEC. 50. All acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing shall be construed to deprive Congress of the power of legislation over the District in as ample manner as if this chapter had not been enacted.

SEC. 51. The legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or a contract made.

SEC. 52. The legislative assembly shall never authorize the payment of any claim, or part thereof, created against the District under any contract or agreement made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 53. The District shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to, or in aid of, any public or other corporation, association, or individual.

SEC. 54. The legislative assembly shall not pass special laws in any of the following cases, that is to say:

First. For granting divorces;

Second. Regulating the practice in courts of justice;

Third. Regulating the jurisdiction or duties of justices of the peace or constables;

Fourth. Providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors;

Fifth. Remitting fines, penalties, or forfeitures;

Sixth. The sale or mortgage of real estate belonging to minors or others under disability;

Seventh. Changing the law of descent;

Eighth. Increasing or decreasing the fees of public officers during the term for which such officers are elected or appointed;

Ninth. Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatsoever.

SEC. 55. The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein.

SEC. 56. The legislative assembly shall have no power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

SEC. 57. The legislative assembly shall not have power to pass any ex post facto law;

Nor law impairing the obligation of contracts;

Nor to tax the property of the United States;

Nor to tax the lands or other property of non-residents higher than the lands or other property of residents.

SEC. 58. The legislative assembly shall have no right to abridge or limit the right of suffrage.

SEC. 59. It shall be the duty of the legislative assembly to maintain a system of free schools for the education of the youth of the District.

SEC. 60. The legislative assembly shall define by law who shall be entitled to relief as paupers, and shall provide by law for the support and maintenance of such paupers, and for that purpose shall raise the money necessary by taxation.

SEC. 61. The legislative assembly shall have power to pass laws modifying the practice of the judicial courts of the District, and conferring such additional jurisdiction as may be necessary to the due execution and enforcement of the laws of the District.

SEC. 62. The legislative assembly shall have power to provide for the appointment of as many justices of the peace and notaries public for the District as may be deemed necessary, to define their jurisdiction, and prescribe their duties.

Justices of the peace and notaries public.

21 Feb., 1871, c. 62, s. 24, v. 16, p. 424.

SEC. 63. The legislative assembly shall have power to impose such additional duties upon the register of wills, recorder of deeds, United States attorney, and United States marshal for the District, respectively, as may be necessary to the due enforcement of the laws of the District.

Power to impose additional duties upon certain United States officers.

Ibid., s. 27, p. 425.
Ministerial officers.

SEC. 64. The legislative assembly shall have power to provide by law for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of the District, to prescribe their duties, their terms of office, and the rate and manner of their compensation.

Ibid., s. 30, p. 425.

SEC. 65. The legislative assembly shall have power to create by general law, modify, repeal, or amend, within the District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities; but the powers of corporations so created shall be limited to the District.

Creation of corporations by general law.

Ibid. s. 28, p. 425.

SEC. 66. The legislative assembly shall have power to divide that portion of the District not included in the limits of Washington or Georgetown into townships, not exceeding three, and create township officers, and prescribe the duties thereof. [See § 102.]

Townships.

Ibid., s. 6, p. 421.

SEC. 67. The legislative assembly may make appropriations for the repair of roads, or for the construction or repair of bridges within the District outside the limits of the cities of Washington and Georgetown. [See § 247.]

Roads and bridges.

Ibid., s. 22, p. 424.

SEC. 68. The legislative assembly shall have power to levy a special tax upon property, except the property of the Government of the United States, within the city of Washington, for the payment of the debts of said city; and upon property, except the property of the Government of the United States, within the limits of the city of Georgetown for the payment of the debts of said city; and upon property, except the property of the Government of the United States, within the District not included within the limits of either of said cities, to pay any debts owing by that portion of the District.

Payment of the debts of the old corporations.

Ibid., s. 40, p. 428.

DELEGATE TO CONGRESS.

SEC. 69. A Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters of the District qualified to elect members of the legislative assembly. [See R. S. U. S., § 2011 et seq.]

Delegate to Congress may be elected.

Ibid., s. 34, p. 426.

SEC. 70. The Delegate to the House of Representatives shall be a citizen of the United States and of the District of Columbia, and shall have the qualifications of a voter.

Qualifications.

Ibid.

SEC. 71. He shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several Territories of the United States to the House of Representatives, and shall also be a member of the Committee for the District of Columbia. [See R. S. U. S., § 1862.]

Rights and privileges.

Ibid.

BOARD OF HEALTH.

SEC. 72. There shall be appointed by the President, by and with the advice and consent of the Senate, a board of health for the District, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly. [See § 380.]

Board of health; appointment, powers, and duties.

Ibid., s. 26, pp. 424, 425.

Barnes vs. Dist. of Col., Wash. Law Rep., v. 1, No. 40, p. 261.

Salaries.

17 Dec., 1872, c. 5, v. 17, p. 400; 8 May, 1872, c. 140, s. 1, v. 17, p. 74; 3 Mar., 1873, c. 226, s. 1, v. 17, pp. 499, 500.

SEC. 73. The members of the board of health shall be paid a salary of two thousand dollars each, annually, but no salary shall be paid to any member of such board who shall hold any other Federal office.

BOARD OF PUBLIC WORKS.

Board of public works; appointment and qualifications of members.

21 Feb., 1871, c. 62, s. 37, v. 16, pp. 426, 427.

SEC. 74. There shall be in the District a board of public works, to consist of the governor, who shall be president of the board; four persons, to be appointed by the President of the United States by and with the advice and consent of the Senate, one of whom shall be a civil engineer, and the others citizens and residents of the District, having the qualifications of an elector therein. One of said board shall be a citizen and resident of Georgetown; and one of said board shall be a citizen and resident of the county outside of the cities of Washington and Georgetown.

Term of office.

Ibid.

SEC. 75. The members of the board of public works shall hold office for the term of four years, unless sooner removed by the President of the United States.

Salaries.

Feb. 21, 1871, c. 62, ss. 37, 38, v. 16, p. 427; 20 Apr., 1871, c. 21, s. 3, v. 17, p. 7; 8 May, 1872, c. 140, s. 1, v. 17, p. 74; 3 Mar., 1873, c. 226, s. 1, v. 17, pp. 499, 500.

SEC. 76. They shall be paid the sum of two thousand five hundred dollars each annually, but no salary shall be paid to the governor as a member of the board of public works in addition to his salary as governor; nor shall any officer of the Army appointed upon said board receive any increase of pay for such service; nor shall any person be entitled to draw a salary as a member of said board who shall hold any other Federal office, or who is paid a salary for the discharge of the duties of any other officer under the Government of the United States.

General powers.

21 Feb., 1871, c. 62, s. 37, v. 16, p. 427.

Barnes vs. Dist. of Col., Wash., Law Rep., v. 1, No. 32, p. 197.

SEC. 77. The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress. [See §§ 233-245.]

Disbursement of moneys.

Ibid.

SEC. 78. They shall disburse upon their warrant all moneys appropriated by the United States, or the District of Columbia, or collected from property-holders, in pursuance of law, for the improvement of streets, avenues, alleys, and sewers, and roads and bridges. [See §§ 110-118.]

Building-regulations.

Ibid.

SEC. 79. They shall make all necessary regulations respecting the construction of private buildings in the District, subject to the supervision of the legislative assembly.

Contracts to be in writing, and copies filed in office of secretary of the District.

Ibid.

SEC. 80. All contracts made by the board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District. [See § 52.]

Restrictions upon contracts.

Ibid.

SEC. 81. The board of public works have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made. [See §§ 52, 112.]

Contracts in which members of board are interested void. Payments on such contracts prohibited.

Ibid.

SEC. 82. All contracts made by the board of public works in which any member of the board shall be personally interested shall be void, and no payment shall be made thereon by the District or any officers thereof.

Restrictions upon making contracts or incurring liabilities on account of the United States.

SEC. 83. The board of public works are prohibited from incurring or contracting further liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into

any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

8 Jan., 1873, c. 18, v. 17, pp. 405, 406.

SEC. 84. On or before the first Monday in November of each year, the board of public works shall submit to each branch of the legislative assembly a report of their transactions during the preceding year, and also furnish duplicates of the same to the governor, to be by him laid before the President of the United States for transmission to the two Houses of Congress.

Annual report, how and to whom made and transmitted.

21 Feb., 1871, c. 62, s. 37, v. 16, p. 427.

GENERAL PROVISIONS OF OFFICERS.

SEC. 85. The governor, secretary, and other officers, appointed pursuant to this Title, and all civil officers in the District shall, before they act as such, respectively take and subscribe an oath or affirmation to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; and the oath or affirmation provided for by this section, shall be taken and subscribed, certified and recorded, in such manner and form as may be prescribed by law.

Oath of District officers.

Ibid., s. 31, p. 425.
Derr *et al. vs.* Lube-
y, Wash. Law
Rep., v. 1, No. 20,
p. 101.

SEC. 86. No person convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, upon final judgment, duly recovered according to law, all such moneys due from him, shall be eligible to the legislative assembly or to any office of profit or trust in the District.

Disqualification for crime.

Ibid., s. 8, p. 421.

SEC. 87. All officers appointed by the President for the District, who, by virtue of the provisions of any law of Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

Disbursing officers to give security.

Ibid., s. 35, p. 426.

SEC. 88. All officers provided for in this Title who shall be appointed by the President, shall be paid by the United States by appropriations to be made by law; and all other officers of the District, provided for by this Title, shall be paid by the District.

Salaries of District officers, how paid.

Ibid., s. 38, p. 427.

CERTAIN COURTS, OFFICERS, AND POWERS CONTINUED.

SEC. 89. The judicial courts of the District remain as organized on the twenty-first day of February, eighteen hundred and seventy-one, until abolished or changed by act of Congress.

Judicial courts, how continued.

Ibid., s. 25, p. 424.

SEC. 90. The offices and duties of register of wills, recorder of deeds, United States attorney, and United States marshal for the District, remain as under laws existing on the twenty-first day of February, eighteen hundred and seventy-one, till modified by act of Congress.

Register of wills, recorder of deeds, attorney, and marshal.

Ibid., s. 27, p. 425.

SEC. 91. All laws and ordinances of the cities of Washington and Georgetown, respectively, and of the levy court of the District of Columbia, not inconsistent with this chapter, and except as modified or repealed by Congress or the legislative assembly of the District since the first day of June, eighteen hundred and seventy-one, or until so modified or repealed, remain in full force.

Laws and ordinances of Washington and Georgetown and of the levy court to remain in force until, &c.

Ibid, s. 40, p. 428. Mayor *vs.* Meigs, Wash. Law Rep., v. 1, No. 7, p. 25.

SEC. 92. The laws of the State of Maryland not inconsistent with this Title, as the same existed on the twenty-seventh day of February, eighteen hundred and one, except as since modified or repealed by Congress or by authority thereof, or until so modified or repealed, continue in force within the District.

Certain laws of Maryland continued in force.

27 Feb., 1801, c. 15, s. 1, v. 2, pp. 103, 104.

Forrest *vs.* Hanson, 1 Cranch, C. C., 12; Ray *vs.* Law, 1 Cranch, C. C., 349; Mason's Administrators *vs.* Lawrason & Smoot, 1 Cranch, C. C., 190.

SEC. 93. The Constitution and all the laws of the United States, Laws of United

States not locally inapplicable.

which are not locally inapplicable, shall have the same force and effect within the District as elsewhere within the United States.

21 Feb., 1871, c. 62, s. 34, v. 16, p. 426.

Former cities of Washington and Georgetown to continue to be known as such.

SEC. 94. That portion of the District included within the limits of the city of Washington, as the same existed on the twenty-first day of February, eighteen hundred and seventy-one, shall continue to be known as the city of Washington, and that portion of the District included within the limits of the city of Georgetown, as the same existed at that date, shall continue to be known as the city of Georgetown.

Ibid., s. 40, p. 428.

Charter of Washington and Georgetown, and powers of levy court continued for certain purposes.

SEC. 95. The charters of the cities of Washington and Georgetown severally, and the powers of the levy court of the District of Columbia, shall be continued for the following purposes, to wit:

Ibid.

First. For the collection of all sums of money due to said cities respectively, or to the levy court;

Second. For the enforcement of all contracts made by said cities, respectively, or by the levy court, and all taxes assessed prior to the twenty-first day of February, eighteen hundred and seventy-one, remaining unpaid;

Third. For the collection of all just claims against said cities, respectively, or against the levy court;

Fourth. For the enforcement of all legal contracts against said cities, respectively, or against the levy court, until the affairs of said cities, respectively, and of the levy court, shall have been fully closed;

And no suit in favor of or against said corporations, or either of them, shall abate by reason of the passage of the act "to provide a government for the District of Columbia," approved February 21, 1871, but the same shall be prosecuted to final judgment as if said act had not been passed.

District of Columbia the successor of the former corporations.

SEC. 96. The District of Columbia is the successor of the corporations of Washington and Georgetown, and all the property of said corporations, and of the county of Washington, is vested in the District of Columbia. [See §§ 313-316.]

Ibid., s. 41, pp. 428, 429.

CHAPTER TWO.

ELECTIONS.

- Sec.
- 97. Elections, how to be held and conducted.
 - 98. Qualifications of voters; eligibility to office.
 - 99. Election of Delegate to Congress.
 - 100. Election of members of house of delegates.
 - 101. New election, when.
 - 102. Election of township officers.
 - 103. Penalty for using personal violence upon an elector.

- Sec.
- 104. Penalty for interrupting a voter.
 - 105. Illegal voting and illegal conduct at elections; penalty.
 - 106. Voters to have right of action when vote is unlawfully refused.
 - 107. Bribing voters; penalty.
 - 108. Voters accepting bribes; penalty.
 - 109. Certain persons not to be officers of election.

Elections, how to be held and conducted.

SEC. 97. The time, place, and manner of holding and conducting all elections by the people shall be prescribed by law.

21 Feb., 1871, c. 62, ss. 5, 34, v. 16, pp. 421, 426.

Qualifications of voters; eligibility to office.

SEC. 98. All male citizens of the United States above the age of twenty-one years, except such as are non compos, and persons convicted of infamous crimes, who have been actual residents of the District for twelve months prior to any election therein, shall be entitled to vote at such election, in the election district or precinct in which they shall then respectively reside, and shall have so resided for thirty days immedi-

8 Jan., 1867, c. 6, s. 1, v. 14, p. 375.
18 Mar., 1869, c. 3, v. 16, p. 3.

ately preceding such election, and shall be eligible to any office within the District. [Sec §§ 58, 56; R. S. U. S., §§ 1992, 2004.] 21 Feb., 1871, c. 62, s. 7, v. 16, p. 421.

Hepburn vs. Ellzey, 2 Cranch, 445; Westcott vs. Fairfield, Peters, C. C., 45; Spencer vs. Board of Registration, and Webster vs. Superintendent of Elections, Wash. Law Rep., v. 1, No. 18, p. 85.

SEC. 99. At any election for Delegate to the House of Representatives of the United States the person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. Election of Delegate to Congress. Ibid., s. 34, p. 426.

SEC. 100. In all elections for members of the house of delegates the persons having the highest number of legal votes shall be declared by the governor duly elected members of said house. Election of members of house of delegates. Ibid., s. 5, p. 421.

SEC. 101. In case two or more persons voted for shall have an equal number of votes for the same office, or if a vacancy shall occur in the house of delegates, the governor shall order a new election. New election, when. Ibid., s. 6.

SEC. 102. All township officers shall be elected by the people of the townships respectively. Election of township officers. Ibid., s. 6.

SEC. 103. It shall be a misdemeanor, punishable by imprisonment in the District jail or penitentiary, not exceeding two years, or by a fine not exceeding five hundred dollars, for any person, without justifiable or excusable cause, to use personal violence upon any elector in the District. Penalty for using personal violence upon an elector. 6 Aug., 1861, c. 62, s. 21, v. 12, p. 324.

SEC. 104. If any person willfully interrupts or disturbs any elector in the District in the exercise of the elective franchise he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding one thousand dollars, or be imprisoned in the District jail not exceeding thirty days, or both. Penalty for interrupting a voter. 8 Jan., 1867, c. 6, s. 3, v. 14, p. 375.

SEC. 105. If, at any election held in the District, any person shall knowingly personate and vote, or attempt to vote— Illegal voting and illegal conduct at elections; penalty. 8 Jan., 1867, c. 6, s. 2, v. 14, pp. 375, 376.

First, In the name of any other person, whether living, dead, or fictitious; Second, Or vote more than once at the same election for any candidate for the same office;

Third, Or vote at a place where he may not be entitled to vote;

Fourth, Or vote without having a lawful right to vote;

Fifth, Or do any unlawful act to secure a right or opportunity to vote for himself or any other person;

Sixth, Or by force, threats, menace, or intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of the District from freely exercising the right of suffrage;

Seventh, Or by any such means induce any voter to refuse to exercise such right;

Eighth, Or compel or induce, by any such means, or otherwise, any officer of any election in the District to receive a vote from a person not legally qualified or entitled to vote;

Ninth, Or interfere in any manner with any officer of elections in the discharge of his duties;

Tenth, Or by any unlawful means induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same;

Eleventh, Or knowingly or willfully receive the vote of any person not entitled to vote;

Twelfth, Or refuse to receive the vote of any person entitled to vote;

Thirteenth, Or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime;

Fourteenth, Or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so—

Every such person shall be deemed guilty of a crime, and shall for such crime be liable to prosecution, and, on conviction, shall be punished by

a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution. [See R. S. U. S., § 5506 et seq.]

Voter to have right of action when vote is unlawfully refused.

8 Jan., 1867, c. 6, s. 2, v. 14, p. 375.

Bribing voters; penalty.

Ibid., s. 8, p. 376.

SEC. 106. Any person whose duty it shall be to receive votes at any election within the District who shall willfully refuse to receive, or who shall willfully reject, the vote of any person entitled to vote in said District, shall be also liable to an action of tort by the person injured. [See R. S. U. S., § 2005 et seq.]

SEC. 107. If any persons shall, directly or indirectly, promise, offer, or give, or procure or cause to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any person, with intent to influence his vote to be given at any election held within the District, every person so offending shall, on conviction, be fined in any sum not exceeding two thousand dollars, or imprisoned not exceeding two years, or both, at the discretion of the court.

Voter accepting bribe; penalty.

Ibid., s. 9, p. 376.

SEC. 108. Any person who shall accept, directly or indirectly, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present or reward, or any other valuable thing whatever, to influence his vote at any election held in the District, shall, on conviction, be imprisoned not less than one year and be forever disfranchised.

Certain persons not to be officers of election.

21 June, 1870, c. 16, v. 16, p. 159.

5 Feb., 1867, c. 31, v. 14, p. 390.

29 Mar., 1867, Res. No. 26, v. 15, p. 27.

SEC. 109. No person holding any other office or employment under the District government, and no person who is a candidate for office, shall serve as an officer of election in Washington or Georgetown, either in the preparation of lists of persons qualified to vote or in the reception, deposit, counting, declaration, or return of votes at any election in said District.

CHAPTER THREE.

APPROPRIATION AND DISBURSEMENT OF PUBLIC MONEY.

- Sec. 110. Appropriations for expenditures of District government; restrictions.
- 111. When appropriations expire.
- 112. No money to be drawn from the treasury except by law.
- 113. Disbursements by governor and secretary.
- 114. Restrictions upon expenditures of congressional appropriations.

- Sec. 115. School money, how to be appropriated.
- 116. Money received from taxes not to be diverted from its legitimate objects.
- 117. Taxes to be kept separate; no transfer of one fund to another; unlawful payments prohibited.
- 118. Penalty for violation of two preceding sections.

Appropriations for expenditures of District government; restrictions.

21 Feb., 1871, c. 62, s. 14, v. 16, p. 422.

When appropriations expire.

Ibid.

SEC. 110. Each legislative assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government of the District until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected or appointed to each house, nor exceed the amount of revenue authorized by law to be raised in such time.

SEC. 111. All appropriations, general or special, requiring money to be paid out of the District treasury, from funds belonging to the District, shall end with the fiscal quarter mentioned in the preceding section.

No money to be drawn from the treasury except by law.

SEC. 112. No money shall be drawn from the treasury of the District, except in pursuance of an appropriation made by law

Ibid., s. 13.

SEC. 113. The governor and secretary of the District shall in the disbursement of all moneys appropriated by Congress and intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the Secretary of the Treasury for the manner in which such moneys shall have been expended. [See R. S. U. S., § 5488.]

Disbursements by governor and secretary.

21 Feb., 1871, c. 62, s. 32, v. 16, p. 426.

SEC. 114. No expenditure shall be made by the legislative assembly of funds appropriated by Congress for objects not especially authorized by acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Restrictions upon expenditures of congressional appropriations.

Ibid.

SEC. 115. All moneys raised by general taxation, or arising from donations by Congress, or from other sources, except by bequest or devise, for school purposes, shall be appropriated for the equal benefit of all the youths of the District between certain ages, to be defined by law.

School money, how to be appropriated.

[See §§ 285, 306-308, 312-316.]

Ibid., s. 23, p. 424.

SEC. 116. It shall not be lawful for the District authorities, or any person charged with the disbursements of money in the District, to divert from its legitimate object any money levied or collected as taxes from the people of the District.

Money received from taxes not to be diverted from legitimate objects.

7 July, 1870, c. 212, s. 3, v. 16, pp. 190, 191.

SEC. 117. All such taxes so levied or collected shall be kept separate and distinct, each item under its own proper head, as named in the act or acts authorizing such levy to be made, and no change whatsoever shall be made by transfer of one fund to another, or by paying out any sum or sums of money on account of any object or purpose for which it was not levied or collected.

Taxes to be kept separate. No transfer of one fund to another; unlawful payments prohibited.

SEC. 118. Any person who shall violate the provisions of the two preceding sections, or either of them, shall be deemed guilty of a misdemeanor in office, and be dismissed therefrom.

Ibid. Penalty for violation of two preceding sections.

Ibid., s. 7, p. 191.

CHAPTER FOUR.

INDEBTEDNESS.

- Sec.
- 119. Aggregate debt not to exceed five per cent. of valuation unless authorized by vote of the people.
 - 120. Publication of the law.
 - 121. Payment of interest.
 - 122. Provision of law irrevocable.
 - 123. Law levying tax to be submitted to the people.
 - 124. Money not to be borrowed, or securities issued, without authority of law.
 - 125. Further limit to indebtedness of District.
 - 126. Certain acts of legislative assembly void.
 - 127. Certain acts confirmed.

- Sec.
- 128. Restrictions upon use of certain certificates of indebtedness.
 - 129. Penalty for violation of preceding section.
 - 130. Sinking-fund tax.
 - 131. When and how to be collected.
 - 132. Certain trust-funds to be made good.
 - 133. Moneys collected to be paid to sinking-fund commissioners.
 - 134. Moneys paid to commissioners, how applied.
 - 135. Report of commissioners.
 - 136. Registry of bonds to be kept.
 - 137. Conflicting provisions of an act of the legislative assembly void.

SEC. 119. No debt by which the aggregate debt of the District shall exceed five per cent. of the assessed property of the District shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the legislative assembly at such election. [See 125.]

Aggregate debt not to exceed five per cent. of valuation unless authorized by vote of the people.

21 Feb., 1871, c. 62, s. 14, v. 16, p. 423.

SEC. 120. The legislative assembly shall provide for the publication of the law authorizing such debt in at least two newspapers in the District for three months, at least, before the vote of the people shall be taken on the same.

Publication of the law.

Ibid.

Payment of interest.

21 Feb., 1871, c. 62, s. 14, v. 16, p. 423.

Provision of law to be irrevocable.

Ibid.

Law levying tax to be submitted to the people.

Ibid.

Money not to be borrowed or securities issued without authority of law.

Ibid., s. 20, p. 424.

Further limit to indebtedness of District.

8 May, 1872, c. 142, s. 7, v. 17, p. 88.

Certain acts of legislative assembly declared void.

Ibid., s. 6, pp. 87, 88.

Bonds not to be issued.

Ibid.

Certain act confirmed.

Ibid.

Restrictions upon use of certain certificates of indebtedness.

7 July, 1870, c. 212, ss. 6, 7, v. 16, p. 191.

Penalty for violation of preceding section.

Ibid.

Sinking-fund tax.

8 May, 1872, c. 142, ss. 1, 2, v. 17, p. 87.

SEC. 121. Provision shall be made in any such act for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue.

SEC. 122. The law providing for the payment of such interest by such tax shall be irrevocable until the debt is paid.

SEC. 123. The law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 124. The District government shall have no power to borrow money or issue stock or bonds for any object whatever, unless specially authorized by an act of the legislative assembly, passed by a vote of two-thirds of the entire number of the members of each branch thereof.

SEC. 125. The debt of the District, including the debts of the late corporations, shall at no time exceed the sum of ten millions of dollars, unless an increase over the said amount shall have been previously authorized by act of Congress. [See §§ 52, 81.]

SEC. 126. The act of the legislative assembly, approved August nineteenth, eighteen hundred and seventy-one, entitled "An act authorizing the District of Columbia to create a debt for special improvements and repairs in said District by the issuing of four millions of bonds, and levying a tax for the payment of the interest as it shall annually accrue thereon, and submitting the act, with the question of the issuing of four millions of improvement-bonds, to a vote of the people at a general election in said District;" and also the act of the legislative assembly, approved August nineteenth, eighteen hundred and seventy-one, entitled "An act levying a tax for the payment of the interest as it shall annually accrue on four million dollars of bonds authorized to be issued by the District of Columbia to create a debt for special improvements and repairs in said District by the issuing of four millions of bonds, and levying a tax for the payment of the interest as it shall annually accrue thereon, and submitting the act, with the question of the issuing of four millions of improvement-bonds, to a vote of the people at a general election in the said District," are disapproved and declared null and void, and the authorities of the District are forbidden to issue any portion of the four millions of bonds named in said acts.

SEC. 127. The act of the legislative assembly, approved July tenth, eighteen hundred and seventy-one, entitled "An act making appropriations for improvements and repairs in the District of Columbia, and providing for the payment thereof" is approved, ratified, and confirmed.

SEC. 128. The certificates of indebtedness of the corporation of Washington, issued by authority of acts of Congress of July seventh and fifteenth, eighteen hundred and seventy, shall be used for no other purpose than the payment of the ascertained indebtedness of said corporation on the sixth day of June, eighteen hundred and seventy.

SEC. 129. Any person who shall violate the provisions of the preceding section shall be deemed guilty of a misdemeanor in office, and be dismissed therefrom.

SINKING-FUND.

SEC. 130. The legislative assembly is empowered to cause to be levied upon, and collected from, all taxable property of the city of Washington, within its limits, a tax annually, which shall be sufficient to pay the interest upon the bonds issued by the commissioners of the sinking-fund of the District, under the act of Congress of May eighth, eighteen hundred and seventy-two, (authorizing the issue of certain bonds to fund the liabilities of said city, consisting of the floating-debt and

trust-funds found to be due on the first of June, eighteen hundred and seventy-one,) and to create a sinking-fund sufficient to retire such bonds at maturity.

SEC. 131. The tax provided for by the preceding section shall be collected at the same time and in the same manner as general taxes are collected in the District; but the aggregate amount of taxes in any one year, excepting such additional assessments as may be made for improvements specially authorized by law, shall not exceed two per centum on the assessed cash valuation of property in said city.

When and how to be collected.

8 May, 1872, c. 142, ss. 1, 2, v. 17, p. 87.

SEC. 132. Such amount of the bonds issued as mentioned in section one hundred and thirty, or their proceeds, as is necessary, shall be applied and strictly held to make good the trust-funds of said city on which a deficiency of two hundred and eighty-six thousand three hundred and seventeen dollars and fifty-eight cents existed on the eighth day of May, eighteen hundred and seventy-two.

Certain trust-funds to be made good.

Ibid.

SEC. 133. The collector of the District shall pay over to the commissioners of the sinking-fund, duly appointed according to the laws of the District, upon their requisition being first certified by the auditor and comptroller of the District as provided by law, all moneys collected by virtue of the preceding sections.

Moneys collected to be paid over to the commissioners.

Ibid., s. 3.

SEC. 134. The commissioners of the sinking-fund shall pay, or cause to be paid, with the moneys so received by them, the coupons or interest on the bonds issued by them, as mentioned in section one hundred and thirty, and the residue of such moneys so collected as a sinking-fund shall be invested by the commissioners in the bonds issued by them, or in any bonds of the District of Columbia or of the late corporations of the cities of Washington or Georgetown.

Moneys paid to commissioners, how applied.

Ibid.

SEC. 135. The commissioners of the sinking-fund shall, on or before the first day of January in each year, cause to be placed on record in the office of the register of said District, a full and complete report of all their acts, and shall also make a report of the same to the legislative assembly at the commencement of each regular session thereof.

Report of commissioners.

Ibid.

SEC. 136. A proper registry shall be kept in the office of the register of the District of the number, denomination, and date of issue of the bonds mentioned in the preceding sections, and to whom such bonds were issued.

Registry of bonds to be kept.

Ibid., s. 4.

SEC. 137. So much of the act of the legislative assembly entitled "An act providing for the payment of the debts of the late corporation of Washington," approved January nineteenth, eighteen hundred and seventy-two, levying taxes on real and personal property in the city of Washington to pay the debt and interest on the debt of the late corporation of said city, as conflicts with the provisions of the act of Congress approved May eighth, eighteen hundred and seventy-two, entitled "An act to fund certain liabilities of the city of Washington, existing June first, eighteen hundred and seventy-one, and to limit the debt of and taxation in the District of Columbia," is disapproved and declared void.

Conflicting provisions of an act of the legislative assembly declared void.

Ibid., s. 5.

CHAPTER FIVE.

VALUATIONS, ASSESSMENTS, AND TAXATION.

Sec.
138. Valuation of United States property.
139. Valuations, how made.
140. Valuation of private property.
141. Report to Congress.
142. Limit to levy for the general fund.
143. Lots and squares sold by the United States liable to taxation.
144. Lists of transfers to be furnished semi-annually by recorder of deeds.

Sec.
145. Property outside of Washington and Georgetown not to be taxed for the benefit of those cities.
146. Property in Washington and Georgetown not to be taxed for the debts of each other, &c.
147. Certain property exempt from taxation.
148. What cemeteries shall be taxed.

Sec.
 149. Limit of general taxation.
 150. Special taxes may be levied.
 151. How assessed and collected.

Sec.
 152. Secretary of Interior to assess and collect proportion of cost of improvements around Capitol.

Valuation of United States property.

21 Feb., 1871, c. 62, s. 36, v. 16, p. 426.

Valuations, how made.

Ibid.
 Valuation of private property.

26 May, 1824, c. 195, s. 9, v. 4, p. 77.

Report to Congress.

21 Feb., 1871, c. 62, s. 36, v. 16, p. 426.

Limit to levy for the "general fund."

7 July, 1870, c. 212, s. 4, v. 16, p. 191.

Lots and squares sold by the United States liable to taxation.

17 May, 1848, c. 42, s. 13, v. 9, p. 229.

Lists of transfers to be furnished semi-annually by recorder of deeds.

15 May, 1820, c. 104, s. 14, v. 3, pp. 590, 591.

Property in county outside of Washington and Georgetown not to be taxed for the benefit of those cities.

21 Feb., 1871, c. 62, s. 21, v. 16, p. 424.

Willard vs. Presbury, 14 Wall., 676.

Property in Washington and Georgetown not to be taxed for the debts of each other, nor for the benefit of the District outside of either.

Ibid., s. 22, p. 424.

Certain property exempt from taxation.

SEC. 138. There shall be a valuation taken of all real estate belonging to the United States in the District, except the public buildings, and the grounds which have been dedicated to the public use as parks and squares, at least once in five years, and return thereof shall be made by the governor to the President of the Senate and Speaker of the House of Representatives on the first day of the session of Congress held after such valuation shall be taken.

SEC. 139. All valuations of property belonging to the United States shall be made by such persons as the Secretary of the Interior shall appoint, and under such regulations as he shall prescribe.

SEC. 140. The proper officers of the District duly appointed and sworn to assess and value, and make return of all and every species of property by law taxable, in the cities of Washington and Georgetown, shall determine and value such property agreeably to what they believe it to be worth, in cash, at the time of the valuation.

SEC. 141. The aggregate of the valuation of private property in the District, whenever made by authority of the legislative assembly, shall be reported to Congress by the governor.

SEC. 142. In no case shall the sum levied for the "general fund," or miscellaneous purposes, in the city of Washington, exceed twenty-five cents on the hundred dollars of valuation.

SEC. 143. It shall be the duty of the chief of engineers in charge of public buildings and grounds, within ninety days after the sale of any lots or squares belonging to the United States in the city of Washington, to report the fact to the proper officers of the District, giving the date of sale, the number of the lot and square, and the name of the purchaser; and such lots or squares shall be liable to taxation by the District from the day of sale.

SEC. 144. The recorder of deeds and the register of wills shall furnish the proper officer of the District appointed to receive the same, on or about the first Monday in January and July, in every year, correct lists of the transfers of real property in the city of Washington during the next preceding half-year, so far as can be ascertained by the records in their respective offices; and the District shall make to the recorder and register such compensation as shall be agreed upon, not exceeding six cents for each transfer on such lists.

SEC. 145. The property of that portion of the District not included in the former corporations of Washington and Georgetown shall not be taxed for the purposes either of improving the streets, alleys, public squares, or other public property of said cities or either of them; nor for any other expenditure of a local nature, for the exclusive benefit of said cities, or either of them; nor for the payment of any debt contracted by either of said cities, while remaining under a municipal government not co-extensive with the District.

SEC. 146. The property within the former corporate limits of Georgetown shall not be taxed for the payment of any debt contracted by the corporation of Washington, nor shall the property within the former corporate limits of Washington be taxed for any debt contracted by the corporation of Georgetown; nor shall said cities, or either of them, be taxed for the exclusive benefit of that portion of the District outside of the limits of said cities.

Hannewinkle vs. Georgetown, 15 Wall., 547.

SEC. 147. All churches and school-houses, and all buildings, grounds, and property appurtenant thereto, and used in connection therewith in the District, and any cemetery therein, held and owned by a religious

society, having a regular and known place of worship, or by any incorporated association, shall be exempt from any and all taxes or assessments, national or municipal.

SEC. 148. All cemeteries in the District, outside of the cities of Washington and Georgetown, the owners of which sell lots or burial-rights indiscriminately to those applying therefor, except those owned by incorporated associations, shall be assessed and taxed as other property in the same parts of the District, but all lots in such cemeteries, when actually sold for burial purposes, shall be exempt from taxation. [See § 603.]

SEC. 149. Lands or other property in the District shall not be liable to a higher tax, in any one year, for all general objects, territorial and municipal, than two dollars on every hundred dollars of the cash value thereof.

SEC. 150. Special taxes may be levied in particular sections, wards, or districts, for their particular local improvements.

SEC. 151. The board of public works shall assess, in such manner as shall be prescribed by law, upon the property adjoining and to be specially benefited by the improvements authorized by law and made by them, a reasonable proportion of the costs of the improvement, not exceeding one-third of such cost, which sum shall be collected as all other taxes are collected.

SEC. 152. In the improvements of streets about the Capitol, the Secretary of the Interior shall assess and collect the cost of all improvements made in front of all private property in the same proportion as charged by the District authorities for the same purpose.

17 June, 1870, c. 31, s. 1, v. 16, p. 153.

25 June, 1864, c. 157, s. 3, v. 13, p. 193.

What cemeteries shall be taxed; proviso.

Ibid.

Limit of general taxation.

21 Feb., 1871, c. 62, s. 20, v. 16, pp. 423, 424.

Special taxes may be levied.

Ibid.

How assessed and collected.

Ibid., s. 37, p. 427.

Assessment, &c., of cost of improvements around the Capitol.

3 March, 1873, c. 227, s. 1, v. 17, p. 519.

CHAPTER SIX.

COLLECTION OF TAXES.

- Sec.
- 153. Real estate may be sold to pay delinquent taxes.
 - 154. Notice of sale; what to contain.
 - 155. When a whole square is assessed to the same parties.
 - 156. Sale not to be impaired or void in certain cases.
 - 157. Any part assessed may be sold.
 - 158. When sale not in accordance with law.
 - 159. Re-assessments.
 - 160. Purchaser to pay taxes and expenses of sale.
 - 161. Residue; when payable.
 - 162. When purchaser fails to pay residue.
 - 163. Residue; how held, and to what order subject.
 - 164. Interest.
 - 165. Title in fee to purchaser.
 - 166. Right of redemption.
 - 167. Purchaser to be notified of deposit.
 - 168. Time allowed mortgagees, &c., for redemption.
 - 169. In case of minors; time allowed.
 - 170. Life estate, &c., when sufficient, only to be sold.
 - 171. Postponement of sale.

- Sec.
- 172. Notice to be given; validity of sale.
 - 173. Sales not void for error in computing amount due.
 - 174. Heirs and assigns of purchaser, power of.
 - 175. Report of property sold for taxes to be recorded in land records.
 - 176. Notice required for sale of personal property.
 - 177. When real property in Georgetown is sold for taxes, notice to be given.
 - 178. When property may be sold and certificate given.
 - 179. If not redeemed in one year.
 - 180. When taxes may be collected from real, and when from personal estate.
 - 181. Sufficiency of title.
 - 182. Surplus to be paid to former owner.
 - 183. When taxes are paid by or enforced against tenant.
 - 184. Real property in District outside of Washington and Georgetown may be sold for taxes, when.
 - 185. Notice, how given.
 - 186. Real property not to be sold when personal property is sufficient.

Sec.

187. To what provisions sales are subject.
188. Distress and sale of personal property,
how made.

Sec.

189. Dogs to be killed if tax not paid.

IN WASHINGTON.

Real estate may be sold to pay delinquent taxes.

17 May, 1848, c. 42, s. 7, v. 9, p. 227.

Notice of sale; what to contain.

26 May, 1824, c. 115, s. 2, v. 4, pp. 75, 76.

When a whole square is assessed to same parties.

Ibid.

Sale not to be impaired or void in certain cases.

Ibid.

Any part of lots assessed may be sold.

Ibid., s. 4, p. 76.

When sale not according to law, amount paid may be refunded.

Ibid., s. 3, p. 76.

Re-assessment in such cases.

Ibid.

Purchaser to pay taxes and expenses of sale.

15 May, 1820, c. 104, s. 10, v. 3, p. 589.
Residue, when payable.

Ibid.

SEC. 153. Real property in the city of Washington, whether improved or unimproved, on which one or more years' taxes shall have become due and remain unpaid, or on which any special tax, imposed by authority of law, shall have become due and remain unpaid, or so much thereof, not less than a lot when the property on which the tax has accrued is not less than that quantity, as may be necessary to pay such tax, with all interest, costs, and charges arising thereon, may be sold at public sale to satisfy the same.

SEC. 154. Public notice of the time and place of the sale of all real property for taxes due in the city of Washington shall be given in all cases by advertisement, inserted in some newspaper published in said city once in each week for at least twelve successive weeks, in which advertisement shall be stated—

First. The number of the square or squares.

Second. The number of the lot or lots, (if the square has been divided into lots.)

Third. The name or names of the person or persons to whom the same may be assessed at the time of such advertisement.

Fourth. The amount of the tax due on each square or lot.

Fifth. The period for which the same shall be due; and,

Sixth. The aggregate amount of taxes due on all real property assessed in the name of the same person.

SEC. 155. In cases where a whole square is assessed to the same person, although divided into lots, it may be assessed and advertised as if the same was not divided.

SEC. 156. No sale of real property for taxes shall be impaired or void by reason of such property not being assessed or advertised in the name of the lawful owner, or by reason of the amount of taxes due thereon not being correctly stated, if the same shall be duly advertised according to the provisions of the two preceding sections.

SEC. 157. In cases where a number of lots are assessed to the same person, it shall be lawful for the proper authorities to sell one or more of them for the taxes and expenses due on the whole; and also to provide for the sale of any part of a lot for the taxes and expenses due on that or other lots assessed to the same person, as may appear expedient, according to such rules and regulations as may be prescribed by law.

SEC. 158. In all cases of sales of real property for taxes due in the city of Washington, where such sale shall not have been made according to law, and void, it shall be lawful for the proper authorities, on the application of the purchaser, or other person entitled under him, to refund and pay to such person the amount paid by him on account of such purchase, and also the subsequent taxes accrued and paid on the same property.

SEC. 159. In the cases provided for by the preceding section, it shall be lawful for the proper authorities to re-assess the amount of taxes so refunded on the property on which the same accrued, which shall be collected in the manner provided by law for the collection of other taxes at any time after such re-assessment shall have been made.

SEC. 160. The purchaser of any property sold for taxes shall pay at the time of sale, the amount of taxes due on the property purchased by him, with the amount of the expenses of sale.

SEC. 161. The purchaser shall pay the residue of the purchase-money within ten days after the expiration of two years from the day of sale to the collector of taxes, or other officer authorized to receive the same.

SEC. 162. If any purchaser shall fail to pay the residue of the purchase-money within the time required by the preceding section for any property so purchased by him he shall pay ten per centum per annum as interest thereon and in addition to such residue, to be computed from the expiration of two years from the day of sale until the actual payment of such residue and the receiving of a conveyance from the proper authorities.

When purchaser fails to pay residue.

15 May, 1820, c. 104, s. 10, v. 3, p. 589.

SEC. 163. The amount of such residue shall be placed in the treasury of the District, where it shall remain, subject to the order of the original proprietor or his legal representatives.

Residue, how held and to what order subject.

Ibid., pp. 589, 590.

SEC. 164. Any interest which may accrue under the provisions of the three preceding sections shall in like manner be subject to the order of the original proprietor or his legal representatives.

Interest.

Ibid.

SEC. 165. Upon payment of the residue of the purchase-money, as provided in the preceding sections, the purchaser shall receive a title in fee-simple to the property, under the hand of the governor and seal of the District, which shall be deemed good and valid in law and equity.

Title in fee to be given to purchaser.

Ibid.

21 Feb., 1871, c. 62, s. 2, v. 16, p. 419.

SEC. 166. If, within two years from the day of any sale for taxes, or before the purchaser shall have paid the residue of the purchase-money, the original proprietor of any property which shall have been sold, as provided in the preceding sections, his heirs, agents, or legal representatives, shall repay to such purchaser the moneys paid for the taxes and expenses, together with ten per centum per annum as interest thereon, or make a tender thereof, or shall deposit the same in the hands of the proper officer of the District, appointed to receive the same, for the use of such purchaser and subject to his order, or the order of his heirs or legal representatives, he shall be re-instated in his original right and title, as if no such sale had been made.

Right of redemption.

15 May, 1820, c. 104, s. 10, v. 3, p. 589.

26 May, 1824, c. 195, s. 6, v. 4, p. 76.

SEC. 167. Whenever the deposit provided for by the preceding section shall be made, the purchaser, his heirs or legal representatives, shall be immediately informed thereof, by notice in some newspaper printed in the city of Washington, or otherwise.

Purchaser to be notified of deposit.

15 May, 1820, c. 104, s. 10, v. 3, p. 589.

SEC. 168. Mortgagees, or others having equitable interest in real property sold for taxes, shall be allowed one year after obtaining possession, or a decree for the sale of such property, to redeem the property so sold from the purchaser, or his assigns, on paying the amount of purchase-money, with ten per cent. interest, and all the taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with ten per cent. interest on the amount of such taxes, and also the full value of the improvements which may have been made or erected on such property by the purchaser, or his assigns, while the same was in his or their possession.

Time allowed mortgagees, &c. for redemption.

Ibid., p. 590.

SEC. 169. Minors shall be allowed one year after coming to or being of full age to redeem real property sold for taxes, subject to the conditions mentioned in the preceding section.

In case of minors, time allowed.

Ibid.

SEC. 170. Where the estate of the tenant in default, as for years or for life, shall be sufficient to defray the taxes chargeable thereupon, such estate only shall be liable to be sold for taxes.

Life-estate, &c., when sufficient, only to be sold.

Ibid.

SEC. 171. It shall be lawful for the proper officer to postpone to a future day, for want of bidders or other reasonable cause, the sale of any property advertised to be sold under the provisions of the preceding sections.

Postponement of sale.

Ibid., s. 11, p. 590.

17 May, 1848, c. 42, s. 7, v. 9, pp. 227, 228.

SEC. 172. Public notice shall, in all cases, be given of such postponement, and the sales made at such postponed time shall be equally valid as if made the day first designated for the sale.

Notice to be given; validity of sale.

Ibid., p. 228.

Sales not to be void for error in computing amount due.

17 May, 1848, c. 42, s. 7, v. 9, p. 228.

Heirs and assigns to have same power as purchaser.

Ibid.

Report of property sold for taxes to be recorded in land-records.

20 Feb., 1819, c. 35, s. 2, v. 3, p. 486.
21 Feb., 1871, c. 62, v. 16, p. 419.

Personal property not to be sold without ten days' public notice.

SEC. 173. No sale of any real property for taxes shall be impaired or made void by reason of any error of the proper officers in making a computation of the amount of taxes due, the expenses attendant on the advertisement and sale, or of the purchase-money and the interest thereon, notwithstanding the sum erroneously computed may have been paid by the purchaser, his heirs or assigns; but all such sales and the deeds which may be granted on the certificates then issued shall be valid and binding as if no such error had been made.

SEC. 174. It shall be lawful for the heirs or assigns of any purchaser of property sold for taxes under the provisions of the preceding sections to receive, do, or perform anything which it may be lawful for such purchaser to receive, do, or perform.

SEC. 175. The collector of taxes, or other officer of the District, charged with the duty of selling any real estate in the city of Washington for taxes, shall, within ten days after every such sale, transmit to the recorder of deeds an accurate report in writing, duly certified, containing a particular description of the property sold, the amount of taxes for the raising of which it has been sold, the names and residence of the person or persons to whom such property belongs, or to whom such taxes have been assessed, and of the purchaser or purchasers, and the amount of the purchase-money; distinguishing how much has been actually paid, and the clear surplus, if any, coming to the proprietor; which report it shall be the duty of the recorder forthwith to record among the land-records of the District, and the expense thereof shall be paid by the party who redeems the same.

SEC. 176. No personal property in the city of Washington shall be sold for taxes unless ten days' previous notice of such sale shall be given in some newspaper printed in said city.

15 May, 1820, c. 104, s. 12, v. 3, p. 590; 17 May, 1848, c. 42, s. 11, v. 9, p. 228.

IN GEORGETOWN.

When real property in Georgetown is sold for taxes, notice to be given.

26 May, 1824, c. 115, s. 7, v. 4, p. 76.

When property may be sold and certificate given.

Ibid., s. 8, p. 76.

If not redeemed in one year, title in fee may be made to purchaser.

Ibid., pp. 76, 77.

When taxes shall be collected from real and when from personal estate.

Ibid.

Sufficiency of title.

26 May, 1824, c.

SEC. 177. Public notice of the time and place of sale of any real property chargeable with taxes, in Georgetown, shall be given, once in each week, for twelve successive weeks, in some one newspaper printed in Georgetown, and in some newspaper printed in Washington, in which shall be stated the number of the lot or lots, or parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon.

SEC. 178. If, before the day of sale, advertised according to the preceding section, the owner, his agent, or attorney, shall not pay the amount of taxes, with all costs thereon assessed, said lots, or so many as may be sufficient to discharge the same, shall be sold for cash, and to the highest bidder paying therefor; and a certificate from the proper officer shall be issued, setting forth that he is the purchaser, and the amount paid by him.

SEC. 179. If, at the expiration of twelve months from the day of sale, the owner shall not appear, and pay to the proper officer, or the purchaser, the amount of the purchase-money, and cost, and taxes accruing subsequent to the sale, and ten per centum interest per annum on the purchase-money, it shall be lawful for a title, in fee-simple, at the expiration of said time, to be made to the purchaser.

SEC. 180. No sale of real estate for taxes shall be made, but where the owner or tenant of the property has not sufficient personal estate out of which to enforce a collection of the debt due, and where he has personal property, it shall be lawful to collect the taxes by distress and sale thereof.

SEC. 181. All titles to property in the city of Georgetown conveyed on sales for taxes, made in accordance with the four preceding sections, shall be by deed from the governor of the District, under the seal of the

District, which conveyance shall be effectual to convey the title, the requirements of law having been complied with.

115, s. 11, vol 4, p. 77.

SEC. 182. Whenever any real property has been sold for taxes, the amount received therefor over and above the tax, cost, and charges due upon the same, shall be paid over, on application, to the original owner of the property.

21 Feb., 1871, c. 62, v. 16, p. 419.

Surplus to be paid to former owner.

SEC. 183. Where the payment of any taxes shall be made or enforced against any tenant, it shall not be lawful for the owner of the property to recover of the tenant any rent; but the same shall remain in his possession a lien for the debt, until such time as the rent accruing shall have discharged the same; and the tenant shall be entitled to charge twenty-five per centum against the landlord, on the amount of the taxes so paid or enforced against him, except where he may have been previously in arrears for his rent.

26 May, 1824, c. 195, s. 12, v. 4, p. 77.

When taxes are paid by or enforced against tenant.

Ibid., s. 13, p. 77.

IN THAT PORTION OF THE DISTRICT NOT INCLUDED IN WASHINGTON AND GEORGETOWN.

SEC. 184. Real property in the District outside of the limits of Washington and Georgetown, on which one year's taxes shall be due and unpaid, or so much thereof, not less than one acre, where the property on which the tax has accrued is not less than that quantity, as may be necessary to pay such taxes, with all legal costs and charges arising thereon, may be sold at public sale, to satisfy such taxes and expenses.

Real property in District outside of Washington and Georgetown may be sold for taxes, when.

23 July, 1866, c. 216, s. 1, v. 14, p. 215.

SEC. 185. Public notice shall be given of the time and place of sale by advertising once a week for eight successive weeks in some newspaper published in the city of Washington, in which advertisement shall be given a sufficient and definite description of the property selected for sale, the name of the person to whom the same is assessed, and the aggregate amount of taxes due thereon.

Notice, how given.

Ibid.

SEC. 186. No sale shall be made of any improved property in pursuance of the two preceding sections, whereon there is personal property of sufficient value to pay the taxes, nor of such improved property whereon there is not such personal property, until the proper officer has filed a sworn return according to law that there is no such personal property, which return shall be prima-facie proof of that fact.

Real property not to be sold when personal property is sufficient.

Ibid.

SEC. 187. All sales of real property for taxes authorized by the three preceding sections shall be made in accordance with, and subject to the provisions of, sections one hundred and sixty to one hundred and sixty-nine inclusive, and sections one hundred and seventy-one and one hundred and seventy-two, in the same manner as sales of real property for taxes in the city of Washington are authorized to be made under the provisions of said sections.

To what provisions sales are subject.

Ibid., ss. 1, 2, pp. 215, 216.

15 May, 1820, c. 104, ss. 10, 11, v. 3, pp. 589, 590; 17

May, 1848, c. 42, s. 7, v. 9, pp. 227, 228.

SEC. 188. The proper officer shall have authority to collect any tax lawfully imposed by the legislative assembly, by distress and sale of the goods and chattels of the person chargeable therewith, wherever the same may be found in the District out of the limits of Washington and Georgetown; but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the city of Washington.

Distress and sale of personal property, how made.

23 July, 1866, c. 216, s. 3, v. 14, p. 216.

SEC. 189. Whenever the owner or keeper of any dog neglects or refuses to pay the tax thereon, it shall be the duty of the proper officer for the collection of taxes in such part of the District to kill, or cause to be killed, every such dog.

Dogs to be killed if tax not paid.

25 July, 1864, c. 157, s. 5, v. 13, p. 193.

CHAPTER SEVEN.

FIRE DEPARTMENT.

<p>Sec. 190. One-third of cost of fire department to be paid by the United States.</p> <p>191. To be paid into treasury of District when appropriated by Congress; limit.</p> <p>192. Use of certain buildings granted for purposes of fire department during the pleasure of Congress.</p>	<p>Sec. 193. Use of library-room in Columbia engine-house reserved.</p> <p>194. Members of fire department exempt from military duty.</p>
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One-third of cost of fire department to be paid by the United States.

SEC. 190. One-third the expense incurred by the District Government in maintaining a fire department in the District shall be paid by the United States

31 Jan., 1873, c. 84, v. 17, p. 422.

To be paid into treasury of District when appropriated by Congress; limit.

SEC. 191. The Secretary of the Treasury is directed to pay annually into the treasury of the District, out of any moneys which may be appropriated by Congress for that purpose, one-third of the entire cost of maintaining the fire department, as provided by the preceding section; but the amount paid by the United States in any one year shall not exceed twenty-five thousand dollars.

Ibid.

Use of certain buildings granted for purposes of fire department during the pleasure of Congress.

SEC. 192. The right of use and occupancy of the buildings and appurtenances known as the Franklin, Columbia, and Anacostia engine-houses, granted to the city of Washington for the purposes of the fire department, shall continue during the pleasure of Congress so long as used for such purposes.

18 Feb., 1867, c. 48, v. 14, p. 397.

Use of library-rooms in Columbia engine-house reserved.

SEC. 193. The use and occupancy of the Columbia engine-house shall not interfere with the possession and occupancy by the Columbia Fire Company of the library-rooms in said building.

Ibid.

Members of fire department exempt from military duty.

SEC. 194. Members of the fire department are exempt from military duty in time of peace.

2 Mar., 1837, c. 26, s. 1, v. 6, p. 687.

CHAPTER EIGHT.

WATER-SERVICE.

<p>Sec. 195. Distribution of Potomac water.</p> <p>196. No expense to devolve upon United States.</p> <p>197. Water-rates, how established and collected.</p> <p>198. Not to be a source of revenue for other purposes.</p> <p>199. Tax for water-mains in Washington.</p> <p>200. To be equal and uniform.</p> <p>201. How levied and collected.</p> <p>202. Installments.</p> <p>203. Water-tax to constitute a fund, &c.</p> <p>204. Water-pipes, fire-plugs, and hydrants.</p> <p>205. Fire-plug tax.</p> <p>206. How levied; limit of tax.</p> <p>207. When fire-plug tax shall cease.</p> <p>208. When shall be renewed.</p> <p>209. Front-foot tax in Georgetown.</p> <p>210. Certain exemptions authorized.</p>	<p>Sec. 211. Appropriations, &c., in lieu of front-foot tax.</p> <p>212. Tax to be appropriated exclusively to its object; when to cease.</p> <p>213. Not to be a source of revenue for other purposes.</p> <p>214. Water may be shut off, when.</p> <p>215. Use of water for certain purposes, when allowed.</p> <p>216. Special supply to be determined by meters.</p> <p>217. Application of water-rents derived from aqueduct.</p> <p>218. Unlawful tapping of water-pipes - penalty.</p> <p>219. Chief of Engineers to prosecute.</p> <p>220. Penalty for injuring pipe or fixtures.</p> <p>221. Penalty for making water impure.</p>
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Distribution of Potomac water.

SEC. 195. Full power is given to the legislative assembly to supply the inhabitants of Washington and Georgetown with the Potomac water

from the aqueduct mains or pipes laid in the streets and avenues by the United States; and to make all laws and regulations for the proper distribution of the same, subject to the provisions of this chapter, and to the control of the chief of engineers in charge of public buildings and grounds, as provided in section eighteen hundred and ten, title, "SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS."

3 Mar., 1859, c. 84, s. 2, v. 11, p. 436.
21 May, 1862, c. 82, s. 1, v. 12, p. 405.
21 Feb., 1871, c. 62, s. 5, v. 16, p. 420.

[See R. S. U. S., §§ 1800-1811.]

SEC. 196. No expense shall devolve upon the United States under the provisions of the preceding section.

No expense to devolve upon the United States.

3 Mar., 1859, c.

84, s. 2, v. 11, p. 436.

SEC. 197. The legislative assembly has authority to establish a scale of annual rates for the supply and use of the water apportioned to different classes of buildings according to their size, dimensions, assessed values, exposure to fires, uses for dwellings, stores, shops, stables, manufactories, or other purposes, number of occupants, or consumption of water, measured by meter or otherwise, and to modify, alter, amend, increase, or reduce such scale, from time to time, and extend it to other description of buildings and establishments; to provide for the collection of such rates, in advance or otherwise, from the owner or occupants of all buildings or establishments using the water; to provide for stopping the supply of water to any dwelling or establishment upon a failure to pay the rate, and generally to enact such laws as may be necessary to supply the inhabitants of Washington and Georgetown with pure and wholesome water, and to carry into full effect the provisions of this chapter.

Water-rates, how established and collected.

3 Mar., 1859, c. 84, s. 3, v. 11, p. 436.
21 May, 1862, c. 82, s. 2, v. 12, p. 405.
21 Feb., 1871, c. 62, s. 5, v. 16, p. 420.

SEC. 198. The water-rates levied in Washington and Georgetown shall never be a source of revenue other than as a means of keeping up to said cities a supply of water, but shall constitute a fund exclusively for the maintenance, management, and repair of the system of water-distribution.

Not to be a source of revenue for other purposes.

3 Mar., 1859, c. 84, s. 3, v. 11, p. 436.
3 Mar., 1863, c. 19, s. 3, v. 12, p. 805.

WATER-TAX IN WASHINGTON.

SEC. 199. A water-tax may be levied and collected on all real property within the limits of the city of Washington, which binds or touches on any avenue, street, or alley in which a main water-pipe may be laid by the United States or by the District.

Tax for water-mains in Washington.

3 Mar., 1863, c. 19, s. 1, v. 12, p. 804.

SEC. 200. The water-tax shall be as nearly as possible equal and uniform.

To be equal and uniform.

Ibid.

SEC. 201. The water-tax may be levied on lots in proportion to their frontage or their area, as may be determined by law, and may be collected in not less than three nor more than five annual installments.

How levied and collected.

Ibid.

SEC. 202. All such installments after the first shall bear interest at the rate of six per centum per annum, commencing from the date at which the first installment becomes due, but may, at the option of the owner of the property taxed, be paid and discharged in full at any time after the tax has been levied.

Interest on installments.

Ibid.

Installments may be paid in full.

Ibid.

SEC. 203. The water-tax authorized to be levied and collected by the provisions of the four preceding sections shall constitute a fund to be used exclusively to defray the cost of distribution of the water, including all necessary fixtures and machines connected with such distribution.

Water-tax to constitute a fund to defray cost of distribution.

Ibid., s. 3, p. 805.

FIRE-PLUG TAX.

SEC. 204. On petition of the owners of the majority of the real estate on any square or line of squares in the city of Washington, water-pipes may be laid and fire-plugs and hydrants erected wherever the same may be requisite and necessary for public convenience, security from fire, or for health.

Water-pipes, fire-plugs, and hydrants.

Ibid., s. 1, p. 804.

Fire-plug tax.
3 Mar., 1863, c. 109, s. 2, v. 12, p. 804.

SEC. 205. To aid in the erection, maintenance, and efficiency of fire-plugs in the city of Washington, a special annual tax may be levied on all buildings in said city within five hundred feet of any main water-pipe, into which, or the premises connected therewith, the water has not been introduced, and the owners or occupants of which do not pay any annual water-rate in accordance with law.

How levied; limit of tax.
Ibid., pp. 804, 805.

SEC. 206. The fire-plug tax shall be levied with reference to the value of the building so taxed, and shall not be more than five dollars nor less than one dollar per year.

When fire-plug tax shall cease.
Ibid., p. 805.

SEC. 207. Whenever the water is introduced, in conformity with law, into any building or premises, the fire-plug tax thereon shall cease.

When shall be renewed.
Ibid.

SEC. 208. Whenever water is discontinued from any building or premises into which it has been introduced, such building shall be subject to the fire-plug tax from the date of the discontinuance of the water.

WATER-TAX IN GEORGETOWN.

Front-foot tax.
21 May, 1862, c. 82, s. 1, v. 12, p. 405.

SEC. 209. A water-tax, not exceeding sixty cents per front foot, may be levied and collected on all lots and parts of lots within the limits of the city of Georgetown, in front of or parallel to which water-mains may be laid.

Certain exemptions authorized.
17 June, 1864, c. 129, s. 1, v. 13, p. 133.

SEC. 210. In all cases in which an original town-lot in Georgetown, entirely owned by the same person, or any subdivision of an original lot separately so owned, is situated at the intersection of two streets, so as to bind or front on both, and in which both fronts would be liable to the front-foot tax authorized by the preceding section, such tax shall not be levied upon more than seventy-five feet of the two fronts of such lot or part of lot; and, in such cases, such further exemptions may be made, either by general law or in individual cases, as may be deemed just and proper.

Appropriations, &c., in lieu of the front-foot tax.
21 May, 1862, c. 82, s. 2, v. 12, p. 405.
17 June, 1864, c. 129, s. 2, v. 13, p. 133.

SEC. 211. In lieu of the front-foot tax authorized by the two preceding sections, so much money may be appropriated from the general fund applicable to Georgetown as may be necessary to supply the inhabitants with water from the aqueduct-mains which may be laid in the streets of said city by the United States, or a general special tax, not to exceed one-fifth of one per cent. per annum, may be laid on all the assessable property of the city to defray the cost of distributing the water from the mains.

Tax to be exclusively appropriated to its object; when to cease.
17 June, 1864, c. 129, s. 2, v. 13, p. 133.

SEC. 212. The general special tax provided for in the preceding section shall be exclusively appropriated to the object mentioned therein, and shall be collected in the same manner as general taxes are collected, and shall cease whenever the cost of the distribution of the water is fully paid.

Water-taxes not to be a source of revenue for other purposes.

SEC. 213. The taxes mentioned in the four preceding sections shall never be a source of revenue other than as a means of supplying the city of Georgetown with water.

21 May, 1862, c. 82, s. 2, v. 12, p. 405.

GENERAL REGULATIONS.

Water may be shut off, when.
14 July, 1870, c. 263, s. 1, v. 17, p. 276.

SEC. 214. In order to prevent unnecessary waste of Potomac water, and in order to more fully enforce the laws in relation to the distribution of the same, the chief of engineers is authorized, after giving notice, to shut off the water when such notice shall be disregarded from any places where a waste of water is occurring. (See R. S. U. S., § 1810.)

When use of water for certain purposes may be allowed.

SEC. 215. The use of Potomac water for mechanical and manufacturing purposes, or for private fountains, street and pavement washers, shall be allowed only when, in the opinion of the chief of engineers, it

will not be detrimental to the general distribution of water in the two cities.

SEC. 216. The supply of water to all manufacturing establishments, hotels, livery-stables, and other places requiring a large quantity, shall be determined by meters erected and maintained at the expense of the consumer; and the proper authorities shall charge and collect for the quantity so determined a price not exceeding three cents per hundred gallons.

SEC. 217. All water-rents derived from the Washington Aqueduct shall be applied to the improvement and repair of the same, and for no other purpose.

SEC. 218. The unlawful tapping of any water-pipe laid down in the District by authority of the United States is a misdemeanor and an indictable offense; and any person convicted of such offense in the criminal court of the District shall be subject to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding one year.

SEC. 219. It is the special duty of the chief of engineers to bring to the notice of the attorney of the United States for the District of Columbia, or to the grand jury, any infraction of the preceding section.

SEC. 220. Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service-pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of Washington and Georgetown, shall be punishable by imprisonment in the District jail for not more than two years.

SEC. 221. Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the cities of Washington and Georgetown, becomes impure, filthy, or unfit for use, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned at hard labor not more than three years nor less than one year.

14 July, 1870, c. 263, s. 2, v. 16, p. 276.

Supply to be determined by meters, when; charge for water.

Ibid., s. 3, p. 276.

Application of water-rents derived from aqueduct.

15 July, 1870, c. 292, s. 1, v. 16, pp. 301, 302.

Unlawful tapping of water-pipes a misdemeanor; penalty.

25 July, 1866, c. 254, v. 14, p. 251.

Duty of chief of engineers to prosecute.

Ibid.

Penalty for injuring pipe or fixtures.

3 March, 1859, c. 84, s. 5, v. 11, p. 436.

Penalty for making water impure.

Ibid., s. 7, p. 437.

[Sec R. S. U. S., § 1804.]

[Sec R. S. U. S., § 1806.]

CHAPTER NINE.

REGULATION OF STREETS, AVENUES, RESERVATIONS, ETC.

- Sec.
- 222. Occupation of streets, spaces, and reservations prohibited.
 - 223. Railroads prohibited around certain squares.
 - 224. Restrictions on location of street railroads.
 - 225. Portions of streets and avenues may be set aside as parks.
 - 226. Officer in charge of public buildings and grounds to cause obstructions to be removed from certain streets, &c.
 - 227. May institute suits; district attorney to prosecute.
 - 228. May give permits for certain purposes.
 - 229. Penalty for obstructing certain streets, &c.

- Sec.
- 230. Penalty for failure to replace work; how recovered.
 - 231. Grades in vicinity of Capitol.
 - 232. Street and avenue lamps to be kept lighted.
 - 233. Lights to be increased; tax collected.
 - 234. When Secretary of Interior may collect tax.
 - 235. United States not liable for expenditures for a building for District offices, &c.
 - 236. Restrictions upon occupancy of land adjoining Washington Canal; ownership of the land.
 - 237. Certain appropriations not to imply future obligations.

SEC. 222. No open space, public reservation, or other public ground in the city of Washington, nor any portion of the public streets or ave-

Occupation of public streets,

spaces and reservations prohibited. _____
 17 May, 1848, c. 42, s. 13, v. 9, p. 229; 6 April, 1870, c. 47, v. 16, p. 82.

Railroads prohibited around certain squares. _____
 SEC. 223. All railroads are prohibited on the I-street and K-street fronts of Farragut, Scott, and Franklin Squares.
 10 June, 1872, c. 415, s. 1, v. 17, p. 350.

Restrictions on location of street-railroads. _____
 SEC. 224. No further street-railroads shall be laid down in the city of Washington without the consent of Congress.
 10 June, 1872, c. 415, s. 1, v. 17, p. 350.

Portions of streets and avenues may be set aside as parks. _____
 SEC. 225. The proper authorities of the District are authorized to set apart from time to time, as parks, to be adorned with shade-trees, walks, and inclosed with curb-stones, not exceeding one-half the width of any and all avenues and streets in the said city of Washington, except Pennsylvania, Louisiana, and Indiana avenues, and Four-and-a-half street between the City Hall and Pennsylvania avenue, leaving a roadway of not less than thirty-five feet in width in the center of said avenues and streets, or two such roadways on each side of the park in the center of the same; but such inclosures shall not be used for private purposes.
 6 April, 1870, c. 47, v. 16, p. 82.

OBSTRUCTION OF STREETS, ETC., IMPROVED WHOLLY OR IN PART BY THE UNITED STATES.

Officer in charge of Public Buildings and Grounds to cause obstructions to be removed from certain streets, &c. _____
 SEC. 226. It shall be the duty of the chief of engineers in charge of the public buildings and grounds to cause obstructions of every kind to be removed from such streets, avenues, and side-walks in the city of Washington as have been, or may be, improved in whole or in part by the United States, and to keep the same, at all times, free from obstructions. [See R. S. U. S., § 1818.]
 12 June, 1858, c. 154, s. 7, v. 11, p. 326.

May institute suits; district attorney to prosecute. _____
 SEC. 227. For the purpose of carrying out the provisions of the preceding section the chief of engineers shall have power to institute suits in any court having competent jurisdiction, and it shall be the duty of the United States attorney for the District to prosecute the same.
 Ibid.

May give permits for certain purposes. _____
 SEC. 228. Whenever any person desires to remove the paving-stones, or to displace any other work done by the authority of the United States, for the purpose of laying gas-pipes, or for any other purpose, it shall be the duty of such person to obtain a written permit from the chief of engineers, and such person shall oblige themselves to replace the said work to the satisfaction of said officer, and within such time as he may prescribe.
 Ibid.

Penalty for obstructing certain streets, &c. _____
 SEC. 229. If any person shall place any obstruction on the streets, avenues, or side-walks, so improved by the United States, such person shall pay the costs of removing the same, and shall be subject to a penalty of ten dollars, to be recovered as other debts are recovered in said District, for each and every day the obstruction may remain after the chief of engineers shall have given notice for its removal.
 Ibid., s. 8, p. 326.

Penalty for failure to replace work, how recovered. _____
 SEC. 230. If any person removing the paving-stones or other work done by the authority of the United States shall fail to replace the same to the satisfaction of the chief of engineers, within the time prescribed by him, he shall be subject to a penalty of twenty-five dollars for each and every failure, and shall pay the costs of replacing the same, the whole to be recovered before any court in said District having competent jurisdiction.
 Ibid.

GRADES OF STREETS IN VICINITY OF CAPITOL.

Grades in vicinity of the Capitol. _____
 SEC. 231. The grades of the streets and avenues in the vicinity of the Capitol are established in conformity with the plan approved by the mayor of the city of Washington, the officer in charge of public buildings and grounds, and the Architect of the Capitol Extension, as authorized by the joint resolution approved July fourteenth, eighteen hundred and seventy; and for this purpose the plan made by William Forsyth,
 10 June, 1872, c. 415, v. 17, p. 361.

surveyor, dated January twenty-third, eighteen hundred and seventy-one, on file in the office of the Architect of the Capitol Extension, shall be considered authentic.

STREET-LIGHTS.

SEC. 232. The avenue and street lamps in the City of Washington shall be kept lighted with six-foot burners twenty-one nights in each month from dark until daylight.

Street and avenue lamps to be kept lighted.

27 July, 1868, Res. No. 75, s. 1, v. 15, p. 261; 28 July, 1866,

c. 296, v. 14, p. 315.

SEC. 233. The proper authorities are directed to increase from time to time, as the public good may require, the number of street-lamps on any of the streets, lanes, alleys, public ways, and grounds, in the city of Washington, and to do any and all things pertaining to the well lighting of the city, and to levy and collect a tax from the property-holders sufficient to defray the expenses thereof.

Lights to be increased when necessary, and tax for lighting, &c., collected.

27 July, 1868, Res. No. 75, s. 3, v. 15, p. 262.

Secretary of the Interior to levy tax when District authorities fail to do so.

Ibid., s. 4, p. 262.

SEC. 234. In event of the failure of the proper authorities to levy and collect the tax or to light the city as directed by the two preceding sections, the Secretary of the Interior shall levy and collect such tax sufficient to light the city and to fully execute the provisions of the two preceding sections.

DISTRICT BUILDINGS.

SEC. 235. The United States shall not be liable for any expenditures for land for the erection of a building for the District offices, nor for the purchase-money therefor, nor for the buildings to be erected thereon, and no land, or use thereof, is granted under the act of Congress of March third, eighteen hundred and seventy-three, chapter two hundred and twenty-eight, for the purpose of erecting such building.

United States not liable for expenditures for a building for District offices; no land granted for such purpose.

3 March, 1873, c. 228, s. 1, v. 17, p. 540.

THE WASHINGTON CANAL.

SEC. 236. The District authorities are not authorized to occupy nor to permit others to occupy more than forty feet for the purpose of landing on any portion of either side of the Washington Canal, extending from the Eastern Branch to Seventeenth street west upon the plan of the city of Washington; and the land made by filling up said canal is declared to be the property of the United States.

Restrictions upon occupancy of land adjoining Washington Canal. Ownership of the land.

113, s. 9, v. 4, p. 524; 10 June, 1872, c. 415,

31 May, 1832, c. s. 1, v. 17, p. 351.

SEC. 237. The appropriations made by Congress for filling said canal from Seventh street west to Seventeenth street west, and for the intercepting sewer along said canal, adjoining Government property, shall not be construed to create or imply any obligation on the part of the United States, in any respect whatever, in future.

Certain appropriations not to imply future obligations.

10 June, 1872, c. 415, s. 1, v. 17, pp. 350, 351.

CHAPTER TEN.

REGULATION OF CONTRACTS AND ACCOUNTS FOR GOVERNMENT BUILDINGS AND PUBLIC WORKS.

- | | |
|------|--|
| Sec. | |
| 238. | Contracts to be advertised. |
| 239. | Bids, how opened. |
| 240. | Contracts in advance of appropriations, void. |
| 241. | Security required for advances to contractors. |

- | | |
|------|--|
| Sec. | |
| 242. | Rule of measurement. |
| 243. | Extra material, how rated. |
| 244. | Illegal vouchers to be stopped. |
| 245. | Penalty for making or passing, &c., fraudulent vouchers. |

SEC. 238. All contracts for buildings and other public works of the United States in the District of Columbia shall be advertised at least sixty days before letting.

Contracts to be advertised.

31 Aug., 1862, c. 108, s. 1, v. 10, p. 93.

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., §§ 5423, 5440, 3490-3494.]

CHAPTER ELEVEN.

HIGHWAYS, ROADS, AND BRIDGES.

Sec.

246. What are public highways.

247. Legislative assembly to have jurisdiction over roads and bridges.

248. Public highways to be surveyed and recorded.

249. Boundaries to be permanently marked.

250. Width and location of roads.

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

252. Laying out or widening or changing roads.

253. Notice to be given and objections heard.

254. Proceedings when route objected to and others proposed.

255. When no objection is made after notice.

256. When parties interested are agreed.

Sec.

257. When owners of land object and claim damages.

258. Marshal to give notice to owners.

259. When objections shall be presumed.

260. Marshal to summon jury and administer oath.

261. What the jury shall consider.

262. Proceedings upon rendering verdict.

263. When a second jury may be summoned.

264. Verdict of second jury conclusive.

265. Costs, by whom paid.

266. Fees of marshal and jurors.

267. Materials, how may be condemned.

268. Penalty for willful injury to public road.

269. Penalty for obstructing free use of highways.

270. Fines, how collected and disposed of.

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.

Materials, how may be condemned.

Ibid., s. 9, p. 802.

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.

Penalty for willful injury to public road.

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

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.

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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| <p>Sec.
271. All children between certain ages to be sent to school; penalty for neglect.
272. When penalty not to be enforced.
273. Trustees to enforce attendance.
274. Children not vaccinated not to be admitted.
275. Construction of laws.
276. Formation of school-districts outside of Washington and Georgetown.
277. How revised and altered.
278. Farms not to be divided.
279. General duties of school-board.
280. Cost of school-houses.
281. To provide for the education of colored children.
282. Where children may be placed at school.
283. Donations for colored schools.
284. School-taxes; how and when collected, and to whom paid.
285. Apportionment of school-fund.
286. Condemnation of land for school-sites; proceedings.
287. When no appeal is made.
288. In case of appeal, and when notice cannot be given.
289. Costs; by whom payable.
290. Verdict of the jury.
291. When title to pass.
292. Option of the school-board.
293. When school-houses shall not be located without consent.
294. Board of trustees of colored schools in Washington and Georgetown.
295. Terms of office.
296. Reports of board.
297. Secretary and treasurer.
298. Appointments and removals by the governor.
299. Duty and salary of the secretary.
300. Duties of treasurer.</p> | <p>Sec.
301. Treasurer's statement to be transmitted to the legislative assembly.
302. Compensation and bond of treasurer.
303. Treasurer and secretary to attend meetings of the board.
304. Superintendent; appointment and salary.
305. Board of trustees not to create offices, &c.
306. Proportionate part of school-moneys to be set apart for colored schools.
307. To whom and when paid over, and how payments may be enforced.
308. Action of debt may be maintained.
309. Board of trustees to have control of fund.
310. To establish schools.
311. To have the powers of trustees of public schools.
312. Tax-levy for the support of public schools.
313. Moneys derived from fines, penalties, and forfeitures.
314. To be applied equally for the education of white and colored children.
315. Proportion for colored schools to be paid to treasurer of board of trustees.
316. Penalty for violation of preceding section.
317. Certain land given by United States for school-purposes not to be diverted.
318. Sale of part of lot authorized; proceeds, how to be invested.
319. Certain lots granted for colored schools to revert to United States, when.
320. Certain pieces of land in Washington set apart exclusively for school-purposes.</p> |
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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.

When penalty
not to be enforced.

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

Trustees to en-
force attendance.

25 June, 1864, c.
156, s. 21, v. 13, pp.
192, 193.

Children not
vaccinated not to
be admitted.

Ibid.

Construction of
laws.

Ibid., s. 22, p. 193.

exceeding twenty dollars, to be recovered before any justice of the peace of the District. [See § 59.]

SEC. 272. If upon the hearing of any case, provided for in the preceding section, it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, or that the child has been attending any other school for a like period of time, or that the child by reason of bodily or mental infirmity was not fit to attend such school, the penalty shall not be enforced.

SEC. 273. The trustees or school-board having charge of public schools in the District may make such arrangements for the purpose of ascertaining whether any children within the ages prescribed by law are not attending the public schools, as they shall deem best for the purpose of enforcing the attendance of such children upon said schools, under the provisions of the two preceding sections.

SEC. 274. No child shall be admitted into the public schools who shall not have been duly vaccinated or otherwise protected against the small-pox.

SEC. 275. The provisions of this chapter are declared public and remedial, and shall be construed by all courts of justice according to the equity thereof; and no proceedings of the inhabitants or of the trustees of any school-district, or of any other officer created under the provisions of this chapter shall be set aside or adjudged to be void for defect of form, or for any irregularity therein, so that the requirements of law are substantially complied with.

PRIMARY SCHOOLS WITHOUT THE LIMITS OF THE CITIES OF WASHINGTON AND GEORGETOWN.

Formation of
school-districts.

20 May, 1862, c.
77, s. 3, v. 12, p.
395.

25 June, 1864, c.
156, s. 1, v. 13, p. 187;

How revised and
altered.

25 June, 1864, c.
156, s. 1, v. 13, p. 187;

Farms not to be
divided.

20 May, 1862, c.
79, s. 3, v. 12, p.
395.

General duties of
school-board.

25 June, 1864, c.
156, s. 9, v. 13, p.
188.

21 Feb., 1871, c.
62, sec. 23, 30, v.
16, pp. 424, 425.

SEC. 276. There shall be in that portion of the District without the limits of the cities of Washington and Georgetown, seven suitable and convenient school-districts, two of which shall be located west of Rock Creek, three between Rock Creek and the Eastern Branch, and two east and south of the Eastern Branch.

SEC. 277. The school-districts provided for by the preceding section shall remain as now laid down according to law, subject to revision and alteration by the legislative assembly.

SEC. 278. In any alteration of school-districts no tracts of land lying contiguous and forming one farm shall be divided so that portions of the same property shall be included in two separate districts.

SEC. 279. The persons who may be appointed or elected by authority of the legislative assembly as a school-board for that portion of the District without the limits of the cities of Washington and Georgetown, shall have power and it shall be their duty:

First. To receive and disburse any fund which may be provided for the purchase of sites and the erection and support of primary schools in such portion of the District.

Second. To regulate the number of children to be taught in each of said schools.

Third. To select, upon a thorough examination, such teachers as are competent, giving to each a certificate of qualifications, without which no teacher shall be entitled to receive pay; and to fix their salaries and terms of service.

Fourth. To suspend or expel from any school any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein.

Fifth. To prescribe the course of study and the text-books to be used in the schools, to regulate and control the purchase and distribution of

books, maps, globes, stationery, and other things necessary for the same, and generally to prescribe rules and regulations for the management, good government, and well ordering of said schools.

Sixth. To report to the legislative assembly, at the close of each school-year, the amount of all expenditures on account of schools in the several districts during the previous school year, and the manner in which the same shall have been expended, specifying the portion and amount thereof expended for the services of teachers, and also to particularly set forth the number of pupils taught, their average attendance and progress, and such other statistics as the legislative assembly may require.

Seventh. To select, purchase, or otherwise procure suitable sites for school-houses in each district; to adopt plans and cause such school-houses to be built, kept in repair, and furnished; to supply the same with necessary fuel, books, stationery, and appendages, and to defray the necessary expenses of the board; but the pay of teachers shall always have preference.

SEC. 280. The cost of such school-houses shall not exceed fifteen hundred dollars, unless by private subscription, except where the number of scholars is sufficiently large to require two schools, in which case the sum may reach three thousand dollars.

SEC. 281. It shall be the duty of the school-board to provide suitable and convenient houses or rooms for holding schools for colored children, to employ and examine teachers therefor, and to appropriate a proportion of the school-funds, to be determined by the numbers of white and colored children, between the ages of six and seventeen years, to the payment of teachers' wages, to the building or renting of school-rooms, and other necessary expenses pertaining to said schools, to exercise a general supervision over them, to establish proper discipline, and to endeavor to promote a thorough, equitable, and practical education of colored children in said portion of the district.

SEC. 282. Any white resident shall be privileged to place his or her child or ward at any one of the schools provided for the education of white children in said portion of the district he or she may think proper to select, with the consent of the school-board; and any colored resident shall have the same rights with respect to colored schools.

SEC. 283. The school-board is authorized to receive any donations or contributions that may be made for the benefit of the schools for colored children by persons disposed to aid in the elevation of the colored population in the District, and to apply the same in such manner as in their opinion shall be best calculated to effect the object of the donors; the school-board to account for all funds so received, and to report the same to the legislative assembly.

SEC. 284. The taxes assessed for school purposes in the district without the limits of Washington and Georgetown shall be due at the same time, and be collected in the same manner and under the same regulations and restrictions as prescribed by law in relation to the collection of other taxes, and when collected shall be paid to the treasurer of the school-fund. [See § 312.]

SEC. 285. The school-board shall apportion the school-fund, after deducting such part thereof as the provisions of section two hundred and eighty-one, assign to the education of colored children among the several school districts, giving each one-seventh of the whole amount then remaining, (deducting the necessary expenses of the school-board,) according to the number of children in each district between the ages of six and seventeen years.

SEC. 286. Whenever suitable sites cannot be purchased for the erection of school-houses, the school-board shall have power to condemn and value land suitable for that purpose, not exceeding one acre for each site, by giving ten days' notice in writing to the proprietors thereof, except in cases where notice cannot be served, and in cases of minors, married women, and persons non compos, and filing with the secretary of the District for inspection a certificate describing such lands, with

Cost of school-houses.

25 June, 1864, c. 156, s. 11, v. 13, p. 189.

To provide for the education of colored children.

Ibid., s. 17, p. 191.

Where children may be placed in school.

Ibid., s. 16, p. 191.

Donations for colored schools.

Ibid., s. 17, p. 191.

School-taxes, how and when collected, and to whom paid.

Ibid., s. 10, pp. 188, 189.

Apportionment of school-fund.

Ibid., s. 11, p. 189.

Condemnation of land for school-sites; proceedings.

Ibid., s. 12, p. 189.
21 Feb., 1871, c. 62, s. 4, v. 16, p. 420.

the value assessed thereon, which shall be sufficient notice to the proprietors of such land that the board is ready to pay the amount of damages so assessed.

When no appeal is made.

25 June, 1864, c. 156, s. 12, v. 13, pp. 189, 190.

21 Feb., 1871, c. 62, s. 41, v. 16, pp. 428, 429.

In case of appeal and when notice cannot be given; proceedings.

25 June, 1864, c. 156, s. 12, v. 13, p. 190.

Costs; by whom payable.

Ibid.

Verdict of the jury.

Ibid.

Title to pass upon payment or tender of damages assessed.

Ibid.

Option of the school-board.

Ibid.

Where school-houses shall not be located without consent.

Ibid., s. 14.

SEC. 287. If within thirty days from the filing of the certificate, as provided by the preceding section, the proprietors of the land shall not appeal from the decision of the school-board, by written notice left with the secretary of the District, the amount so assessed shall be paid to the proprietors, and the title of such land and premises shall pass to and be vested in the District of Columbia, and said certificate shall be recorded in the land records of the District.

SEC. 288. If the proprietors of such land and premises shall, within thirty days, notify the school-board, in writing, left with the secretary of the District, of their dissent from the valuation of such land so made, or if the land, or any part thereof, be owned by a minor, married woman, or person non compos, or if notice cannot be served, it shall be lawful for the school-board to issue their warrant to the marshal of the District, commanding him to summon a jury of five freeholders, not interested in the matter, to appear, on a day appointed, on the premises, and after having each taken an oath (which the marshal or any one of the school-board is authorized to administer) that he will, without favor or prejudice, assess the damages sustained by the proprietor of the land by reason of the condemnation of said land, the jury so qualified shall proceed to value and assess the damages accordingly.

SEC. 289. If the amount assessed by the jury shall not be greater than the amount previously assessed, the whole costs of the appeal shall be chargeable to the appellant, to be paid by the school-board and deducted from the cost of the land in settlement therefor; otherwise the board shall pay the expenses incurred by reason of such appeal, the marshal's and juror's fees to be computed as provided in chapter eleven of this title. [See § 286.]

SEC. 290. The jury, immediately after they shall have completed their inquest and assessed the damages, shall make out a written verdict, setting forth a full and distinct description of the land and premises and the valuation or damages assessed therefor, which shall be signed by them, or a majority of them, and having been attested by the marshal, shall be immediately returned to the secretary of the District, and shall be final.

SEC. 291. Upon payment, or offer of payment, to the proprietors of the land of the damages assessed according to the provisions of the three preceding sections, the title to such land shall pass to and be vested in the District of Columbia, and the verdict of the jury shall be recorded in the land records of the District.

SEC. 292. In any of the cases mentioned in the four preceding sections it shall be optional with the school-board to abide by the verdict of the jury and occupy the land or abandon it, without being subject to damages therefor.

SEC. 293. It shall not be lawful to locate any site for a school-house in any orchard or garden, nor within three hundred yards of any dwelling-house, without the consent of the proprietor of such dwelling-house, and in order to obtain such consent or refusal thirty days' notice shall be given to the proprietor by the school-board, notifying him of their intention; and if, within thirty days, no answer is returned by the proprietor, it shall be taken for consent, and the board may proceed to erect their school-house.

COLORED SCHOOLS IN WASHINGTON AND GEORGETOWN.

Board of trustees.

3 March, 1873, c. 308, s. 1, v. 17, p. 619.

SEC. 294. There shall be a board of trustees of schools for colored children in the cities of Washington and Georgetown, which shall consist of nine persons, seven of whom shall be citizens of Washington and two citizens of Georgetown.

SEC. 295. Of the trustees from the city of Washington two shall be appointed for the term of three years, three for the term of two years, and two for the term of one year from the date of their appointments, respectively; and of those from the city of Georgetown one shall be appointed for the term of three years and one for the term of one year from the date of their appointments respectively.

Term of office.
3 March, 1873, c. 308, s. 2, v. 17, p. 619.

SEC. 296. The board of trustees shall furnish annually, on or before the 1st day of April, a correct report of their transactions to the governor of the District, who shall transmit one copy each to the council and house of delegates of the legislative assembly, with such suggestions as he may think proper relating to said schools; and any additional information that the legislative assembly, or either branch thereof, shall, from time to time, request by resolution shall be transmitted by the board of trustees to the governor, to be by him transmitted to the legislative assembly.

Reports of board.
Ibid.

SEC. 297. There shall be a secretary and a treasurer of the board of trustees, who shall be appointed annually.

Secretary and treasurer.
Ibid., s. 3, p. 619.

SEC. 298. The trustees, secretary, and treasurer shall be appointed and may be removed by the governor, and vacancies in the board of trustees shall be filled in the same manner for the unexpired term.

Appointments and removals by the governor.

SEC. 299. It shall be the duty of the secretary of the board to keep an accurate account of all proceedings of the board in a journal to be kept for that purpose, and to perform such other duties as appertain to his office or may be required of him by the board, and shall also act as secretary to the superintendent and perform such clerical service as may be required by the superintendent, and for his services shall receive the sum of twelve hundred dollars per annum.

Ibid., s. 4, p. 620.
Duty and salary of the secretary.

Ibid., s. 3.

SEC. 300. It shall be the duty of the treasurer to disburse the funds under the control of the board of trustees, in accordance with the provisions of the acts of Congress and the legislative assembly of the District governing the disbursement of moneys appropriated for the support of the public schools of Washington and Georgetown, as he may be directed by a vote of a majority of the board, and to keep accurate and full accounts of all moneys received by the board, present proper vouchers for all expenditures, and prepare annually a full and correct statement of the financial transactions of the board.

Duties of treasurer.

Ibid., pp. 619, 620.

SEC. 301. The treasurer's statement, after being approved by the board, shall be transmitted to the governor, whose duty it shall be to forward copies thereof to the council and house of delegates, if requested by resolution.

Treasurer's statement to be transmitted to legislative assembly.

Ibid., p. 620.

SEC. 302. The treasurer shall receive five hundred dollars per annum as compensation for his services, and he shall give bond in the sum of twenty thousand dollars, with good and sufficient securities, to be approved by the governor.

Compensation and bond of treasurer.

Ibid.

SEC. 303. It shall be the duty of the treasurer and the secretary to attend all meetings of the board of trustees, but they shall not be entitled to a vote.

Secretary and treasurer to attend meetings of the board.

Ibid.

SEC. 304. There shall be a superintendent of schools for colored children, who shall be appointed by the governor and hold office during his pleasure, and who shall receive a salary of two thousand five hundred dollars annually.

Superintendent, appointment and salary.

Ibid., s. 5, p. 620.

SEC. 305. The board of trustees shall not create any additional offices, or change or fix the salaries of the officers connected with the board.

Board of trustees not to create offices or fix salaries.

Ibid.

SEC. 306. It shall be the duty of the proper authorities of the District to set apart each year from the whole fund received from all sources by such authorities applicable to purposes of public education in the cities

Proportionate part of school moneys to be set apart for colored schools.

25 June, 1864, c. 156, s. 18, v. 13, p. 191.
 23 July, 1866, c. 217, s. 1, v. 14, p. 216.

of Washington and Georgetown such a proportionate part of all moneys received or expended for school or educational purposes in said cities, including the cost of sites, buildings, improvements, furniture, and books, and all other expenditures on account of schools, as the colored children between the ages of six and seventeen years in the respective cities bear to the whole number of children, white and colored, between the same ages, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; and such proportion shall be ascertained by the last reported census of the population of said cities made prior to such apportionment, and shall be regulated at all times thereby. [See § 115.]

To whom and when paid over, and how payment may be enforced.

21 May, 1862, c. 83, s. 2, v. 12, p. 407.
 25 June, 1864, c. 156, s. 18, vol. 13, pp. 191, 192.
 23 July, 1866, c. 217, s. 1, v. 14, p. 216; 3 March, 1873, c. 308, s. 5, v. 17, p. 620.

SEC. 307. The proportion of school-money provided by the preceding section to be set apart for colored schools, shall be kept as a fund distinct from the general school fund, and shall be paid to the treasurer of the board of trustees of schools for colored children, and shall be considered due and payable to said treasurer on the first day of October of each year, and if not then so paid over, interest at the rate of ten per centum per annum on the amount unpaid may be demanded and collected from the authorities of the District by said trustees. [See §§ 116-118.]

Action of debt may be maintained against the District for non-payment.

23 July, 1866, c. 217, s. 2, v. 14, p. 216.

SEC. 308. The trustees may maintain an action of debt in the supreme court of the District against the District for the non-payment of any sum of money arising under the provisions of the two preceding sections.

Board of trustees to have control of fund.

21 May, 1862, c. 83, s. 2, v. 12, p. 407.

SEC. 309. The board of trustees of schools for colored children shall have sole control of the fund arising under the provisions of section three hundred and three, as well as from contributions by persons disposed to aid in the education of the colored race, or from any other source. [See § 306.]

11 July, 1862, c. 151, s. 1, v. 12, pp. 537, 538; 3 March, 1873, c. 308, s. 1, v. 17, p. 619.

To establish schools.

Ibid.

SEC. 310. It is made the duty of the trustees to provide suitable rooms and teachers for such a number of schools in Washington and Georgetown as, in their opinion, will best accommodate the colored children in the various portions of said cities.

To have the power of trustees of public schools.

21 May, 1862, c. 83, s. 3, v. 12, p. 407.

SEC. 311. The board of trustees of schools for colored children shall possess all the powers, exercise the same functions, and have the same supervision over the schools provided for in this chapter for the education of colored children in Washington and Georgetown, as are exercised over the public schools in said cities, by the trustees thereof, by virtue of the laws and ordinances in force in said cities respectively.

SUPPORT OF PUBLIC SCHOOLS.

Special tax for erection of school-houses and the support of public schools.

20 July, 1868, c. 177, s. 8, v. 15, p. 120.

SEC. 312. The legislative assembly is authorized to levy and collect a special tax on the taxable property in the city of Washington, in the city of Georgetown, and in that portion of the District without the limits of said cities, subject to the provisions of section three hundred and three,* for the erection of school-houses and the support of public schools, not exceeding fifty cents on each one hundred dollars for any one year, to be assessed and collected as other taxes. [See § 306.]

APPLICATION OF MONEYS DERIVED FROM FINES, PENALTIES, AND FORFEITURES.

Moneys derived from fines, penalties, and forfeitures to be applied to the support of schools.

SEC. 313. All moneys derived from fines, penalties, and forfeitures imposed in the District for violations of the laws of the United States within said District, shall constitute funds for the support of public schools in the following proportions, namely:

One-fourth for the primary schools in that portion of the District without the limits of Washington and Georgetown.

25 June, 1864, c. 156, s. 19, v. 13, p. 192.

One-fourth for the public schools in the city of Georgetown.

21 Feb., 1871, c. 62, s. 41, v. 16, p. 429.

Two-fourths for the public schools in the city of Washington.

To be applied equally for the education of white and colored children.

SEC. 314. The funds obtained for educational purposes in accordance with the preceding section shall be applied to the education of both white and colored children, in the proportion of the numbers of each between the ages of six and seventeen years, as determined by the latest census report that shall have been made prior to such apportionment.

Ibid.

SEC. 315. The governor of the District is authorized and instructed to pay over every three month such portion of said moneys as by the provisions of the two preceding sections are applicable to the education of colored children in the cities of Washington and Georgetown, to the treasurer of the board of trustees of schools for colored children in said cities, to be used by said trustees for the education of colored children, according to the provisions of law.

Proportion for colored schools to be paid to treasurer of board of trustees.

25 June, 1864, c. 156, s. 19, v. 13, p. 192.

3 Mar., 1873, c. 308, s. 5, v. 17, p. 620.

SEC. 316. Any officer failing to pay over the moneys as provided by the preceding section, shall be liable to a fine of not less than three hundred nor more than five hundred dollars, to be collected by prosecution in the criminal court of the District.

Penalty for violation of preceding section.

25 June, 1864, c. 156, s. 19, v. 13, p. 192.

192; 12 July, 1862, c. 158,

s. 2, v. 12, p. 542.

PROVISIONS RELATING TO LAND CONVEYED BY THE UNITED STATES FOR SCHOOL PURPOSES.

SEC. 317. The lot of land marked upon the plan of the city of Washington as lot number fourteen, in square number two hundred and sixty-three, which was conveyed to said city by the Commissioner of Public Buildings, under authority of an act of Congress dated June fifth, eighteen hundred and sixty, for the use of the public schools in said city, shall not be sold, assigned, or conveyed or diverted, for any other purpose except as provided in the following section.

Certain land given by the United States for school purposes not to be diverted.

5 June, 1860, c. 77, v. 12, p. 27.

4 June, 1872, c. 290, v. 17, p. 221.

SEC. 318. The proceeds of that portion of lot number fourteen, in square number two hundred and fifty-three, which was authorized to be sold by an act of Congress dated June fourth, eighteen hundred and seventy-two, shall be invested by the authorities of the District in another lot or part of a lot in the city of Washington, and in improvements thereon; and the property so purchased shall be used for the purpose of the public schools, and for no other purpose.

Sale of part of lot authorized; proceeds, how to be invested.

Ibid.

SEC. 319. The lots of land numbered one, two, and eighteen, in square number nine hundred and eighty-five, in the city of Washington, which were designated and set apart by the Secretary of the Interior to be used for colored schools, and conveyed to the trustees of colored schools for the cities of Washington and Georgetown, by the Commissioner of Public Buildings, under authority of an act of Congress dated July twenty-eight, eighteen hundred and sixty-six, for the sole use of schools for colored children in the District of Columbia, shall, if converted to other uses, revert to the United States.

Certain lots granted for colored schools to revert to United States whenever used for any other purpose.

28 July, 1866, c. 308, v. 14, p. 343.

SEC. 320. That parcel of land marked and designated upon the map of the city of Washington as part of lot number eleven, in square number one hundred and forty-one, beginning at the northwest corner of said lot, and running thence due south on the west line of said square, fifty feet; thence due east, thirty feet; thence due north, fifty feet; thence due west on the north line of said square, to the point of beginning, and also that piece of land marked and designated upon said map as a public reservation, located between Eighth and Ninth streets and K street and Virginia avenue southeast, known as the Anacostia engine-

Certain pieces of land in Washington set apart exclusively for school purposes.

4 June, 1872, c. 289, v. 17, p. 221.

house, together with the buildings and improvements thereon, are severally set apart and appropriated for the use of the public schools in the city of Washington, so long as they shall be occupied for that purpose, and no longer.

CHAPTER THIRTEEN.

METROPOLITAN POLICE.

- | Sec. | Sec. |
|---|---|
| 321. Establishment of metropolitan police district. | 369. Precincts. |
| 322. Commissioners of police. | 370. Stations and sub-stations. |
| 323. From whence appointed. | 371. Proper station-houses to be provided by local authorities. |
| 324. Oath of office. | 372. Power of board in case of neglect. |
| 325. General powers of commissioners. | 373. Residence of members of police force. |
| 326. Board of police, how constituted. | 374. Details for duty. |
| 327. Vote of governor, ex-officio. | 375. Additional privates, how appointed. |
| 328. Quorum. | 376. Duties and powers. |
| 329. Pay of members of board. | 377. How removed. |
| 330. Officers of board. | 378. Special policemen without pay. |
| 331. President and treasurer, how elected. | 379. Powers and duties; badge. |
| 332. Treasurer's bond and salary. | 380. Aid to be given to board of health. |
| 333. Secretary. | 381. Sanitary police company. |
| 334. General power conferred upon board. | 382. Powers of sanitary company. |
| 335. Duties of the board. | 383. Reports and complaint. |
| 336. Jurisdiction. | 384. Proceedings of court on complaint. |
| 337. Rules and regulations. | 385. Proceedings upon hearing. |
| 338. When to furnish information, &c., to legislative assembly and governor. | 386. Books and records; what to be kept. |
| 339. Annual report. | 387. Treasurer's account. |
| 340. Police force, how composed. | 388. Record of meetings of the board. |
| 341. Appointment and tenure of office. | 389. Books to be open to public inspection. |
| 342. Qualifications, duties, &c., how prescribed. | 390. Police returns and reports. |
| 343. Authority of major of police. | 391. Power of board to issue subpoenas. |
| 344. To be respected and obeyed. | 392. Who may administer oaths to witnesses. |
| 345. Regulations and orders of the board, how promulgated. | 393. Perjury in such cases; penalty. |
| 346. Major's quarterly reports. | 394. Police to have power of constables. |
| 347. Duties of captain. | 395. Execution of warrants. |
| 348. Clerk in office of major. | 396. Discriminating laws not to be enforced. |
| 349. Surgeons of police. | 397. Arrests without warrant. |
| 350. Majors and lieutenants to give security. | 398. Powers of officers in case of suspected felonies. |
| 351. Oath of office. | 399. Information and return of arrests. |
| 352. Members of board, secretary, and major, to have powers of notaries public and justices of the peace. | 400. Penalty for neglect to make arrests. |
| 353. Privileges and exemptions of police. | 401. Detention of witnesses. |
| 354. Restrictions upon appointments. | 402. Authority of search and arrest in certain cases. |
| 355. Removals. | 403. Duty of major to prosecute, &c. |
| 356. Members of police force not to resign without notice. | 404. Supervision of doubtful establishments. |
| 357. Presents, &c., not to be received without consent. | 405. Examination of books and papers. |
| 358. When rewards may be permitted. | 406. Examination of property. |
| 359. Regulations. | 407. Interference punishable as a misdemeanor. |
| 360. Penalty for receiving reward without notice. | 408. Property clerk. |
| 361. Disposal of fines and rewards. | 409. Custody of stolen, lost, or abandoned property. |
| 362. Policeman's fund. | 410. Record to be kept. |
| 363. Board of police to be trustee. | 411. Property clerk to have power of notary public. |
| 364. Who may have benefit of the fund. | 412. Oaths and depositions. |
| 365. Uniforms. | 413. May return certain property to owners; how. |
| 366. Salaries of members of police force. | 414. Property taken from arrested persons; how restored. |
| 367. Further compensation, how payable. | 415. Retention when claimed by other than accused person. |
| 368. District to levy tax for its proportion of expenses of police force. | |

- Sec.
 416. Taken on suspicion, &c.; how disposed of.
 417. Sale of unclaimed property.
 418. Sale of unclaimed animals.
 419. Sale of perishable property.
 420. When animals, &c., may be placed in custody of owner.
 421. When perishable property may be delivered to owner.
 422. When large quantity of goods held for sale may be delivered to owner.
 423. Property desired as evidence in court.
 424. Unclaimed property not called for.
 425. Private detectives; who may practice as.
 426. To give bond.
 427. To report to secretary of board of police.

- Sec.
 428. Forfeiture of bond; duty of United States attorney.
 429. Duty of private detective making arrests.
 430. All police laws applicable to private detectives.
 431. Compromise of felony, &c., prohibited.
 432. Penalty for using personal violence on officer in discharge of his duty.
 433. Penalty for falsely pretending to be an officer.
 434. Unnecessary severity punishable.
 435. Licenses for sale of intoxicating drinks.
 436. Certain telegraphic apparatus and police property.
 437. Police code.
 438. Its authority.

SEC. 321. The District is constituted a police district, to be called "The Metropolitan Police district of the District of Columbia."

Establishment of metropolitan police district.

6 Aug., 1861, c. 62, s. 1, v. 12, p. 320.

BOARD OF POLICE.

SEC. 322. There shall be five commissioners of police, who shall be appointed from time to time by the President of the United States, for the term of three years and until their successors are appointed and qualified, unless sooner removed by the President.

Commissioners of police.

Ibid., ss. 2, 3.

SEC. 323. Three of the commissioners of police shall be appointed from the city of Washington, one from Georgetown, and one from the county of Washington at large.

From whence to be appointed.

Ibid., s. 3.

SEC. 324. Each of the commissioners of police shall take and subscribe an oath or affirmation to support the Constitution of the United States, and faithfully to discharge the duties of his office. Such oath or affirmation may be taken before any person duly authorized to administer oaths in the District. [See § 85.]

Oath of office.

Ibid.

SEC. 325. The commissioners of police shall be the chief officers of the metropolitan police district, and shall severally possess and perform therein the powers and duties authorized and enjoined by this chapter.

General powers of commissioners.

Ibid., s. 2.

SEC. 326. The commissioners of police, together with the governor of the District ex-officio, shall form the board of police for the metropolitan police district.

Board of police, how constituted.

Ibid.

SEC. 327. The governor, as ex-officio a member of the board of police, shall be entitled to one vote in the board when present at its meetings.

Vote of governor, ex-officio.

Ibid., s. 23, p. 325

SEC. 328. A majority of the board shall constitute a quorum for the transaction of business.

Quorum.

SEC. 329. Each commissioner of police shall receive an allowance of five dollars per day for each day of actual attendance upon the meetings of business of the board, not to exceed, however, to each commissioner, the treasurer excepted, two hundred and fifty dollars per annum; and no other compensation shall be paid or allowed to the members of the board.

Ibid., s. 2, p. 320.

Pay of members of board.

Ibid., s. 22, p. 325.

SEC. 330. The officers of the board of police shall be a president, treasurer, and secretary.

Officers of board.

Ibid., s. 4, p. 321. 16 July, 1861, c. 181, s. 1, v. 12, p. 579.

SEC. 331. The president and treasurer shall each be selected from among the commissioners of police by themselves, and shall each discharge such duties as the board of police may prescribe.

President and treasurer, how selected; duties.

6 Aug., 1861, c. 62, s. 4, v. 12, p. 321.

SEC. 332. The treasurer shall give a bond with two sureties, to the satisfaction of the board, in the penal sum of ten thousand dollars, for

Treasurer's bond and salary.

6 Aug., 1861, c. 62, ss. 4, 22, v. 12, pp. 321, 325. the faithful discharge of the duties of his office, and shall receive a stated salary of six hundred dollars per annum.

Secretary.

Ibid., s. 4, p. 321.
16 July, 1862, c. 181, s. 1, v. 12, p. 579.

General powers conferred upon board.

6 Aug., 1861, c. 62, ss. 20, 23, v. 12, pp. 324, 325.

Duties of the board.

Ibid., s. 5, p. 321.
3 March, 1863, c. 106, s. 10, v. 12, p. 803.

Jurisdiction.

6 Aug., 1861, c. 62, s. 6, v. 12, p. 321.

Rules and regulations.

Ibid.

When to furnish information, &c., to legislative assembly and governor.

Ibid.; s. 19, p. 324.

Annual report.

SEC. 333. The Secretary shall be appointed by the board of police; may hold his office during the pleasure of the board, and shall perform such duties as may be required by the board. He shall receive an annual salary of twelve hundred dollars, payable monthly.

SEC. 334. The board of police is invested with all the powers conferred by law upon the mayors of Washington or of Georgetown, prior to August sixth, eighteen hundred and sixty-one, in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect property, and preserve the public tranquillity. And the board of police shall also possess all the power and authority so conferred by law upon the auxiliary guard of the city of Washington, and upon the mayor or other officer of the cities of Washington and Georgetown respectively, as the heads therein of the respective police departments or organizations of those cities, which power or authority relates to or is in any way connected with the police government or police discipline within either of said cities.

SEC. 335. It shall be the duty of the board of police at all times of the day and night within the boundaries of said police district—

- First. To preserve the public peace;
- Second. To prevent crime and arrest offenders;
- Third. To protect the rights of persons and of property;
- Fourth. To guard the public health;
- Fifth. To preserve order at every public election;
- Sixth. To remove nuisances existing in the public streets, roads, alleys, highways, and other places;
- Seventh. To provide a proper police force at every fire, in order that thereby the firemen and property may be protected;
- Eighth. To protect strangers and travelers at steamboat and ship landings and railway-stations;
- Ninth. To see that all laws relating to the observance of Sunday, and regarding—

Pawnbrokers,
Mock auctions,
Elections,
Gambling,
Intemperance,
Lottery dealers,
Vagrants,
Disorderly persons, and

The public health, are promptly enforced; and

Tenth. To enforce and obey all laws and ordinances in force in the District, or any part thereof, which are properly applicable to police or health, and not inconsistent with the provisions of this chapter.

SEC. 336. The duties of the board of police shall be more especially executed, under the direction and control of the board, by a police force for the whole of said police district, authorized to do duty in any part thereof without regard to residence or corporation lines. [See E. S. U. S., § 1819.]

SEC. 337. The board of police is authorized to pass, from time to time, rules and regulations for the proper government and discipline of its subordinate officers, and the duties of the police force shall be executed in accordance therewith.

SEC. 338. It shall be the duty of the board of police at all times, when consistent with the rules and regulations of the board, and with the requirements of this chapter, to furnish all information desired, and comply with all requests made by the legislative assembly or by the governor.

21 Feb., 1871, c. 62, v. 16, p. 419.

SEC. 339. The board of police shall annually, on or before the first

Monday in November, report in writing the condition of the police within said district to the Attorney-General.

6 Aug., 1861, c. 62, s. 24, v. 12, p. 325.
 2 March, 1873, c. 227, s. 1, v. 17, p. 517.

THE POLICE FORCE.

SEC. 340. The police force shall consist of the following officers, viz:
 One major.
 One captain.
 Ten lieutenants.
 Twenty sergeants.
 Such number of privates, not exceeding two hundred for the regular service, as the board may deem necessary.
 Six detectives.

Police force; how composed.
 6 Aug., 1861, c. 62, s. 7, v. 12, p. 321.
 16 July, 1862, c. 181, ss. 2, 8, v. 12, pp. 579, 581.
 23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 341. The officers of the police force shall be severally appointed by the board of police, and each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the board, the laws of the United States, and the laws or ordinances existing within the District, and which apply to any part of the district where the members of the force may be on duty.

Appointment and tenure of office.
 6 Aug., 1861, c. 62, s. 7, v. 12, p. 321.

SEC. 342. The qualifications, enumeration, and distribution of duties, mode of trial, and removal from office, of each officer of the police force, shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the Constitution and laws of the United States applicable thereto.

Qualifications, duties, &c.; how prescribed.
 Ibid., s. 8, p. 321.

SEC. 343. The major of police shall take the place of the mayors of the cities of Washington and Georgetown as the head of the police departments of those cities respectively, but always subject to the orders and regulations of the board of police.

Authority of major of police.
 Ibid., s. 10, p. 322.
 23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 344. It shall be the duty of the police force to respect and obey the major of police as the head and chief of the police force, subject to the rules, regulations, and general orders of the board of police.

To be respected and obeyed.

SEC. 345. All regulations and orders of the board of police shall be promulgated through the major of police.

Ibid.
 Regulations and orders of the board, how promulgated.

SEC. 346. The major of police shall make to the board of police quarterly reports in writing of the state of the police district, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline of said district.

Ibid.
 Major's quarterly reports.

SEC. 347. The captain shall be the inspector of the police force, command it in the sickness or absence of the major, and perform such other duties as the commissioners of police may direct.

6 Aug., 1861, c. 62, s. 24, v. 12, p. 325.
 23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 348. There shall be in the office of the major of police one clerk, who shall be appointed by the commissioners, and who shall have charge of the records of the sanitary company provided for in section three hundred and eighty-one, and who shall perform such other duties as the major, by the direction or with the approval of the commissioners, may prescribe, and who shall receive a salary of one thousand dollars per annum.

Duties of captain.
 Ibid.
 Clerk in office of major.
 Ibid., pp. 212, 213.

SEC. 349. The board of police may also appoint not exceeding three surgeons of police, who shall perform such duties as may be required of them by the board, and who shall receive an annual compensation of three hundred dollars each.

20 Dec., 1866, c. 4, v. 14, p. 374.

SEC. 350. The board of police shall require security to be entered into by the major and lieutenants, and shall make suitable provisions therefor.

Surgeons of police.
 16 July, 1862, c. 181, s. 2, v. 12, p. 579.
 Major and lieutenants to give security.

SEC. 351. The board of police shall also require an oath of office to be taken by the members of the police force, and shall make suitable pro-

Oath of office.
 Ibid.

6 Aug., 1861, c. 62, s. 27, v. 12, p. 325; 23 July, 1866, c. 215, s. 1, v. 14, p. 212.

visions respecting the same, and for the registry thereof, and such oath may be taken before one of the commissioners of police, any of whom are empowered to administer the same.

Members of board, secretary, and major, to have powers of notaries public and justices of the peace. SEC. 352. The members of the board of police, the secretary of the board, and the major of police are vested with all the powers conferred by law upon notaries public and justices of the peace in the District. 16 July, 1862, c. 181, s. 5, v. 12, p. 580.

Privileges and exemptions of police. SEC. 353. No person holding office under this chapter shall be liable to military or jury duty, nor to arrest on civil process, nor to service of subpoenas from civil courts while actually on duty.

Ibid.
Restrictions upon appointments. SEC. 354. No person shall be appointed to office, or hold office in the police force, who cannot read and write the English language, or who is not a citizen of the United States, or who shall ever have been indicted and convicted of crime; and no person shall be appointed as policeman or watchman who has not served in the Army or Navy of the United States and received an honorable discharge.

Removals. SEC. 355. No person shall be removed from the police force except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; and no person removed from the police force for cause, shall be re-appointed to any office in said force.

Members of police force not to resign without notice. SEC. 356. No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the board, unless he shall have given to the major one month's notice, in writing, of such intention.

16 July, 1862, c. 181, s. 7, v. 12, p. 581.

Presents, &c., not to be received without consent. SEC. 357. No member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by this chapter, except by consent of the board of police.

When rewards may be permitted. SEC. 358. The board of police, for meritorious and extraordinary services rendered by any member of the police force, in the due discharge of his duty, may permit such member to retain for his own benefit any reward or present tendered him therefor.

Regulations. SEC. 359. Upon notice to the board of police from any member of the police force, of the receipt by such member of any reward or present, the board may order the member to retain the same, or shall dispose thereof for the benefit of the policeman's fund.

Penalty for receiving reward without notice. SEC. 360. It shall be cause of removal from the police force for any member to receive rewards or presents without giving notice of the same to the board of police.

Ibid.
Disposal of fines and rewards. SEC. 361. All fines imposed by the board of police upon members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments, that may be paid and given for extraordinary services of any member of the police force, except when allowed to be retained by such member, shall be paid to the treasurer of the board of police, unless otherwise appropriated by the board.

Policeman's fund. SEC. 362. The rewards, fees, proceeds of gifts, and emoluments mentioned in the preceding section, and all moneys arising from the sale of unclaimed goods, shall constitute the "policeman's fund."

Board of police to be trustee. SEC. 363. The board of police shall be the trustee of the policeman's fund, and may invest the same as they shall see fit.

Ibid.
Who may have benefit of the fund. SEC. 364. Whenever any member of the police force, in the actual discharge of his duty, shall become actually disabled, his necessary expenses, during the time of such disability, on the certificate of a compe-

Ibid.

tent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, may become a charge upon the policeman's fund. But the board may discontinue such allowance for any satisfactory reason.

SEC. 365. The board of police shall provide specific rules for uniform clothing of the police force, which shall be procured by each of the members thereof respectively, strictly in conformity with such rules, at his own expense and risk, and any member shall be removed from the force for not complying with such rules.

SEC. 366. The salaries of the officers, privates, and detectives of the police force shall be as follows:

Major, seventeen hundred and forty dollars per annum.

Captain, twelve hundred dollars per annum.

Lieutenants, eight hundred and forty dollars per annum.

Sergeants, sixty-five dollars per month.

Privates, sixty dollars per month.

Detectives, ninety dollars per month.

SEC. 367. The metropolitan police force, its officers and clerks, shall receive a further compensation of fifty per centum upon their respective salaries, as provided for in this chapter, which further sum shall be paid by the cities of Washington and Georgetown and the District beyond the limits of said cities, in the proportion corresponding to the number of privates allotted severally to said precincts.

20 Dec., 1866, v. 14, p. 374; 2 Mar., 1867, c. 166, v. 14, pp. 456, 457; 20 July, 1868, v. 15, p. 116; 3 Mar., 1869, c. 122, v. 15, p. 307; 15 July, 1870, c. 292, v. 16, p. 293; 3 Mar., 1871, v. 16, pp. 499, 500; 10 June, 1872, c. 415, s. 1, v. 17, p. 359; 3 Mar., 1873, c. 227, s. 1, v. 17, p. 517.

SEC. 368. The proper authorities of the District are authorized and required to levy a special tax in Washington and Georgetown and the District beyond the limits of said cities, not exceeding one-third of one per centum annually, which shall be specially deposited once in each week, as such collections are made, to be appropriated and expended only for the purpose of defraying the expenses of maintaining said metropolitan police force, in the proportion mentioned in the preceding section.

Uniforms.

23 July, 1866, c. 215, s. 4, v. 14, p. 213.

Salaries of members of police force.

6 Aug., 1861, c. 62, s. 22, v. 12, p. 325; 16 July, 1862, c. 181, s. 8, v. 12, p. 581; 28 July, 1866, c. 296, s. 6, v. 14, p. 321; 20 Dec., 1866, c. 4, v. 14, p. 374.

Further compensation, how payable.

25 June, 1864, c. 147, v. 13, p. 159; 2 Mar., 1865, v. 13, p. 459; 28 July, 1866, c. 296, v. 14, p. 321;

District to levy tax for its proportion of expenses of police force.

Ibid.

PRECINCTS AND STATIONS.

SEC. 369. The board of police may divide the district into precincts, not exceeding ten, and may assign one lieutenant of police to each precinct.

Precincts.

6 Aug., 1861, c. 62, s. 10, v. 12, p. 322.

SEC. 370. The board of police may, from time to time, but without expense to the United States, establish stations and station-houses, or sub-stations and sub-station-houses, at least one to each precinct, for the accommodation thereat of members of the police force, and as temporary places of detention for persons arrested and property taken within the precinct.

Stations and sub-stations.

16 July, 1862, c. 181, s. 5, v. 12, p. 580.

SEC. 371. It shall be the duty of the proper authorities of the District to provide, at the expense of the cities of Washington and Georgetown, respectively, all necessary accommodations within their respective limits for the station-houses required by the board of police, for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses, and to suitably warm and light the same.

Proper station-houses to be provided by local authorities.

6 Aug., 1861, c. 62, s. 15, v. 12, p. 323.

SEC. 372. In case the authorities of the District neglect or refuse to comply with the provisions of the preceding section, after having been thereto requested by the board of police, then the board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursements thereof against the city whose proper authorities so neglected or refused to make the provision required.

Power of board in case of neglect.

Ibid.

Residence of members of police force.

SEC. 373. There shall be no limitation or restriction of place of residence to any member of the police force, other than residence within the metropolitan police district.

16 July, 1862, c. 181, s. 7, v. 12, p. 581.

Details for duty.

SEC. 374. The board of police may, from time to time, detail and change, without regard to or limitation of residence, the lieutenants, sergeants, or privates to such parts of the District, or to such of the police or criminal courts, and to the public offices of the Government of the United States and of the District, as the board may deem advisable; and it shall be the duty of the board to cause the location of privates to be changed, from time to time, as the efficiency of the force shall require.

6 Aug., 1861, c. 62, s. 10, v. 12, p. 322.

16 July, 1862, c. 181, s. 7, v. 12, p. 581.

SPECIAL POLICEMEN.

Additional privates, how appointed.

SEC. 375. The board of police may, on the application of any person showing the necessity thereof, appoint any additional number of privates to duty at any place within the District, at the charge and expense of the person by whom the application is made, but not to exceed the yearly sum provided for privates of the general police force.

6 Aug., 1861, c. 62, s. 11, v. 12, p. 322.

Powers and duties.

SEC. 376. The privates appointed as provided in the preceding section shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges, and duties of the police force.

Ibid.

How removed.

SEC. 377. The persons employed, as provided in the two preceding sections, may be removed at any time by the board of police, without assigning cause thereof, upon one month's notice of the intention so to do, given to the person who applied for the appointment.

Ibid.

Special policemen without pay.

SEC. 378. The board of police may also, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony, or celebration, appoint as many special privates without pay, from among the citizens, as it may deem advisable, and for a specified time.

Ibid., s. 12, p. 322.

Powers and duties; badge.

SEC. 379. During the term of service of such special privates, they shall possess all the powers and privileges, and perform all the duties of the privates of the standing police force of the District. And such special privates shall wear an emblem, to be presented by the police commissioners.

Ibid., pp. 322, 323.

SANITARY COMPANY.

Aid to be given to board of health.

SEC. 380. The board of health, or proper health-officer, of the District shall have power to call upon any of the police force, to a number not exceeding six, to aid upon any necessary emergency in enforcing the powers and duties conferred upon their office by law; and it shall be the duty of any such number of police so called upon to obey such call, but such service shall not continue longer than twenty-four hours.

Ibid., s. 19, p. 324.

Sanitary police company.

SEC. 381. It shall be the duty of the board of police to set apart a sanitary police company, to consist of not exceeding ten persons, who shall be selected from among the police, and to assign to said company such especial duties, by the rules and regulations, as may be publicly advantageous.

16 July, 1862, c. 181, s. 2, v. 12, p. 579.

Powers of sanitary company.

SEC. 382. The sanitary police company is empowered, under such distribution of power and duty as may be made by the rules and regulations, to visit and make inspection of all ferry-boats, manufactories, slaughter-houses, tenement-houses, and edifices suspected of or charged with being unsafe, and to attend to such other matters relating to health as are complained of and entered upon the complaint-book, and to take all necessary legal measures for promoting the security of life or health

Ibid.

generally upon or in said boats, manufactories, houses, and edifices, and to make report of inspection and action in the premises to the board of police.

SEC. 383. Whenever the board of police is satisfied by such report that any ferry-boat, manufactory, slaughter-house, tenement-house, or edifice is maintained, or that any other act is about to be committed, in a manner prejudicial to the lives or health of the public, it shall, after due entry upon its minutes of the circumstances, cause complaint to be made, founded upon such report and circumstances, before the proper court of the District.

Reports and complaints.
16 July, 1862, c. 181, s. 2, v. 12, p. 579.

SEC. 384. Upon such complaint being made, under oath, the court shall, in a summary way, issue the proper warrant, reciting therein the name of the member or members of the sanitary police company, for the arrest of the person in charge of such ferry-boat, manufactory, slaughter-house, tenement-house, or edifice, or otherwise committing any act that may be derogatory to the public health, to the end that he may be brought before the court and the complaint of insecurity of the life or health of the public so made be duly investigated according to the law of examination into misdemeanors.

Proceedings of court on complaint.
Ibid.

SEC. 385. If satisfied, on a summary hearing of the case, that such charge of insecurity of the lives or health of the public is founded on reasonable and probable cause, the court may, by an order in writing, command any such ferry-boat to cease running, or any business in such manufactory or slaughter-house to cease, or impose such fine as by law may be attached to such offense upon the person so offending, until the cause of complaint shall be removed to the satisfaction of the board of police. [See § 72.]

Proceedings upon hearing.
Ibid.

BOOKS AND RECORDS.

SEC. 386. The board of police shall cause to be kept the following books and records, namely :

Books and records, what to be kept.
6 Aug., 1861, c. 62, s. 14, v. 12, p. 323.

First. General complaint-books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant.

General complaint book.

Second. Books of registry of lost, missing, or stolen property, for the general convenience of the public and of the police of the District.

Registry of lost, missing, or stolen property.

Third. Books of records of the police, wherein shall be entered the name of every member of the police-force, with the time and place of his nativity, and the time when he became a citizen if he was born out of the United States; his age; his former occupation; number and residence of family; the date of appointment or dismissal from office, with the cause of the latter. And in every such record sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such member of the police-force, or of any special services deemed meritorious by the commissioners of police.

Records of the police.

Record of services.

SEC. 387. The board of police shall also cause to be kept in proper books the accounts of the treasurer of the board; and all receipts of moneys, or warrants or checks for moneys, shall be written in books kept for the purpose, and the receipts shall be signed in every case by the person receiving money, warrants, or checks from the treasurer.

Treasurer's accounts.
6 August, 1861, c. 62, s. 14, v. 12, p. 323.

SEC. 388. The board of police shall also cause to be kept in proper books the number of the several meetings of the board.

Record of meetings of the board.
Ibid.

SEC. 389. All the books mentioned in the three preceding sections shall be, at all business hours, and when not in actual use, open to public inspection.

Books to be open to public inspection.

SEC. 390. The board of police shall also cause to be kept and bound all police returns and reports of the District.

Ibid.
Public returns and reports.
Ibid.

POLICE HEARINGS.

Power of board to issue subpoenas.

6 Aug., 1861, c. 62, s. 20, v. 12, p. 324.

Who may administer oaths to witnesses.

Ibid.

Perjury in such cases; penalty.

Ibid.

SEC. 391. The board of police shall have power to issue subpoenas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations.

SEC. 392. Each commissioner of police, the major and the secretary of the board of police, have power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized by the preceding section, and to any depositions necessary by the rules and regulations of the board of police.

SEC. 393. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers mentioned in the preceding section, to any material fact in any necessary proceeding under the rules and regulations of the board of police, shall be deemed perjury, and shall be punished in the manner prescribed by law for such offense.

ARRESTS AND SEARCHES.

Police to have powers of constables.

16 July, 1862, c. 181, s. 5, v. 12, p. 580.

United States vs. Pignal, 1 Cranch, C. C., 310; United States vs. Faw, 1 Cranch, C. C., 487; United States vs. Gouze, 4 Cranch, C. C., 488.

Execution of warrants.

6 Aug., 1861, c. 62, s. 9, v. 12, p. 322.

Discriminating laws not to be enforced.

Arrests without warrant; when.

Ibid., s. 10, p. 581.

Powers of officers in case of suspected felonies.

6 Aug., 1861, c. 62, s. 9, v. 12, p. 322.

Information and return of arrests.

Ibid., s. 16, pp. 323, 324.

SEC. 394. The members of the board of police, and of the police force, shall possess in every part of the District all the common law and statutory powers of constables, except for the service of civil process and for the collection of strictly private debts, in which designation fines imposed for the breach of the ordinances in force in the District, shall not be included. [See §§ 1065-1067.]

SEC. 395. Any warrant for search or arrest, issued by any magistrate of the District, may be executed in any part of the District by any member of the police force, without any backing or indorsement of the warrant, and according to the terms thereof; and all provisions of law in relation to bail in the District shall apply to this chapter.

SEC. 396. The said board of police shall not enforce any law or ordinance discriminating between persons in the administration of justice.

16 July, 1862, c. 181, s. 5, v. 12, p. 580.

SEC. 397. The several members of the police-force, including the commissioners of police, shall have power and authority to immediately arrest, without warrant, and to take into custody any person who shall commit, or threaten or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of Congress, or by any law or ordinance in force in the District, but such member of the police-force shall immediately, and without delay, upon such arrest convey in person such offender before the proper court, that he may be dealt with according to law.

SEC. 398. The major of police and the lieutenants of police, having just cause to suspect that any felony has been, or is being, or is about to be, committed within any building, or on board of any ship, boat, or vessel within the said District, may enter upon the same at all hours of day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen.

SEC. 399. Every case of arrest shall be made known within six hours thereafter to the lieutenant of police on duty in the precinct in which the arrest is made, by the person making the same; and it shall be the duty of the lieutenant within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention.

SEC. 400. If any member of the police-force shall neglect making any arrest for an offense against the laws of the United States committed in his presence, he shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment in the District jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars.

* Penalty for neglect to make arrests.

6 Aug., 1861, c. 62, s. 21, v. 12, p. 324.

SEC. 401. The board of police shall provide suitable accommodations within the district for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates in committing witnesses to have regard to the rules and regulations of the board of police in reference to their detention.

Detention of witnesses.

Ibid., s. 16, p. 324.

SEC. 402. If any member of the police force, or if any two or more house-holders shall report in writing, under his or their signature, to the major of police that there are good grounds, stating the same, for believing any house, room, or premises within the police-district to be kept or used for any of the following purposes, namely:

Authority of search and arrest in certain cases.

16 July, 1862, c. 181, s. 3, v. 12, pp. 579, 580.

First. As a common gaming-house, common gaming-room, or common gaming-premises, for therein playing for wagers of money at any game of chance; or,

Second. As a bawdy-house, or as a house of prostitution, or for purposes of prostitution; or,

Third. For lewd and obscene public amusement or entertainment; or,

Fourth. For the deposit or sale of lottery-tickets or lottery-policies, it shall be lawful for the major of police to authorize any member or members of the police force to enter the same, who shall forthwith arrest all persons there found offending against law, and seize all implements of gaming, or lottery-tickets, or lottery-policies, and convey any person so arrested before the proper court, and bring the articles so seized to the office of the board of police. [See § 1174.]

SEC. 403. It shall be the duty of the major of police to cause all persons arrested in pursuance of the provisions of the preceding section to be rigorously prosecuted, the articles seized to be destroyed, and such room or house to be closed, and not again used for such unlawful purpose.

Duty of major to prosecute, &c.

Ibid.

LICENSED PAWNBROKERS, ETC.

SEC. 404. The board of police shall possess powers of general police supervision and inspection over all—

Supervision of doubtful establishments.

Licensed pawnbrokers.

Licensed venders.

Licensed hackmen and cartmen.

Dealers in second-hand merchandise.

Intelligence-office keepers.

Auctioneers of watches and jewelry.

Suspected private banking-houses, and other doubtful establishments within the metropolitan police district; and in the exercise and furtherance of said supervision may, from time to time, empower members of the police-force to fulfill such special duties in the premises, as may be ordained by the board of police.

Ibid., s. 4, p. 580.

SEC. 405. The board of police may direct the major to empower any member of the police-force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker or his business premises, or the business premises of any licensed vender or dealer in second-hand merchandise, or intelligence-office keeper, or auctioneer of watches and jewelry, or suspected private banking-house, or other doubtful establishment.

Examination of books and premises.

Ibid.

Examination of property.

16 July, 1862, c. 181, s. 4, v. 12, p. 580.

SEC. 406. Any member of the police-force, when thereto authorized in writing by the major of police, and having in his possession a pawnbroker's receipt or ticket, shall be allowed to examine the property purporting to be pawned or pledged, or deposited upon said receipt or ticket, in whosoever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

Interference punishable as a misdemeanor.

Ibid.

SEC. 407. Any willfull interference with the major of police, or with any member of the police-force, by any of the persons named in section four hundred and four, while in official and due discharge of duty, shall be punishable as a misdemeanor.

STOLEN, LOST, AND ABANDONED PROPERTY.

Property clerk.

Ibid., s. 1, pp. 578, 579.

SEC. 408. There shall be an officer known as "property clerk" of the metropolitan police-district, who shall be appointed and may be removed by the board of police, and who shall receive an annual compensation of twelve hundred dollars, payable monthly.

Custody of stolen, lost, or abandoned property.

Ibid.

SEC. 409. All property, or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be thereafter taken into the custody of any member of the police force, or the police or criminal court of the district, or which shall come into such custody, shall be, by such member, or by order of the court, given into the custody of the property clerk and kept by him.

Record to be kept.

Ibid., p. 578.
6 Aug., 1861, c. 62, s. 14, v. 12, p. 323.

SEC. 410. All such property and money shall be particularly registered by the property clerk in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the place where found, the time of the seizure, the date of the receipt, the general circumstances connected therewith, and any final disposal of such property and money.

Property clerk to have powers of notary public.

SEC. 411. The property clerk is vested with all the powers conferred by law upon notaries public in the district.

23 July, 1866, c. 215, s. 5, v. 14, p. 213.

Oaths and depositions.

23 July, 1866, c. 215, s. 5, v. 14, p. 213.

SEC. 412. He may administer oaths and certify depositions which may be necessary to establish the ownership of any property or money lost, abandoned, or returned to him under the directions of the board of police, other than such as may be so returned as the proceeds of crime.

May return certain property to owners, how.

Ibid.

SEC. 413. Upon satisfactory evidence of the ownership of property described in the preceding section he shall deliver the same to the owner, his heirs and legal representatives, and to him or them only, except it be proven impracticable for such owner, heir, or representatives to appear, when the same may be delivered and receipted for upon such proof of ownership and the filing in the office of the property clerk of a duly executed power of attorney from the owner or his heirs or legal representatives.

Property taken from arrested persons; how restored.

16 July, 1862, c. 181, s. 1, v. 12, p. 578.

SEC. 414. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought with such claimant and the person arrested before any court for trial, and the court shall be satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, said court may, in writing, order such property or money to be returned, and the property clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent, or clerk of such accused person.

Retention, when claimed by other than accused person.

Ibid.

SEC. 415. If any claim to the ownership of such property or money shall be made on oath before the court, by or in behalf of any other persons than the persons arrested, and the accused person shall be held for trial or examination, such property or money shall remain in the custody

of the property clerk until the discharge or conviction of the persons accused.

SEC. 416. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the police force, and all property and money taken from pawnbrokers as the proceeds of crime, or from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk, to be duly registered and advertised for the benefit of all parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police.

Taken on suspicion, &c., how disposed of.

16 July, 1862, c. 181, s. 1, v. 12, p. 578.

SEC. 417. All property, except perishable property and animals, and all money that shall remain in the custody of the property clerk for the period of six months without any lawful claimant thereto; after having been three times advertised in public newspapers, shall be sold at public auction, and the proceeds of such sale shall be paid into the policemen's fund.

Sale of unclaimed property.

Ibid., pp. 578, 579.

SEC. 418. Horses and other animals taken by the police and remaining unclaimed for twenty days may be advertised and sold upon ten days' public notice.

Of unclaimed animals.

Ibid.

SEC. 419. All perishable property so taken and unclaimed shall be sold at once.

Sale of perishable property.

Ibid.

SEC. 420. When animals or articles of property, (except perishable property,) other than money, returned to the property clerk as the proceeds of crime, are shown by sufficient evidence to be necessary for the current use of the owner and not for sale, the board of police has power, in its discretion, to authorize the property clerk to place the same in the custody of the owner, upon sufficient bonds being given by the owner in the sum of twice the value of the property, conditioned for the production of the same at any time within one year, when required for use in court as evidence in any proceedings thereon.

When animals, &c., may be placed in custody of owners.

23 July, 1866, c. 215, s. 6, v. 14, pp. 213, 214.

SEC. 421. Perishable property, returned to the property clerk as the proceeds of crime, may be delivered to the owner on ample security being taken by the court for his appearance to prosecute the case.

When perishable property may be delivered to owner.

Ibid.

SEC. 422. When large quantities of goods held for sale by the owner, come into the possession of the property clerk as the proceeds of crime, the same may be delivered to the owner, his heirs or representatives, as provided in section four hundred and thirteen, upon ample security to prosecute the case. But in such cases goods to the estimated value of fifty dollars shall be retained by the property clerk until the discharge or conviction of the accused.

When large quantities of goods held for sale may be delivered to owner.

Ibid.

SEC. 423. If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court; but such property shall not be retained in the court, but shall be returned to the property clerk, to be disposed of according to the provisions of this chapter.

Property desired as evidence in court.

16 July, 1862, c. 181, s. 1, v. 12, p. 579.

SEC. 424. Any property or money returned to the property clerk as the proceeds of crime, and which shall not be called for as evidence by any proceeding in the courts of the District within one year from the date of such return, may, unless specially claimed by the owner within that time, be thereafter treated as other unclaimed, abandoned, or lost property or money, as provided in this chapter.

Unclaimed property not called for.

23 July, 1866, c. 215, s. 5, v. 14, p. 213.

PRIVATE DETECTIVES.

SEC. 425. No person shall assume or practice the occupation of detective within the limits of the District who shall not first receive a specific

Private detectives, who may practice as.

23 July, 1866, c. 215, s. 7, v. 14, p. 214.

To give bond.

Ibid.

To report to secretary of board of police.

Ibid., s. 8, p. 214.

Forfeiture of bond, duty of United States attorney.

Ibid., s. 7, p. 214.

Duty of private detective making arrests.

Ibid.

All police laws applicable to private detectives.

Ibid.

appointment for that purpose, unless pursuing the detection of criminals as a private business outside of such authority, and not otherwise specifically authorized by law.

SEC. 426. Any person practicing as a private detective shall enter into bonds to the board of police, with surety, in a sum not less than ten thousand dollars, to be approved by the board, for a faithful and correct return to the board, in such manner and at such times as the board shall direct, of all business transacted by such private detective.

SEC. 427. Upon the execution of a private detective's bond, it shall be the duty of such private detective to report to the secretary of the board of police, who shall file such bond and record the name, age, description, nationality, and residence of such private detective.

SEC. 428. In every case of a forfeiture of a private detective's bond for failure to make such returns to the board of police as required, or for failure of persons accused by bonded private detective to appear to answer charges in court, it shall be the duty of the attorney of the United States for the District to immediately prosecute the sureties upon such bond to the full extent of a recovery of the forfeitures.

SEC. 429. It shall be the duty of every person prosecuting the business of a private detective, who may arrest a person for crime, to bring the person arrested, with all evidence of the alleged crime, including property or money which may become evidence, immediately to the office of the major of police, or to the proper court, where the case shall undergo an examination.

SEC. 430. All laws which govern the police force in the matters of persons, property, or money shall be applicable to all private detectives, (or to persons practicing as detectives, whatever other name they may assume,) and such detectives or persons shall make like returns and dispositions of such matters as required by law and the rules of the board of police governing the police force.

COMPROMISE OF FELONY, ETC.

Compromise of felony, &c., prohibited.

Ibid., s. 8, p. 214.

Failing to give facts.

Withholding information.

Receiving money from persons arrested or liable to arrest.

Permitting such persons to escape.

Penalty for violation of this section.

SEC. 431. It is unlawful for any private detective, or any member of the police force, or for any other person to compromise a felony or any other unlawful act, or to participate in, assent to, aid or assist any person suspected of crime to escape a full judicial examination by failing to give known facts or reasonable causes of suspicion, or withholding any information relative to the charge or suspicion from the proper judicial authorities;

Or in any manner to receive any money, property, favor, or other compensation from, or on account of, any person arrested or subject to arrest for any crime or supposed crime;

Or to permit any such person to go at large without due effort to secure an investigation of such supposed crime.

And for any violation of the provisions of this section, or either of them, such member of the police force, or private detective, or other person guilty thereof, shall be deemed as having compromised a felony, and shall be thereafter prohibited from acting as an officer of said police force, or as a private detective, and shall be prosecuted to the extent of the law for aiding criminals to escape the ends of justice.

MISCELLANEOUS PROVISIONS.

Penalty for using personal violence on officer in discharge of his duty.

6 Aug., 1861, c. 62, s. 21, v. 12, p. 324.

SEC. 432. If any person, without justifiable and excusable cause, shall use personal violence upon any member of the police force, when in the discharge of his duty, such person shall be deemed guilty of a misdemeanor, and shall be punishable by imprisonment in the district jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars.

SEC. 433. It shall be a misdemeanor, punishable as provided in the preceding section, for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

Penalty for falsely pretending to be member of police force.

6 Aug., 1861, c. 62,

s. 21, v. 12, p. 324.

SEC. 434. Any officer who uses unnecessary and wanton severity in arresting or imprisoning any person shall be deemed guilty of assault and battery, and, upon conviction, punished therefor. [See § 103.]

Unnecessary severity punishable.

22 Feb., 1867, c. 63, s. 5, v. 14, p. 402.

SEC. 435. It shall be unlawful for any person or persons keeping an ordinary, restaurant, saloon, or other place where spirituous liquors are sold within the District, to give, sell, or dispose of any intoxicating drinks without a license, approved by the board of police, and no license shall be considered legal by any of the authorities having jurisdiction within the District, until the same has been approved by the board of police, and so certified by the secretary thereof under the office seal.

Licenses for sale of intoxicating drinks.

23 July, 1866, c. 215, s. 3, v. 14, p. 213.

SEC. 436. The ownership and use of all telegraphic apparatus, public police property, books, records, and accouterments in the possession of the police departments of the cities of Washington and Georgetown, on the sixth day of August, one thousand eight hundred and sixty-one, shall be according to the laws or ordinances of the District.

[See §§ 1181-1183.]

Certain telegraphic apparatus and police property.

6 Aug., 1861, c. 62, s. 17, v. 12, p. 324.

Police code.

16 July, 1862, c. 181, s. 11, v. 12, p. 581.

SEC. 437. The board of police is authorized, from time to time, without expense to the United States, to cause to be collected into compact form all the laws and ordinances in force in the District having relation and applicable to police and health, and to publish the same in a form easily accessible to all members of the community as the police code of the District.

SEC. 438. The police code, prepared in accordance with the preceding section, and such rules as the board of police may from time to time adopt for the purpose of enforcing and carrying out the provisions thereof, shall constitute the law of the District upon the matters therein contained.

Its authority.

Ibid., pp. 581, 582.

CHAPTER FOURTEEN.

CONVEYANCE OF REAL ESTATE.

Sec.

- 439. Method of description.
- 440. Deeds to be recorded.
- 441. Before whom may be acknowledged.
- 442. Certificate of acknowledgment.
- 443. To official character of person taking acknowledgment.
- 444. Acknowledgments in a foreign country.
- 445. Official character of foreign officer.
- 446. When deeds take effect.
- 447. When deeds of trust take effect.
- 448. Preferences in record.
- 449. Title bond or contract.
- 450. When a married woman is party to a deed.
- 451. Certificate.
- 452. Effect of deed.

Sec.

- 453. Certain conveyances for religious purposes not void for want of trustees.
- 454. Appointment of trustees.
- 455. Who may sue and be sued.
- 456. Limitations to use of land.
- 457. Gifts and devises.
- 458. Certain deeds not to be invalid.
- 459. Defective acknowledgments cured.
- 460. Privy acknowledgments.
- 461. What sufficient to bar dower.
- 462. When power of attorney sufficient.
- 463. Record and copy of deed.
- 464. Construction of certain acts.
- 465. What sufficient to express acknowledgment.
- 466. Certain exceptions abrogated.

SEC. 439. The legislative assembly has power to prescribe and regulate the manner in which description shall be made of all real estate sold or transferred in the District. [See § 476.]

Method of description.

17 May, 1848, c. 42, s. 8, v. 9, p. 228.

Spratt, 1 Pet., 343.

Deeds to be recorded.

31 May, 1832, c. 112, s. 3, v. 4, p. 520.

SEC. 440. The recorder of deeds shall admit to record any deed for the conveyance of real estate or interest therein within the District, or declaring or limiting any use or trust of any such real estate, which is

21 Feb., 1871, c. 62, v. 16, p. 419. Spratt vs.

14 Feb., 1863, c. 34, s. 1, v. 12, p. 651. executed, acknowledged, and certified according to the provisions of this chapter. [See § 467.]

ACKNOWLEDGMENT OF DEEDS.

Before whom deeds may be acknowledged.

31 May, 1832, c. 112, s. 1, v. 4, p. 520.
16 Sept., 1850, c. 52, v. 9, p. 458.
29 July, 1854, c. 153, s. 1, v. 10, p. 315.
8 April, 1864, c. 51, s. 5, v. 13, p. 44.
25 Mar., 1870, c. 31, v. 16, pp. 77, 78.

SEC. 441. Acknowledgments of deeds may be made before any of the following-named officers of the State, district, county, or Territory within the United States, in which the person making the deed may be, namely;

First. Before any judge of a court of record and of law.

Second. Before any chancellor of a State.

Third. Before any judge of the supreme, circuit, district, or territorial courts of the United States.

Fourth. Before any justice of the peace.

Fifth. Before any notary public.

Sixth. Before any commissioner of the circuit court of the district, appointed for that purpose. [See R. S. U. S., § 1778.]

Edmondson vs. Lovell, 1 Cranch, C. C., 103.

Certificate of acknowledgment.

31 May, 1832, c. 112, s. 1, v. 4, p. 521.
20 April, 1838, c. 57, s. 1, v. 5, p. 226.

SEC. 442. The officer taking an acknowledgment shall annex to the deed a certificate under his hand and seal to the following effect:

— County, [or city, &c.,] to wit:

I, A B, a justice of the peace, [or other prescribed officer, giving his title,] in and for the county, [or city, or parish, or district,] aforesaid, in the State [or Territory, or district, of [—], do hereby certify that C D, a party [or C D and E F, &c., parties] to a certain deed, bearing date on the — day of —, and hereto annexed, personally appeared before me in the county [or city, &c.] aforesaid, the said C D, [or C D and E F, &c.,] being personally well known to me, as [or proved by the oaths of credible witnesses before me to be] the person [or persons] who executed the said deed, and acknowledged the same to be his [her, or their] act and deed. Given under my hand and seal this — day of —.

A. B. [SEAL.]

To official character of person taking acknowledgment.

Ibid.

SEC. 443. When acknowledgments are made beyond the limits of the District within the United States, the certificate of the same shall be accompanied by a certificate of the register, clerk, or other public officer having cognizance of the fact, under his official seal, that, at the date of the acknowledgment, the officer taking the same was, in fact, the officer he purported to be.

Acknowledgments in a foreign country.

31 May, 1832, c. 112, s. 1, v. 4, p. 521.

Official character of foreign officer.

Ibid.

SEC. 444. Deeds made in a foreign country may be executed and acknowledged before any judge or chancellor of any court, master, or master extraordinary in chancery, or notary public, or before any secretary of legation or consular officer of the United States. [See R. S. U. S., § 1750.]

18 Aug., 1856, c. 127, s. 24, v. 11, p. 61.

SEC. 445. When acknowledgments are made before an officer in a foreign country other than a secretary of legation or consular officer of the United States, the official character of the person taking the acknowledgment shall be certified in the manner prescribed in section four hundred and forty-two.

When deeds (except, &c.) take effect.

20 April, 1833, c. 57, s. 2, v. 5, p. 226.

When deeds of trust, &c., take effect.

Ibid.

SEC. 446. All deeds, except deeds of trust and mortgages, which are acknowledged or proved, and certified, according to law, and delivered to the recorder of deeds for record within six months after the sealing and delivery thereof, shall take effect and be valid as to all persons from the time of such acknowledgment or proof.

SEC. 447. All deeds of trust and mortgages, whenever delivered to the recorder of deeds for record, and all other conveyances, covenants, agreements, and deeds, which shall not be acknowledged, proved, or certified, and delivered to the recorder for record within six months after the sealing and delivery thereof, shall take effect and be valid, as to all subsequent purchasers for valuable consideration, without notice, and as to all creditors, from the time when such deed of trust or mortgage, or other conveyance, covenant, agreement, or deed, shall have been so acknowl-

edged, proved, or certified, and delivered to the recorder for record, and from that time only.

SEC. 448. If two or more deeds containing the same property, after having been acknowledged, or proved and certified, be delivered to the recorder for record on the same day, that which shall have been first sealed and delivered shall have preference in law.

SEC. 449. Any title-bond, or other written contract in relation to land, may be proved, acknowledged, certified, and recorded, in the same manner as deeds for the conveyance of land; and such proof or acknowledgment, and certificate, and the delivery of such bond or contract to the recorder of deeds for record, shall be taken and held to be notice to all subsequent purchasers of the existence of such bond or contract.

SEC. 450. When any married woman shall be a party executing a deed for the conveyance of real estate or interest therein, and shall only be relinquishing her right of dower, or when she shall be a party with her husband to any deed, it shall be the duty of the officer authorized to take acknowledgments, before whom she may appear, to examine her privily and apart from her husband, and to explain to her the deed fully.

SEC. 451. If, upon such privy examination and explanation, she shall acknowledge the deed to be her act and deed, and shall declare that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it, the officer shall certify such examination, acknowledgment, and declaration by a certificate annexed to the deed, and under his hand and seal, to the following effect:

— county, [or city, &c.,] to wit:

I, A B, a justice of the peace, [or other prescribed officer, giving title,] in the county [or city, &c.] aforesaid, in the State [or Territory, &c.] of —, do hereby certify that C D, the wife of E F, party to a certain deed bearing date on the — day of — and hereunto annexed, personally appeared before me in the county [or city, &c.] aforesaid, the said C D being well known to me as [or proved by the oaths of credible witnesses before me to be] the person who executed the said deed, and being by me examined privily and apart from her husband, and having the deed aforesaid fully explained to her, she, the said E F, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it. Given under my hand and seal this — day of —.

A. B. [SEAL.]

SEC. 452. When the privy examination, acknowledgment, and declaration of a married woman is taken and certified and delivered to the recorder of deeds for record, in accordance with the provisions of this chapter, the deed shall be as effectual in law as if she had been an unmarried woman, but no covenant contained in the deed shall in any manner operate upon her or her heirs, further than to convey effectually her right of dower or other interest in the real estate which she may have at the date of deed. [See §§ 727-730.]

CONVEYANCE FOR RELIGIOUS PURPOSES.

SEC. 453. Where any conveyance or devise of real estate is made for the use and benefit of any religious congregation as a place of public worship, such conveyance or devise shall not be void or frustrated by reason of the want of trustees to take and hold the same in trust, but trustees may be appointed as provided in the following section.

SEC. 454. When such conveyance or devise is made, whether by the intervention of trustees or not the supreme court of the district shall, on application of the United States attorney, on behalf of the authorities of any such congregation, have power to appoint trustees, originally, when there are none, or to substitute others, from time to time, in cases of death, refusal, or neglect to act, removal from the District, or other inability to execute the trust beneficially and conveniently; and the

Preferences in record.

20 April, 1838, c. 57, s. 2, v. 5, pp. 226, 227.

Title-bonds or contract.

Ibid., s. 3, p. 227.

When a married woman is party to a deed.

31 May, 1832, c. 112, s. 2, v. 4, p. 521.

20 April, 1838, c. 57, s. 4, v. 5, p. 227.

Certificate.

Ibid.

Effect of deed.

Ibid.

Certain conveyances not void for want of trustees.

17 June, 1844, c. 101, s. 2, v. 5, p. 679.

Appointment of trustees.

Ibid., s. 3.

legal title shall thereupon become exclusively vested in the whole number of the trustees and their successors.

Who may sue
and be sued.

17 June, 1844, c.
101, s. 4, v. 5, pp.
679, 680.

SEC. 455. A majority of the acting trustees for any such congregation may sue and be sued in their own names, in relation to the title, possession, or enjoyment of such property, without abatement by the death of any of the trustees, or substitution of others; and the action or suit may be prosecuted to its final termination in the names of the trustees by or against whom the same was instituted, and all other proceedings had in relation thereto, in like manner as if such death or substitution had not occurred.

Limitation to use
of land.

Ibid., p. 680.
5 May, 1870, c.
80, s. 2, v. 16, p. 99.

SEC. 456. Land authorized to be conveyed and held subsequent to June seventeenth, eighteen hundred and forty-four, and prior to May fifth, eighteen hundred and seventy, for the uses of any religious congregation, in quantity not exceeding fifty acres, if in the District outside of the cities of Washington and Georgetown, nor exceeding three acres, if in either of said cities, shall not be held by the trustees of such congregation for any other use than as a place of public worship, religious or other instruction, burial-ground, or residence of their minister.

Gifts and de-
vises.

25 July, 1866, c.
237, v. 14, p. 232.

SEC. 457. The thirty-fourth section of the Declaration of Rights of the State of Maryland, adopted seventeen hundred and seventy-six, so far as the same was recognized and adopted in the District prior to July twenty-fifth, eighteen hundred and sixty-six, is repealed and annulled, and all sales, gifts, and devises prohibited by said section, or by any law passed in accordance therewith, are, when made, valid and effectual: *Provided*, That, in case of gifts and devises, the same shall be made at least one calendar month before the death of the donor or testator. ^[See §§ 532, 539.]

QUIETING LAND-TITLES.

Certain deeds not
to be invalid.

3 Mar., 1863, c.
115, v. 12, p. 807.

SEC. 458. No deed or conveyance of squares or lots of public land in the city of Washington made in pursuance of law prior to March third, eighteen hundred and sixty-three, by the commissioner of public buildings, or any other authorized officer, shall be deemed invalid in law, for the want of an acknowledgment by the commissioner or other authorized officer before such judicial officers as deeds of real property made between individuals are required by law to be acknowledged.

Defective ac-
knowledgments
cured.

3 Mar., 1865, c.
110, s. 1, v. 13, pp.
531, 532.

SEC. 459. All deeds and acknowledgments recorded in the land-records of the District prior to March third, eighteen hundred and sixty-five, of any of the following classes, namely:

First. All deeds which have been executed and acknowledged by married women, their husbands having signed and sealed the same, for conveying any real estate or interest therein, situated in the District.

Second. All acknowledgments of deeds which have been made by married women, whether they have executed the deed or not, for the purpose of releasing their claims to dower in the lands described therein, situated in the District, in which acknowledgments the form prescribed by law has not been followed.

Third. All deeds which have been executed and acknowledged by an attorney in fact, duly appointed for conveying real estate situated in the District.

Fourth. All deeds executed and acknowledged, or only acknowledged by such attorney in fact, for conveying real estate situated in the District, as to which the acknowledgment was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace;

Fifth. All deeds for the purpose of conveying land situated in the District, acknowledged out of the District, before a judge of a United States court, or before two aldermen of a city, or the chief magistrate of a city, or before a notary public;

Sixth. All deeds for the purpose of conveying land situated in the District, acknowledged by an attorney in fact, duly appointed, or by an

officer of a corporation, duly authorized, who has acknowledged the same to be his act and deed, instead of the act and deed of the grantor or of the corporation; and,

Seventh. All deeds for the purpose of conveying land situated in the District to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment, are declared to be of the same effect and validity to pass the fee-simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned in favor of parties in actual possession, claiming under and through such deeds—

First. As if such deeds had been by such married women executed and acknowledged, or acknowledged in case of a dower right, in the form prescribed by law;

Second. As if such deeds had been executed and acknowledged by the grantor in the deed;

Third. As if such power of attorney had been proved before the officer or officers taking the acknowledgment;

Fourth. As if such power of attorney had been proved before two justices of the peace;

Fifth. As if such acknowledgment had been made before any judge of a State court, or before two justices of the peace;

Sixth. As if such attorneys-in-fact or officer of a corporation had acknowledged the deed to be the deed of the grantor or of the corporation;

Seventh. As if such deeds had thereto annexed a certificate, in legal form, that the officer or officers taking the acknowledgment were really what they purport to be.

SEC. 460. In cases mentioned in the preceding section the certificate of acknowledgment by a married woman must show that the acknowledgment was made "apart" or "privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect.

SEC. 461. Any acknowledgment made by a married woman of any deed executed by her husband, and recorded as mentioned in section four hundred and fifty-nine, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in the District, although she shall not have executed the same.

SEC. 462. When the power of attorney mentioned in section four hundred and fifty-nine is executed by a married woman, the same shall be effectual and sufficient if there is such an acknowledgment of the same as would be sufficient, under the provisions of this chapter, to pass her estate and interest therein were she a party executing the deed of conveyance.

SEC. 463. The record and copy thereof of any deed recorded, as mentioned in section four hundred and fifty-nine, shall be evidence thereof, in the same manner and shall have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

SEC. 464. The acts of Congress approved May thirty-first, eighteen hundred and thirty-two, and April twenty, eighteen hundred and thirty-eight, in reference to the acknowledgment and recording of deeds of lands situated in the District, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in the District at the passage thereof, and an acknowledgment made and certified in compliance with any one of said acts, and before any officer authorized by either of said acts to take an acknowledgment, whether in or out of the District, shall be good and effectual.

SEC. 465. If in any case it shall appear that the grantor "acknowledged said deed," it shall have the same effect as if he acknowledged the deed to be his act and deed.

Privy acknowledgments.

3 March, 1865, p. 110, s. 1, v. 13, pp. 531, 532.

What sufficient to bar dower.

Ibid., s. 3, p. 532.

When power of attorney sufficient.

Ibid., s. 1, p. 532.

Record and copy of deed.

Ibid.

Construction of certain acts.

31 May, 1832, c. 112, v. 4, p. 520.
20 April, 1838, c. 57, v. 5, p. 226.
3 March, 1865, c. 110, s. 3, v. 13, p. 532.

What sufficient to express acknowledgment.

s. 1, pp. 531, 532.

SEC. 466. All exceptions in favor of parties beyond the District, which may by laws in force March third, eighteen hundred and sixty-five, be replied or relied on in any action or proceeding brought in the District, are repealed and abrogated.

Certain exceptions abrogated.

Ibid., s. 2, p. 532.

CHAPTER FIFTEEN.

RECORDER OF DEEDS.

Sec.

467. Appointment of recorder.
 468. Rooms to be appropriated.
 469. Recorder may obtain rooms, when.

Sec.

470. Fees.
 471. Certain records made valid.

Appointment and
 duties of recorder.

- 14 Feb., 1863, c.
 34, s. 1, v. 12, p. 651.
 3 March, 1869, c.
 151, s. 1, v. 15, p. 341.
 3 March, 1861, c. 24, s. 5, v. 2, p. 115.

SEC. 467. There shall be a recorder of deeds of the District appointed by the President, who shall record all deeds and other instruments in writing authorized to be recorded, and perform all requisite services connected therewith, and who shall have charge and custody of all the records, papers, and property appertaining to his office. [See §§ 63, 90, 144, 440.]

Rooms to be ap-
 propriated.

- 14 Feb., 1863, c.
 34, s. 2, v. 12, pp.
 651, 652.

SEC. 468. The chief of engineers in charge of the public buildings and grounds is directed to appropriate such rooms in any of the public buildings under his charge for the use of the recorder as may be necessary for his accommodation. [See R. S. U. S., § 1797.]

Recorder may
 obtain rooms;
 where.

Ibid.

SEC. 469. When rooms cannot be so appropriated without interfering with the business of the departments, the recorder shall procure, with the approbation of the chief of engineers, such rooms, in the city of Washington, as may be necessary for the security of the records and the convenient transaction of the business of his office.

Fees.

- 3 March, 1869, c.
 151, s. 2, v. 15, p. 341.

SEC. 470. The legal fees for the services of the recorder shall be as follows, namely :

For filing, recording, and indexing, or for making certified copy of any instrument containing two hundred words or less, fifty cents, and fifteen cents for each additional hundred words, to be collected at the time of filing, and when the copy is made.

For each certificate and seal, twenty-five cents.

For searching records extending back two years or less next preceding current date, twenty-five cents, and five cents for each additional year, to be paid by the party for whom the search may be made.

For recording a town-plat, three cents for each lot such plat may contain.

For recording a plat or survey, five cents for each course such survey may contain.

For filing and indexing any paper required by law to be filed in his office, fifteen cents.

For each examination of title by the party or his attorney, fifty cents.

For taking any acknowledgment, fifty cents.

Certain records
 made valid.

- Ibid., s. 3, pp. 341,
 342.

SEC. 471. All deeds of conveyance, leases, powers of attorney, and other written instruments required by law to be filed and recorded, and all copies of instruments and records and certificates authorized by law, filed, recorded, made, and certified by William G. Flood, as acting register of deeds for the District since the death of Edward C. Eddie, a former register, up to the date of the appointment and qualification of his successor, are declared to be legally performed, the same as if the said William G. Flood had been legally appointed and qualified as register of deeds.

CHAPTER SIXTEEN.

SURVEYOR.

Sec.

472. Legal office of record.
 473. Certified transcripts to be evidence.
 474. Oath of surveyor.
 475. Plats of squares, how drawn.

Sec.

476. What must be shown.
 477. Subdivision of squares.
 478. Examination by surveyor; certificate and record.

Sec.
 479. Reference to plat and record.
 480. Alleys and passage-ways.
 481. Measurement of subdivisions; apportionment of deficiencies.
 492. Encroachment by wall upon adjoining lot.
 483. Party-walls.

Sec.
 484. Surveyor's certificate and record.
 485. Examination of foundations; certificate.
 486. Surveyor's fees.
 487. Subdivision of squares belonging to United States.

SEC. 472. The office of the surveyor of the District is the legal office of record of the plats of all property in the city of Washington, and all records of the division of squares and lots made between the public and original proprietors, or otherwise authorized by law, shall be kept in said office.

Legal office of record.

17 May, 1848, c. 42, s. 8, v. 9, p. 228.
 12 Jan., 1809, c. 8, s. 7, v. 2, pp. 512, 513.

SEC. 473. All transcripts from such records certified by the surveyor shall be evidence equally valid with certified transcripts from the land-records of the District.

Certified transcripts to be evidence.

Ibid.
 Oath of surveyor.

12 Jan., 1809, c. 8, s. 9, v. 2, p. 513.

SEC. 474. The surveyor, before entering upon the discharge of his duties, shall take an oath or affirmation that he will faithfully and impartially perform the duties required of him by the provisions of this chapter.

SEC. 475. The plats of the squares in the city of Washington shall be drawn upon a uniform scale of not less than one inch to fifty feet, and shall show the lines of all subdivisions of the squares as the same existed at the date of the completion of each square.

Plats of square; how drawn.

17 May, 1848, c. 42, s. 8, v. 9, p. 228.

SEC. 476. The method of description provided for by section shall be such that the plats of the squares shall at all times show the lines of property as actually existing in the squares. [See § 439.]

What must be shown.

Ibid.
 Subdivision of squares.

12 Jan., 1809, c. 8, s. 1, v. 2, p. 511.

SEC. 477. Whenever the proprietor of any square or lot shall deem it necessary to subdivide the same into convenient building lots or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat, or on a paper or parchment attached thereto.

SEC. 478. At the request of the proprietor, the surveyor shall examine whether the lots or parcels into which any square or lot may be subdivided, as provided in the preceding section, agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision be the true dimensions of the parts so expressed; and if upon such examination he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary, and shall record the plat as examined in a book to be kept by him for that purpose.

Examination of surveyor; certificate and record.

Ibid., s. 2, pp. 511, 512.

SEC. 479. When a subdivision of any square or lot shall be so certified, examined, and recorded, the purchaser of any part thereof, or any person interested therein, may refer to the plat and record for description, in the same manner as to squares and lots divided between the commissioners and original proprietors.

Reference to plat and record.

Ibid., s. 3, p. 512.

SEC. 480. The ways, alleys, or passages, laid out or expressed on any plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the original proprietors.

Alleys and passage-ways.

Ibid.

SEC. 481. Whenever the surveyor shall lay off any lot, or any of the parts into which a square or lot may be subdivided as provided in this chapter, he shall measure the whole of that front of the square on which such lot or part lies; and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the

Measurement of subdivisions; apportionment of deficiencies.

Ibid., s. 4, p. 512.

lots on that side of the square, as the same are recorded, he shall apportion such excess, or deficiency, among the lots or pieces on that front, agreeably to their respective dimensions.

Encroachment by wall upon adjoining lot.

12 Jan., 1809, c. 8, s. 4, v. 2, p. 512.

Party walls.

Ibid.

21 Feb., 1871, c. 62, s. 37, v. 16, p. 427.

Surveyor's certificate and record.

12 Jan., 1809, c. 8, s. 4, v. 2, p. 512.

Examination of foundations; certificates.

Ibid., s. 5, p. 512.

Surveyor's fees.

Ibid., s. 6, p. 512.

Subdivision of squares belonging to United States.

Ibid., s. 8, p. 513.

SEC. 482. Whenever, on such admeasurement, the wall of a house previously erected by any proprietor shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree.

SEC. 483. If the wall of any house, already erected, cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in the District as made under the provisions of section seventy-nine, and the ground so occupied, more than seven inches in width, shall be paid for as provided in the preceding section.

SEC. 484. The surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein, the fact of the occupation of land by a party wall as mentioned in the preceding section.

SEC. 485. It shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street, and correctly placing the party-wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence, and binding on the parties interested.

SEC. 486. The surveyor shall be authorized to receive from the persons for whom he shall perform the services required by this act the fees following, namely:

For examining the plat and calculations of any subdivision of a square or lot, twelve and a half cents for each of the lots or portions into which it may be subdivided; but no more shall be paid for the lots in one square than one dollar and fifty cents.

For examining any building and giving the certificate required by the preceding section, and recording the same, one dollar and fifty cents.

For recording any division or subdivision of any square or lots, for transcripts from records, and for searches in his office, the fees provided by law, but not in any case to exceed the fee allowed by this section for examination.

SEC. 487. Whenever the President shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, not reserved for public purposes, into convenient building-lots or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor in the manner prescribed in this chapter, which plat shall be recorded by the surveyor, and the provisions of this chapter shall extend to the lots, pieces, and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

CHAPTER SEVENTEEN.

LIMITED PARTNERSHIPS.

Sec.

488. Limited partnerships, how formed.
489. General and special partners.
490. Limit to number of special partners.
491. Limit to their liability.
492. Certificate of partnership.
493. To be acknowledged, certified, and recorded.

Sec.

494. Affidavit of general partner.
495. When partnership to be deemed formed.
496. Liability for false statements.
497. Terms of partnership to be published.
498. Otherwise partnership general.
499. Affidavit of publication.

<p>Sec. 500. Renewal or continuance. 501. When to be deemed general. 502. Alteration of terms to be deemed a dissolution. 503. If carried on after alteration. 504. How partnership business may be conducted. 505. In suits, who to be defendants. 506. When name of special partner used; liability. 507. General partners to transact the business. 508. Interest and profits. 509. When capital reduced by payments to special partner.</p>	<p>Sec. 510. Sales, assignments, and preferences, when void. 511. Further liability of special partner. 512. Special partner not to claim as creditor, when. 513. Suits, how brought. 514. When special partners appear not liable. 515. When special partners are discovered to be liable. 516. Judgments. 517. Dissolution of partnership. 518. Liability of general partners.</p>
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SEC. 488. Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities prescribed in this chapter.

Limited partnership, how formed.
2 March, 1867, c. 161, s. 1, v. 14, p. 435.

SEC. 489. 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.

General and special partners.
Ibid., s. 2, p. 435.

SEC. 490. The number of special partners shall in no partnership exceed six.

Limit to number of special partners.
Ibid.

SEC. 491. Special partners are not liable for the debts of the partnership beyond the fund contributed by them to the capital.

Limit to their liability.
Ibid.

SEC. 492. Persons desirous of forming a limited partnership shall make and severally sign a certificate, which shall contain—

Certificate of partnership.
Ibid., s. 3, pp. 435, 436.

First. The name or firm under which such partnership is to be conducted.

Second. The general nature of the business intended to be transacted.

Third. 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.

Fourth. The amount of capital which each special partner shall have contributed to the common stock.

Fifth. The period at which the partnership is to commence, and the period at which it is to terminate.

SEC. 493. 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, 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, and shall be recorded by him at large in a book kept for that purpose, open to public inspection.

To be acknowledged, certified, and recorded.
Ibid., s. 4, p. 436.

SEC. 494. At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as directed in the preceding section, 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.

Affidavit of general partner.
Ibid., s. 5, p. 436.

SEC. 495. 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 directed by the three preceding sections.

When partnership to be deemed formed.
Ibid., s. 6, p. 436.

SEC. 496. If any false statement, not the result of accident or mistake, shall be made in the certificate or affidavit required by the preceding sections of this chapter, all the persons interested in the partnership

Liability for false statements.
Ibid.

shall be liable for all the engagements of such partnership as general partners.

Terms of partnership to be published.

2 March, 1867, c. 161, s. 7, v. 14, p. 436.

Otherwise partnership to be general.

Ibid.
Affidavit of publication.

Ibid.

Renewal or continuance.

Ibid., s. 8, p. 436.

When renewed to be deemed general.

Ibid.
Alteration of terms to be deemed a dissolution.

Ibid., s. 9, p. 436.

If carried on after alteration.

Ibid.

How partnership business may be conducted.

Ibid., s. 10, pp. 436, 437.

In suits who to be defendants.

Ibid.

When name of a special partner used, liability.

Ibid., s. 11, p. 437.

General partners to transact the business.

Ibid., s. 11, p. 437.

Interest and profits.

Ibid., s. 12, p. 437.

SEC. 497. 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 supreme court of the District, the first publication to appear within one week after the registry.

SEC. 498. If the publication prescribed in the preceding section be not made, the partnership shall be deemed general.

SEC. 499. The affidavits of the publication of the notice required by section four hundred and ninety-seven, 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. 500. Every renewal or continuance of a 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 required by the provisions of this chapter for its original formation.

SEC. 501. Every partnership which shall be renewed and continued otherwise as provided in this chapter shall be deemed a general partnership.

SEC. 502. 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.

SEC. 503. Every 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 section five hundred.

SEC. 504. 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.

SEC. 505. In any action or suit brought on any contract or engagement of the partnership, or to enforce any liability of the same, the general partners whose names shall be used in the firm or business shall be the only necessary defendants; and any judgment or decree recovered against such defendant 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.

SEC. 506. If the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner.

SEC. 507. 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.

SEC. 508. 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.

SEC. 509. 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.

SEC. 510. Every sale, assignment, or transfer of any property or effects of a 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.

SEC. 511. Every special partner who shall violate any of the provisions of the two preceding 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.

SEC. 512. In case of the insolvency or bankruptcy of a 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. [See R. S. U. S., § 5121.]

SEC. 513. All suits respecting the business of the partnership shall be brought by and against the general partners only, subject to the provisions of section five hundred and five, except in those cases in which provision is made in this chapter, that special partners shall be deemed general partners and special partnerships general partnerships, in which cases all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships.

SEC. 514. If, in any case or suit brought against general and special partners, it shall appear at the trial of the case that the special partners or any one 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 against the plaintiffs.

SEC. 515. If, in any case or suit brought against general and special partners, the creditor shall recover a judgment or obtain a decree against general partners only, and shall afterward 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.

SEC. 516. In the suits mentioned in the two preceding sections the judgment recovered 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. 517. 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 office of the clerk of the supreme court of the District, and published once a week for four weeks in two newspapers, to be designated by the clerk, 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. 518. 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.

When capital reduced by payments to special partner.
2 March, 1867, c. 161, s. 13, v. 14. p. 437.

Sales, assignments, and preferences; when void.

Ibid., s. 14, p. 437.

Further liability of special partners.

Ibid., s. 15, p. 437.

Special partner not to claim as creditor; when.

Ibid., s. 16, p. 437.

Suits; how brought.

Ibid., s. 17, p. 437.

When special partners appear not liable.

Ibid., s. 18, pp. 437, 438.

When special partners are discovered to be liable.

Ibid.

Judgments.

Ibid.

Dissolution of partnership.

Ibid., s. 19, p. 438.

Liability of general partners.

Ibid., s. 20, p. 438.

CHAPTER EIGHTEEN.

GENERAL INCORPORATION.

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|---|--|
| <p>Sec.
519. Creation of corporations by general law.</p> <p style="text-align: center;">INSTITUTIONS OF LEARNING.</p> <p>520. How may be incorporated.
521. Corporate powers.
522. Acquisition of property.
523. Tenure of property.
524. Funds, how to be applied.
525. Bequests, &c., how to be applied.
526. Limit to the amount of land corporation may hold.
527. Land reverts to original donor, when.
528. Appointment of officers, &c.
529. May require treasurer to give bond.
530. Annual statement.
531. Process against corporation.
532. Prosecutions for forfeiture.</p> <p style="text-align: center;">RELIGIOUS SOCIETIES.</p> <p>533. Limit to ownership of land.
534. Corporate name; trustees.
535. Certificate of trusteeship.
536. Rules and regulations.
537. Successors.
538. Failure to choose trustees.
539. Corporate powers.
540. Title to real estate.
541. Uses and conveyances of property.
542. Mortgages and deeds of trust.
543. Reversion of property, when.
544. Private schools for religious purposes.</p> <p style="text-align: center;">SOCIETIES, BENEVOLENT, EDUCATIONAL, &C.</p> <p>545. Societies, how formed.
546. Corporate powers.
547. Election of officers; by-laws.
548. Reorganization of existing societies.
549. Sale of real estate.
550. Surrender of corporate powers.
551. Limit of time for holding real estate.
552. Not to use name previously adopted.</p> <p style="text-align: center;">MANUFACTURING, AGRICULTURAL, MINING, MECHANICAL, INSURANCE, MERCANTILE, TRANSPORTATION, MARKET, AND SAVINGS-BANK CORPORATIONS.</p> <p>553. Companies, how formed.
554. Corporate powers.
555. Trustees.
556. Mode of election.
557. Non-election of trustees not to dissolve company.
558. Officers.
559. By-laws.
560. Forfeiture for non-payment of assessments.
561. Stock to be personal estate; transfers.
562. Liability of stockholders.
563. Certificate of payment of capital stock.
564. When capital must be paid in full.
565. Nothing but money to be payment of capital stock.</p> | <p>Sec.
566. Annual report of company.
567. Liability of trustees for failure to make report.
568. Penalty for making false certificate.
569. Funds not to be invested in stocks of other companies.
570. Loans to stockholders prohibited; liability.
571. Liability for unlawful dividends.
572. Trustees filing objections relieved.
573. When indebtedness exceeds capital stock; liability.
574. Personal liability for debts.
575. Limitation.
576. Executors, &c., not personally liable.
577. Representation of stock by executors, &c.
578. Stock held as collateral.
579. Stock-book to be kept.
580. To be open to inspection.
581. Transfers not valid unless recorded.
582. Stock-book to be presumptive evidence.
583. Penalty for neglect of officers.
584. Additional penalty of company.
585. Companies may increase or diminish capital stock, how.
586. When not to be diminished.
587. Reorganization of existing companies.
588. Meeting of stockholders.
589. Organization of meeting.
590. Proceedings.
591. When change shall be deemed made.
592. What vote sufficient.
593. Certified copy of certificate to be evidence.</p> <p style="text-align: center;">CEMETERY ASSOCIATIONS.</p> <p>594. Formation of association; corporate powers.
595. May acquire land, how.
596. Survey, plat, and record.
597. General powers of association.
598. Proceeds of sale of lots.
599. Officers, how chosen.
600. First election.
601. Subsequent elections, who may vote.
602. By-laws.
603. Exemptions.
604. Dedication of land for burial-ground.</p> <p style="text-align: center;">BOARDS OF TRADE.</p> <p>605. Board, how formed.
606. Corporate powers.
607. May hold real estate; limit.
608. Board of directors.
609. Election of officers.
610. Tenure of office.
611. Rules and regulations.
612. Fines.
613. Arbitration.
614. Award.
615. Submission bond not required; notice.
616. Power of committee of reference to issue subpoenas.
617. Restrictions upon carrying on business.</p> |
|---|--|

Sec.

RAILROAD COMPANIES.

- 618. Railroad companies, how formed.
- 619. Corporate powers.
- 620. Certified copies of articles of association to be prima-facie evidence.
- 621. Subscription books to be opened.
- 622. Allotment of stock.
- 623. Stockholders' annual meeting.
- 624. Duties of judges of election.
- 625. Their certificate; its authority.
- 626. Directors; number, qualifications, and term of office.
- 627. How chosen.
- 628. Non-election of directors, how remedied.
- 629. Stockholders' special meetings, how called.
- 630. Proceedings; adjournment.
- 631. By-laws.
- 632. Officers, how chosen.
- 633. Removal of president.
- 634. Annual statement of affairs.
- 635. May be called for at any meeting.
- 636. Stock to be personal estate, how transferred.
- 637. Subscriptions to stock, how called in.
- 638. Certificate of amount of capital stock paid up.
- 639. Increase of capital stock.
- 640. Increase, how made.
- 641. Limit to the amount of increase.
- 642. Suits for installments of subscription.
- 643. General powers, liabilities, and restrictions of corporation.
- 644. Map and profile of road.
- 645. Alteration of line.
- 646. Tracks crossing highways.

Sec.

- 647. Compensation for land.
- 648. Right to acquire title to lands.
- 649. Appropriation of lands.
- 650. Description to be deposited with clerk of court.
- 651. Purchase of lands from owner or guardian.
- 652. Proceedings in cases of appropriation.
- 653. Notice by advertisement, when.
- 654. Appointment of appraisers.
- 655. Assessment of damages.
- 656. Payment or tender.
- 657. Cost of award.
- 658. Review on appeal.
- 659. Company may take possession, when.
- 660. Costs of arbitration.
- 661. Money to be paid into court, when.
- 662. Court to protect rights of parties in trust, &c.
- 663. Defective title, how may be perfected.
- 664. Power to borrow money and issue bonds; restriction.
- 665. Annual report.
- 666. Carrying the mails.
- 667. Making up trains.
- 668. Accommodation of the public.
- 669. Penalty for refusal.
- 670. Passenger refusing to pay fare.
- 671. Employes to wear badge.
- 672. Not to exercise authority without badge.
- 673. Route and termini of road to be approved by Congress.
- 674. Regulation by Congress of management and rates of fare and freight.
- 675. Construction of this chapter.
- 676. Repeal by Congress.

SEC. 519. Corporations may be formed within the District, for the purposes mentioned in this chapter, in the following manner :

Creation of corporations by general law.

5 May, 1870, c. 80, v. 16, pp. 98-116. Potomac Com. vs. Gilman, 2 Cranch, C. C., 243.

CLASS 1.

INSTITUTIONS OF LEARNING.

SEC. 520. Any five or more persons, desirous of associating themselves for the purpose of establishing an institution of learning, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, a certificate in writing, to be recorded in a book kept for that purpose, and open to public inspection, in which shall be stated—

How may be incorporated.

5 May, 1870, c. 80, s. 1, v. 16, pp. 98, 99.

First. The name or title by which the institution shall be known in law.

Second. The number of trustees, directors, or managers, and their names.

Third. The particular branch of literature and science, or either of them, proposed to be taught; and

Fourth. If the institution is to be of the rank of a college or university, the number and designation of the professorships to be established.

SEC. 521. Upon filing such certificate, the persons signing and acknowledging the same, and their successors and associates, shall be a body politic and corporate, by the name and style stated in the certificate, and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold, and convey property in all lawful ways, to have and use a common seal, and to alter and change the same at pleasure, to make and alter, from time to time, such by-laws, not inconsistent with the Constitution of the

Corporate powers.

Ibid.

<p>Acquirement of property.</p> <hr/> <p>5 May, 1870, c. 80, s. 1, v. 16, pp. 98, 99.</p>	<p>United States or the laws in force in the District, as they may deem necessary for the government of the institution, and to confer upon such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.</p> <p>SEC. 522. Such corporation shall be competent in law and equity to take to themselves, in their corporate name, real, personal, or mixed property, by gift, grant, bargain and sale, conveyance, will, devise, or bequests of any persons whomsoever, and to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of the same for the use of the institution, in such manner as shall seem most beneficial thereto.</p>
<p>Tenure of property.</p> <hr/> <p>Ibid.</p>	<p>SEC. 523. Such corporation shall hold the property of the institution solely for the purposes of education, and not for the individual benefit of themselves, or of any contributor to the endowment thereof.</p>
<p>Funds, how to be applied.</p> <hr/> <p>Ibid.</p>	<p>SEC. 524. The trustees, directors, or managers of any such corporation shall faithfully apply all the funds collected or the proceeds of the property belonging to the institution, according to their best judgment, in erecting or completing suitable buildings, supporting necessary officers, instructors, and servants, and procuring books, maps, charts, globes, and philosophical, chemical, and other apparatus necessary to the success of said institution.</p>
<p>Bequests, &c., how to be applied.</p> <hr/> <p>Ibid.</p>	<p>SEC. 525. In case any donation, devise, or bequest shall be made for particular purposes, in accordance with the designs of the institution, and the corporation shall accept the same, such donation, devise, or bequest shall be applied in conformity with the express condition of the donor or deviser.</p>
<p>Limit to amount of land corporation may hold.</p> <hr/> <p>Ibid.</p>	<p>SEC. 526. No such corporation shall hold more land at any one time than necessary for the purposes of education, as set forth in its articles of association, unless it shall have received the same by gift, grant, or devise, and in such case the corporation shall be required to sell or dispose of the same within ten years from the time the title thereto is acquired.</p>
<p>Land reverts to original donor, when.</p> <hr/> <p>Ibid.</p>	<p>SEC. 527. On failure to so dispose of the land, so much of the same over and above the amount necessary to be used as provided in the preceding section shall revert to the original donor, grantor, deviser, or their heirs.</p>
<p>Appointment of officers, &c.</p> <hr/> <p>Ibid.</p>	<p>SEC. 528. Such corporation shall have power to appoint a president or principal for the institution, and such professors or servants as may be necessary, and to displace any of them, as the interests of the institution require; to fill vacancies which may happen by death, resignation, or otherwise, among such officers or servants; and to prescribe and direct the course of studies to be pursued in the institution.</p>
<p>May require treasurer to give bond.</p> <hr/> <p>Ibid.</p>	<p>SEC. 529. Such corporation may require the treasurer of the institution, and all other agents thereof, before entering upon the duties of their appointment, to give bonds for the security of the corporation in such sums and with security deemed sufficient by the corporation.</p>
<p>Annual statement.</p> <hr/> <p>Ibid.</p>	<p>SEC. 530. It shall be the duty of the trustees of any institution, or a majority of them, to file, on or before the first Monday in January in each year, in the office of the recorder of deeds, a statement of the trustees and officers of the institution, with an inventory of its property and liabilities and students, and such other information as will exhibit its condition or operation.</p>
<p>Process against corporation.</p> <hr/> <p>Ibid.</p>	<p>SEC. 531. All process against any such corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president, secretary, or treasurer, or at the office of the corporation, at least sixty days before the return-day thereof.</p>
<p>Prosecution for forfeiture.</p> <hr/> <p>Ibid.</p>	<p>SEC. 532. In case any such corporation shall at any time violate or fail to comply with any of the preceding provisions, upon complaint being made to the supreme court of the District, a writ of quo warranto shall issue, and the district attorney of the United States or the attorney of the District shall prosecute, in behalf of the people, for a forfeiture of all rights and privileges secured by this chapter to such corporation.</p>

CLASS 2.

RELIGIOUS SOCIETIES.

<p>SEC. 533. It shall be lawful for the members of any society or congregation in the District, formed for the purpose of religious worship, to receive by gift, devise, or purchase, a quantity of land not exceeding an acre, and to erect thereon such houses and buildings, and to make such other use of the land and such other improvements thereon, as may be deemed necessary for the purposes named, and for the comfort and convenience of the society or congregation.</p>	<p>Limit to ownership of land. <hr/>5 May, 1870, c. 80, s. 2, v. 16, pp. 99, 100.</p>
<p>SEC. 534. Such society or congregation may assume a name, and elect or appoint any number of trustees, not exceeding ten, who shall be styled trustees of such society or congregation by the name so assumed.</p>	<p>Corporate name; trustees. <hr/></p>
<p>SEC. 535. The persons elected or appointed as trustees shall immediately thereafter make a certificate under their hands and seals, stating the date of their election or appointment, the name of the society or congregation, and length of time for which they were elected or appointed, which shall be verified by the affidavit of one of the persons making the same, and shall be filed and recorded in the office of the recorder of deeds of the District.</p>	<p>Ibid. Certificate of trusteeship. <hr/>Ibid.</p>
<p>SEC. 536. The trustees shall hold office during the period stated in their certificates; and every such society or congregation shall have power to provide for filling vacancies in the office of trustee, and to remove trustees from office, and to adopt such rules and regulations in relation to the duties of trustees, and the management of its estate, as the members may deem proper, not inconsistent with the Constitution of the United States and laws in force in the District.</p>	<p>Rules and regulations. <hr/>Ibid.</p>
<p>SEC. 537. At the expiration of the term of service of any trustee, the society or congregation shall elect or appoint successors, who shall continue in office for such period as may be limited by the society or congregation; and a certificate of their appointment or election shall be made by the trustees whose term of service shall have expired, which shall be verified by affidavit and filed and recorded as provided in the election of officers in the first instance.</p>	<p>Successors. <hr/>Ibid.</p>
<p>SEC. 538. A failure to elect or appoint trustees at the proper time shall not work a dissolution of the society or congregation; but the trustees last elected or appointed shall be considered as in office until another election or appointment shall take place.</p>	<p>Failure to choose trustees. <hr/>Ibid.</p>
<p>SEC. 539. Such trustees and their successors shall have perpetual succession and existence, and shall be capable in law to sue and be sued, implead and be impleaded, answered and be answered unto, defend and be defended, in all courts of law or equity whatsoever, in and by the name and style assumed as provided in section five hundred and thirty-four.</p>	<p>Corporate powers. <hr/>Ibid.</p>
<p>SEC. 540. The title to land authorized to be purchased, and to the buildings and improvements thereon, shall be vested in the trustees by their assumed name, and their successors forever; and the same shall be held for the uses and purposes named and no other.</p>	<p>Title to real estate. <hr/>Ibid.</p>
<p>SEC. 541. The trustees shall have power, under the direction of the society or congregation, to sell and execute deeds and conveyances of the property authorized to be held by the society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons; but no deed or conveyance shall be made so as to defeat or destroy the interest or effect of any grant, donation, or bequest, and all grants, donations, and bequests shall be appropriated and used as directed by the person making the same.</p>	<p>Uses and conveyances of property. <hr/>Ibid.</p>
<p>SEC. 542. The trustees shall have power, under the direction of the society or congregation by whom they were elected or appointed, to execute mortgages or deeds of trust in the nature of mortgages, upon the estate and property which any society or congregation are authorized to hold, or to lease the same for a term not exceeding ten</p>	<p>Mortgages and deeds of trust. <hr/>Ibid.</p>

years. And such mortgages, deeds, and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds, leases, and conveyances made by natural persons.

Reversion of property; when.

5 May, 1870, c. 80, s. 2, v. 16, pp. 99, 100.

Private schools for religious purposes.

Ibid.

SEC. 543. Upon the dissolution of any society or congregation, the estate and property of such society or congregation shall revert back to the persons, their heirs and assigns, who may have given or contributed to the purchase of or payment for the same, according to their respective rights.

SEC. 544. The provisions of the eleven preceding sections are intended to extend to members of societies formed to establish and maintain private schools for religious purposes, but shall not be construed as conferring privileges or any benefits to such societies under the school-laws of the District.

CLASS 3.

SOCIETIES, BENEVOLENT, EDUCATIONAL, ETC.

Societies; how formed.

Ibid., s. 3, pp. 101, 102.

SEC. 545. Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement, or for the promotion of the arts, may make, sign, and acknowledge before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

First. The name or title by which such society shall be known in law.

Second. The term for which it is organized, not exceeding twenty years.

Third. The particular business and objects of the society.

Fourth. The number of its trustees, directors, or managers for the first year of its existence.

Corporate powers.

Ibid.

SEC. 546. Upon filing their certificate, the persons who shall have signed and acknowledged the same, and their associates and successors, shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents; and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate.

Election of officers; by-laws.

Ibid.

SEC. 547. Such incorporated society may annually, or oftener, elect from its members its trustees, directors, or managers, at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business, and whenever any vacancy shall happen among such trustees, directors, or managers, the vacancy shall be filled in such manner as shall be provided by the by-laws of the society.

Re-organization of existing societies.

Ibid.

SEC. 548. The trustees, directors, or stockholders of any existing benevolent, charitable, educational, musical, literary, scientific, religious, or missionary corporation, including societies formed for mutual improvement, may, by conforming to the requirements herein, re-incorporate themselves, or continue their existing corporate powers under this chapter, or may change their name, stating in their certificate the original name of such corporation as well as their new name assumed; and all the property and effects of such existing corporation shall vest in and belong to the corporation so re-incorporated or continued.

Sale of real estate.

Ibid.

SEC. 549. Such corporations may sell and dispose of any real estate they may acquire by purchase, gift, or devise, as follows: Whenever any lot purchased for the use of the corporation, or any building

erected thereon, shall become ineligible for the uses for which the lot was purchased or the building erected, to be determined by a vote of two-thirds of the shares of the stock of the corporation or the members of the corporation, at a meeting of the stockholders, or corporators, or members specially called for that purpose, the proceedings of which meeting shall be duly entered in the records of the corporation, said lot or building may be sold, and the proceeds thereof may be vested in another lot, or in the erection of another building, or both.

SEC. 550. When any real estate shall have been devised or given to any such corporation for any specified benevolent purpose, and where, by a vote of three-fourths of the stock held by the stockholders, or three-fourths of the corporators, if no shares of stock have been created, at a meeting called for the purpose, of which such stockholders or corporators or members shall have at least ten days' notice, the corporation shall determine to surrender their corporate powers and cease to act under the same, said real and personal estate so acquired shall be sold at public auction, proper notice of the time and place of sale having been given, and the proceeds of the sale equitably distributed among the stockholders or corporators, or disposed of for the promotion and advancement of the objects for which such corporation was originally organized.

Surrender of corporate powers.
5 May, 1870, c. 80, s. 3, v. 16, pp. 101, 102.

SEC. 551. No corporation acting under the six preceding sections shall hold real estate more than five years, except so much as shall be necessary for the purposes named in its certificate.

Limit of time for holding real estate.

SEC. 552. The provisions of this chapter shall not extend or apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated body in the District.

Ibid.
Not to use any name previously adopted.

CLASS 4.

MANUFACTURING, AGRICULTURAL, MINING, MECHANICAL, INSURANCE, MERCANTILE, TRANSPORTATION, MARKET, AND SAVINGS-BANK CORPORATIONS.

SEC. 553. Any three or more persons who desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, or marketing business, in the District or savings bank therein, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of recorder of deeds a certificate in writing, in which shall be stated :

Companies, how formed.

First. The corporate name of the company and the object for which it is formed.

Ibid., s. 4, p. 102.
17 June, 1870, c. 131, s. 2, v. 16, p. 153.

Second. The term of its existence, not exceeding twenty years, except in case of corporations formed only for the purpose of life-insurance.

Third. The amount of the capital stock of the company, and the number of shares of which said stock shall consist.

Thomas Davis vs. Georgetown Bridge Co., 1 Cranch, C.C., 147; Rockville and W. T. P. Co. vs. Van Ness, 2 Cranch, C. C., 449.

Fourth. The number of trustees who shall manage the concerns of the company for the first year, and their names.

Fifth. The name of the place in the District in which the operations of the company are to be carried on.

SEC. 554. When the certificates shall have been filed, in accordance with the provisions of the preceding section, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name have succession, and be capable of suing and being sued in any court of law or equity in the District; and they and their successors may have a common seal, and make and alter the same at pleasure, and they shall by their corporate name be capable in law of purchasing, holding, and conveying any real or personal estate whatever which may be necessary to enable the company to carry on its

Corporate powers.
5 May, 1870, c. 80, s. 4, v. 16, p. 102.

operations named in such certificate, but shall not mortgage such estate, or give any lien thereon, except in pursuance of a vote of the stockholders of the company.

Trustees.

5 May, 1870, c. 80,
s. 4, v. 16, p. 102.

SEC. 555. The stock, property, and concerns of such company shall be managed by not less than three or more than nine trustees, who shall, respectively, be stockholders, and a majority citizens of the District, and shall, except the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company.

Mode of election.

Ibid., p. 103.
Rockville and
W. T. P. Co. vs.
Van Ness, 2 Cranch,
C. C., 449.

SEC. 556. Public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in the newspaper printed nearest to the place where the operations of the company shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All the elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the company, and the persons receiving the greatest number of votes shall be trustees: and when any vacancy shall happen among the trustees, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

Non-election of
trustees not to dis-
solve company.

Ibid.

SEC. 557. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided by the by-laws, and all acts of trustees shall be valid and binding as against said company until their successors shall be elected.

Officers.

Ibid.

SEC. 558. There shall be a president of the company, who shall be designated from the trustees, and also such subordinate officers, who may be elected or appointed, and required to give security for the faithful performance of the duties of their office, as the company by its by-laws may require.

By-laws.

Ibid.

SEC. 559. The trustees shall have power to make such prudential by-laws as they deem proper for the management and disposal of the stock and business affairs of such company, not inconsistent with the laws of the District and the Constitution of the United States, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

Forfeiture for
non-payment of
assessments.

Ibid.

SEC. 560. It shall be lawful for the trustees to call in and demand from the stockholders all such sums of money by them subscribed, at such times and in such installments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholder within sixty days after a personal demand or a notice requiring such payment shall have been published for six successive weeks in a newspaper in the District.

Stock, personal
estate; transfers.

Ibid.

SEC. 561. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for non-payment.

Liability of
stockholders.

Ibid.

SEC. 562. All the stockholders of every company incorporated under this chapter shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in and a certificate thereof shall have been made and recorded, as prescribed in the following section.

Certificate of
payment of capital
stock.

Ibid.

SEC. 563. The president and a majority of the trustees, within thirty days after the payment of the last installment of the capital stock so fixed and limited, shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to

by the president and a majority of the trustees; and they shall within the said thirty days record the same in the office of the recorder of deeds of the District.

SEC. 564. The capital stock so fixed and limited shall be paid in, one-half within one year, and the other half thereof within two years from the incorporation of the company, or such corporation shall be dissolved.

When capital must be paid in full.

5 May, 1870, c. 80, s. 4, v. 16, p. 102.

SEC. 565. Nothing but money shall be considered as payment of any part of the capital stock.

Money only to be payment.

Ibid.

SEC. 566. Every such company shall annually, within twenty days from the first of January, make a report, which shall be published in a newspaper in the District, which shall state the amount of capital, and of the proportion actually paid, and the amount of existing debts; which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the president or secretary of the company, and filed in the office of the recorder of deeds of the District.

Annual report of company.

Ibid, p. 104.

SEC. 567. If any company fails to comply with the provisions of the preceding section, all the trustees of such company shall be jointly and severally liable for the debts of the company then existing, and for all that shall be contracted before such report shall be made.

Liability of trustees for failure to make report.

Ibid.

SEC. 568. If any certificate or report made, or public notice given, by the officers of any company in pursuance of the provisions of this chapter shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

Penalty for making false certificate.

Ibid.

SEC. 569. It shall not be lawful for any company to use any of their funds in the purchase of any stock in any other corporation.

Funds not to be invested in stocks of other companies.

Ibid.

SEC. 570. No loan of money shall be made by any company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted while they are stockholders or officers thereof.

Loans to stockholders prohibited; liability.

Ibid.

SEC. 571. If the trustees of any company shall declare and pay any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be hereafter contracted, while they shall respectively remain in office.

Liability for unlawful dividends.

Ibid.

SEC. 572. If any of the trustees shall object to declaring such dividend, or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of their objection in writing with the secretary of the company and with the recorder of deeds of the District, they shall be exempt from the liability prescribed in the preceding section.

Trustees filing objections relieved.

Ibid.

SEC. 573. If the indebtedness of any company shall at any time exceed the amount of its capital stock, the trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company.

When indebtedness exceeds capital stock; liability.

Ibid., p. 105.

SEC. 574. The stockholders of any company organized under the provisions of this chapter shall jointly, severally, and individually be liable for all debts that may be due and owing to all their laborers, servants, and apprentices, for services performed for such corporation, and shall be individually liable for all debts of said corporation to the amount of the stock of each stockholder.

Personal liability for debt.

Ibid., pp. 104, 105.

SEC. 575. No stockholder shall be personally liable for the payment of any debt contracted by any such company which is not paid within one year from the time the debt becomes due, unless a suit for the col-

Limitation.

Ibid., p. 106.

lection of such debt shall be brought against the company within one year after the debt became due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company, for any debt contracted by the company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Executors, &c.,
not personally liable.

5 May, 1870, c. 80,
s. 4, v. 16, p. 104.

Representation
of stock held by
executors, &c.

Ibid.

Stock held as
collateral.

Ibid.

Stock-book to be
kept.

Ibid., p. 106.

To be open to in-
spection.

Ibid.

Transfers not
valid unless re-
corded.

Ibid.

Stock-book to be
presumptive evi-
dence.

Ibid.
Penalty for neg-
lect of officers.

Ibid.

Additional pen-
alty of company.

Ibid.

Companies may
increase or dimin-
ish capital stock.

Ibid., p. 105.

SEC. 576. No person holding stock in such company as executor, administrator, guardian, or trustee, shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust-fund would have been if he had been living and competent to act and hold the stock in his own name.

SEC. 577. Every such executor, administrator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a stockholder.

SEC. 578. No person holding stock in such company as collateral security shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and every person who shall pledge his stock as collateral security may, nevertheless, represent the same at all meetings, and vote as a stockholder.

SEC. 579. It shall be the duty of the trustees of every corporation formed under this chapter to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of stock held by them respectively, the time when they became owners of such shares, and the amount of stock actually paid in.

SEC. 580. Such book shall, during the usual business-hours of the day on every business-day, be open for inspection of stockholders and creditors of the company, and their personal representatives, at the office or principal place of business of such company in the District where its business operations shall be located, and any stockholder, creditor, or representative shall have a right to make extracts from such books.

SEC. 581. No transfer of stock shall be valid for any purposes whatsoever, except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this chapter, until it shall have been entered, as required by section five hundred and seventy-nine, by an entry showing to and from whom transferred.

SEC. 582. Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company, or against any one or more stockholders.

SEC. 583. Every officer or agent of any company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, as herein provided, shall be deemed guilty of a misdemeanor, and the company shall pay to the party injured a penalty of fifty dollars for any such neglect or refusal, and all damages resulting therefrom.

SEC. 584. Every company that shall neglect to keep such book open for inspection, as provided in section five hundred and eighty, shall forfeit to the United States the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered, in the name of the people, in the supreme court of the District, and when so recovered the amount shall be paid into the treasury of the District, for the use thereof.

SEC. 585. Any existing corporation heretofore formed in the District for any of the purposes mentioned in section five hundred and fifty-three, or any company which may be formed under this chapter, may increase or diminish its capital stock, by complying with the provisions of this

chapter, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to other manufacturing, mining, or mechanical business, subject to the provisions and liabilities of this chapter.

SEC. 586. Before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

When not to be diminished.
5 May, 1870, c. 80, s. 4, v. 16, p 105.

SEC. 587. Any existing company heretofore formed may come under and avail itself of the privileges and provisions of this chapter by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties, and liabilities of this chapter.

Re-organization of existing companies.
Ibid.

SEC. 588. Whenever any company shall desire to call a meeting of the stockholders for the purpose of availing itself of the privileges of this chapter, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees or directors to publish a notice signed by a majority of them in a newspaper in the District at least three successive weeks, and to deposit a notice thereof in the post-office addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting and the time and place when and where such meeting shall be held.

Meeting of stockholders.
Ibid.

SEC. 589. If, at any time and place specified in the notice provided for in the preceding section, stockholders shall appear by proxy or in person, representing not less than two-thirds of all the shares of stock of the corporation, they shall organize and proceed to a vote of those present in person or by proxy.

Organization of meeting.
Ibid.

SEC. 590. If, on canvassing the votes, it shall appear that a sufficient number of votes are in favor of increasing or diminishing the amount of capital, or extending or changing the business of the company, or for availing itself of the privileges and provisions of this chapter, a certificate of the proceedings, showing a compliance with the provisions of this chapter, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed, and verified by the affidavit of the chairman, and be countersigned by the secretary.

Proceedings.
Ibid.

SEC. 591. Such certificate shall be acknowledged by the chairman, and filed as required by section five hundred and fifty-three, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in the certificate, and the business extended or changed accordingly; and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this chapter.

When change shall be deemed made.
Ibid.

SEC. 592. A vote of at least two-thirds of all the shares of the stock of a company shall be necessary to an increase or diminution of the amount of its capital stock, or the extension or change of its business, or to enable a company to avail itself of the provisions of this chapter.

What vote sufficient.
Ibid.

SEC. 593. A copy of any certificate of incorporation filed in pursuance of this chapter, certified by the recorder of deeds to be a true copy and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

Certified copy of certificate to be evidence.
Ibid.

CLASS 5.

CEMETERY ASSOCIATIONS.

SEC. 594. When five or more persons shall associate themselves together for the purpose of forming a cemetery association in the District, such persons shall have the power to adopt a corporate name, and by that name shall be known as a body corporate, and by that

Formation of association; corporate power.
Ibid., s. 5, pp. 106, 107.

name shall have perpetual succession and be invested with all powers, rights, privileges, liabilities, and immunities incident to corporations, and may have a common seal, and may alter or change the same at their pleasure.

May acquire land, how.

5 May, 1870, c. 80, s. 5, v. 16, pp. 106, 107.

Survey plat and record.

Ibid.

General powers of association.

Ibid.

Proceeds of sale of lots.

Ibid.

Officers, how chosen.

Ibid.

First election.

Ibid.

Subsequent election, who may vote.

Ibid.

By-laws.

Ibid.

Exemptions.

Ibid.

SEC. 595. Such persons, so associated, shall have power to acquire by gift, grant, or purchase any lot or lots of land not exceeding fifty acres, and lay out the same for a burial-place for the dead, with convenient aisles, and to sell the same for such purpose and for no other purposes, reserving a sufficient portion thereof for the burial of the stranger and indigent. [See § 1187.]

SEC. 596. They shall cause the land designed as a burial-ground to be surveyed and platted; and a plat of the ground, so surveyed, shall be recorded in the office of the recorder of deeds of the District. Each lot shall be duly numbered by the surveyor, and such number shall be marked on the plat and recorded.

SEC. 597. Such association shall have power to inclose and ornament their burial-ground, to build and erect a hearse-house and keep the same in proper repair; to purchase a hearse or hearses; and to do all other necessary acts to the end that all the appliances, conveniences, and benefit of a public and private cemetery may be obtained.

SEC. 598. The proceeds arising from the sale of lots, after deducting all expenses of purchasing and laying out the same, shall be applied, appropriated, and used in improving and ornamenting the burial-ground, or for other purposes named in this chapter.

SEC. 599. The officers of any such corporation shall be a president, a treasurer, who shall act as secretary, and three directors, who shall be severally chosen annually by ballot, and shall hold office until their successors are chosen. Any neglect to choose officers on the day fixed upon for that purpose shall not operate as a forfeiture of the act of incorporation, in accordance with the provisions of this chapter.

SEC. 600. The first election of officers by the persons associating, according to and for the purpose specified in section five hundred and ninety-four shall be at the time and place designated and agreed upon by a majority of the persons so associating themselves together, and no other than such persons shall vote at such election.

SEC. 601. At each subsequent election of officers of any such corporation the owner of a lot in said burial-ground shall be entitled to one vote in the election of officers of the corporation, and no more, and shall, by virtue of such membership, be a member of the corporation.

SEC. 602. Each corporation shall have power to establish and change by-laws, and prescribe rules and regulations for its government and the duties of its officers and the management of its property.

SEC. 603. The property of any such corporation, its grounds, lots, and appliances, shall be exempt from taxation and shall not be liable to sale on execution.

DEDICATION OF BURIAL-GROUNDS.

Dedication of land for burial-ground.

Ibid.

SEC. 604. Any person desiring to dedicate any lot of land, not exceeding five acres, as a burial-place for the interment of the dead, for the use of any society, association, or neighborhood, may, by deed, duly executed or recorded, convey such land to the District of Columbia, by the corporate name of said District of Columbia, specifying in such deed the society, association, or neighborhood for the use of which the dedication is desired to be made, and thereby vest the title to such land in perpetuity for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever. [See § 1187.]

CLASS 6.

BOARDS OF TRADE.

Board, how formed.

SEC. 605. Any number of persons, not less than twenty, residing in the District, may associate themselves together as a board of trade, and

assemble at any time and place upon which a majority of the members so associating may agree, and elect a president and one or more vice-presidents, as they may see fit, and adopt a name, constitution, and by-laws, such as they may agree upon.

5 May, 1870, c. 80, s. 6, v. 16, pp. 107, 108.

SEC. 606. Such persons shall thereupon become a body corporate and politic in fact and in name, by the name and style, or title, which they may have adopted, and by that name shall have succession, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, and they and their successors shall have a common seal, and may alter and change the same at their discretion.

Corporate powers.

Ibid., p. 108.

SEC. 607. Such corporation, by the name and style which shall be adopted, shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the corporation not exceeding in quantity one city, town, or village lot and building in the District.

May hold real estate; limit.

Ibid.

SEC. 608. The president, vice-president, secretary, and treasurer shall be ex-officio members of the board of directors, and, together with the directors elected, shall manage the business of the corporation.

Board of directors.

Ibid.

SEC. 609. All officers shall be elected by a plurality of votes given at any election, and a general election of officers shall be held at least once in each year; but in case of any accidental failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate, but shall continue and exist, and the old officers shall hold over until the next general election of officers provided for in the constitution adopted.

Election of officers.

Ibid.

SEC. 610. The officers shall hold their offices for the time which shall be prescribed in the constitution adopted by the corporation, and until others shall be elected and qualified as prescribed by such constitution.

Tenure of office.

Ibid.

SEC. 611. Such corporation shall have the right to admit as members such persons as they may see fit, and expel any members as they may see fit; and in all cases a majority of the members present at any stated meetings shall have the right to pass, and also the right to repeal, any by-laws of the corporation; and in all cases the constitution and by-laws adopted by the corporation shall be binding upon and control the same until altered, changed, or abrogated in the manner that may be prescribed in such constitution.

Rules and regulations.

Ibid.

SEC. 612. Such corporation may inflict fines upon any of its members, and collect the same, for breach of the provisions of the constitution or by-laws; but no fine shall in any case exceed twenty-five dollars. Such fines may be collected by action of debt, brought in the name of the corporation, before any justice of the peace, against the person upon whom the fine shall have been imposed.

Fines.

Ibid.

SEC. 613. The award of any general committee of reference appointed by said corporation upon any matter of difference, submitted to such committee for arbitration in writing, with or without seal, by any member of the corporation or by any other person, shall have the same force and effect as if the same had been submitted to the arbitration of the members of said committee of reference, by their individual names by deed of submission.

Arbitration.

Ibid.

SEC. 614. Any such award may be filed and made a rule of court, and judgment entered thereon and execution issued in the same manner and under the same rules and regulations that other awards may be entered, under and by virtue of the laws in force in the District.

Award.

Ibid.

SEC. 615. No submission or arbitration bond shall be required to be filed with such awards; but four days' notice of the filing of such award shall be given to the opposite party of the party filing the award.

Submission-bond not required; notice.

Ibid.

SEC. 616. A committee of reference, when sitting as arbitrators, shall have the right to issue subpoenas and compel the attendance of witnesses by attachment, the same as justices of the peace.

Power of committee of reference to issue subpoenas.

Ibid.

SEC. 617. Such corporation shall have no power or authority to do or

Restriction upon

carrying on business.

5 May, 1870, c. 80,
s. 6, v. 16, p. 108.

carry on any business excepting such as is usual in management and conduct of boards of trade or chambers of commerce, and as provided for in the preceding sections of this chapter.

CLASS 7.

RAILROAD COMPANIES.

Railroad companies; how formed.

Ibid., secs. 7, 8,
p. 109.

SEC. 618. Any number of persons, not less than seven, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning, and maintaining such railroad, by complying with the following requirements, namely:

First. Whenever stock to the amount of at least fifty thousand dollars shall have been subscribed, and five per cent. upon such subscription shall actually have been paid in, the subscribers to such stock shall elect directors for the company from among their own number, and shall severally subscribe articles of association in which shall be set forth—

First. The name of the corporation;

Second. The amount of the capital stock of the company;

Third. The number of shares of which said stock shall consist;

Fourth. The number of directors to manage the affairs of the company, and their names;

Fifth. The point or place from which the proposed railroad is to be constructed, and its length, as near as may be.

Second. Each subscriber to such articles of association shall state his place of residence, and the number of shares taken by him in such company.

Third. The articles of association shall be filed in the clerk's office of the recorder of deeds of the District, and be recorded in a book kept for that purpose.

Corporate powers.

Ibid., s. 8.

SEC. 619. Upon filing the articles of association in accordance with the provisions of the preceding section, the persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, and their successors, shall be a body politic and corporate, in perpetuity, by the name stated in such articles of association, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and shall be capable in law of purchasing, holding, and conveying any real or personal property whatever necessary for the construction of such road, and for the erection of all necessary buildings and yards and appurtenances for the use of the same.

Certified copy of articles of association to be prima-facie evidence.

Ibid.

Subscription-books to be opened.

Ibid., s. 9, p. 109.

SEC. 620. A copy of any articles of association filed in pursuance of section six hundred and eighteen, and certified to be a copy by the recorder of deeds, shall, in all courts and places, be prima-facie evidence of the incorporation of such company and of the facts stated therein.

SEC. 621. The directors named in section six hundred and eighteen, shall open books for subscription to the capital stock of the company at such times and in such places as a majority of them may direct, thirty days' notice of which shall be given by publication in some daily paper published in the District.

Allotment of stock.

Ibid.

SEC. 622. In case a greater amount of stock shall be subscribed than the whole capital stock required by the company, the directors shall distribute the capital stock so subscribed as equally as possible among the subscribers; but no share shall be divided in making such distribution, nor shall a greater number of shares be allotted to any one subscriber than subscribed for by him.

Stockholders' annual meeting.

Ibid., s. 10, p. 109.

SEC. 623. There shall be an annual meeting of the stockholders at the office of the company for the election of directors to serve for the ensuing year, notice of which shall be given by the directors chosen as provided in section six hundred and eighteen, for the first annual election, and afterward by their successors in office, which notice shall be published not less than twenty days previous thereto, in a newspaper published in the city of Washington.

<p>SEC. 624. Three judges of election shall be chosen by the board of directors previous to any such annual meeting, who shall be stockholders, but not directors, at the time of the election, whose duty it shall be to receive the votes of the stockholders at such election for directors, and to openly count the votes and declare the result.</p>	<p>Duties of judges of election. 5 May, 1870, c. 80, s. 10, v. 16, p. 109.</p>
<p>SEC. 625. The judges of election shall furnish the directors elected at such meeting of stockholders with a certificate of their election, which certificate shall be evidence of their authority to act as such directors.</p>	<p>Their certificate; its authority. Ibid., pp. 109, 110.</p>
<p>SEC. 626. There shall be not less than seven nor more than thirteen directors. No person shall be a director unless he shall be a stockholder and qualified to vote for directors at the election at which he shall be chosen. The directors shall hold their offices one year, and until others are elected and qualified.</p>	<p>Directors; number, qualifications, and term of office. Ibid., p. 110.</p>
<p>SEC. 627. Directors shall be chosen at the annual meeting of stockholders by ballot, and by a majority of the votes of the stockholders present, in person or by proxy; and every such stockholder being so present at any election of directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days next preceding such election; but no stockholder shall vote at any such election upon any stock except such as he shall have owned for ten days.</p>	<p>How chosen. Ibid.</p>
<p>SEC. 628. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of the company when it ought to have been made, the company for that reason shall not be dissolved if within ninety days thereafter they shall hold an election for directors in such manner as the by-laws of the company shall provide.</p>	<p>Non-election of directors; how remedied. Ibid., s. 13, p. 110.</p>
<p>SEC. 629. Meetings of the stockholders may be called at any time during the interval between the annual meetings by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of the meeting.</p>	<p>Stockholders' special meetings; how called. Ibid., s. 11, p. 110.</p>
<p>SEC. 630. When any such meeting is called by the stockholders, the particular object of the meeting shall be stated in the notice, and, if at any meeting thus called a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within such three days stockholders having a majority of the stock do not attend, the meeting shall be dissolved.</p>	<p>Proceedings; adjournment. Ibid.</p>
<p>SEC. 631. The directors shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, and prescribing the duties of the officers, artificers, and servants that may be employed, and for the appointment of all the officers for carrying on all the business within the object and purposes of the company.</p>	<p>By-laws. Ibid., s. 15, pp. 110, 111.</p>
<p>SEC. 632. There shall be a president of the company, who shall be chosen by and from the directors, and also such subordinate officers as the company by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices as the company by its by-laws may require; but nothing contained in this section shall be so construed as to prevent the stockholders from removing a president in the manner prescribed in the following section.</p>	<p>Officers; how chosen. Ibid., s. 13, p. 110.</p>
<p>SEC. 633. At all general meetings of the stockholders of any such company, a majority in value of such stockholders may remove any president or any director, and elect others in their stead; but notice of such intended removal shall have been given as required in sections six hundred and twenty-three and six hundred and twenty-eight.</p>	<p>Removal of president. Ibid., s. 12.</p>
<p>SEC. 634. At each regular meeting of the stockholders of any such corporation it shall be the duty of the president and directors, in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company.</p>	<p>Annual statement of affairs. Ibid.</p>
<p>SEC. 635. At any meeting of the stockholders a majority of those present, in person or by proxy, may require similar statements from the directors, whose duty it shall be to furnish them when required.</p>	<p>May be called for at any meeting. Ibid.</p>

Stock, personal estate; how transferred.

5 May, 1870, c. 80, s. 16, v. 16, p. 111.

Subscriptions to stock; how called in.

Ibid., s. 14, p. 110.

Certificate of amount of capital stock paid up.

Ibid., s. 17.

Increase of capital stock.

Ibid., s. 7, p. 109.

Increase; how made.

Ibid., s. 35, p. 115.

Limit to the amount of increase.

Ibid.

Suits for installments of subscription.

Ibid., s. 38, p. 116.

General powers, liabilities, and restrictions of corporation.

Ibid., s. 19, pp.

Surveys and entry.

Responsibility.

Grants and donations.

How to be used.

Purchase, &c., of real estate.

Compensation.

SEC. 636. The stock of such company shall be deemed personal estate, and shall be transferable only on the books of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid, or the shares shall have been forfeited for the non-payment of calls thereon.

SEC. 637. It shall be lawful for the directors to call in and demand from the stockholders, respectively, any sums of money by them subscribed, in such payments or installments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholder within thirty days after personal demand or notice requiring such payment; but subscriptions shall not be required to be paid except in equal installments of not more than ten per centum per month.

SEC. 638. The president and a majority of the directors, within thirty days after the payment of the last installment of the capital stock as fixed and limited by the company, shall make a certificate stating the amount of capital stock so fixed and paid in, which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary; and they shall, within the said thirty days, file and record the same in the office of the recorder of deeds of the District.

SEC. 639. The capital stock of such companies may be increased from time to time, if necessary, in the manner provided in the following section, to a sum equal to the cost of constructing the road, together with the right of way and motive-power, and all the appurtenances and expenses necessary for the complete running of the road.

SEC. 640. Such increase may be made only by filing in the office of the recorder of deeds a certificate stating the amount of the desired increase, and the reasons or necessity for the same, signed by the president and a majority of the directors, and attested by the secretary and seal of such company.

SEC. 641. In no case shall the capital stock of any such company be increased to a greater amount than the actual cost of building and equipping the road.

SEC. 642. It shall be lawful for all companies formed and incorporated under the provisions of this chapter to sue for and collect any installment or subscription to stock due to said companies in like manner as other debts are now collected.

SEC. 643. Every such corporation shall possess the general powers and be subject to the liabilities and restrictions in the special powers following, that is to say:

First. To cause such examination and survey for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purpose, by their officers, agents, and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

Second. To receive, hold, and take such voluntary grants and donations of real estate, and other personal property, as shall be made to it, to aid in the construction, maintenance, and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only.

Third. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, and surveyors and agents, enter upon, and take possession of, and hold and use all such lands and real estate and other property as may be necessary for the construction and maintenance of its railroad and stations, depots, and other accommodations necessary to accomplish the objects for which the corporation was created; but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as prescribed in this chapter, shall

have been paid to the owner or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

Fourth. To lay out its road, not exceeding six rods wide, and to construct the same; and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land within the limits of its charter, in the manner hereafter provided, as may be necessary for the proper construction and security of the road.

Laying out and constructing road.
Taking materials.

Fifth. To construct its road upon any street, or across any stream of water, water-course, road, highway, railroad, or canal, so as not to interfere with the free use of the same, which the route of its road shall intersect, in such manner as to afford security for life and property, but the corporation shall restore the stream or water-course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have unnecessarily impaired its usefulness or injured its franchises.

Restoration of roads over streets, water-courses, &c.

Construction of water-courses and highways.

Sixth. To cross, intersect, join, and unite with any other railroad before constructed on any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings, switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained or determined by commissioners, to be appointed as is provided in this chapter in respect to taking of lands; but this section is not to affect the rights or franchises heretofore granted.

Intersecting with other roads.

Roads to unite.

When the several corporations cannot agree.

Seventh. To purchase lands necessary for the use of the road or take them; and may change the line of its road whenever a majority of the directors shall so determine, as provided in this chapter; but no such change shall vary the general route of the road.

Change of route.

Eighth. To take, transport, carry, and convey persons and property on its railroad by the force or power of steam, of animals, or any mechanical power, or by any combination of them, and to receive compensation therefor.

Motive-power.

Ninth. To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery for the accommodation and use of its passengers, freight, and business, and obtain and hold the lands therefor.

Buildings, stations, &c.

Tenth. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor.

Fares and freights.

SEC. 644. Every such company, before constructing a part of its road, shall make a map and profile of the route intended to be adopted, which shall be certified by a majority of the directors, and filed in the office of the recorder of deeds of the District, for the inspection and examination of all parties interested.

Map and profile of road.

5 May, 1870, c. 80, s. 18, v. 16, p. 111.

SEC. 645. If at any time after the location of the track of such road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of the company that the line thereof may be improved, such directors may, from time to time, alter the line, and cause a new map to be filed in the recorder's office, and may thereupon take possession of the lands embraced in such new location that may be required for the construction and maintenance of the road on such new line, either by agreement with the owner or by such proceedings as are authorized under the provisions of this chapter, and use the same in place of the line for which the new is substituted.

Alteration of line.

Ibid., s. 26, p. 114

SEC. 646. Whenever the track of such railroad shall cross a road or highway such road or highway may be carried under or over the track, as may be most expedient; and in all cases where an embankment or cutting shall make a change in the line of such road or highway

Tracks crossing highways.

Ibid., s. 27, p. 114.

<u>Compensation for land.</u>	desirable, with a view to a more easy ascent or descent, the company may take additional lands for the construction of such road or highway, or such new line as may be deemed requisite by the directors.
5 May, 1870, c. 80, s. 27, v. 16, p. 114.	SEC. 647. Unless the lands so taken shall be purchased or voluntarily given for the purposes mentioned in the preceding section, compensation therefor shall be ascertained in the manner provided in this chapter as nearly as may be, and duly made by such corporation to the owners and persons interested in such lands, and the same, when so taken and compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of such highway may be held for highway purposes.
<u>Right to acquire title to lands.</u>	SEC. 648. In case any company formed under this chapter is unable to agree for the purchase of any real estate required for the construction of the track, turn-outs, and water-stations, it shall have the right to acquire the title to the same in the manner and by the special proceedings prescribed in this chapter.
Ibid., s. 21, p. 112.	SEC. 649. Such company is authorized to enter upon any land for the purpose of examining and surveying its railroad-line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side tracks and water-stations, materials for constructing, except timber, a right of way over adjacent lands sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains.
<u>Appropriation of lands.</u>	SEC. 650. The corporation shall forthwith deposit with the clerk of the supreme court of the District a description of the rights and interests intended to be appropriated, and such land, rights, and interests shall belong to such company, to use for the purpose specified, by making or tendering payment as hereinafter provided.
Ibid., s. 21, pp. 112, 113.	SEC. 651. The corporation may, by its directors, purchase any such lands, materials, right of way, or interest of the owner of such lands; or in case the same is owned by a person insane, or an infant, at a price to be agreed upon by the regularly-constituted guardian or parent of said insane person or infant, if the same shall be appraised by the court, and on such agreement and approval, the owner, guardian, or parent, as the case may be, shall convey the premises, so purchased, in fee-simple or otherwise, as the parties may agree, to such railroad company; and the deed, when made, shall be deemed valid in law.
<u>Description to be deposited with clerk of court.</u>	SEC. 652. If the corporation shall not agree with the owner of the land, or with his guardian if the owner is incapable of contracting, touching the damages sustained by such appropriation, the corporation shall deliver to such owner or guardian a copy of the instrument of appropriation.
Ibid.	SEC. 653. If the owner, or his guardian in case such owner is incapable of contracting, be unknown, the corporation shall publish in some newspaper in the District, to be designated by the court, for the term of six weeks, an advertisement reciting the substance of such instrument of appropriation.
<u>Purchase of lands from owner or guardian.</u>	SEC. 654. Upon fixing such act of appropriation and delivering such copy, or making such publication, the supreme court for the District, upon the application of either party, shall appoint by warrant three disinterested freeholders of the neighborhood on which the land lies, to appraise the damages which the owner of the land may sustain by such appropriation.
Ibid.	SEC. 655. The appraisers shall be duly sworn, and they shall consider the injury which such owner may sustain by reason of such railroad, and shall forthwith return their assessment of damages to the clerk of the court, setting forth the value of the property taken, or injury done to the property, which they assess to the owner, or owners separately, to be by him filed and recorded.
<u>Proceedings in cases of appropriation.</u>	SEC. 656. The corporation shall pay to said clerk the amount thus assessed, or tender the same to the party in whose favor the damages are awarded or assessed, and on making payment or tender thereof, in
Ibid.	
<u>Notice by advertisement, when.</u>	
Ibid.	
<u>Appointment of appraisers.</u>	
Ibid.	
<u>Assessment of damages.</u>	
Ibid.	
<u>Payment or tender.</u>	
Ibid.	

the manner herein required, it shall be lawful for such corporation to hold the interests in such lands or materials on said roadway within fifty feet on each side of the center of such roadway, for the uses aforesaid.

SEC. 657. The cost of the award shall be paid by such company; and on notice by any party interested and showing said proceedings, the court may order the payment thereof and enforce such payment by execution.

Cost of award.
5 May, 1870, c. 80, s. 21, v. 16, pp. 112, 113.

SEC. 658. The award of the arbitrators may be reviewed by the court, in which such proceedings may be had, on written exceptions filed by either party, in the clerk's office, within ten days after the filing of such award, and the court shall take such order therein as right and justice may require, by ordering a new appraisalment, on good cause shown.

Review on appeal.

Ibid.

SEC. 659. Notwithstanding such appeal, the company may take possession of the property described as aforesaid, and the subsequent proceedings on the appeal shall only affect the amount of compensation to be allowed, if prior to the assessment the corporation shall tender to such owner or guardian, and in case of refusal to receive the same shall pay into court, if he be unable to contract, an amount equal to the award afterward made, exclusive of costs.

Company may take possession, when.

Ibid.

SEC. 660. The costs of arbitration shall be paid equally by such company and such owner or guardian.

Costs of arbitration.

Ibid.

SEC. 661. If there are any adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into court by the company until it can determine who is entitled to the same, and shall direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts in which such determination and order are to be made.

Money to be paid into court; when.

Ibid., s. 22, p. 113.

SEC. 662. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent; the court shall also have power, at any time, to amend any defect or informality in any of the special proceedings authorized by this chapter as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as it deems proper, and also to appoint other commissioners in the place of any who shall die, or refuse, or neglect, or are unable to serve, or who may leave or be absent from the District.

Court to protect rights of parties in interest, &c.

Ibid., s. 23.

SEC. 663. At any time after an attempt to acquire title by appraisal of damages, or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings the court may authorize the corporation, if in possession, to continue in possession, to take possession of, and use such real estate during the pendency and until the final conclusion of such new proceedings, and may stay all actions and proceedings against the company, or any officer or agent or workmen of such company, on account thereof, on such company paying into court a sufficient sum, as the court may direct, to pay the compensation therefor, when finally ascertained; and in every such case the party interested in real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

Defective title; how may be perfected.

Ibid., s. 24.

SEC. 664. Such company may, from time to time, borrow such sums of money as they may deem necessary for completing or operating their railroad, and issue and dispose of their bonds for any amounts so borrowed, for such sums and at such rates of interest as may be agreed upon, and mortgage their corporate property and franchises to secure the payment of any debt contracted by the company; and the directors of the company may confer on any holder of any bond issued for money so borrowed the right to convert the principal due or owing thereon into

Power to borrow money and issue bonds; restriction.

Ibid., s. 25, p. 114.

stock of the company, at any time not exceeding fifteen years from the date of such bond, under such regulations as the company may adopt; and the company may sell their bonds whenever they may deem proper, and such sales shall be as valid as if such bonds should be sold at par value. But such corporation shall not have power to issue any bonds or to execute any mortgages upon its property or franchises until at least one-half of the capital stock shall have been fully paid.

Annual report.

5 May, 1870, c. 80, s. 29, v. 16, pp. 114, 115.

SEC. 665. Every such corporation shall make an annual report to the clerk of the supreme court of the District of the operations of the year ending on the first day of January, which report shall be verified by the oath of the treasurer and acting superintendent of operations, and filed in his office by the tenth day of January of each year, and shall state—

First. The capital stock and the amount actually paid in.

Second. The amount expended for the purchase of lands, for the construction of the road, for buildings, and for engines and cars respectively.

Third. The amount and nature of its indebtedness, and the amounts due the corporation.

Fourth. The amount received for the transportation of passengers, of property, of mails, and from other sources.

Fifth. The amount of freight, specifying the quantity, in tons, of the products of the forest, of animals, of vegetables, food, other agricultural products, manufactures, merchandise, and other articles.

Sixth. The amount paid for repairs, engines, cars, buildings, and salaries.

Seventh. The number and amount of dividends, and when paid.

Eighth. The number of engine-houses and shops, of engines and cars, and their character.

Carrying the mails.

Ibid., s. 30.

SEC. 666. Any such corporation shall, when applied to by the Postmaster-General, convey the mails of the United States on their road; and in case such corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner, and condition of carrying the same, the said supreme court may appoint three commissioners, who shall fix and determine the same.

Making up trains.

Ibid., s. 34.

SEC. 667. In forming a passenger train, baggage, or freight, or merchandise, or lumber cars shall not be placed in rear of passenger cars; and if any of them shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly.

Accommodation of the public.

Ibid., s. 32.

SEC. 668. Every such corporation shall start and run their cars for the transportation of persons or property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall within a reasonable time previous thereto offer, or be offered, for transportation at the place of starting, and the junction of other railroads, and at siding and stopping places established for receiving and discharging way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of tolls, freight, or fare therefor.

Penalty for refusal.

Ibid., s. 33.

SEC. 669. In case of the refusal by such corporation or their agents to take and transport any passenger or property, as provided in the preceding section, or to deliver the same at the regularly appointed place, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit.

Passenger refusing to pay fare.

Ibid., s. 31.

SEC. 670. If any passenger shall refuse to pay his fare or toll, the conductor of the train may put him out of the cars at any usual stopping-place.

Employés to wear badge.

Ibid., s. 28.

SEC. 671. Every conductor, baggage-master, engineer, brakeman, or other employé of any such railroad corporation, employed on a passenger-train, or at stations for passengers, shall wear upon his hat or cap a

badge which shall indicate his office, and the initial letters of the style of the corporation by which he is employed.

SEC. 672. No collector or conductor without such badge shall demand, or be entitled to receive, from any passenger any fare, toll, or ticket, or exercise any of the powers of his office; and no other of said officers or employes without such badge shall have any authority to meddle or interfere with any passenger or property.

SEC. 673. No railroad shall be built under the provisions of this chapter until the route and termini of such road shall have been approved and sanctioned by Congress.

SEC. 674. Congress may make all needful rules and regulations for the operation and management of such railroads, and may regulate the rates of fare and freight upon all such roads.

SEC. 675. Nothing contained in this chapter shall be so construed as to authorize any corporation organized under the same to construct or own any railroad outside of the District of Columbia, nor to limit the right of the District authorities to regulate the running of trains, or to establish the grade upon which such roads shall be built within the cities of Washington and Georgetown.

SEC. 676. Congress may, at any time, alter, amend, or repeal this chapter, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed or created under this chapter; but any such amendment or repeal shall not, nor shall the dissolution of any company formed under this chapter, take away or impair any remedy given against any such corporation, its stockholders, or officers, for any liability which shall have been previously incurred.

Not to exercise authority without badge.

5 May, 1870, c. 80, s. 28, v. 16, p. 114.

Route and termini of road to be approved by Congress.

Ibid., s. 36.
Regulation by Congress of management and rates of fare and freight.

Ibid., pp. 115, 116.
Construction of chapter.

Ibid., ss. 36, 38.

Repeal by Congress.

Ibid., s. 37.

CHAPTER NINETEEN.

LANDLORD AND TENANT.

Sec.
677. Power of personal seizure abolished.
678. Landlord to have tacit lien.
679. How tacit lien may be enforced.
680. Tenancy at will and by sufferance.
681. How determined.
682. Provisions not applicable to prior contracts.
683. Attornment.
684. In case of forcible entry or detainer; complaint and summons.

Sec.
685. Service of summons.
686. Trial and judgment.
687. When defendant pleads title; proceedings.
688. Appeals, and how tried.
689. Appeal by defendant; additional bond.
690. If jury find for complainant, damages.
691. Fees of justice and officer.

SEC. 677. The power claimed and exercised as of common right by every landlord, of seizing, by his own authority, the personal chattels of his tenant for rent arrear, is abolished.

Power of personal seizure abolished.

22 Feb., 1867, c. 64, s. 12, v. 14, p. 404.

SEC. 678. The landlord shall have a tacit lien upon such of the tenant's personal chattels, on the premises, as are subject to execution for debt, to commence with the tenancy and continue for three months after the rent is due, and until the termination of any action for such rent brought within the said three months.

Landlord to have tacit lien.

Ibid.

Webb vs. Sharp, 13 Wall., 14; Fowler vs. Rapley, 15 Rep., No. 47, p. 317.

How tacit lien may be enforced.

22 Feb., 1867, c. 64, s. 12, v. 14, p. 404.

Wall., 328; White vs. Freedman's Bank, Wash. Law

SEC. 679. This lien may be enforced:

First. By attachment, to be issued upon affidavit that the rent is due and unpaid; or, if not due, that the defendant is about to remove or sell all or some part of said chattels; or,

Second. By judgment against the tenant and execution, to be levied

on said chattels or any of them, in whosoever hands they may be found; or,

Third. By action against any purchaser of any said chattels, with notice of the lien, in which action the plaintiff may have judgment for the value of the chattels purchased by the defendant, but not exceeding the rent, arrear, and damages. [See §§ 782, 808.]

Tenancy at will and by sufferance.

4 July, 1864, c. 243, s. 1, v. 13, p. 383.

How determined.

Ibid.

Provisions not applicable to prior contracts.

Ibid.

Attornment.

Ibid.

In case of forcible entry or detainer; complaint and summons.

Ibid., s. 2, pp. 383, 384.

Service of summons.

Ibid.

Trial and judgment.

Ibid.

When defendant pleads title; proceedings.

Ibid., s. 3, p. 384.

Appeals and how tried.

Ibid., sec. 4.

Appeal by defendant; additional bond.

Ibid.

SEC. 680. A tenancy at will shall not arise or be created without an express contract or letting to that effect, and all occupation, possession, or holding of any messuage or real estate without express contract or lease, or by such contract or lease the terms of which have expired, shall be deemed and held to be tenancies by sufferance.

SEC. 681. All estates at will and sufferance may be determined by a notice, in writing, to quit, of thirty days, delivered to the tenant in hand, or to some person of proper age upon the premises, or, in the absence of such tenant or person, then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read.

SEC. 682. The provisions of the two preceding sections shall not apply to contracts made, or to any tenancy existing prior to July fourth, eighteen hundred and sixty-four, except in cases of waste or refusal to pay rent.

SEC. 683. The attornment of a tenant to a stranger shall be void, and shall not affect the rights of the landlord, unless it be made with the consent, express or implied, of the landlord.

SEC. 684. When forcible entry is made, or when a peaceable entry is made and the possession unlawfully held by force, or when possession is held without right, after the estate is determined by the terms of the lease by its own limitation, or by notice to quit, or otherwise, on written complaint on oath of the person entitled to the premises, to a justice of the peace, charging such forcible entry or detainer of real estate, a summons may be issued to a proper officer, commanding the person complained of to appear and show cause why judgment should not be rendered against him.

SEC. 685. The summons shall be served like other writs of summons at least seven days before the appearance of the party complained of.

SEC. 686. If it appears by default or upon trial that the complainant is entitled to the possession of the premises, he shall have judgment and execution for the possession and costs; if the complainant becomes nonsuit, and fails to prove his right to possession, the defendant shall have judgment and execution for his costs.

SEC. 687. If, upon trial, defendant pleads title to the premises in himself, or in another person under whom he claims the premises, he shall recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages and costs and reasonable intervening rent for the premises; and the complainant shall in like manner recognize to the defendant conditioned to enter the suit at the next term of the supreme court of the District, and pay all costs adjudged against him; and thereupon the proceedings shall be certified to said court by the justice. If either party neglects so to recognize, judgment shall be rendered against him as on nonsuit or default, and execution shall issue accordingly.

SEC. 688. Either party against which judgment is rendered by a justice of the peace, may appeal from such judgment to the supreme court of the District, in the same manner as appeals are taken to the court in other cases, and such appeals shall be tried in the same manner, and further proceedings had therein, according to the practice in appeals in other cases.

SEC. 689. In case of an appeal by a defendant, he shall, in addition to the bail required in other cases, recognize in a reasonable sum to the complainant, to be fixed by the justice, with sufficient sureties, condi-

tioned to pay all intervening damages to the leased property resulting from waste and intervening rent for the premises.

SEC. 690. On the trial of the suit in the supreme court of the District, if the jury find for complainant, they shall assess the damages and intervening rent; and in case of default the same shall be assessed by the court.

If jury find for complainant, damages.

4 July, 1864, c. 243,

s. 5, v. 13, p. 384.

SEC. 691. The fees of the justice issuing the process, and hearing the issue, and making up the record, and certifying the same, and of the officer for serving the process, shall be those allowed in civil causes.

Fees of justice and officer.

Ibid.

CHAPTER TWENTY.

MECHANICS' LIENS.

Sec.
692. Who may have lien.
693. Notice to be filed.
694. Lien lost if no notice.
695. Notice to be recorded.
696. When liens expire, unless action brought.
697. Complaint and prayer of plaintiff.
698. Service of summons.
699. Notice to purchaser.
700. Proceedings in action.
701. Priority of liens.
702. Pro-rata payments.
703. Extent of lien outside of Washington and Georgetown.

Sec.
704. When in Washington or Georgetown.
705. Who may join in action.
706. Consolidation of actions.
707. Satisfaction to be entered, when; forfeiture.
708. How lien may be discharged.
709. When owner held responsible for claims against contractor, &c.
710. Amount recovered may be set off.
711. Liens upon personal property.
712. Special agreements.

SEC. 692. Any person who, by virtue of any contract with the owner of any building, or with the agent of such owner, performs any labor upon, or furnishes any materials, engine, or machinery, for the construction or repair of such building, shall, upon filing the notice prescribed in the following section, have a lien upon such building and the lot of ground upon which the same is situated for such labor done or materials, engine, or machinery furnished, when the amount exceeds twenty dollars.

Who may have lien.

2 Feb., 1859, c. 17, s. 1, v. 11. p. 376.

SEC. 693. Any person wishing to avail himself of the provisions of this chapter, whether his claim be due or not, shall file in the office of the clerk of the supreme court of the District, at any time after the commencement of the building and within three months after the completion of such building or repairs, a notice of his intention to hold a lien upon the property declared by this chapter liable to such lien, for the amount due or to become due to him, specifically setting forth the amount claimed.

Notice to be filed.

Ibid., s. 2.

SEC. 694. Upon failure to file the notice as prescribed in the preceding section, the lien shall be lost.

Lien lost if notice not filed.

Ibid.

Notices to be recorded.

SEC. 695. The clerk of the supreme court shall file and record, in a book provided for that purpose, all notices filed in accordance with section six hundred and ninety-three.

Ibid.

When liens expire unless action brought.

SEC. 696. The lien shall cease to exist at the expiration of one year after the completion of the building or repairs, unless, before that time, an action to enforce the same shall have been commenced in the supreme court of the District by the person having such lien against the owner with whom or with whose agent the contract was made, unless such claim be not due at the expiration of one year after such completion, in which case the action shall be commenced within three months after the same shall have become due. [See § 808.]

Ibid., s. 3, p. 377.

SEC. 697. The complaint of the plaintiff shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, the time when the building was completed, if it be completed, with a description

Complaint and prayer of plaintiff.

Ibid., s. 4.

- of the premises, and any other material facts, and shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of the lien.
- Service of summons.** SEC. 698. The summons shall be served as in other cases, or, instead of service by publication, it may be made by delivering a copy thereof to the person in possession of the premises.
- Notice to purchaser.** SEC. 699. If the defendant shall have sold or disposed of the premises before the service of the summons, the court shall direct notice of the proceedings to be served on the purchaser, or his agent for the premises, who may thereupon, if he desire it, be made a party defendant in the action.
- Proceedings in action.** SEC. 700. The proceedings in an action to enforce such lien shall be the same as in other actions, except as otherwise provided in this chapter; and if judgment be rendered for the plaintiff, he may have execution issued against the premises, and thereupon the marshal shall proceed as upon executions upon real property. [See § 808.]
- Priority of liens.** SEC. 701. The liens created in pursuance of the provisions of this chapter shall have precedence over all other liens or incumbrances which attached upon the premises subsequent to the time at which the notice was given.
- Pro-rata payments.** SEC. 702. If, upon a sale of the premises on execution, the proceeds be insufficient to pay all such liens, the court shall order them to be paid in proportion to the amount, respectively, due to each, and any other property of the defendant not exempt from execution may be sold to satisfy such execution.
- Extent of lien outside of Washington and Georgetown.** SEC. 703. If the building be on any land lying outside the cities of Washington and Georgetown, the land upon which the same is erected, together with the space around the same, not exceeding five hundred square feet clear of the building, shall also be subject to the lien, if the land at the time of the erection or repair of the building shall have been the property of the person contracting for the erection or repair of the same.
- When in Washington or Georgetown.** SEC. 704. If the building be in the cities of Washington or Georgetown, the ground on which the same is erected, and a space of ground equal to the front of the building, and extending to the depth of the lot or lots on which it is erected, shall also be bound by the said lien, subject to the condition mentioned in the preceding section.
- Who may join in action.** SEC. 705. Any number of persons, having liens on the same building, pursuant to the provisions of this chapter, may join in one action, but their claims shall be stated distinctly as in a separate action, and the judgment shall show the amounts to which they are respectively entitled.
- Consolidation of actions.** SEC. 706. If several such actions be brought by different claimants, and be pending at the same time, the court may order them to be consolidated.
- Satisfaction to be entered, when; forfeiture.** SEC. 707. Whenever any person having a lien, by virtue of the provisions of this chapter, shall have received satisfaction for his claim, and the cost of his proceedings thereon, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction, within six days after such payment or tender, enter satisfaction of his demand in the office of the clerk; and upon failure to do so he shall forfeit and pay fifty dollars to the party aggrieved, and all damages which he may have sustained in consequence of such failure or neglect.
- How lien may be discharged.** SEC. 708. In all proceedings commenced under this chapter the defendant may file a written undertaking, with surety, to be approved by the court, to the effect that he will pay the judgment that may be recovered, and costs, and thereby release his property from the lien hereby created.
- When owner hold responsible for claims against contractor, &c.** SEC. 709. Any sub-contractor, journeyman, or laborer employed in the construction or repair of any building, or in furnishing any materials or machinery for the same, may give, at any time, the owner thereof notice in writing, particularly setting forth the amount of his claim and
- 2 Feb., 1859, c. 17, s. 5, v. 11, p. 377.
- Ibid.
- Ibid., s. 6.
- Ibid., s. 7.
- Ibid.
- Ibid., s. 8.
- Ibid.
- Ibid., s. 9.
- Ibid.
- Ibid., s. 10, pp. 377, 378.
- Ibid., s. 11, p. 378.
- 6 May, 1870, c.

the service rendered, for which his employer is indebted to him, and that he holds the owner responsible, and the owner of the building shall be liable for the claim, but not to exceed the amount due from him to the employer at the time of notice, or subsequently, which may be recovered in an action.

89, s. 1, v. 16, p. 119.

SEC. 710. Whenever any sub-contractor, journeyman, or laborer shall recover any such claim from the owner of the building, the same may be set off by the owner in any action brought against him by the person who otherwise would be entitled to recover the same under the contract.

Amount recovered may be a set-off.

Ibid., s. 2.

LIENS UPON PERSONAL PROPERTY FOR WORK DONE.

SEC. 711. Any person, having possession of the same, who shall make, alter, repair, or bestow any labor on any article of personal property, at the request of the owner or lawful possessor thereof, shall have a lien on such property so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the materials he has furnished; and such person may hold and retain possession of the same until such just and reasonable charges shall be paid; but if possession pass from such person by his consent, the lien shall cease.

Liens upon personal property.

2 Feb., 1859, c. 17, s. 12, v. 11, p. 378.

SEC. 712. The provisions of the preceding section shall not interfere with any special agreement of the parties.

Special agreements.

Ibid., s. 13.

CHAPTER TWENTY-ONE

INTEREST AND USURY.

- Sec. 713. Rate of interest allowed.
- 714. Special contracts; limit.
- 715. Unlawful contracts; forfeiture.

- Sec. 716. Recovery, when interest unlawfully taken.
- 717. Banking laws not changed.

SEC. 713. The rate of interest upon judgments or decrees, and upon the loan or forbearance of any money, goods, or things in action, shall continue to be six dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time, except as provided in this chapter.

Rate of interest allowed.

22 April, 1870, c. 59, s. 1, v. 16, p. 91. United States vs. Kendall, 5 Cranch, 5 Cranch, C. C., 298; 5 Cranch, C. C., 523.

C. C., 385; Burr vs. Burch, 5 Cranch, C. C., 506; Bradley vs. McKee, Bank of Metropolis vs. Moore, 5 Cranch, C. C., 518; Hill vs. Scott, 5 Cranch, C. C., 523.

SEC. 714. In all contracts made it shall be lawful for the parties to stipulate or agree in writing that the rate of ten per centum per annum, or any less sum, of interest shall be taken and paid upon every one hundred dollars of money loaned, or in any manner due and owing from any person or corporation in the District.

Special contracts; limit.

22 April, 1870, c. 59, s. 2, v. 16, p. 91.

SEC. 715. If any person or corporation shall contract to receive a greater rate of interest than ten per cent. upon any contract in writing, or six per cent. upon any verbal contract, such person or corporation shall forfeit the whole of the interest so contracted to be received, and shall be entitled only to recover the principal sum due to such person or corporation.

Unlawful contracts; forfeiture.

Ibid., s. 3.

SEC. 716. If any person or corporation within the District shall directly or indirectly take or receive any greater amount of interest than is provided for in this chapter, upon any contract or agreement whatever, it shall be lawful for the person, or his personal representative, or the corporation paying the same, to sue for and recover all the interest paid upon any such contract or agreement from the person or his personal representatives, or from the corporation receiving such unlawful interest; but the suit to recover back such interest shall be brought within one year after such unlawful interest shall have been paid or taken.

Recovery, when interest unlawfully taken.

Ibid., s. 4. Riddle vs. Mandeville, 1 Cranch, C. C., 95; Oliver vs. Decatur, 4 Cranch, C. C., 461.

SEC. 717. Nothing in this chapter shall be construed to change the general laws in force in relation to banking associations organized under the provisions of Title LXII, of the Revised Statutes, "NATIONAL BANKS." [See R. S. U. S., §§ 5197, 5198.]

Banking laws not changed.

22 April, 1870, c. 59, s. 5, v. 16, p. 91.

CHAPTER TWENTY-TWO.

MARRIAGE AND DIVORCE.

Sec.	Sec.
718. Who may be licensed to perform marriage ceremony.	735. Notice by publication, when.
719. Licenses; by whom issued.	736. When causes shall be heard.
720. Form of license.	737. No judgment without proof.
721. Record of licenses.	738. Divorce from bond of marriage; causes.
722. Minister's certificate; form.	739. Divorce from bed and board; causes.
723. Copy of record to be evidence.	740. When causes occur out of District.
724. Certain persons to be deemed husband and wife.	741. Dissolution of marriage on account of a former marriage.
725. Their children legitimate.	742. Legitimacy of issue.
726. Children of those who have ceased to cohabit.	743. Dissolution on account of lunacy; legitimacy of issue.
727. Right of married women to property absolute.	744. Legitimacy, how otherwise affected and determined.
728. Full power of disposal.	745. Alimony and right of dower.
729. Right to contract, sue, and be sued.	746. Alimony pending petition.
730. Husband not liable, when.	747. Custody and maintenance of children.
731. Applications for divorce.	748. When maiden name may be restored.
732. Proceedings; general rule.	749. Adultery of wife after divorce from bed and board.
733. What petition must specify.	
734. Summons to respondent.	

MARRIAGES.

Who may be licensed to perform marriage ceremony.

1 June, 1870, c. 115, s. 4, v. 16, p. 147.

Licenses; by whom issued.

Ibid.

Form of license.

Ibid.

Record of licenses.

Ibid., s. 5.

Minister's certificate; form.

Ibid.

Copy of record to be evidence.

Ibid., s. 6.

Certain persons to be deemed husband and wife.

SEC. 718. For the purpose of preserving the evidence of marriages in the District, every minister of the gospel, appointed or ordained according to the rites and ceremonies of his church, whether his residence be in the District or elsewhere in the United States or its Territories, may be licensed to celebrate marriages in the District.

Blackburn vs. Crawford, 3 Wall., 175; United States vs. McCormick, 1 Cranch, C. C., 593; United States vs. Lambert, 2 Cranch, C. C., 137.

SEC. 719. Such license shall be issued by the clerk of the supreme court of the District.

SEC. 720. Licenses shall be in the following form:
"To any minister of the Gospel authorized to celebrate marriages in the District of Columbia, greeting:

"You are hereby licensed to solemnize the rites of marriage between _____, of _____, and _____, of _____, if you find no lawful impediment thereto; and having so done, you are commanded to appear in the clerk's office of the supreme court of said District and certify the same.

"Witness my hand and the seal of said court.

"_____, Clerk."

SEC. 721. The clerk shall provide a record-book of his office, consisting of licenses in the form prescribed in the preceding section, printed in blank, one of which he shall fill up with the names of the parties for whose union any license has been issued, and beneath it shall be printed a certificate to be made by the minister who solemnized the marriage.

SEC. 722. The minister's certificate shall be in the following form:
"I, _____, minister of _____ church in _____, hereby certify that, by authority of a license of the same tenor as the foregoing, I solemnized the marriage of the parties aforesaid, on the _____ day of _____, eighteen hundred and _____, at _____, in the District of Columbia.

"_____"

SEC. 723. A copy of any license and certificate, recorded in the record-book of the clerk's office, and certified by the clerk, under his hand and the seal of the court, shall be competent evidence of the marriage.

SEC. 724. All colored persons in the District, who, previous to their actual emancipation, had undertaken and agreed to occupy the relation to each other of husband and wife, and were cohabiting together as such,

or in any way recognizing the relation as existing on the twenty-fifth day of July, eighteen hundred and sixty-six, whether the rites of marriage have been celebrated between them or not, are deemed husband and wife, and are entitled to all the rights and privileges, and subject to the duties and obligations of that relation, in like manner as if they had been duly married according to law.

SEC. 725. All the children of such persons shall be deemed legitimate, whether born before or after the date mentioned in the preceding section.

SEC. 726. When such parties have ceased to cohabit before such date, in consequence of the death of the woman, or from any other cause, all the children of the woman recognized by the man to be his shall be deemed legitimate.

25 July, 1866, c. 240, v. 14, p. 236.

Their children legitimate.

Ibid.
Children of those who have ceased to cohabit.

Ibid.

PROPERTY-RIGHTS OF MARRIED WOMEN.

SEC. 727. In the District the right of any married woman to any property, personal or real, belonging to her at the time of marriage, or acquired during marriage in any other way than by gift or conveyance from her husband, shall be as absolute as if she were unmarried, and shall not be subject to the disposal of her husband, nor be liable for his debts.

Right of married women to property absolute.

10 April, 1869, c. 23, s. 1, v. 16, p. 45. Sykes vs. Chadwick, 18 Wall., 141.

SEC. 728. Any married woman may convey, devise, and bequeath her property, or any interest therein, in the same manner and with like effect as if she were unmarried. [See §§ 450-452.]

Full power of disposal.

10 April, 1869, c. 23, s. 1, v. 16, p. 45.

SEC. 729. Any married woman may contract, and sue and be sued in her own name, in all matters having relation to her sole and separate property, in the same manner as if she were unmarried.

Right to contract, sue, and be sued.

Ibid., s. 2.

SEC. 730. Neither the husband nor his property shall be bound by any such contract, made by a married woman, nor liable for any recovery against her in any such suit, but judgment may be enforced by execution against her sole and separate estate in the same manner as if she were unmarried.

Husband not liable, when.

Ibid.

DIVORCE.

SEC. 731. All applications for divorce shall be made by petition to the supreme court of the District. [See § 766.]

Applications for divorce.

19 June, 1860, c. 158, s. 1, v. 12, p. 59.

SEC. 732. The proceedings upon a petition for divorce shall be the same as are had in other cases, except so far as otherwise provided in this chapter.

Proceedings; general rule.

SEC. 733. The petition for a divorce shall specify the causes therefor with certainty.

Ibid.
What petition must specify.

Ibid., s. 2.

SEC. 734. Upon the petition being filed, the clerk shall issue summons for the defendant to appear and answer.

Summons to respondent.

Ibid.

SEC. 735. If it shall appear by the affidavit of a disinterested witness that the defendant is a non-resident of the District, or has been absent therefrom for the space of six months, the court, after the return of one summons not found, may authorize notice of the pendency of the petition, to be given by publication, in such manner as it shall direct.

Notice by publication, when.

Ibid.

SEC. 736. The court shall proceed to hear and determine such cause, whenever such summons shall have been served twenty days, or such publication made forty days before the commencement of the term.

When causes shall be heard.

Ibid.

SEC. 737. No judgment for a divorce shall be rendered on default without proof; nor shall any admissions contained in the answer of the defendant be taken as proof of the facts charged as the ground of the application, but the same shall in all cases be proved by other evidence.

No judgment without proof.

Ibid.

Divorce from bond of marriage; causes.

19 June, 1860, c. 158, s. 3, v. 12, p. 59.
1 June, 1870, c. 116, v. 16, p. 147.

SEC. 738. A divorce from the bond of marriage may be granted in any of the following cases, namely:

First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved and no restraint imposed on the party contracting such second marriage.

Second. Where such marriage was contracted during the lunacy of either party.

Third. Where either party was matrimonially incapacitated at the time of the marriage.

Fourth. Where either party has committed adultery during the marriage.

Fifth. For habitual drunkenness for a period of three years of the party complained against.

Sixth. For cruelty of treatment, endangering the life or health of the party complaining.

Seventh. For willful desertion and abandonment by the party complained of against the party complaining for the full uninterrupted space of two years.

Divorce from bed and board; causes.

19 June, 1860, c. 158, s. 4, v. 12, pp. 59, 60.

SEC. 739. A divorce from bed and board may be granted for either of the following causes, namely:

First. Cruelty of treatment, endangering the life or health of one of the parties.

Second. Reasonable apprehension, to the satisfaction of the court, of bodily harm.

When causes occur out of the District.

Ibid., s. 5, p. 60.

Dissolution of marriage on account of a former marriage.

Ibid., s. 6.

Legitimacy of issue.

Ibid.

Dissolution on account of lunacy; issue legitimate.

Ibid., s. 7.

Legitimacy, how otherwise affected and determined.

Ibid., s. 8.

Alimony and right of dower.

Ibid., s. 9.

Wallingsford vs. Allen, 10 Peters, 593.

Alimony pending petition.

Ibid., s. 11.

Custody and maintenance of children.

Ibid., s. 10.

Maiden name may be restored.

Ibid., s. 9.

Adultery of wife

SEC. 740. No divorce shall be granted for any cause which shall have occurred out of the District, unless the party applying for the same shall have resided within the District for two years next preceding the application.

SEC. 741. Upon the dissolution of a marriage on account of either of the parties having a former wife or husband living, if it shall appear that the second marriage was contracted in good faith by the party whose second marriage has been thus dissolved, and with the full belief on his or her part that the former wife or husband was dead, that fact shall be stated in the judgment or sentence of divorce.

SEC. 742. The issue of such second marriage, born or begotten before the commencement of the suit, shall be deemed to be the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

SEC. 743. Upon the dissolution of a marriage on account of the lunacy of either party at the time of such marriage, the issue of the marriage shall be deemed to be legitimate.

SEC. 744. A divorce for causes not specially provided for in the two preceding sections shall not affect the legitimacy of the issue of the marriage; but the legitimacy of such issue, if questioned, shall be tried and determined according to the course of the common law.

SEC. 745. In all cases where a divorce is granted, the court allowing the same shall have power, if it see fit, to award alimony to the wife, and to retain her right of dower.

SEC. 746. The court may also award alimony to the wife for her sustentance during the pendency of a petition for a divorce filed for any of the causes mentioned in this chapter.

SEC. 747. The court shall also have power to order and direct, in every case of divorce, who shall have the guardianship and custody of the children of the marriage so divorced, and who shall be charged with their maintenance.

SEC. 748. The court may also, in granting a divorce from the bond of marriage, restore to the wife her maiden or other previous name.

SEC. 749. In case of adultery by the wife, committed after judgment

or sentence of divorce from bed and board, the court may, on the petition of the husband setting forth and accompanied by legal proof of such adultery, deprive the wife of alimony from the date of her said criminal act, and rescind her right of dower, as well as dispossess her, if the court judge fit, of the care, custody, and guardianship of any child which, under the original judgment of the court in granting the divorce, may have been assigned to her.

after divorce from bed and board.
19 June, 1860, c. 158, s. 12, v. 12, p. 60.

CHAPTER TWENTY-THREE.

THE JUDICIARY.

Sec.

- 750. Supreme court.
- 751. Salaries of the justices.
- 752. Oath of office.
- 753. General and special terms.
- 754. Justices holding terms.
- 755. When terms may be held.
- 756. Number of terms required to be held annually.
- 757. Designation of justice to hold special term.
- 758. Special term as district court.
- 759. Special term as criminal court.
- 760. Jurisdiction as a circuit court.
- 761. Power of justices.
- 762. Jurisdiction as a district court.
- 763. As a criminal court.
- 764. Jurisdiction under copyright and patent laws.
- 765. Jurisdiction as a court of bankruptcy.
- 766. In divorce cases.
- 767. Original actions limited to the District, except.
- 768. Common law and chancery causes.
- 769. Amount required to give jurisdiction.
- 770. Rules.
- 771. Justices may administer oaths to United States officers.
- 772. Appeals from special to general term.
- 773. Appeals from police court.
- 774. Appeals from justices of the peace.
- 775. Summary hearing, when.
- 776. Trial by jury at election of parties.
- 777. When appellee fails to appear.
- 778. When appellant fails to prosecute.
- 779. When appeal shall not be dismissed.
- 780. Appeals from Commissioner of Patents.
- 781. Tests of writs.
- 782. Writs of attachment and garnishment.
- 783. How may be quashed.
- 784. Discharge of attached property.
- 785. Sale of attached property.
- 786. Final judgment.
- 787. Notice by publication.
- 788. Order of publication.
- 789. Form.
- 790. Process against foreign corporations.
- 791. No person to be held to bail on action of debt or contract.
- 792. Validity of sales in certain cases.
- 793. Decree confirming sale.
- 794. Capias ad satisfaciendum.

Sec.

- 795. Proceedings upon arrest.
- 796. Exemptions from arrest on civil process.
- 797. Exemptions of property from distraint, &c.
- 798. Conveyance of exempted articles.
- 799. Prior deeds.
- 800. Motions and suits at special terms.
- 801. Issues of fact, how triable.
- 802. Issues at law, how tried.
- 803. Exceptions.
- 804. New trials.
- 805. Appeal to general term.
- 806. Motion for new trial to be held at general term.
- 807. Trials when another term intervenes.
- 808. Proceedings to enforce a lien.
- 809. Fictions in pleadings abolished.
- 810. Set-offs.
- 811. Form of plea set-off.
- 812. Judgment for balance due.
- 813. Mutual judgments.
- 814. Replevin; form of declaration.
- 815. Plaintiff's affidavit to state what.
- 816. Plaintiff to give security.
- 817. Officer's return; proceedings.
- 818. When defendant cannot be found; order and notice.
- 819. Proceedings in default.
- 820. Appearance of plaintiff; plea.
- 821. Plaintiff's damages.
- 822. When judgment is for defendant.
- 823. Damages when things cloigned.
- 824. Judgment; damages for detention.
- 825. Judgment by default in suits on open account.
- 826. Verification of authority of officer taking affidavit.
- 827. Where money is payable by joint obligors; proceedings.
- 828. Plaintiff not entitled to costs, when.
- 829. Interest on judgments.
- 830. Injunction upon judgments; damages on dissolution.
- 831. Damages for satisfaction of interest in case of a forthcoming bond.
- 832. When the court may direct none or partial damages.
- 833. Petition for change of name.
- 834. Notice.
- 835. Name changed.
- 836. Form of indictments.
- 837. Recovery and distribution of certain fines.
- 838. Peremptory challenge of jurors.

Sec.
839. Witnesses for defendant in criminal trials.
840. Special oath to grand jury.
841. Special charge to grand jury.
842. Libels; truth may be given in evidence.
843. Fugitives from justice.
844. Remission of forfeitures by the President.

Sec.
845. When execution of sentence may be postponed.
846. Writs of error and appeals.
847. Amount required for removal.
848. Removals for less amount in particular cases.
849. Effect of writ in such cases.
850. No supersedeas, except, &c.

SUPREME COURT—ORGANIZATION.

Supreme court.

3 March, 1863, c. 91, s. 1, v. 12, p. 763.
21 June, 1870, c. 141, s. 2, v. 16, p. 160.

Salaries of justices.

1 June, 1866, c. 103, s. 2, v. 14, p. 55.
3 March, 1863, c. 91, s. 15, v. 12, p. 764.

Oath.

Ibid., s. 1, p. 763.

SEC. 750. There shall be a supreme court of the District, which shall consist of a chief justice and four associate justices, who shall severally be appointed by the President, by and with the advice and consent of the Senate, and shall hold their offices during good behavior. [Sec § 89.]

161. Noerr *et al.*, administrators, *vs.* Brewer, Wash. Law Rep., No. 46, p. 310.

SEC. 751. The chief justice shall receive an annual salary of four thousand five hundred dollars, and the associate justices an annual salary of four thousand dollars each, payable quarterly at the Treasury of the United States.

SEC. 752. Each justice, before he enters upon the duties of his office, shall take the oath prescribed to be taken by judges of the courts of the United States. [Sec R. S. U. S., § 712.]

TERMS.

General and special terms.

21 June, 1870, c. 141, s. 1, v. 16, p. 160.

Justices holding terms.

3 March, 1863, c.

When terms may be held.

7 Feb., 1857, c. 37, v. 11, p. 158.

3 March, 1863, c. 91, s. 3, v. 12, p. 763.

Number of terms required to be held annually.

7 Feb., 1857, c.

Designation of justice to hold special term.

3 March, 1863, c. 372; United States

Special term as district court.

11 May, 1820, c. 93, s. 2, v. 3, p. 576.

Special term as criminal court.

1 March, 1845, c. 35, s. 2, v. 5, p. 729.

SEC. 753. The several general terms and special terms of the circuit courts, district courts, and criminal courts authorized by law, are declared to be, severally, terms of the supreme court of the District of Columbia; and the judgments, decrees, sentences, orders, proceedings, and acts of the general terms, special terms, circuit courts, district courts, and criminal courts rendered, made, or had, are and shall be deemed judgments, decrees, sentences, orders, proceedings, and acts of the supreme court; but nothing contained in this section shall affect the right of appeal as provided by law.

SEC. 754. Any three of the justices of the supreme court may hold a general term, and any one of them may hold a special term.

SEC. 755. The supreme court shall have power, by rule of court, to regulate the periods of holding its terms, as also the periods of the special terms, at which issues of fact triable by a jury or by the court are to be tried, and to fix the number of such terms, and to alter the same from time to time as public convenience may require.

SEC. 756. At least three terms of the supreme court shall be held annually.

37, v. 11, p. 158.

SEC. 757. The special terms shall be held by one of the justices of the supreme court at such time as the court in general term shall appoint.

91, s. 5, v. 12, p. 763. 4 Cranch, C. C., 337; United States *vs.* Williams, 4 Cranch, C. C., *vs.* Milburn, 4 Cranch, C. C., 552.

SEC. 758. The special term held as the United States district court for the District of Columbia shall be holden on the first Mondays in December and June in every year.

SEC. 759. The special term held as the criminal court shall be holden on the first Monday in March, the third Monday in June, and the first Monday in December, in each year. [Sec R. S. U. S., § 811.]

Ex parte Bradley, 7 Wall., 364.

JURISDICTION—ORIGINAL.

SEC. 760. The supreme court shall possess the same powers and exercise the same jurisdiction as the circuit courts of the United States. Jurisdiction of the supreme court as a circuit court.

[See R. S. U. S., § 605, et seq.]

27 Feb., 1801, c. 15, v. 2, p. 105; 3 March, 1863, c. 91, s. 3, v. 12, p. 763. *United States vs. Heinegan*, 1 Cranch, C. C., 50; *Mechanics' Bank of Alexandria vs. Withers*, 6 Wheat., 106; *McKenna vs. Fiske*, 17 Peters, 245; same case, 1 Howard, 241; *United States vs. Tarlton*, 4 Cranch, C. C., 682; *Kendall vs. United States*, 12 Peters, 524; *Docatur vs. Paulding*, 14 Peters, 497; *Berry's Petition*, 2 Cranch, C. C., 13; *Custis vs. Alexandria and Georgetown Turnpike Company*, 6 Cranch, 233; *Thompson vs. Tolmie*, 2 Peters, 157; *Cannon vs. Davis*, 1 Cranch, C. C., 457; *United States vs. Wright*, 1 Cranch, C. C., 123; *Hard vs. Stone*, 5 Cranch, C. C., 503; *United States vs. Jack*, 1 Cranch, C. C., 44; *United States vs. Louder*, 1 Cranch, C. C., 103; *Ex parte Magruder*, Am. Law Reg., vol. vi, N. S., p. 292; *Bradley vs. Fisher*, 13 Wall., 336; *Cathcart vs. Robinson*, 5 Peters, 264; *Ex parte Watkins*, 7 Peters, 568; *Rutter vs. Merchant*, 1 Cranch, C. C., 36; *Ridgway vs. Pancost*, 1 Cranch, C. C., 88; *United States vs. Porter*, 2 Cranch, C. C., 60; *Ex parte Levi S. Burr*, 2 Cranch, C. C., 379; same case, 9 Wheaton, 529; *United States vs. Williams*, 4 Cranch, C. C., 372; *United States ex rel. Stokes vs. Kendall*, 5 Cranch, C. C., 163.

SEC. 761. The justices of the supreme court shall severally possess the powers and exercise the jurisdiction possessed and exercised by the judges of circuit courts. Power of justices.

Ibid.

Van Ness vs. Bank of United States, 13 Peters, 17; *Voss vs. Luke*, 1 Cranch, C. C., 331; *Woods vs. Young*, 1 Cranch, C. C., 346; *Parks, administrator, vs. Willis*, 1 Cranch, C. C., 357; *Lewis vs. Mandeville*, 1 Cranch, C. C., 360; *Pierce vs. Turner*, 1 Cranch, C. C., 433; *Barnes vs. Lee*, 1 Cranch, C. C., 471; *Georgetown T. R. Co. vs. Custis*, 1 Cranch, C. C., 585.

SEC. 762. Any one of the justices may hold a special term, with the same powers and jurisdiction possessed and exercised by district courts of the United States. Jurisdiction as a district court.

Ibid.

SEC. 763. Any one of the justices may hold a criminal court for the trial of all crimes and offenses arising within the District. As a criminal court.

Ibid.

SEC. 764. The supreme court has jurisdiction of actions, suits, controversies, and cases, as well in equity as at law, arising under the copyright and patent-laws, and for damages for the infringement of any patent, by action on the case, in accordance with the provisions of sections forty-nine hundred and nineteen, forty-nine hundred and twenty, and forty-nine hundred and twenty-one, of chapter one, Title LX, of the Revised Statutes, "PATENTS, TRADE-MARKS, AND COPYRIGHTS."

Ibid.
Jurisdiction under copyright and patent-laws.

8 July, 1870, c. 230, ss. 55, 56, 59, 106, v. 16, pp. 206, 207, 215.

[See R. S. U. S., p. 960. See R. S. U. S., § 699.]

King vs. Force, 2 Cranch, C. C., 208; *Turner vs. Johnson*, 2 Cranch, C. C., 287.

SEC. 765. All the jurisdiction, power, and authority conferred upon and vested in the district courts of the United States by Title LXI "BANKRUPTCY," of the Revised Statutes, are conferred upon and vested in the supreme court when the bankrupt resides in the district. Jurisdiction as a court of bankruptcy.

Ibid.

2 March, 1867, c. 177, s. 49, v. 14, p. 541.

SEC. 766. The supreme court shall have jurisdiction of all applications for divorce. In divorce cases.

Ibid.

19 June, 1860, c. 158, s. 1, v. 12, p. 59.

SEC. 767. No action or suit shall be brought in the supreme court by original process against any person who shall not be an inhabitant of, or found within, the District, except as otherwise specially provided. Original actions limited to District, except.

Ibid.

27 Feb., 1801, c. 15, s. 6, v. 2, p. 106. *Vasse vs. Comegyss*, 2 Cranch, C. C., 564; *Vaughan vs. Northup*, 5 Cranch, C. C., 496.

SEC. 768. The supreme court has power to proceed in all common law and chancery causes instituted before it, in which either of the parties reside without the District, in the same way that non-residents were proceeded against in the general court or in the supreme court of chancery in the State of Maryland on the third day of May, eighteen hundred and two. Common law and chancery causes.

Ibid.

3 May, 1802, c. 52, s. 1, v. 2, p. 193.

SEC. 769. The justices of the supreme court shall not hold original plea of any debt or damage in cases within the jurisdiction given to justices of the peace, which shall not exceed fifty dollars, exclusive of costs. Amount required to give jurisdiction.

Ibid.

3 March, 1823, c. 24, s. 6, v. 3, p. 744.

Rules.

3 March, 1863, c. 91, s. 6, v. 12, p. 763.

SEC. 770. The supreme court, in general term, shall adopt such rules as it may think proper to regulate the time and manner of making appeals from the special term to the general term, and may prescribe the terms and conditions upon which such appeals may be made, and may also establish such other rules as it may deem necessary for regulating the practice of the court, and from time to time revise and alter such rules. It may also determine by rule what motions shall be heard at a special term, as non-enumerated motions, and what motions shall be heard at a general term in the first instance.

Justices may administer oaths to United States officers.

SEC. 771. All official oaths required by law to be taken by officers of the United States, may, in the District, be administered and certified by any one of the justices of the supreme court of the District.

26 June, 1848, c. 82, v. 9, p. 242.

JURISDICTION—APPELLATE.

Appeals from special term.

SEC. 772. Any party aggrieved by any order, judgment, or decree, made or pronounced at any special term, may, if the same involve the merits of the action or proceeding, appeal therefrom to the general term of the supreme court, and upon such appeal the general term shall review such order, judgment, or decree, and affirm, reverse, or modify the same, as shall be just.

3 March, 1863, c. 91, s. 5, v. 12, p. 763.
Gitting vs. Burch, 2 Cranch, C. C., 97.
Deneale's Executrix vs. Young, 2 Cranch, C. C., 200.

Appeals from police court.

SEC. 773. Appeals from the police court shall be tried on the information filed in the court below, certified to supreme court, by a jury in attendance thereat, as though the case had originated therein, and the judgment in the supreme court shall be final in the case.

17 July, 1870, c. 133, ss. 3, 8, v. 16, pp. 154, 155.

Appeals from justices of the peace.

SEC. 774. In cases of appeal from a justice of the peace, as soon as the appellant shall have made the deposit for costs required by law, or obtained leave from one of the justices, or from the court, to prosecute his appeal without a deposit, the clerk shall docket the cause, and shall issue a summons for the appellee to appear at the next trial term of the court.

22 Feb., 1867, c. 64, s. 2, v. 14, p. 403.
Minifie vs. Duckworth, 2 Cranch, C. C., 39; *Howard vs. United States*, 2 Cranch, C. C., 259; *Sherburne vs. Semmes*, 2 Cranch, C. C., 446; *Davidson vs. Burr*, 2 Cranch, C. C., 515; *Maddox vs. Stuart*, 2 Cranch, C. C., 523; *Coulme vs. Nairn*, 2 Cranch, C. C., 676; *Cross vs. Blanford*, 2 Cranch, C. C., 677; *Delany vs. Corporation*, 2 Cranch, C. C., 459; *McGunnigle vs. Corporation*, 2 Cranch, C. C., 460; *Butt vs. Stinger*, 4 Cranch, C. C., 252; *Ward vs. Corporation*, 4 Cranch, C. C., 232; *Chase vs. Smith*, 4 Cranch, C. C., 90; *Owner vs. Corporation*, 5 Cranch, C. C., 381; *Jeffers vs. Forrest*, 5 Cranch, C. C., 674.

Summary hearing, when.

SEC. 775. The supreme court shall in a summary way hear the allegations and proofs of both parties, and determine upon the same according to law and the equity and right of the matter, at the same term, without further continuance or delay, unless it shall appear to the court that further time ought to be given to the party applying for the same.

1 March, 1823, c. 24, s. 7, v. 3, p. 744.
Mead vs. Scott, 1 Cranch, C. C., 401; *Ward vs. Corporation*, 4 Cranch, C. C., 232.

Trial by jury at election of parties.

SEC. 776. Either of the parties may demand a trial by jury, or leave the cause to be determined by the court, at their election

Ibid.
When appellee fails to appear.

SEC. 777. In any case of appeal from the decision of a justice of the peace, where two summonses against the appellee shall be returned non est, or one attachment returned non est, and the appellee shall not appear, the court may proceed to hear and determine the case, in the same manner as if the appellee had regularly appeared.

Ibid.

When appellant fails to prosecute.

SEC. 778. If the appellant fails to prosecute his appeal, the appellee may, upon making the deposit for costs, have the cause docketed, and move for affirmance of the justice's judgment, or he may have a trial of the cause upon its merits.

22 Feb., 1867, c. 64, s. 3, v. 14, p. 403.
When appeal shall not be dismissed.

SEC. 779. No appeal from the judgment of any justice of the peace to the supreme court shall be dismissed because the same had not been prayed to the term next after the rendition of such judgment, unless

the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of court.

1 March, 1823, c. 24, s. 7, v. 3, p. 744.

SEC. 780. The supreme court, sitting in banc, shall have jurisdiction of and shall hear and determine all appeals from the decisions of the Commissioner of Patents, in accordance with the provisions of sections forty-nine hundred and eleven to section forty-nine hundred and fifteen, inclusive, of chapter one, Title LX, of the Revised Statutes, "PATENTS, TRADE-MARKS, AND COPYRIGHTS." [See R. S. U. S., p. 958. See R. S. U. S., § 699.]

Appeals from Commissioner of Patents.

8 July, 1870, c. 220, secs. 43, 49, 50, 51, v. 16, p. 205.

PROCESS—MESNE.

SEC. 781. Writs and process issued out of the supreme court may be tested in the name of any justice of the court.

Teste of writs.

3 Mar., 1863, c. 91, s. 10, v. 12, p. 764. *Ex parte* Watkins, 7 Peters, 568.

SEC. 782. Writs of attachment and garnishment shall be issued by the clerk without any authority or warrant from any judge or justice, whenever the plaintiff, his agent or attorney, shall file in the clerk's office, whether at the commencement or during the pendency of the suit, an affidavit, supported by the testimony of one or more witnesses, showing the grounds upon which he bases his affidavit, and also setting forth that the plaintiff has a just right to recover against the defendant what he claims in the declaration, and also stating either, first, that the defendant is a non-resident of the District; or, second, that the defendant evades the service of ordinary process by concealing himself or by withdrawing from the District temporarily; or, third, that he has removed or is about to remove some of his property from the District, so as to defeat just demands against him; and shall also file his (the plaintiff's) undertaking, with sufficient surety, to be approved by the clerk, to make good all costs and damages which the defendant may sustain by reason of the wrongfulness of the attachment.

Writs of attachment and garnishment.

1 June, 1866, c. 103, s. 1, v. 14, p. 54.

SEC. 783. If the defendant, his agent or attorney, shall file an affidavit traversing the plaintiff's affidavit, the court shall determine whether the facts set forth in the plaintiff's affidavit are true, and whether there was just ground for issuing the writ of attachment; and if the facts do not sustain the affidavit, the court shall quash the writ of attachment or garnishment; and this issue may be tried by a judge at chambers on three days' notice.

How may be quashed.

Ibid.

SEC. 784. The thing attached shall not be discharged from the custody of the officer seizing it until the defendant shall deliver, either to the officer or to the clerk, to be filed in the cause, his undertaking, with sufficient surety, to satisfy and pay the final judgment of the court against him.

Discharge of attached property.

Ibid.

SEC. 785. If the defendant fail to execute such undertaking, the court may sell the thing attached whenever it is satisfied that it is in the interest of the parties it should be sold before final judgment.

Sale of attached property.

Ibid., p. 55.

SEC. 786. In case the defendant be found liable to the plaintiff's claim, in whole or in part, the final judgment shall be that the plaintiff recover against the defendant and his sureties.

Final judgment.

Ibid.

SEC. 787. Publication may be substituted for personal service of process upon any defendant who cannot be found, in suits for partition, divorce, by attachment, for the foreclosure of mortgages and deeds of trust, and for the enforcement of mechanics' liens and all other liens against real or personal property, and in all actions at law or in equity which have for their immediate object the enforcement or establishment of any lawful right, claim, or demand to or against any real or personal property within the jurisdiction of the court.

Notice by publication.

22 Feb., 1867, c. 64, s. 7, v. 14, p. 403.

SEC. 788. No order for the substitution of publication for personal service shall be made till a summons for the defendant shall have been issued and returned "not to be found."

Order of publication.

Ibid., s. 8, p. 404. Form.

SEC. 789. The order for publication shall be in the following or equivalent form:

Ibid.

"In the supreme court of the District of Columbia, the — day of —, 18—.

"A. B., plaintiff, }
 v. } (At law,) (In equity,) No. —.
 "C. D., defendant."

"On motion of the plaintiff, by Mr. —, his attorney, it is ordered that the defendant cause his appearance to be entered herein on or before the first rule-day occurring forty days after this day; otherwise the cause will be proceeded with as in case of default."

Process against foreign corporations.

22 Feb., 1867, c. 64, s. 11, v. 14, p. 404.

No person to be held to bail on action of debt or contract.

3 Feb., 1853, c. 40, v. 10, pp. 153, 154.

SEC. 790. In actions against foreign corporations doing business in the District, all process may be served on the agent of such corporation or person conducting its business, or, in case he is absent and cannot be found, by leaving a copy at the principal place of business in the District, and such service shall be effectual to bring the corporation before the court.

SEC. 791. No person shall be held to bail in the District in any action of debt, assumpsit, or other action founded on or arising out of any contract or agreement, or in any suit or proceeding in equity brought or prosecuted for enforcing the payment of any debt, or of any sum or sums of money due or claimed to be due by reason of any contract or agreement.

PROCESS—FINAL.

Validity of sales in certain cases.

22 Feb., 1867, c. 64, s. 9, v. 14, p. 404.

Decree confirming sale.

Ibid., s. 21, p. 406.

SEC. 792. All sales duly made in cases in which publication is substituted for personal service of process shall be good and valid, and vest any purchaser with a perfect title.

SEC. 793. In case of the sale of things, real or personal under a decree in equity, the decree confirming the sale shall divest the right, title, or interest sold out of the former owner, party to the suit, and vest it in the purchaser, without any conveyance by the officer or agent of the court conducting the sale; and the decree shall be notice to all the world of this transfer of title when a copy thereof shall be registered among the land-records of the District; but the court may, nevertheless, order its officer or agent to make a conveyance, if that mode be deemed preferable, in particular cases.

Capias ad satisfaciendum.

17 June, 1844, c. 100, v. 5, pp. 678, 679.

4 Feb., 1845, c. 2, v. 5, pp. 721, 722.

SEC. 794. If any plaintiff in a civil action, after judgment shall have been obtained by him, makes oath, according to law, that the defendant has conveyed away, lessened, or disposed of his property, rights, or credits, or is about to remove, or has removed, his property from the District, as the plaintiff believes, with intent thereby to hinder or delay the recovery or payment of his debts, the clerk of the court shall thereupon issue a capias ad satisfaciendum.

Proceedings upon arrest.

Ibid.

SEC. 795. Upon the arrest of any such defendant under a capias ad satisfaciendum, he may be brought by habeas corpus before the court, if in term time, and before one of the judges thereof in vacation, and may call upon the plaintiff to show cause why he, the defendant, shall not be discharged from imprisonment; and upon such notice, either party may demand a trial by jury; and thereupon the court or judge shall direct an issue or issues to be framed upon the affidavit so filed, and shall cause a jury to be impaneled and sworn to try such issue or issues, and if the finding of the jury shall be for the plaintiff, the defendant shall be thereupon remanded to prison.

Exemptions from arrest on civil process.

Ibid.

SEC. 796. Nothing in the two preceding sections shall be construed to authorize the custody or imprisonment of any female person on civil process, nor any non-resident for any debt contracted out of the District. [See § 791.]

Henry vs. Cornelius, 1 Cranch, C. C., 37; O'Neil vs. Hogan, 2 Cranch, C. C., 524.

Exemptions from property from distraint, &c.

SEC. 797. The following property, being the property of the head of a family or householder, shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court in the District:

First. All wearing apparel belonging to all persons, and to all heads of families, being householders ;

Second. All beds, bedding, household furniture, stoves, cooking utensils, and so forth, not exceeding three hundred dollars in value ;

Third. Provisions for three month's support, whether provided or growing ;

Fourth. Fuel for three months ;

Fifth. Mechanic's tools and implements of the debtor's trade or business amounting to two hundred dollars in value, with two hundred dollar's worth of stock for carrying on the business of the debtor or his family ;

Sixth. The library and implements of a professional man or artist, to the value of three hundred dollars ;

Seventh. One horse, mule, or yoke of oxen ; one cart wagon, or dray, and harness for such team ;

Eighth. Farming utensils, with food for such team for three months, and if the debtor be a farmer, any other farming tools of the value of one hundred dollars ;

Ninth. All family pictures, and all the family library not exceeding in value four hundred dollars ;

Tenth. One cow, one swine, six sheep ; and these exemptions shall be valid when the property is in transitu, the same as if at rest ; but no property named and exempted in this section shall be exempted from attachment or execution for any debt due for the wages of servants, common laborers, or clerks, except the wearing apparel, beds, and bedding, and household furniture and provisions, for the debtor and family. [See §§ 603, 982, 1286.]

SEC. 798. No deed of trust, bill of sale, or mortgage upon any exempted articles, shall be binding or valid unless signed by the wife of the debtor, if he be married and living with his wife.

SEC. 799. The exemptions named in section seven hundred and ninety-seven shall not interfere with the foreclosure of any mortgage or deed of trust executed prior to February fifth, eighteen hundred and sixty-seven.

5 Feb., 1867, c. 50,
v. 14, pp. 389, 390.

Conveyance of
exempted articles.

Ibid.
Prior deeds.

Ibid.

PRACTICE—CIVIL.

SEC. 800. Non-enumerated motions in all suits and proceedings at law and in equity shall first be heard and determined at special terms. Suits in equity, not triable by jury, shall also be heard and determined at special terms. But the justice holding such special term may, in his discretion, order any such motion or suit to be heard, in the first instance, at a general term.

SEC. 801. All issues of fact triable by a jury or by the court shall be tried before a single justice.

SEC. 802. Issues of law may be tried at a special term. At any time after issue, and at least ten days before the sitting of the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least four days before the sitting of the court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served ; and the clerk shall thereupon enter the cause upon a calendar, according to the date of the issue.

SEC. 803. If upon the trial of a cause, an exception be taken, it may be reduced to writing at the time, or it may be entered on the minutes of the justice, and afterward settled in such manner as may be provided by the rules of the court, and then stated in writing in a case or bill of exceptions, with so much of the evidence as may be material to the questions to be raised, but such case or bill of exceptions need not be sealed or signed.

SEC. 804. The justice who tries the cause may, in his discretion, entertain a motion, to be made on his minutes, to set aside a verdict and

Motions and suits
at special terms.

3 March, 1863, c.
91, s. 5, v. 12, p. 763.

Issues of fact,
how triable.

Ibid., s. 7.

Issues at law,
how tried.

Ibid., p. 764.

Exceptions.

Ibid., s. 8.

New trials.

Ibid.

Brooke vs. Peyton, 1 Cranch, C. C., 128; *Ingle vs. Collard*, 1 Cranch, C. C., 152; *Brent vs. Coyle*, 2 Cranch, C. C., 348; *United States vs. Wood*, Wash. Law Rep., v. 1, No. 25, p. 142.

Appeal to general term. SEC. 805. When such motion is made and heard upon the minutes, an appeal to the general term may be taken from the decision, in which case a bill of exceptions or case shall be settled in the usual manner.
3 March, 1863, c. 91, s. 8, v. 12, p. 764.
Swann vs. Bowie, 2 Cranch, C. C., 221; *Turner vs. Foxall*, 2 Cranch, C. C., 324; *Lloyd vs. Scott*, 4 Cranch, C. C., 206.

Motion for new trial to be heard at general term. SEC. 806. A motion for a new trial on a case or bill of exceptions, and an application for judgment on a special verdict or a verdict taken subject to the opinion of the court, shall be heard in the first instance at a general term.
Ibid., s. 9.
Bank of Metropolis vs. Walker, 2 Cranch, C. C., 361.

Trials when another term intervenes. SEC. 807. When, at any term of the court, a jury shall be impaneled to try any cause or any issue or issues joined in any cause, and it shall happen that no verdict shall be found, nor the jury otherwise discharged before the day appointed by law for the commencement of the next succeeding term, the court shall proceed with the trial by the same jury in every respect as if such term had not commenced; and all subsequent proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been impaneled.

Proceedings to enforce a lien. SEC. 808. The proceeding to enforce any lien shall be by bill or petition in equity, and the decree, besides subjecting the thing upon which the lien has attached to the satisfaction of the plaintiff's demand against the defendant, shall adjudge that the plaintiff recover his demand against the defendant, and that he may have execution thereof as at law.
16 Feb., 1853, c. 76, v. 10, p. 160.

Fictions in pleadings abolished. SEC. 809. All fictions in the pleadings in the action of ejectment within the District are abolished; and all actions for the recovery of real estate shall be commenced in the name of the real party in interest, and against the party claiming to own or be possessed thereof.
1 June, 1870, c. 115, s. 1, v. 16, p. 146.
McCormick's Lessee vs. Magruder, 2 Cranch, C. C., 227; *Lynn vs. Hull*, 2 Cranch, C. C., 52; *Whetcroft vs. Burford*, 2 Cranch, C. C., 96; *Waters vs. Bassard*, 2 Cranch, C. C., 226; *Deneale vs. Young*, 2 Cranch, C. C., 418; *Janney vs. Smith*, 2 Cranch, C. C., 499.

Set-offs. SEC. 810. Mutual debts between the parties to an action, or between the testator or intestate of both parties, or either party, may be set off against each other by plea in bar, whether the said debts be of the same or a different nature; and if either debt arose by reason of a penalty, the exact sum to be set off shall be stated in the plea.
22 Feb., 1867, c. 64, s. 5, v. 14, p. 403.

Form of plea of set-off. SEC. 811. The plea of set-off may be: "That the plaintiff, at the commencement of the suit, was, and still is, indebted to the sum of — dollars, for —, as appears by the particulars of said debt, hereunto annexed; and he is willing that the same may be set off against the plaintiff's demand."
Ibid., s. 6.

Judgment for balance due. SEC. 812. And upon the trial of an issue upon a plea of set-off, judgment shall be for the balance found due, whether to the plaintiff or defendant, with costs.

Mutual judgments. SEC. 813. Mutual judgments recovered in the court may be set off against each other, on motion of either party; and the court shall award execution for the balance found due against the party chargeable therewith.
Ibid.

Replevin; form of declaration. SEC. 814. The declaration in replevin shall be in the following or equivalent form: "The plaintiff sues the defendant for (wrongly taking and detaining) (unjustly detaining) his, said plaintiff's, goods and chattels, to wit: (describe them) of the value of \$—. And the plaintiff claims that the same be taken from the defendant and delivered to him; or, if they are eloiigned, that he may have judgment of their said value, and all mesne profits and damages, which he estimates at \$—, besides costs."
22 Feb., 1867, c. 64, s. 13, v. 14, p. 404.

SEC. 815. At the time of filing the declaration in replevin, the plaintiff, his agent or attorney, shall file an affidavit, sworn to before the clerk, stating—

Plaintiff's affidavit, to state what.

First. That, according to affiant's information and belief, the plaintiff is entitled to recover possession of chattels proposed to be replevied, being the same described in the declaration ;

22 Feb., 1867, c. 64, s. 13, v. 14, pp. 404, 405.

Second. That the defendant has seized and detains, or detains the same ;

Third. That said chattels were not subject to such seizure or detention, and were not taken upon any writ of replevin.

SEC. 816. The plaintiff shall, at the same time, enter into an undertaking with surety, approved by the clerk, to abide by and perform the judgment of the court in the premises.

Plaintiff to give security.

SEC. 817. If the officer's return of the writ of replevin be, that he has served the defendant with copies of the declaration, notice to plead and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same and damages for detention ; or he may renew the writ in order to get possession of the goods and chattels themselves.

Ibid., p. 405.
Officer's return; proceedings.

SEC. 818. If the officer's return be, that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the court may order that the defendant appear to the action by some fixed day ; and of this order the plaintiff shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance.

Ibid., s. 14.

When defendant cannot be found; order and notice.

SEC. 819. If the defendant fails to appear, the court may proceed as in case of default after personal service.

Ibid.

Proceedings in default.

SEC. 820. If the defendant appear, he may plead not guilty, in which case all special matters of defense may be given in evidence, or he may plead specially.

Ibid.

Appearance of plaintiff; plea.

SEC. 821. Whether the defendant plead, and the issue thereon joined is found against him ; or his plea is held bad on demurrer ; or he make default after personal service, or after publication, the plaintiff's damages shall be ascertained by the jury trying the issue, where one is joined, or by a jury of inquest, where there is no issue of fact ; and the damages shall be the full value of the goods, if eloiigned by the defendant, including, in every case, the loss sustained by the plaintiff by reason of the detention ; and judgment shall pass for the plaintiff accordingly.

Ibid., s. 15.

Plaintiff's damages.

SEC. 822. If the issue be found for the defendant, or the plaintiff dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant with damages, or on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue ; or, where the plaintiff dismisses or fails to prosecute his suit, by the jury of inquest.

Ibid., s. 16.

When judgment is for defendant.

SEC. 823. If the defendant has eloiigned the things sued for, the court may instruct the jury, if they find for the plaintiff, to assess such damages as may compel the defendant to return the things.

Ibid., s. 17.

Damages when things eloiigned.

SEC. 824. The judgment in such cases shall be that the plaintiff recover against the defendant the value of the goods as found, to be discharged by the return of the things, with damages for detention, which the jury shall also assess.

Ibid., s. 18.

Judgment; damages for detention.

Carbery, 2 Cranch, C. C., 39 ; Wood vs. May, 3

Ibid.
Thompson vs. Cranch, C. C., 172.

SEC. 825. Where a suit is brought upon an open account, verified by the plaintiff's or his agent's affidavit, that the amount claimed by the plaintiff is justly payable by the defendant to the plaintiff, and the defendant fails to defend the suit, the plaintiff may have judgment, final by default for the amount, with interest from the day specified in the declaration, without an inquiry of damages.

Judgment by default in suits on open account.

Ibid., s. 19.

Verification of authority of officer taking affidavit.

22 Feb., 1867, c. 64, s. 19, v. 14, p. 405.

Where money is payable by joint obligors; proceedings.

Ibid., s. 20, pp. 405, 406.

Plaintiff not entitled to costs, when.

Ibid., s. 22, p. 406. Goddard vs. Davis, 1 Cranch, C. C.

Interest on judgments.

24 June, 1812, c. 106, s. 6, v. 2, p. 756; Killingly vs. Taylor, 1 Cranch, C. C., 99; McDonald vs. White, 1 Cranch, C. C., 149.

Injunction upon judgments; damages on dissolution.

Ibid., s. 7. Love vs. Fendall's Trustee, 1 Cranch, C. C., 34; Mason vs. Muncaster, 3 Cranch, C. C., 403.

Damages for satisfaction of interest in case of a forthcoming bond.

Ibid., pp. 756, 757. Sutton vs. Mandeville, 1 Cranch, C. C., 32; Stevens vs. Lloyd, 1 Cranch, C. C., 141; Thomas vs. Brent, 1 Cranch, C. C., 161.

When the court may direct none or partial damages.

Ibid. Petition for change of name.

20 Dec., 1867, c. 2, s. 2, v. 15, p. 33. Notice.

Ibid.

Name changed.

Ibid.

Form of indictment.

3 March, 1801, c. 24, s. 2, v. 2, p. 115.

SEC. 826. If the affidavit of the plaintiff or his agent be made before an officer, of whose authority to administer oaths the court cannot take notice, his authority must be verified by the certificate under official seal, if he have one, of the officer having authority to give such certificate.

SEC. 827. Where money is payable by two or more persons jointly or severally, as by joint obligors, covenantors, makers, drawers, or indorsers, one action may be sustained and judgment recovered against all or any of the parties by whom the money is payable, at the option of the plaintiff. But an action against one or some of the parties by whom the money is payable may, while the litigation therein continues, be pleaded in bar of another action against another or others of said parties.

SEC. 828. If the declaration state a cause of action of which the court has jurisdiction, but the verdict finds the money payable by the defendant to the plaintiff to be less than the lowest sum of which the court has jurisdiction, the plaintiff shall have judgment for the amount found due to him from the defendant, but without costs.

SEC. 829. Upon all judgments rendered on the common-law side of the court in actions founded on contracts, interest at the rate of six per centum per annum shall be awarded on the principal sum due until the judgment shall be satisfied, and the amount which is to bear interest and the time from which it is to be paid shall be ascertained by the verdict of the jury sworn in the cause.

SEC. 830. When an injunction is obtained to stay proceedings on any judgment rendered for money, and such injunction shall be dissolved, wholly or in part, damages, at the rate of ten per centum per annum from the time the injunction shall be awarded until dissolution, shall be paid by the party on whose behalf such injunction was obtained on such sum as appears to be due, including costs, and execution on the judgment enjoined shall be issued for the same.

SEC. 831. In cases where a forthcoming bond shall have been executed by the complainant, and no judgment shall have been rendered thereupon, the court in which execution shall be awarded shall direct the damages to be included in the judgment, and such damages shall in all cases be in full satisfaction of interest for the time for which they shall be allowed.

SEC. 832. When the injunction is granted to obtain a discovery, or any part of the judgment shall remain enjoined, the court may, if it appear just, direct that such damages shall not be paid, or only such proportion thereof as they may deem expedient.

SEC. 833. Any person being a resident of the District, and desirous to have his name changed, may file a petition in the supreme court setting forth the reasons therefor, and also the name desired to be assumed.

SEC. 834. Notice of the filing of such petition, containing the substance and prayer thereof, shall be published for three consecutive weeks in some newspaper in general circulation published in the District, prior to the hearing of the petition.

SEC. 835. The court, or the justice holding a civil term thereof, on proof of such notice, and upon such showing as may be deemed satisfactory, may change the name of the applicant according to the prayer of the petition.

PRACTICE—CRIMINAL.

SEC. 836. All indictments shall run in the name of the United States, and conclude, against the peace and government thereof.

United States vs. Peacock, 1 Cranch, C. C., 215.

SEC. 837. All fines, penalties, and forfeitures accruing under the laws of the State of Maryland, which, by adoption, have become the laws of the District, shall be recovered with costs, by indictment or information, in the name of the United States, or by action of debt, in the name of the United States and of the informer; one-half of which fine shall accrue to the United States, and the other half to the informer; and such fines shall be collected by or paid to the marshal, and one-half thereof shall be by him paid over to the District of Columbia, and the other half to the informer; and the marshal shall have the same power regarding their collection, and be subject to the same rules and regulations as to the payment thereof, as the sheriffs of the State of Maryland are subject to in relation to the same.

SEC. 838. On the trial of any person charged with a crime, the punishment whereof may be confinement in the penitentiary or District jail, the defendant shall be entitled to four peremptory challenges of jurors.

SEC. 839. In all criminal trials the supreme court, or the judge trying the case, may allow such number of witnesses on behalf of the defendant as may appear necessary; the fees thereof, with the costs of service, to be paid in the same manner as Government witnesses are paid.

SEC. 840. In addition to the oath now prescribed by law to be administered to the grand jury in the District, they shall be sworn faithfully and impartially to inquire into and true presentment make of all offenses against the laws prohibiting dueling. [See §§ 1164-1168.]

SEC. 841. The court shall also give in charge to the grand jury at the commencement of each term next preceding an election in the District, the provisions of section one hundred and four, respecting interference with an elector in the exercise of the elective franchise. [See §§ 98-108.]

SEC. 842. In all prosecutions or indictments for libel instituted in the District, the truth thereof may be given in evidence under the general issue as a justification of the alleged libel; and if it appear that the matter charged as libellous was true, and was written or published with good motives and for justifiable ends, the defendant shall be acquitted.

SEC. 843. In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief-justice of the supreme court shall cause to be apprehended and delivered up such fugitive from justice who shall be found within the District, in the same manner and under the same regulations as the executive authority of the several States are required to do by the provisions of sections fifty-two hundred and seventy-eight and fifty-two hundred and seventy-nine, Title LXVI, of the Revised Statutes, "EXTRADITION;" and all executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in such delivery. [See R. S. U. S., pp. 1027-1028.]

SEC. 844. The President of the United States has power to grant remissions of the forfeitures of all recognizances acknowledged and taken before any court, judge, justice of the peace, or other magistrate within the District, either in the course of any criminal prosecution, or for surety of the peace.

SEC. 845. To enable any person convicted by the judgment of the court, to apply for a writ of error, in all cases when the judgment shall be death, or confinement in the penitentiary, the court shall, on application of the party accused, postpone the final execution thereof to a reasonable time beyond the next term of the court, not exceeding in any case thirty days after the end of such term.

REMOVAL OF CAUSES TO THE SUPREME COURT OF THE UNITED STATES.

SEC. 846. Any final judgment, order, or decree of the supreme court of the District may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in

Recovery and distribution of certain fines, &c.

3 March, 1801, c. 24, s. 2, v. 2, p. 115.
Levy Court vs. Ringgold, 5 Peters, 451

Challenge of jurors.

22 Feb., 1867, c. 65, s. 11, v. 14, p. 407.

Witnesses for defendant in criminal trials.

Ibid., s. 12, pp. 407, 408.

Special oath of grand jury.

20 Feb., 1839, c. 30, s. 7, v. 5, p. 319.

Special charge to grand jury.

8 Jan., 1867, c. 6, s. 4, v. 14, p. 375.

Libels; truth may be given in evidence.

25 Feb., 1865, c. 58, v. 13, p. 439.

Fugitives from justice.

3 March., 1801, c. 24, s. 6, v. 2, p. 116.

Remission of forfeitures by the President.

13 June, 1812, c. 100, v. 2, p. 752.

When execution of sentence may be postponed.

7 July, 1838, c. 192, s. 6, v. 5, p. 307.

Writs of error and appeals.

3 March, 1863, c. 91, s. 11, v. 12, p. 764. the same cases and in like manner as provided by law in reference to the final judgments, orders, and decrees of the circuit courts of the

United States.
Ross vs. Triplett, 3 Wheat., p. 600; *Smith vs. Mason*, 14 Wall., p. 419; *United States vs. Hooe*, 1 Cranch, 317; *Young vs. Bank of Alexandria*, 4 Cranch, 384; *Custis vs. Georgetown and Alex. T. Co.*, 6 Cranch, 233; *Columbian Insurance Company vs. Wheelright*, 7 Wheat., 534; *United States vs. More*, 3 Cranch, 159; *Carter vs. Cutting*, 8 Cranch, 251; *Nicholls vs. Hodges*, 1 Peters, 562; *Wise vs. Columbian Turnpike Co.*, 7 Cranch, 276; *Scott vs. Lunt*, 6 Peters, 349; *Lee vs. Lee*, 8 Peters, 44; *Thompson et al. vs. Voss*, 1 Cranch, C. C., 108; *United States vs. Hooe & Co.*, 1 Cranch, C. C., 116; *Moore et al. vs. Dunlop*, 1 Cranch, C. C., 180; *Grundy vs. Young*, 1 Cranch, C. C., 443; *Ex parte Negro Ben*, 1 Cranch, C. C., 532; *Marsteller vs. McClean*, 2 Cranch, C. C., 8; *Renner vs. Bank of Columbia*, 2 Cranch, C. C., 310; *United States vs. Columbian Ins. Co.*, 2 Cranch, C. C., 266.

Amount required for removal.

2 April, 1816, c. 39, s. 1, v. 3, p. 261.

Removals for a less amount in particular cases.

Ibid., s. 2.

Effect of writ in such cases.

Ibid., s. 3.

No supersedeas except, &c.

22 Feb., 1867, c. 64, s. 4, v. 14, p. 403.

SEC. 847. No cause shall be removed from the supreme court of the District to the Supreme Court of the United States, by appeal or writ of error, unless the matter in dispute in such cause shall be of the value of one thousand dollars or upward, exclusive of costs, except in the cases provided for in the following section. [See R. S. U. S., § 699.]

SEC. 848. When any person, or body politic or corporate, shall think him, or themselves, aggrieved by any final judgment, order, or decree, of the supreme court of the District, where the matter in dispute, exclusive of costs, shall be of the value of one hundred dollars, and of less value than one thousand dollars, and shall have prayed an appeal, or shall desire to sue out a writ of error to the Supreme Court of the United States, such person, or body politic or corporate, may exhibit a petition, in writing, accompanied by a copy of the proceedings complained of, and an assignment of the errors relied on, to any judge of the Supreme Court of the United States, who, if he should be of opinion that such errors, or any of them, involve questions of law of such extensive interest and operation as to render the final decision of them by the Supreme Court of the United States desirable, may thereupon, at his discretion, and upon the terms and conditions prescribed by law, by his order, to be directed to the clerk of the supreme court of the District, direct such appeal to be allowed, or writ of error to be issued; which shall be done accordingly.

[See R. S. U. S., §§ 705, 706.]

SEC. 849. When any appeal or writ of error shall have been directed in the manner prescribed by the preceding section, and the order thereon of the judge of the Supreme Court of the United States shall have been filed in the office of the clerk of the supreme court of the District, within thirty days after the end of the term at which the judgment, order, or decree, to be affected by such writ of error or appeal, shall have been rendered or made, such writ of error or appeal shall operate as a supersedeas of all proceedings under such judgment, order, or decree.

SEC. 850. There shall be no supersedeas or stay of execution of the judgments of the supreme court of the District, otherwise than by injunction, or upon proceedings in error to the Supreme Court of the United States.

CHAPTER TWENTY-FOUR.

JURORS.

Sec.

- 851. Lists of jurors.
- 852. Names, how selected.
- 853. How placed in jury-box.
- 854. Custody of jury-box.
- 855. Drawing jurors.
- 856. Jurors for criminal term.
- 857. Jurors in capital cases.
- 858. Jurors for circuit court.
- 859. Additional names, when drawn.
- 860. Rescaling jury-box.

Sec.

- 861. Names not to be again put in jury-box, when.
- 862. If jurors do not attend.
- 863. When panel is incomplete.
- 864. How summoned when all names have been drawn.
- 865. Vacancies, how filled.
- 866. Notifications.
- 867. How served.
- 868. Marshal's return.

Sec.
869. Juror failing to attend, penalty.
870. Penalty of officer for collusion.
871. Penalty of clerk for collusion.
872. Qualifications of jurors.

Sec.
873. Fees.
874. Who may be excused.
875. Who are exempt from jury-duty.

SEC. 851. Until otherwise provided by the legislative assembly, the supreme court of the District may, by orders in general term, from time to time, designate necessary officers or persons to make the lists of jurors for service in said court.

SEC. 852. The names on the lists shall be selected, as near as may be, from among the citizens of the several wards or districts of the cities of Washington and Georgetown, and the three divisions of the District outside the limits of said cities, formed by the Eastern Branch of the Potomac River and Rock Creek, in proportion to the number of inhabitants residing therein respectively.

SEC. 853. The names selected shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names cannot be seen, and placed in a box to be provided for that purpose.

SEC. 854. The box shall be sealed, and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping.

SEC. 855. At least ten days before the commencement of each term held as the circuit court, or as the criminal court, respectively, the clerk shall publicly break the seal of the jury-box and proceed to draw therefrom the names of so many persons as are required.

SEC. 856. If the jury is intended for service in the special term sitting as a criminal court, the twenty-three persons whose names shall be first drawn shall constitute the grand jury, and the twenty-six persons whose names shall be next drawn shall constitute the petit jury, for that term.

United States vs. Caton, 1 Cranch, C. C., 150; United States vs. C. C., 11; United States vs. White, 5 Cranch, C. C., 457.

SEC. 857. In a capital case where the panel shall be exhausted by reason of challenge or otherwise, the court may, in its discretion, order additional names to be drawn; and if all of the names in the box shall be drawn out and no jury found, the court may order the marshal to summon talesmen until a jury shall be found.

SEC. 858. If a jury be required for the term sitting as a circuit court, the twenty-six persons whose names shall first be drawn shall constitute the jury for that term.

SEC. 859. If any person whose name is drawn shall have died or removed from the district, or become otherwise disabled from serving as a juror, the clerk shall draw from the box another name, to serve instead.

SEC. 860. After the requisite number of jurors shall have been drawn, the jury-box shall be again sealed, and remain in the custody of the clerk.

SEC. 861. The names of persons drawn shall not again be placed in the jury-box for the period of two years.

SEC. 862. If the persons selected as jurors do not attend, the court may order the marshal to summon others, possessing the legal qualifications, to supply the deficiency.

SEC. 863. If at any time there should not be, by reason of challenge or otherwise, a sufficient number of jurors to make up the panel, the court shall order the marshal to summon as many talesmen as are necessary for that purpose.

SEC. 864. If at any time it shall occur that all of the names in the box are drawn out at any term of the court before the first day of February, the court may order the marshal to summon from the body of the District twenty-three citizens, having the qualifications of jurors, to serve

Lists of jurors.
20 April, 1871, c. 26, s. 1, v. 17, p. 16.

Names; how selected.

16 June, 1862, c. 102, s. 11, v. 12, p. 430.

18 March, 1869, c. 3, v. 16, p. 3.

How placed in jury-box.

16 June, 1862, c. 102, s. 4, v. 12, p. 428.
Custody of jury-box.

Ibid.
Drawing jurors.

Ibid., s. 5.

Juries for criminal term.

Ibid., pp. 428, 429.

Palmer 2, Cranch,

Jurors in capital cases.

Ibid., p. 429.

Jurors for circuit court.

Ibid.
Additional names, when drawn.

Ibid.

Resealing jury-box.

Ibid.
Names not to be again put in jury-box, when.

Ibid.
If jurors do not attend.

Ibid., s. 7, p. 429.
When panel is incomplete.

Ibid.

United States vs. Watkins, 3 Cranch, C. C., 441.

How summoned when all names have been drawn.

18 Dec., 1865, c. 1, v. 14, p. 1.

as grand jurors, and twenty-six citizens, having such qualifications, to act as petit jurors, or either, as may be needed at any subsequent term of the court to be held between the time of the happening of the contingency mentioned and the first day of February then next ensuing.

Vacancies, how filled.

SEC. 865. Vacancies in either grand or petit juries ordered to be summoned, as provided in the preceding section, may be filled by other persons summoned by the marshal upon the order of the court.

Ibid.
Notifications.

16 June, 1862, c. 102, s. 6, v. 12, p. 429.

SEC. 866. It shall be the duty of the marshal of the District, at least five days before the meeting of the court for which a jury is required, to notify each person drawn, by serving on him a notice in writing of his selection as a juror of the court he is to attend, and of the day and hour he is to appear.

How served.

SEC. 867. Such notice shall be given to each juror in person, or be left at his usual place of residence.

Ibid.
Marshal's return.

SEC. 868. A copy of the notice, with his certificate stating when and in what manner the original was served, shall be returned by the marshal to the court before the commencement of the term for which the jurors were drawn.

Ibid.

Juror failing to attend; penalty.

SEC. 869. If any person selected as a juror and duly notified to attend, shall, without sufficient cause, neglect to attend agreeably to notice, he shall be fined by the court in a sum not exceeding twenty dollars for every day he shall be absent during the sitting of the court.

Ibid., s. 10, p. 430.

Penalty of officer for collusion.

SEC. 870. If any officer shall put on the list the name of any person at his own request, or on the request of any other person, or shall be guilty of any fraud or collusion with respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and imprisoned in the county jail not less than sixty days, for each offense.

Ibid., s. 9, p. 429.

Penalty of clerk for collusion.

SEC. 871. If the clerk of the court shall draw from the box a greater number of names than is required by the court, in accordance with law, or shall put in the box any name after the same has been delivered to him, or shall be guilty of any fraud or collusion in respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and be imprisoned in the District jail not less than sixty days, for each offense.

Ibid., pp. 429, 430.

Qualifications of jurors.

SEC. 872. No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District, over twenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude. [See R. S. U. S., §§ 820-822.]

Ibid., s. 8, p. 429.
18 March, 1869, c. 3, v. 16, p. 3.

Fees.

SEC. 873. Jurors are entitled to the same compensation as received for their attendance in the circuit courts of the District prior to July seventh, eighteen hundred and thirty-eight.

7 July, 1838, c. 192, s. 3, v. 5, p. 307.

Who may be excused.

SEC. 874. A person may be excused by the court from serving on a jury when, for any reason, his interests or those of the public will be materially injured by his attendance, or when he is a party in any action or proceeding to be tried or determined by the intervention of a jury at the term for which he may be summoned, or where his own health or the death or sickness of a member of his family requires his absence.

18 June, 1862, c. 102, s. 8, v. 12, p. 429.

Wilson Bryan's case, 1 Cranch, C. C., 151; Offutt vs. Parrott, 1 Cranch, C. C., 154; McIntire's case, 1 Cranch, C. C., 157; *Mina Queen vs. Hepburn*, 2 Cranch, C. C., 3; same case, 7 Cranch, C. C., 290.

Who are exempt from jury duty.

SEC. 875. All executive and judicial officers, salaried officers of the Government of the United States, commissioners of police, and those connected with the police or fire department, counselors and attorneys at law, ministers of the gospel and priests of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, almshouses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of the District, and keepers of public ferries, shall be exempt from jury duty, and their names shall not be placed on the jury-lists.

16 June, 1862, c. 102, s. 3, v. 12, p. 425.

Lingan vs. Marbury, 1 Cranch, C. C., 365.

CHAPTER TWENTY-FIVE.

WITNESSES.

Sec.

- 876. Interested parties may be witnesses.
- 877. Exceptions.
- 878. Testimony in certain criminal cases.
- 879. No exclusion on account of color.
- 880. Fees of witnesses.
- 881. Commissioners to take testimony in criminal cases.
- 882. Who may be commissioners.
- 883. What commission must state.
- 884. Notice to district attorney.
- 885. Contents of notice.

Sec.

- 886. Service of notice and copy.
- 887. Cross-interrogatories.
- 888. Commission.
- 889. Duties of commissioner.
- 890. Exhibits.
- 891. Certificate and return.
- 892. Deviations.
- 893. Court may establish further rules.
- 894. Proof of wills by commission.
- 895. Will to accompany commission.
- 896. Effect of deposition.

SEC. 876. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice in the District, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence within the District, the parties thereto, and the persons in whose behalf any such action or proceeding may be brought or defended, and all persons interested in the same, shall, except as provided in the following section, be competent and compellable to give evidence, either viva voce or by deposition, according to the practice of the court, on behalf of any of the parties to the action or other proceeding.

Interested parties may be witnesses.

2 July, 1864, c. 222, v. 13, pp. 374, 375.

Bank of Columbia vs. Wright, 3 Cranch, C. C., 216; King vs. Fearson, 3 Cranch, C. C., 435.

[See R. S. U. S., §§ 871-874.]

SEC. 877. Nothing in the preceding section shall render any person who is charged with an offense in any criminal proceeding competent or compellable to give evidence for or against himself;

Exceptions.

Ibid.
Sanderson's case, 3 Cranch, C. C., 638; United States vs. Hudland, 5 Cranch, C. C., 309.

Or render any person compellable to answer any question tending to criminate himself;

Or render a husband competent or compellable to give evidence for or against his wife, or a wife competent or compellable to give evidence for or against her husband, in any criminal proceeding or in any proceeding instituted in consequence of adultery;

Nor shall a husband be compellable to disclose any communication made to him by his wife during the marriage, nor shall a wife be compellable to disclose any communication made to her by her husband during the marriage.

SEC. 878. Every person accused or convicted of obtaining by false pretenses any goods or chattels, money, bank-note, promissory note, or any other instrument in writing, for the payment or delivery of money or other valuable thing, or of keeping a faro-bank or gaming-table, or of violating the laws relating to dueling, shall be a competent witness against every other person offending in the same transaction, and may be compelled to appear and give evidence in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

Testimony in certain criminal cases.

2 March, 1831, c. 37, s. 12, v. 4, p. 449; 20 Feb., 1839, c. 30, s. 6, v. 5, p. 319.

SEC. 879. In all judicial proceedings in the District there shall be no exclusion of any witness on account of color. [See R. S. U. S., § 1977.]

No exclusion on account of color.

12 July, 1862, c. 154, s. 5, v. 12, p. 539.

SEC. 880. Witnesses are entitled to the same compensation as received for their attendance in the circuit courts of the District prior to July seventh, eighteen hundred and thirty-eight. [See R. S. U. S., § 849.]

Fees of witnesses.

307. United States vs. Mullany, 1 Cranch, C. C., 517; United States vs. Williams, 1 Cranch, C. C., 178; Sadler vs. Moore, 1 Cranch, C. C., 212; Power vs. Semmes, 1 Cranch, C. C., 247.

7 July 1838, c. 192, s. 3, v. 5, p. 192.

COMMISSIONS FOR TAKING TESTIMONY IN CRIMINAL CASES.

SEC. 881. Any defendant in a criminal case, either after preliminary examination, indictment, or information, may examine witnesses on commission in the manner prescribed by the thirteen succeeding sections.

Commissions to take testimony in criminal cases.

3 March, 1865, c. 106, s. 1, v. 13, p. 523.

- Who may be commissioners. SEC. 882. A defendant wishing to take the deposition of a witness residing more than one hundred miles from the city of Washington may select any of the following officers as a commissioner to take such deposition, either by the name of office of such officer, or by his individual name and official style:
 First. The clerk or judge of any court of record.
 Second. Any notary public.
 Third. Any consul of the United States.
- What commission must state. SEC. 883. The name of the court of which such constituted commissioner is clerk or judge and the name of the State and county, or if without the United States the name of the State and town, or city, in which such notary or consul resides must be stated in the notice and in the commission.
- Ibid.
- Notice to district attorney. SEC. 884. Five days' notice must be given by a defendant, or his attorney, of the time when a commission will be sued out of the office of the clerk of the supreme court of the District for taking the deposition of a witness.
- Ibid., s. 3.
- Contents of notice. SEC. 885. The notice must give the name of the witness and be accompanied with a copy of the interrogatories to be asked such witness.
- Ibid.
- Service of notice and copy. SEC. 886. The notice and copy of interrogatories may be served and returned in the same manner and by the same officers or persons as provided for the service and return of a summons or subpoena in civil actions within the District.
- Ibid., s. 5, p. 529.
- Cross-interrogatories. SEC. 887. At or before the time fixed in the notice, the district attorney may file cross-interrogatories; but if he fail to so do, the clerk shall file the following:
 First. Are all your statements in the foregoing answers made from your personal knowledge; and if not, do your answers show what are made from your personal knowledge and what from information, and the source of that information? If not, now show what is from information, and give its source.
 Second. State everything you know concerning this case favorable to either the Government or the defendant.
- Commission.
- Ibid., s. 6. SEC. 888. The commission shall issue in the name of the supreme court, and under its seal, and must be signed by the clerk and need contain nothing but the authority conferred upon the commissioner and instructions to guide him, a statement of the cause in which the testimony is to be used, and a copy of all the interrogatories filed appended.
- Duties of commissioner. SEC. 889. The person before whom any of the depositions are taken must cause the interrogatories appended to the commission to be written out, and the answers thereto to be inserted immediately underneath the respective questions; the whole, when completed, being read over by or to the witness, must be by him subscribed and sworn to in the usual manner.
- Ibid., s. 7.
- Exhibits. SEC. 890. All exhibits produced before the person taking the deposition, or proved or referred to by any witness, or correct copies thereof, must be appended to the depositions, and returned with them, unless sufficient reasons be shown for not so doing.
- Ibid., s. 8.
- Certificate and return. SEC. 891. The person taking the deposition shall attach his certificate thereto, stating that it was subscribed and sworn to by the deponent at the time and place therein mentioned. The whole, including the commission and interrogatories, must then be sealed up and returned to the clerk of the supreme court of the District, by mail, unless the defendant and the district attorney agree upon some other mode; and, when received by the clerk, he shall open the package and place the deposition on file in his office.
- Ibid., s. 9.
- Deviations. SEC. 892. Unimportant deviations from any of the directions contained in the preceding sections shall not cause the deposition to be excluded where no substantial prejudice could be wrought to the Government by such deviation.
- Ibid., s. 10.

SEC. 893. The court may establish further rules for taking depositions and all other acts connected therewith, subject to the regulations contained in the thirteenth preceding sections.

Court may establish further rules.
3 March, 1865, c. 106, s. 11, v. 13, p. 529.

PROOF OF WILLS BY COMMISSION.

SEC. 894. Whenever a will or codicil shall be exhibited for probate to the supreme court, if any of the witnesses to the same shall reside out of the District, or be temporarily absent therefrom at the time when the will or codicil shall be so exhibited, the court may issue, upon personal notice of not less than twenty days to all parties in interest, a commission to one or more competent persons to take the deposition of such absent witness, in such form as the court may prescribe, touching the execution of such will or codicil, and the competency of the testator at the time of the execution thereof.

Proof of wills by commission.
3 March, 1869, c. 149, v. 15, p. 340.

SEC. 895. In all such cases the original will or codicil shall accompany the commission, and be exhibited to the witnesses.

Will to accompany commission.

SEC. 896. Such depositions, when returned to the court, shall be received therein as competent evidence, and have the same force and effect as if the witnesses were personally present and testifying in the court.

Ibid.
Effect of depositions.
Ibid.

CHAPTER TWENTY-SIX.

CERTAIN OFFICERS OF COURTS

- Sec.
897. Fees of clerk, marshal, and attorney.
898. Per diem of marshal and clerk.
899. Table of fees of marshal and clerk.
900. Attendance at criminal term.
901. Fees of coroner, &c.
902. Pay of bailiffs and criers.
903. Fees to attorneys and solicitors.
904. United States attorney, appointment and duties.
905. Oaths and affirmations.
906. No allowance for deputy, or for office expenses.
907. To pay his deputies, &c.
908. Fees, how payable.
909. Limit to compensation.
910. Marshal, appointment and duties.
911. Fees in certain cases.
912. Executions issued by justices of the peace.

- Sec.
913. Failure of marshal to pay over small sums.
914. Prepayment of marshal's fees.
915. Clerk; appointment, oath, and bond
916. Assistant clerks.
917. Plaintiff to make deposit with clerk.
918. Poor persons not required to make deposit.
919. Copies from justices' dockets.
920. How made.
921. Fees from private parties, payable when.
922. Fees allowed in certain cases.
923. Semi-annual return of fees.
924. Limit to salary.
925. Adjustment of accounts.
926. Decree of the court.
927. Accounts, how settled.
928. Copy of decree.

PROVISIONS RELATING TO SEVERAL OFFICERS.

SEC. 897. The fees of the clerk, of the marshal, and of the United States district attorney, except, in each case, so far as differently specified in this chapter, shall be the same as the fees respectively allowed to clerks of the district and circuit courts, marshals, attorneys, solicitors, and proctors, by chapter sixteen, "Fees," of Title XIII, "The Judiciary," of the Revised Statutes. [See R. S. U. S., pp. 153-161.]

Fees of clerk, marshal, and attorney.

27 June, 1864, c. 163, s. 1, v. 13, pp. 195, 196.

SEC. 898. The marshal and clerk shall receive their daily compensation for attending court.

Per diem of marshal and clerk.

3 Mar., 1867, c. 23, s. 3, v. 2, p. 431.

SEC. 899. It shall be the duty of the marshal and clerk to make a table of their respective fees, in dollars and cents, according to law, and to keep a copy thereof, at all times, exposed to public view in their respective offices.

Table of fees of marshal and clerk.

Ibid., s. 4.

Attendance at criminal term.

7 July, 1838, c. 192, s. 3, v. 5, p. 307.
Fees of coroner, &c.

Ibid., s. 8, pp. 307, 308.

Levy Court vs. Coroner, 2 Wall., 501.

Pay of bailiffs and criers.

21 June, 1870, c. 140, v. 16, p. 160.

Fees to attorneys and solicitors.

3 Mar., 1807, c. 23, s. 5, v. 2, p. 431.

SEC. 900. The district attorney, marshal, and clerk shall attend the special term sitting as a criminal court, and perform all the duties required of them by law in relation to the criminal business of the court.

SEC. 901. There shall be paid to the coroner of the District, and to the jurors and witnesses who may be lawfully summoned in any inquest, the same fees and compensation as paid to the marshal and the jurors attending the supreme court.

SEC. 902. The marshal shall pay to each bailiff and crier who shall be required to attend upon the district, circuit, and criminal terms of the supreme court, three dollars and fifty cents for each day's attendance, respectively.

SEC. 903. In suits at common law in the supreme court, the taxable fee to an attorney shall be five dollars only; and in suits in chancery, the taxable fee to a solicitor shall be ten dollars only.

UNITED STATES DISTRICT ATTORNEY.

United States attorney; appointment and duties.

27 Feb., 1801, c. 15, s. 9, v. 2, p. 106.

Oaths and affirmations.

17 June, 1870, c. 133, s. 18, v. 16, p. 156.

No allowance for deputy, or for office expenses.

Ibid., s. 17.

To pay his deputies, &c.

Ibid.

Fees, how payable.

Ibid.

Limit to compensation.

Ibid.

SEC. 904. There shall be appointed an attorney of the United States for the District, who shall take the oath and perform all the duties required of district attorneys of the United States. [See §§ 63, 90, 1069-1071.]

Levy Court vs. Ringgold, 2 Cranch, C. C., 659.

SEC. 905. The district attorney, and every assistant or deputy duly appointed by him, is empowered to administer oaths or affirmations to witnesses in criminal cases, and in all cases where a justice of the peace is authorized to do so; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment and labor in the penitentiary, for the first offense for a period of not less than two nor more than ten years, and for the second offense for not less than five nor more than fifteen years.

SEC. 906. There shall not be allowed to the district attorney any compensation for any permanent assistant or deputy, nor any sum for office expenses, clerk-hire, fuel, stationery, or other incidental expenses.

SEC. 907. He shall pay to his deputies or assistants not exceeding, in all, four thousand dollars per annum, also his clerk-hire, not exceeding twelve hundred dollars per annum, office-rent, fuel, stationery, printing, and other incidental expenses, out of the fees of his office.

SEC. 908. Such fees shall be paid to him quarterly at the Treasury of the United States, on the first days of January, April, July, and October, in each year, upon a return in writing made to the Secretary of the Treasury, in such form as the Secretary shall prescribe, embracing all the fees and emoluments of his office, under the oath of the district attorney, and the certificate of a judge or justice of the court wherein the services may have been rendered, that the services for which fees are charged have been performed.

SEC. 909. The compensation of the district attorney shall not exceed six thousand dollars per annum.

MARSHAL.

Marshal, appointment and duties.

27 Feb., 1801, c. 15, s. 7, v. 2, p. 106.

SEC. 910. There shall be a marshal for the District, who shall be appointed for the same term, take the same oath, give a bond with sureties in the same manner, and have generally, within the District, the same powers, and perform the same duties, as provided for marshals of the United States. [See §§ 63, 90, 257, 248, 1063, 1066, 1070, 1087. See R. S. U. S., § 4065.]

Brent vs. Justices of the Peace, 1 Cranch, C. C., 434; The Levy Court vs. Tench Ringgold, 5 Peters, 451.

SEC. 911. For the service of any warrant, attachment, summons, capias, or other writ, (except execution, venire, or a summons or subpoena for a witness,) the marshal shall be allowed one dollar, and no more, for each person on whom such service may be made. [See § 1068.]

Fees in certain cases.
27 June, 1864, c. 163, s. 4, v. 13, p. 196.

United States vs. McDonald, 1 Cranch, C. C., 78; Alexander vs. Thomas, 1 Cranch, C. C., 92, 93; Brent vs. Justices of the Peace, 1 Cranch, C. C., 434.

SEC. 912. The marshal, or his deputies, may execute and levy executions issued by justices of the peace, for small debts, out of court, when the same are put into their hands for that purpose, and for executing or levying such executions are entitled to the same commission, and no more, as allowed to constables in such cases. [See § 1040.]

Executions issued by justices of the peace.
1 Mar., 1823, c. 24, s. 10, v. 3, p. 745.

SEC. 913. Where the marshal shall have received money on any judgment or execution, not exceeding twenty dollars, by virtue of the preceding section, and shall fail or omit to pay the same to the plaintiff, or his agent, when thereto demanded, or shall omit or fail to return any execution within the time limited for such return, it shall be lawful for the supreme court of the District, on motion made, five days previous notice being given to the marshal, to enter up judgment, instanter, against him for the amount so received, with interest and costs.

Failure of marshal to pay over small sums, &c.; proceedings.

Ibid.

SEC. 914. The marshal, in all civil cases, may demand and receive payment of his fees before serving any process, except in cases in which the United States may be a party, or of *feri facias*, or where the court or any justice thereof may order suit to be instituted without prepayment of costs.

Prepayment of marshal's fees.

17 June, 1870, c. 134, s. 21, v. 16, p. 157.

CLERK OF THE SUPREME COURT.

SEC. 915. The supreme court shall have power to appoint a clerk, who shall take the oath, and give a bond with sureties, in the manner prescribed by law for clerks of district courts of the United States.

Appointment, oath, and bond of clerk.

[See R. S. U. S., § 794-799.]

3 Mar., 1863, c. 91, s. 2, v. 12, p. 763. 2 Cranch, C. C., 646.

SEC. 916. Any of the duties of the clerk may be performed, in his name, by any of the assistant clerks in his office; and such assistants may sign the name of the clerk to any process, certificate, or other official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto, when the impress of the seal is necessary to its authentication. In such cases the signature shall be, "_____, Clerk, by _____, Assistant Clerk."

Assistant clerks.
1 June, 1870, c. 115, s. 2, v. 16, p. 146.

SEC. 917. At the commencement of every suit in the supreme court of the District, the plaintiff shall deposit at least eight dollars with the clerk, to be appropriated toward the costs of the suit; and if the plaintiff recover against the defendant a judgment with costs, and the costs do not amount to eight dollars, the overplus shall be paid back to the plaintiff by the clerk.

Plaintiff to make deposit with clerk.
27 June, 1864, c. 163, s. 3, v. 13, p. 196.

Ex parte Lee, 4 Cranch, C. C., 197.

SEC. 918. Suits may be prosecuted by poor persons upon the order of the court, or of one of the justices, without making the deposit prescribed by the preceding section.

Poor persons not required to make deposit.

Ibid.

SEC. 919. The clerk shall furnish copies of all entries in any docket of justices of the peace in his custody, to persons applying therefor who may be entitled to receive them.

Copies from justices' dockets.

1 Mar., 1823, c. 24, s. 5, v. 3, p. 744.

How made.

Ibid.

SEC. 920. Such copies shall be furnished in the same manner and shall have the same effect, as if made by the justices of the peace.

SEC. 921. All costs and fees for services rendered by the clerk, and chargeable to others than the United States, shall be payable immediately after the services are performed, and shall be collected by such rules and regulations, not incompatible with law, as may be prescribed by the court, but shall in no case be paid by the United States.

Fees from private parties, when payable.

16 Aug., 1856, c. 124, s. 6, v. 11, p. 50.

Fees allowed in certain cases.

27 June, 1864, c. 163, s. 4, v. 13, p. 196.

Semi-annual return of fees.

3 March, 1873, c.

Limit to salary.

Ibid.

Adjustment of accounts.

28 July, 1866, c. 294, s. 2, v. 14, p. 309.

Decree of the court.

Ibid., s. 3.

Accounts, how settled.

Ibid.

Copy of decree.

Ibid., s. 4.

SEC. 922. The fees specified in this section, and no more, shall be allowed to the clerk for the following services :

For all services rendered to the United States, in cases in which the United States is a party of record, five dollars.

For each marriage license, one dollar.

For each certificate of official character, including the seal, fifty cents.

SEC. 923. The clerk shall make semi-annual returns of the amount of fees received by him to the Secretary of the Treasury.

226, s. 1, v. 17, p. 507.

SEC. 924. The salary, emoluments, and fees of the clerk shall not exceed the sum of six thousand dollars per annum, and the excess of fees collected by him, after defraying the necessary expenses of his office, shall be paid into the Treasury of the United States.

SEC. 925. The clerk's accounts of his earnings and expenses shall be adjusted by the regular auditor of the court, or by a special auditor to be appointed by the court for the purpose, within thirty days after the first day of January and July, every year ; and the auditor shall immediately report his adjustment to the court, with such exceptions thereto as the clerk shall, within four days after the adjustment reported, take and file with the auditor.

SEC. 926. The court shall pronounce such decree upon the report and exceptions as may seem to it equitable and just ; and such decree shall be final, and be binding upon the United States and the clerk.

SEC. 927. If, upon such account, a balance be found due from the clerk to the United States, the court shall order payment by the clerk into the Treasury, and enforce its order by execution, process of contempt, or otherwise ; and if the clerk refuse to pay the money, shall remove him from office. If a balance be found due from the United States to the clerk, the same shall be paid upon presenting to the Treasurer a copy of the decree, duly certified.

SEC. 928. The clerk shall, as in other cases of judgments to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree, immediately after it is pronounced.

CHAPTER TWENTY-SEVEN.

REGISTER OF WILLS.

Sec.

929. Appointment and duties of register.

930. Bond of register.

931. Fees.

932. Additional fees allowed, when.

Sec.

933. Table of fees to be posted.

934. Forfeiture for neglect.

935. Penalty for taking excessive fees.

936. Record-books and docketts.

Appointment and duties of register.

27 Feb., 1801, c. 15, s. 12, v. 2, p. 107.

Bond of register.

21 June, 1870, c. 138, s. 1, v. 16, p. 160.

SEC. 929. There shall be appointed for the District a register of wills, who shall take an oath for the faithful and impartial discharge of the duties of his office, and who shall have all the powers and perform all the duties which were exercised and performed by the registers of wills of the orphans' court, within the State of Maryland, prior to the twenty-seventh day of February, eighteen hundred and one. [Sec §§ 63, 90, 144.]

SEC. 930. The register of wills shall, before he acts as such, give a bond to the United States, with two or more sureties, to be approved of by the chief justice of the supreme court of the District, in the sum of five thousand dollars, faithfully to discharge the duties of his office and seasonably to record the decrees and orders of the justice of the supreme court holding the special term for orphans' court business for the District, and all wills proved before him or the court, and all other matters directed to be recorded in the court or in the office of the register, which bond shall be entered in full upon the minutes of the court, and the original filed with the records thereof.

SEC. 931. There shall be allowed and paid to the register of wills the following fees :

Fees.

For every probate of will, where there is no controversy, one dollar;
 For granting letters testamentary, seventy-five cents;
 Annexing will, for one hundred words, twelve and one-half cents;
 For recording wills and other instruments, fifteen cents per folio of one hundred words;

26 May, 1824, c.
 191, s. 1, v. 4, pp.
 71-73.
 25 June, 1864, c.
 158, v. 13, p. 194.

For granting letters of administration, seventy-five cents;
 Every bond taken of executors, administrators, or guardians, and recording the same, one dollar and fifty cents;

For filing and entering renunciation of executors, or widows, twenty-five cents;

For exemplification of letters testamentary, or letters of administration, under seal, one dollar;

For issuing warrant, under seal, to appraisers, and warrant to swear them, fifty cents;

For notice of administrators to creditors, and orders thereon, fifty cents;

For entering caveat, twenty-five cents;

For issuing citation, under seal, fifty cents;

For administering every oath or affirmation, six and one-fourth cents;

For filing list of articles appraised, twenty-five cents;

For filing list of articles sold at vendue, twenty-five cents;

For recording the same, (if ordered by the court,) for every hundred words, fifteen cents;

For stating, passing, and filing the account of an executor, administrator, or guardian, not exceeding seventy-five items, three dollars; every additional item, two cents;

For examining vouchers, passing, and filing the account of an executor, administrator, or guardian, (not stated by the register,) and not exceeding seventy-five items, two dollars; every additional item, two cents;

For copy of same, under seal, if demanded, not exceeding one hundred items, one dollar; every additional item, two cents; seal and certificate, thirty-seven and one-half cents;

For subpoena, thirty-seven and one-half cents; all witnesses to be put into one subpoena, unless separate ones are required by the party; for every name after the first, six and one-fourth cents;

For subpoena duces tecum, under seal, fifty cents;

For every search, where no other service is performed for which fees are allowed, eighteen and three-fourth cents;

For making out, and filing, the balance of distribution of deceased persons' estate, for each heir, one dollar;

For taxing all costs, in any one case, twenty-five cents;

For a writ of execution, on a definite sentence, under seal, seventy-five cents;

For recording, and filing, each indenture of apprenticeship, including the court's taking recognizance for same, or its approval when done by a justice of the peace, seventy-five cents;

For drawing depositions of witnesses, for every hundred words, twelve and a half cents;

For filing all other papers, (except as above required,) four cents each;

For entering appearance of party under process, twelve and one-half cents;

For entering return of process, twelve and one-half cents;

For every continuance or reference, chargeable to the applicants, twelve and one-half cents;

For commission to examine witnesses, or to auditors, under seal, one dollar;

For commission to value orphans' estate, in the hands of guardians, under seal, one dollar;

For entering every order of court, twelve cents and one-half; if more than one hundred words, then at the rate of twelve and one-half cents per hundred;

For copying any paper, for one hundred words, twelve and one-half cents; seal and certificate, thirty-seven and one-half cents;

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of fifteen cents per hundred;

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words twelve and one-half cents; seal and certificate, thirty-seven and one-half cents;

For entering every motion in court, twelve and one-half cents;

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, twelve and one-half cents;

For issuing attachments and entering motion therefor, seventy-five cents;

For taking a recognizance, twenty-five cents;

For warrant to marshal to summon jury, under seal, seventy-five cents;

For entering panel of jury, and swearing them, fifty cents;

For taking, filing, and recording, every bond, not provided for in this section, one dollar;

For passing an account against the estate of a deceased person, twelve and a half cents; to be paid by the applicant, and not to be refunded.

Additional fees allowed, when.

26 May, 1824, c. 191, s. 3, v. 4, p. 73.

Table of fees to be posted.

Ibid., s. 2, p. 73.

Forfeiture for neglect.

Ibid.

Penalty for taking excessive fees.

Ibid., s. 3.

Record-books and dockets.

Ibid., s. 4.

SEC. 932. The court may allow to the register reasonable fees for any service he may render not specified in the preceding section.

SEC. 933. The register is required to make fair tables of his fees, agreeably to the provisions of this chapter, and to post the same in some conspicuous place in his office, for the inspection of all persons who may have business therein.

SEC. 934. The register shall forfeit for each day such tables shall be missing through his neglect the sum of ten dollars, to be recovered as other debts of the same amount are recoverable, one-half to the District, and one-half to the informer.

SEC. 935. If the register, or any person for him, shall take greater fees than provided for in this chapter, such officer shall forfeit and pay the party injured fifty dollars, to be recovered as debts of the same amount are recoverable.

SEC. 936. The register shall be allowed by the District for all record-books and dockets necessarily furnished for his office.

CHAPTER TWENTY-EIGHT.

GUARDIAN AND WARD.

Sec.

- 937. Appointment of guardian.
- 938. Bond to be required.
- 939. Natural guardian to give bond and to account.
- 940. Special guardian may be appointed, when.
- 941. Additional security may be required, when.
- 942. Notice to guardian.
- 943. Dismissal and new appointment.
- 944. Enforcement of order of the court.
- 945. Counter security.
- 946. Election of guardian by orphan.
- 947. Approval by the court.
- 948. Removal of guardian elected.

Sec.

- 949. Guardian ad interim.
- 950. Notice of supersedure.
- 951. Guardian, &c., of minor or lunatic may act in the District.
- 952. May receive money and convey property.
- 953. Proof of bond.
- 954. Certain payments sufficient.
- 955. Evidence of security.
- 956. Evidence of appointment.
- 957. Sale of infant's estate; petition of guardian.
- 958. What petition must state.
- 959. Parties defendant, who are.
- 960. Evidence required before decree.

Sec.
 961. Requisites to render decree of sale lawful.
 962. Costs.
 963. No sale to be decreed, when.
 964. Guardian not to be a purchaser.
 965. Manner of sale.
 966. Proceeds, how to be invested and applied.

Sec.
 967. Security to be required.
 968. In case of infant's death.
 969. When there are limitations over.
 970. Application and proof.
 971. Parties defendant, who are.
 972. Evidence, how taken.
 973. Disposal of proceeds.

SEC. 937. The supreme court of the District has power to appoint a guardian or guardians to any infant orphan entitled or have right or claim to any property, real, personal, or mixed, within the jurisdiction of the court, or whose person and residence may be within such jurisdiction, except when such orphan may have a testamentary guardian.

Appointment of guardian.

20 Feb., 1846, c. 8, s. 1, v. 9, p. 4.

Barclay vs. Go-
mauro vs. Ritchie, 3 Cranch, C. C., 147; *Reinhart vs. Orme*, 1 Cranch, C. C., 244; *Cranch, C. C., 147; Smoot vs. Bell*, 3 Cranch, C. C., 343.

SEC. 938. The court shall require of guardians so appointed, and of testamentary guardians, unless directed otherwise by the will appointing them, bond, with good and sufficient surety, as required by law.

Bond to be required.

Ibid.

United States vs. Little, 3 Cranch, C. C., 251; *United States vs. Nicholls*, 4 Cranch, C. C., 191; *United States for the use of Godey vs. Bender*, 5 Cranch, C. C., 620.

SEC. 939. When any infant, whose father may be living, shall, by gift or otherwise, be entitled to any property separate from the father, it shall be lawful for the court to compel the father, as natural guardian, to give bond and security to account for the property, and to compel him to account, as guardians in other cases.

Natural guardian to give bond and to account.

Ibid.

SEC. 940. If the father shall fail or refuse to give such bond, or at his request, the court shall have power to appoint a special guardian to take charge of the property, who shall give bond and security as in other cases, but with condition to suit the case.

Special guardian may be appointed, when.

Ibid.

SEC. 941. In all cases the court shall have power, when it has good cause to believe that the interests of the ward require, to compel any guardian to give additional, other, or further security, in such time as the court may direct.

Additional security may be required, when.

Ibid., s. 2, p. 4.

SEC. 942. No order shall be made directing a guardian to give new security, until he shall have been duly summoned to show cause against, or have had ten days' notice in writing of, the intended application.

Notice to guardian.

Ibid.

SEC. 943. Upon the failure of any guardian to comply with the order of court directing such security, the court shall have power and authority, and it shall be their duty to dismiss such guardian from office, and appoint another in his stead, and order the estate of the ward to be forthwith delivered to the newly-appointed guardian.

Dismissal and new appointment.

Ibid.

SEC. 944. The court shall have power, by fine or imprisonment, or any legal process, to compel and enforce a compliance with its order, or may, where it can be so done, order the marshal to take possession of and deliver the property.

Enforcement of order of the court.

Ibid.

SEC. 945. If any surety of a guardian, by petition to the court, setting forth that he apprehends himself to be in danger of suffering thereby, shall pray that he may be relieved, the court, after a summons to answer the petition shall have been served upon the guardian, or a copy of such summons left at the place of his usual abode, shall order him to give counter security for the complete indemnity of the original surety, or to deliver the ward's estate into the hands of the surety, or of some other person; in either of which cases the court shall take sufficient security of the person in whose hands the ward's estate shall be delivered, and may make such further order for the relief of the petitioner as shall seem just.

Counter security.

8 August, 1846, c. 97, s. 2, v. 9, p. 72.

SEC. 946. Every orphan or other infant, to whom the supreme court is authorized to appoint a guardian, shall be entitled, on arriving at the age of fourteen years, or at any age between fourteen and twenty-one years, notwithstanding any appointment of guardian before made by the court, to elect a guardian for himself.

Election of guardian by orphan.

Ibid., s. 1, pp. 71, 72.

Approval by the court.

8 August, 1846, c. 97, s. 1, v. 9, pp. 71, 72.

Removal of guardian elected.

Ibid.

Guardian ad interim.

Ibid.

Notice of supersedure.

Ibid.

Guardian, &c., of minor or lunatic may act in the District.

8 March, 1864, c. 22, s. 1, v. 13, pp. 18, 19.

May receive money and convey property.

Ibid.

Proof of bond.

Ibid.

Certain payments sufficient.

Ibid., s. 2.

Evidence of security.

Ibid.

Evidence of appointment.

Ibid.

SEC. 947. The court shall approve the character and competency of the person so elected guardian, and shall require of him such security, and exercise toward him all such jurisdiction and powers for compelling the faithful administration of his trust, as provided in the cases of guardians appointed by the court.

SEC. 948. If the court, in the due exercise of its jurisdiction and powers, shall see fit to supersede and remove such guardian, or if such guardian die, or become incompetent during the minority of the orphan, the court shall forthwith cite the orphan to appear and make a new election of guardian, which the orphan may do under the same conditions and restrictions as are prescribed in respect to the original election of guardian.

SEC. 949. For the interval of time between the removal, death, or incompetency, of the first elected guardian, and the new election of another by the orphan, the court may, if it deem expedient, appoint a guardian ad interim until such new election be made; taking such security of the guardian ad interim, and exercising over him such jurisdiction and powers, as required and given in the cases of other guardians.

SEC. 950. Where a guardian is to be superseded by an election, as provided in the preceding sections, he shall have notice of the application by summons, or in writing.

SEC. 951. It shall be lawful for any person, appointed the committee of a lunatic, or the guardian of a minor or lunatic, by the proper authority in any State or Territory of the United States, to institute and prosecute to final judgment any suit or action in the courts of the District, as he might have done if his authority as such guardian or committee had been derived from the proper tribunals of the District.

SEC. 952. Such committee or guardian may in the same manner collect and receive any sum of money due to such lunatic or minor, and may by deed, duly executed, release and convey to any party entitled to the same, whether by purchase or otherwise, any lands or estates situated in the District, the property of such lunatic or minor, or to or upon which such lunatic or minor may have a claim or mortgage, in the same manner as he might have done if his authority had been derived from the tribunals of the District.

SEC. 953. Such committee or guardian, before making conveyance of real estate or release of claim, or mortgage thereon, shall file in the supreme court of the District the official certificate of the judge of the court from which he derived his appointment that he has given a sufficient bond to account to the minor or lunatic for all sums of money received by virtue of the authority conferred by the two preceding sections.

SEC. 954. All payments made within the District prior to March eighth, eighteen hundred and sixty-four, to the committee or guardian of a lunatic or the guardian of a minor duly appointed at the domicile of the lunatic or minor out of the District, in the United States, shall be good and sufficient.

SEC. 955. The guardian or committee shall in such cases file in the supreme court of the District the official certificate of the judge of the court from which such committee or guardian derived his appointment, that he has given sufficient bond to account to the minor or lunatic for all payments so made.

SEC. 956. In all cases the evidence of the appointment and authority of such committee or guardian shall be first recorded in the office of the supreme court of the District.

SALE OF INFANT'S ESTATE BY GUARDIAN.

Sale of infant's estate; petition of guardian.

3 March, 1843, c. 87, s. 1, v. 5, p. 621.

SEC. 957. The guardian of any infant may file a bill in the supreme court for the sale of such infant's real estate, or part thereof, when he shall think that the interests of his ward will be promoted thereby.

SEC. 958. Such bill shall be verified by the oath of the guardian, and shall set forth plainly and distinctly all the estate, real and personal, to which the infant is entitled, and all the facts which, in the opinion of the guardian, are calculated to show whether the interest of his ward will be promoted by such sale or not.

What petition must state.

3 March, 1843, c. 87, s. 1, v. 5, pp. 621, 622.

SEC. 959. The infant, together with those who would be heirs to the estate if he were dead, shall be made parties defendant, and it shall be the duty of the court to appoint some fit and disinterested person to be guardian ad litem for the infant, who shall answer the bill on oath; the infant, also, if above the age of fourteen years, shall answer the bill in proper person on oath.

Parties defendant, who are.

Ibid., p. 622.

SEC. 960. Whether the answer to the plaintiff's bill admit the facts alleged or not, commissions for taking depositions shall be awarded; and before the court shall have authority to decree a sale, every fact material to ascertain the propriety thereof shall be proved by clear and credible evidence, given by disinterested witnesses; depositions to be taken in the presence of the guardian ad litem, or upon interrogatories agreed upon by him.

Evidence required before decree.

Ibid., s. 2, p. 622.

SEC. 961. If, upon hearing the cause, it shall be proved, to the satisfaction of the court, by evidence taken in accordance with the preceding section, that the interest of the infant manifestly requires the sale of his real estate, wholly or in part, and if in the opinion of the court the rights of others will not be violated thereby, the court may decree such sale.

Requisites to render decree of sale lawful.

Ibid., s. 3, p. 622.

SEC. 962. If a sale be decreed, the costs of the suit shall be paid out of the estate of the infant; otherwise the costs shall be paid by the plaintiff.

Costs.

Ibid., s. 6, p. 622.

SEC. 963. No sale of an infant's real estate shall be decreed under the provisions of this chapter, if the testator from whom such estate is derived shall, by his last will and testament, have expressly directed otherwise.

No sale to be decreed; when.

Ibid.

SEC. 964. In no case shall the guardian or the guardian ad litem be admitted a purchaser at such sale, either by himself or through another, or in any manner whatever become the owner of the real estate during the infancy of the ward.

Guardian not to be a purchaser.

Ibid.

SEC. 965. All sales shall be made in such manner and upon such terms of credit as the court may direct, always retaining a lien upon the estate for the payment of the purchase-money.

Manner of sale.

Ibid., s. 3, p. 622.

SEC. 966. The proceeds of sale shall be invested and applied for the benefit of the infant, either in the purchase of other real estate or in such other manner as the court shall think best.

Proceeds; how to be invested and applied.

Ibid., s. 4, p. 622.

SEC. 967. In whatever hands the proceeds of the sale may be placed, the court shall require ample security that they shall be faithfully applied in such manner as the court may direct.

Security to be required.

Ibid.

SEC. 968. If the infant, after any such sale, shall die intestate, under the age of twenty-one years, the proceeds, or so much thereof as may remain at his death, shall be considered as real estate, and shall pass accordingly to such persons as would have been entitled to the estate if it had not been sold.

In case of infant's death.

Ibid., s. 5, p. 622.

SALE OF ESTATE OF TENANTS FOR LIFE.

SEC. 969. Where real estate is limited by deed or will to one or more for life or lives, with a contingent limitation over to such issue of one or more of the tenants for life as shall be living at the death of their parent or parents, and the deed or will does not prohibit a sale, the supreme court of the District may, upon the application of the tenants for life, and if the court shall be of the opinion that it is expedient to do so, order a sale of such estate, and decree to the purchaser an absolute and complete title in fee-simple.

Sale, when there are limitations over.

18 August, 1856, c. 163, v. 11, pp. 118, 119.

SEC. 970. Application for the sale of such real estate shall be by bill in equity, verified by the oath of the party or parties, in which all the facts shall be distinctly set forth, upon the existence of which it is claimed

Application and proof.

Ibid.

to be expedient that such sale should be decreed; which facts shall be proven by competent testimony.

Parties defendant, who are.

18 August, 1856, c. 163, v. 11, pp. 118, 119.

SEC. 971. Such of the issue contemplated by the limitation as shall be in existence at the time of the application for the sale of the real estate shall be made parties defendant to the bill, and if minors, by guardian ad litem, together with all who would take the estate in case the limitation over should never vest; and such of the parties defendant as shall be of the age of fourteen years or more shall answer in proper person, on oath.

Evidence, how taken.

SEC. 972. And all evidence shall be taken upon notice to the parties and to the guardian ad litem.

Ibid.
Disposal of proceeds.

SEC. 973. The proceeds of the sale of such real estate shall be held under the control and subject to the order of the court, and shall be vested, under its order and supervision, upon real and personal security, or in Government securities; and the same shall, to all intents and purposes, be deemed real estate and stand in the place of the real estate from the sale of which such proceeds have arisen, and, as such real estate, be subject to the limitations of the deed or will.

Ibid.

CHAPTER TWENTY-NINE.

EXECUTORS AND ADMINISTRATORS.

Sec.

974. When additional security may be required of administrators, &c.

975. Removal by the court.

976. Unadministered assets.

Sec.

977. How powers of court may be exercised.

978. Summons and notice.

When additional security may be required of administrators, &c.

20 Feb., 1846, c. 8, s. 3, v. 9, pp. 4, 5.

SEC. 974. In all cases where the court appoints administrators, or takes bond from any executor to a last will and testament, and shall at any time become satisfied that the security is insufficient, by reason of the removal or insolvency of any of the sureties in the bond, or by reason of the penalty of the bond being too small, or from any other cause, it shall be lawful for the court to order and require the administrator or executor to give other or further security.

Removal by the court.

SEC. 975. The court shall have power to remove any administrator or executor who fails or refuses to comply with such order, and to appoint an administrator in his stead.

Ibid.
Unadministered assets.

SEC. 976. The court shall further have power to order and require any assets or estate of the decedent, which may remain unadministered, to be delivered to the newly-appointed administrator de bonis non, and to enforce a compliance with such order by fine and attachment, or any other legal process.

How powers of court may be exercised.

SEC. 977. The powers granted to the court by the preceding sections, may be exercised by the court ex officio, or on the application of any one interested.

Ibid., s. 4.
Summons and notice.

SEC. 978. In all cases each administrator or executor shall be first summoned to show cause against such orders, or have ten days' notice, in writing, of the intended application.

Ibid., s. 3.

CHAPTER THIRTY.

NOTARIES PUBLIC.

Sec.
 979. Oath and bond of notaries.
 980. Notarial seal.
 981. Impression to be deposited, where.
 982. Seal and records not liable to execution.
 983. Authority of notaries public; foreign bills.
 984. Acts for use and effect beyond the District.
 985. Inland bills; protests.

Sec.
 986. Acknowledgments, oaths, &c.
 987. Records; certified copies.
 988. Original protest to be prima-facie evidence.
 989. Certificate to be like evidence.
 990. Fees.
 991. Penalty for taking higher fees.
 992. Records in case of death, &c.
 993. Public holidays; legal effect.

SEC. 979. Each notary public, before entering upon the duties of his office, shall take the oath prescribed for civil officers in the District, and shall give bond to the United States in the sum of two thousand dollars, with security to be approved by the supreme court, or a justice thereof, for the faithful discharge of the duties of his office. [See §§ 62, 85.]

Oath and bond of notaries.
 8 April, 1864, c. 51, s. 2, v. 13, p. 44.

SEC. 980. Each notary public shall provide a notarial seal, with which he shall authenticate all his official acts.

Notarial seal.
 Ibid., s. 7, p. 45.
 Impression to be deposited, where.

SEC. 981. He shall deposit an impression of his official seal in the office of the clerk of the supreme court of the District.

SEC. 982. A notary's official seal and his records and official documents shall be exempt from execution.

Ibid.
 Seal and records not liable to execution.

SEC. 983. Notaries public shall have authority to demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and non-payment, and to exercise such other powers and duties as, by the law of nations, and according to commercial usages, notaries public may do.

Ibid.
 Authority of notaries public; foreign bills.
 Ibid., s. 3, p. 44.

SEC. 984. They may also perform such other acts, for use and effect beyond the jurisdiction of the District, as, according to the law of any State or Territory of the United States, or any foreign government in amity with the United States, may be performed by notaries public.

Acts for use and effect beyond the District.

SEC. 985. Notaries public may also demand acceptance of inland bills of exchange, and payment thereof, and of promissory notes, and may protest the same for non-acceptance or non-payment, as the case may require.

Ibid.
 Inland bills; protests.
 Ibid., s. 4.

SEC. 986. Each notary public shall have power to take and to certify the acknowledgment or proof of powers of attorney, mortgages, deeds, and other instruments of writing, the acknowledgment of any conveyance, or other instrument of writing executed by any married woman, to take depositions, and to administer oaths and affirmations in all matters incident or belonging to the duties of his office, and to take affidavits to be used before any court, judge, or officer within the District. [See E. S. U. S., §§ 863, 1778.]

Acknowledgments, oaths, &c.
 Ibid., s. 5, pp. 44, 45.

SEC. 987. Each notary public shall keep a fair record of all his official acts, except such as are mentioned in the preceding section, and when required shall give a certified copy of any record in his office to any person, upon payment of the fees therefor.

Records; certified copies.
 Ibid., s. 6, p. 45.

SEC. 988. The original protest of a notary public, under his hand and official seal, of any bill of exchange or promissory note for non-acceptance or non-payment, stating the presentment by him of such bill of exchange or note for acceptance or payment, and the non-acceptance or non-payment thereof, and the service of notice on any of the parties to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post-office nearest thereto, shall be prima-facie evidence of the facts contained therein.

Original protest to be prima-facie evidence.
 Ibid., s. 9.

Certificate to be like evidence.

8 April, 1864, c. 51, s. 9, v. 13, p. 45.

Fees.

Ibid., s. 10.

SEC. 989. The certificate of a notary public, under his hand and seal of office, drawn from his record, stating the protest and the facts therein recorded, shall be evidence of the facts in like manner as the original protest.

SEC. 990. The fees of notaries public shall be:

- For each certificate and seal, fifty cents;
- Taking depositions or other writings, for each one hundred words, ten cents;
- Administering an oath, fifteen cents;
- Taking acknowledgment of a deed or power of attorney, with certificate thereof, fifty cents;
- Every protest of a bill of exchange or promissory note, and recording the same, one dollar and seventy-five cents;
- Each notice of protest, ten cents;
- Each demand for acceptance or payment, if accepted or paid, one dollar, to be paid by the party accepting or paying the same;
- Each noting of protest, one dollar.

Penalty for taking higher fees.

Ibid.

Records in case of death, &c.

Ibid., s. 8.

SEC. 991. Any notary public who shall take a higher fee than is prescribed by the preceding section shall pay a fine of one hundred dollars and be removed from office by the supreme court of the District.

SEC. 992. Upon the death, resignation, or removal from office of any notary public, his records, together with all his official papers, shall be deposited in the office of the clerk of the supreme court of the District.

PUBLIC HOLIDAYS.

Certain holidays established; legal effect.

28 June, 1870, c. 167, v. 16, p. 168.

SEC. 993. The following days, namely: The first day of January, commonly called New-Year's day; the fourth day of July; the twenty-fifth day of December, commonly called Christmas day; and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District, and shall, for all purposes of presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes, or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured on the day previous.

CHAPTER THIRTY-ONE.

JUSTICES OF THE PEACE.

Sec.

- 994. Term and oath of office.
- 995. General powers and duties.
- 996. Rules and forms to be prescribed by supreme court.
- 997. Jurisdiction.
- 998. Not to exercise criminal jurisdiction.
- 999. May issue warrants returnable to police court.
- 1000. Justices to keep docket, &c.
- 1001. Liability for failure.
- 1002. Non-residents to give security for costs.
- 1003. Original writs.
- 1004. Removal of causes.
- 1005. Witnesses.
- 1006. Trials and judgments.
- 1007. Interest on judgments.
- 1008. Renewal of judgments.

Sec.

- 1009. Parties may demand a trial by jury.
- 1010. Venire.
- 1011. Qualifications of jurors.
- 1012. Talesmen.
- 1013. Oath of jurors.
- 1014. Trial.
- 1015. Constable's oath.
- 1016. Verdict.
- 1017. Judgment and execution.
- 1018. Fieri facias.
- 1019. Property subject to execution.
- 1020. Execution upon copy of judgment.
- 1021. Plaintiff's receipt.
- 1022. Judgments a lien, when.
- 1023. Stay of execution.
- 1024. How entered.
- 1025. When no stay shall be allowed.
- 1026. Expiration of time.

Sec.
1027. Appeals to supreme court.
1028. Bond on appeal.
1029. Papers to be filed.
1030. Commission of justice void, when.
1031. Removal by supreme court.

Sec.
1032. Dockets to be delivered to clerk, when.
1033. Penalty for neglect.
1034. Fees, how established.

SEC. 994. Justices of the peace shall be appointed for the term of three years, and shall take an oath for the faithful and impartial discharge of the duties of their office. Term and oath of office.

15, s. 11, v. 2, p. 107. 17 May, 1848, c. 42, s. 15, v. 9, p. 229. *Wise vs. Withers*, 3 Cranch, 330; *Neale vs. Minifie*, 2 Cranch, C. C., 16. 27 Feb., 1801, c. Cranch, C. C., 505.

SEC. 995. They shall have all the powers vested in, and perform all the duties required of, justices of the peace, as individual magistrates, by the laws in force within the District. General powers and duties.

Holmead vs. Smith, 5 Cranch, C. C., 343; *Homans vs. Moore*, 5 Cranch, C. C., 505. Ibid.

SEC. 996. The supreme court of the District shall make and establish rules of practice, and prepare and publish forms of pleadings, for bringing all forms of actions, and the trial thereof, before justices of the peace. Rules and forms to be prescribed by supreme court.

22 Feb., 1867, c. 63, s. 2, v. 14, p. 402.

JURISDICTION.

SEC. 997. Justices of the peace shall have jurisdiction in all civil cases where the amount claimed to be due for debt or damages arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed one hundred dollars, except in cases involving the title to real estate, actions to recover damages for assault, or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for misconduct in office, or in actions for slander, verbal or written. Jurisdiction.

2 Cranch, 422; *O'Neil vs. Hogan*, 2 Cranch, C. C., 524; *Kennedy vs. Gorman*, 4 Cranch, C. C., 347; *Lenox vs. Arguelles*, 4 Cranch, C. C., 477; *Nicholls vs. Corporation*, 4 Cranch, C. C., 576; *Moore vs. Waters*, 5 Cranch, C. C., 283. Ibid., s. 1, pp. 401, 402.
Rutter vs. Merchant, 1 Cranch, C. C., 36; *Ritchie's admr. vs. Stone*, 2 Cranch, C. C., 258; *Adams vs. Kincaid*, 2 Cranch, C. C., 258.

SEC. 998. They shall not exercise any jurisdiction over crimes and offenses, either for examination to commit or hold to bail, or for final judgment. Not to exercise criminal jurisdiction.

17 July, 1870, c. 133, s. 19, v. 16, p. 156.

SEC. 999. Any justice of the peace may, on complaint under oath or actual view, issue warrants, returnable to the police-court, against persons accused of crimes and offenses committed in the District, and he shall make a record of his proceedings in every case, in a book to be kept for that purpose. May issue warrants returnable to police-court.

Ibid., pp. 156, 157.

DOCKET.

SEC. 1000. Justices of the peace shall keep a docket, and make regular entries therein of their proceedings in all cases, and shall furnish a copy of any judgment rendered by them, when required by either party to the suit. Justices to keep docket, &c.

1 March, 1823, c. 24, v. 3, s. 3, p. 743.

SEC. 1001. If any justice of the peace shall omit to keep a docket or be guilty of any other negligence or omission, by which the plaintiff, having obtained a judgment before such justice, shall lose his debt, the justice shall pay and satisfy to the plaintiff the debt, interest, and costs, so lost, to be recovered against the defaulting justice for the amount, together with any interest that may have accrued thereon. Liability for failure.

Ibid., s. 4.

COMMENCEMENT AND REMOVAL OF SUITS.

SEC. 1002. Non-residents of the District shall not commence suit before any justice of the peace without first giving sufficient security for costs. Non-residents to give security for costs.

22 Feb., 1867, c. 63, s. 7, v. 14, p. 402.

Original writs.

22 Feb., 1867, c. 63,
s. 4, v. 14, p. 402.

Removal of causes.

Ibid.
Boothe vs. Corporation; 2 Cranch, C. C., 356.

SEC. 1003. Justices of the peace may issue original writs in civil cases, returnable before themselves.

White vs. Corporation, 2 Cranch, C. C., 337.

SEC. 1004. Any party to such suit, his agent or attorney, may have the cause removed to the nearest justice upon filing an affidavit with the justice issuing the writ, on the return-day or day of trial of the action, that he does not believe said justice will give him a fair and impartial trial on account of prejudice or other reasonable cause.

WITNESSES.

Witnesses.

17 May, 1848, c.
42, s. 14, v. 9, p. 229.

SEC. 1005. Justices of the peace have power to compel the attendance of witnesses by attachment, and to punish them by fine not exceeding ten dollars, or by imprisonment not exceeding ten days, for refusing obedience to a summons.

TRIAL AND JUDGMENT.

Trials and judgments.

1 March, 1823, c.
24, s. 1, v. 3, p. 743.
Foy vs. Talburt, 5
Cranch, C. C., 124;
Ennis vs. Holmead,
5 Cranch, C. C., 509.

SEC. 1006. It shall be lawful for any justice of the peace in all cases within his jurisdiction to try, hear, and determine the matter in controversy between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidence of both parties, to give judgment, according to law and the equity and right of the matter.

Interest on judgments.

Ibid.

SEC. 1007. Judgments shall bear interest from their date until paid or satisfied.

RENEWAL OF JUDGMENT.

Renewal of judgments.

Ibid., s. 11, p. 745.

SEC. 1008. Where a judgment shall have continued for more than one year, and shall not be paid or satisfied, it shall be lawful for the justice before whom the judgment shall have been obtained, or for any other justice of the peace, to revive the same by scire facias, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same, to himself, or any other justice of the peace in the District.

JURY TRIALS.

Parties may demand a trial by jury.

Ibid., s. 15, p. 746.

SEC. 1009. In every action where the sum demanded shall exceed twenty dollars, it shall be lawful for either of the parties to the suit, after issue joined, and before the justice shall proceed to inquire into the merits of the cause, to demand of the justice that such action be tried by a jury.

Venire.

Ibid.

SEC. 1010. Upon such demand the justice shall issue a venire, under his hand and seal, directed to any constable of the District, commanding him to summon twelve jurors, to be and appear before the justice issuing such venire, at such time and place as shall be therein expressed.

Qualification of jurors.

Ibid.

SEC. 1011. The jurors thus summoned shall possess the qualifications and be subject to the exceptions provided for jurors by law. [See §§ 872, § 5.]

Talesmen.

Ibid., s. 16.

SEC. 1012. If any of the persons summoned and returned as jurors shall not appear, or shall be challenged and set aside, the justice before whom the cause is to be tried shall direct the constable to summon, and return forthwith, talesmen, so as to make up the number of twelve, after all causes of challenge are disposed of by the justice.

Oath of jurors.

Ibid.

SEC. 1013. The twelve persons shall be the jury who shall try the cause, each of whom shall be sworn by the justice, well and truly to try the matter in difference between the parties, and a true verdict to give, according to evidence.

SEC. 1014. The jury being sworn, shall sit together, and hear the proofs and allegations of the parties in public.

Trial.

1 Mar., 1823, c. 24, s. 16, v. 3, p. 746.
Cranch, C. C., 348.
Constable's oath.

SEC. 1015. The justice shall then administer to the constable the following oath: "You do swear, that you will keep this jury together in some private room, without meat or drink, except water; that you will not suffer any person to speak to them, nor will you speak to them yourself unless by order of the justice, until they have agreed on their verdict."

Ibid., pp. 746, 747.

SEC. 1016. When the jurors have agreed on their verdict, they shall deliver the same publicly to the justice.

Verdict.

Ibid., p. 747.

SEC. 1017. The justice shall give judgment thereon forthwith, and may issue execution accordingly.

Judgment and execution.

Ibid.

EXECUTIONS.

SEC. 1018. Justices of the peace are authorized to issue writs of execution in all cases in which they are empowered to render judgment.

Fieri facias.

Ibid., s. 13, p. 746.

SEC. 1019. The plaintiff is entitled to have his execution against the goods and chattels, lands and tenements, rights and credits of the defendant, subject to the exemptions mentioned in section seven hundred and ninety-seven. [See §§ 797, 803, 982, 1286.]

Property subject to execution.

24 June, 1812, c. 106, s. 15, v. 2, p. 759.

5 Feb., 1867, c. 30, v. 14, pp. 389, 390.

SEC. 1020. Upon a copy of any judgment rendered by a justice of the peace, any other justice of the peace is authorized to issue execution in the same manner as executions are issued by the clerk of the supreme court of the District, which shall be returned within twenty days after being issued, to the justice who gave the judgment.

Execution upon copy of judgment.

1 March, 1823, c. 24, s. 3, v. 3, p. 743.

SEC. 1021. No return, judgment, or execution, shall be received or recorded as satisfied, by justices of the peace, without the receipt of the plaintiff annexed thereto.

Plaintiff's receipt.

Ibid., s. 10, p. 745.

LIENS.

SEC. 1022. After judgment for a debt amounting with interest to twenty dollars, exclusive of costs, before a justice of the peace, the judgment-creditor may, when execution is returned "No personal property found whereon to levy," file in the clerk's office of the supreme court of the District a certified copy of such judgment, which shall be docketed in the docket of law causes in said office, in the same manner as appeals from justices are docketed there; and when so docketed, the force and effect of the judgment shall be the same, as to lien and execution, as if it had been a judgment of the supreme court.

Judgments a lien, when.

1 June, 1870, c. 115, s. 2, v. 16, pp. 146, 147.

SUPERSEDEAS.

SEC. 1023. On all judgments rendered by a justice of the peace, except as provided in section ten hundred and twenty-five stay of execution may be had upon good and sufficient security being entered by a person who may be at the time the owner of sufficient property located in the District, above all liabilities and exemptions, to secure the debt, costs, and interest.

Stay of execution.

22 Feb., 1867, c. 63, s. 3, v. 14, p. 402.

SEC. 1024. In such cases stay of execution shall be entered as follows:

How entered.

Ibid.

For the sum of five dollars, and not exceeding twenty dollars, one month;

For all sums over twenty dollars, and not exceeding forty dollars, two months;

For all sums over forty dollars, and not exceeding seventy-five dollars, four months;

For all sums exceeding seventy-five dollars, six months.

When no stay shall be allowed.

22 Feb., 1867, c. 63, s. 3, v. 14, p. 402.

Expiration of time.

1 March, 1823, c. 24, s. 9, v. 3, p. 745.

SEC. 1025. There shall be no stay of execution on any judgment for the wages of a servant or common laborer, nor upon any judgment for a less sum than five dollars; but in such cases execution may issue immediately, and judgments shall be entered within two days after the trial of the action.

SEC. 1026. Any justice of the peace, before whom supersedeas may be taken, or any other justice of the peace, shall, at the request of the plaintiff, or any person authorized by, or on behalf of, the plaintiff, issue execution against the principal debtor and his sureties, or either of them, after the expiration of the time mentioned in the supersedeas.

APPEALS.

Appeals to supreme court.

Ibid., s. 7, p. 744.
22 Feb., 1867, c. 64, s. 2, 3, v. 14, p. 403.

Thornton vs. Corporation, 3 Cranch, C. C., 212; Owner vs. Corporation, 5 Cranch, C. C., 381.

Bond on appeal.

Ibid., s. 1.

Papers to be filed.

Ibid., s. 2.

SEC. 1027. Where the debt or demand exceeds five dollars, and either the plaintiff or defendant shall think himself aggrieved by the judgment of a justice of the peace, he shall be at liberty to appeal to the next term of the supreme court of the District, and the appeal shall be there heard and determined as provided in section seven hundred and seventy-four to section seven hundred and seventy-nine, inclusive. [See §§ 774-779.]

SEC. 1028. No appeal shall be allowed from a judgment of a justice of the peace, unless the appellant, with sufficient surety, approved by the justice, enters into an undertaking to satisfy and pay all intervening damages and costs arising on the appeal.

SEC. 1029. When such undertaking has been entered into, the justice shall immediately file the original papers, including a copy of his docket-entries, in the office of the clerk of the supreme court of the District.

REMOVAL, RESIGNATION, ETC.

Commission of justice void, when.

17 May, 1848, c. 42, s. 15, v. 9, p. 229.
United States vs. Clark, 4 Cranch, C. C., 506.

Removal by supreme court.

3 March, 1864, c. 91, s. 14, v. 12, p. 764.

Dockets to be delivered to clerk of supreme court, when.

1 March, 1823, c. 24, s. 5, v. 3, pp. 743, 744.

Penalty for neglect.

Ibid.

SEC. 1030. Upon indictment and conviction of any justice of the peace of incompetency, habitual drunkenness, corruption in office, or of any other willful misconduct in the discharge of his official duties, his commission shall be void, and he shall cease to exercise the office and powers of justice of the peace.

SEC. 1031. The supreme court has power, at a general term, to remove justices of the peace after due notice, and an opportunity to be heard in their defense, and for causes to be assigned in the order of removal.

SEC. 1032. It is made the duty of every justice of the peace, upon his resignation or removal from office, and of his executors or administrators upon the death of any such justice of the peace, forthwith to deliver to the clerk of the supreme court of the District, all dockets which such justice of the peace, so resigning, removing, or dying, may have had. [See §§ 919, 920.]

SEC. 1033. In case of any neglect to comply with the provisions of the preceding section, the justice so neglecting, or his executors or administrators, as the case may be, shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties are recovered.

FEEES.

Fees, how established.

22 Feb., 1867, c. 63, s. 2, v. 14, p. 402.

SEC. 1034. The supreme court shall fix and determine a bill of fees and costs to be taxed and charged by justices of the peace in all civil suits.

CHAPTER THIRTY-TWO.

CONSTABLES.

- Sec.
1035. Duties of constables.
1036. Oath and bond.
1037. Renewal of bond.
1038. Power of constables.

- Sec.
1039. Failure of constable to pay over money, &c.
1040. Fees and commissions.

SEC. 1035. The duties of constable shall be confined exclusively to the service of civil process and the collection of strictly private debts within the District. Duties of constables.

3 March, 1863, c. 106, s. 10, v. 12, p. 803.

SEC. 1036. Each constable shall, before performing any of the duties of his office, take the oath prescribed for civil officers in the District, and shall enter into a bond to the United States in the sum of five thousand dollars, with security, to be approved by the clerk of the supreme court of the District, conditioned for the faithful performance of the duties of his office, and for the punctual payment of all moneys coming into his hands to the persons entitled to receive the same. Oath and bond.

Ibid.
United States vs. Bill, 2 Cranch, C. C., 518; United States vs. Cranston, 3 Cranch, C. C., 289; Hazel vs. Waters, 3 Cranch, C. C., 420.

SEC. 1037. Each constable shall renew his bond on the thirtieth day of June, in every alternate year of his continuance in office. Renewal of bond.

[See § 85.]

SEC. 1038. Constables are authorized to serve warrants and levy executions issued by justices of the peace, and make return thereof to such justices, in the same manner, and be liable to the same penalties, as the marshal or his deputies. Ibid.
Power of constables.

1 Mar., 1823, c. 24, secs. 10, 11, v. 3, 2 Cranch, C. C., 292.

SEC. 1039. Where a constable shall have received money, on any judgment or execution, not exceeding twenty dollars, and shall fail to pay the same to the plaintiff, or his agent, when demanded, or shall fail to return any execution within the time limited for such return, it shall be lawful for the supreme court of the District, on motion, five days' previous notice being given to the constable, to enter up judgment, instantan, against him for the amount so received, with interest and costs. Failure of constable to pay over money, &c.

Ibid., s. 10, p. 745.

SEC. 1040. The fees of constables shall be fixed and determined by the supreme court, and a commission of five per cent. shall be allowed each constable for every sum on executions by him levied. Fees and commissions.

63, s. 2, v. 14, p. 402; 1 Mar., 1823, c. 106, s. 10, v. 3, p. 745. United States vs. Little, 1 Cranch, C. C., 411.

CHAPTER THIRTY-THREE.

POLICE COURT.

- Sec.
1041. Police court established.
1042. Judge.
1043. Oath of judge.
1044. Terms of court.
1045. Rooms for holding court.
1046. Salaries of judge and officers; how paid.
1047. Designation of justice in certain cases.
1048. Oath and compensation.
1049. Jurisdiction.
1050. Power of judge to issue process for arrests.
1051. Judge may examine and commit.
1052. General powers of court.
1053. Contempts.

- Sec.
1054. Enforcement of sentences.
1055. Rules and regulations.
1056. Seal; acknowledgments and oaths.
1057. Clerk, appointment and salary.
1058. Deputy.
1059. Bond and oath of clerk.
1060. Oaths and affirmations.
1061. No fees to be charged.
1062. Bailiffs.
1063. May act as deputy-marshals, when.
1064. Prosecutions to be by information.
1065. Process for violation of District laws.
1066. Process in other cases.
1067. Form of process.
1068. Marshal's fees.

Sec.
 1069. Duty of United States attorney.
 1070. Fees.
 1071. Duty of attorney of the district.
 1072. Fees of witnesses.
 1073. Appeals.
 1074. Bond on appeal.
 1075. Stay of proceedings on appeal.

Sec.
 1076. Papers to be sent to supreme court.
 1077. Appellants failing to recognize.
 1078. Appeals, how certified.
 1079. Payment of fines, penalties, costs, and forfeitures.
 1080. Disposal of moneys collected.

Police court established.

SEC. 1041. There shall be in the District a court to be called the police court of the District of Columbia. [See § 89.]

17 June, 1870, c. 133, s. 1, v. 16, p. 153.

Judge.

SEC. 1042. The police court shall consist of one judge, learned in the law, who shall be appointed by the President, by and with the advise and consent of the Senate, for the term of six years, and who shall receive a salary of three thousand dollars per annum.

Ibid., ss. 1, 2, pp. 153, 154.

Oath of judge.

SEC. 1043. The judge of the police court shall take the oath prescribed for judges of the courts of the United States. [See R. S. U. S., § 712.]

Ibid., s. 1, p. 154.

Terms of court.

SEC. 1044. The court shall hold a term on the first Monday of every month, and continue the same from day to day as long as it may be necessary for the transaction of its business.

Ibid., s. 4, p. 154.

Rooms for holding court.

SEC. 1045. The court shall be provided with a suitable place for holding its sessions at the expense of the District.

Ibid., s. 10, p. 155.
 Salaries of judge and officers, how paid.

SEC. 1046. The salaries of the judge and clerk of the police court, the compensation of the deputy clerk and bailiffs, and the fees of the marshal, shall be paid by the District, quarterly. [See § 1080.]

Ibid., s. 14, p. 155; 21 Feb., 1871, c. 62, s. 41, v. 16, p. 429.

Designation of justice in certain cases.

SEC. 1047. In case of sickness, absence, or disability of the judge, either of the justices of the supreme court of the District shall designate some justice of the peace to discharge the duties of the police judge until such disability be removed.

17 June, 1870, c. 133, s. 4, v. 16, p. 154.

Oath and compensation.

SEC. 1048. The justice so designated shall take the same oath as prescribed for the judge, and shall receive the sum of ten dollars per day for the time he shall serve, to be paid in the same manner as the salary of judge is paid.

Ibid.

JURISDICTION AND POWERS.

Jurisdiction.

SEC. 1049. The police court shall have original and exclusive jurisdiction of all offenses against the United States committed in the District not deemed capital or otherwise infamous crimes, that is to say, of all simple assaults and batteries, and all other misdemeanors not punishable by imprisonment in the penitentiary; and of all offenses against the laws and ordinances of the District in force therein.

Ibid., s. 1, p. 153.
 United States vs. Cross, Wash. Law Rep., No. 15, p. 62; United States vs. Buell, Wash. Law Rep., No. 46, p. 309.

[See § 61. See R. S. U. S., § 2173.]

Power of judge to issue process for arrests.

SEC. 1050. The judge shall have power to issue process for the arrest of persons against whom information may be filed, or complaint under oath be made, and to compel the attendance of witnesses.

Ibid., s. 4, p. 154.

Judge may examine and commit.

SEC. 1051. The judge of the police court may examine and commit, or hold to bail, in all offenses, whether cognizable in the police court or in the supreme court of the District.

Ibid., s. 20, p. 157.

General powers of court.

SEC. 1052. The court shall have power to issue all process and to do all acts which may be necessary to the exercise of its jurisdiction.

Ibid., ss. 5, 10, pp. 154, 155.

Contempts.

SEC. 1053. The court shall have power to punish contempts by fine and imprisonment, or by either; but the fine shall, in no case, exceed twenty dollars, nor the imprisonment be for a longer time than forty-eight hours.

Ibid., ss. 5, 13, pp. 154, 155.

Enforcement of sentences.

SEC. 1054. The court may enforce any of its judgments or sentences by fine or imprisonment, or by both.

Ibid., s. 4, p. 154.

SEC. 1055. The court shall have power to make such rules and regulations as may be deemed necessary and proper for conducting business therein.

Rules and regulations.

17 June, 1870, c. 133, s. 13, v. 16, p. 155.

SEC. 1056. The court shall have a seal, and shall have power to take the acknowledgment of deeds and to administer oaths and affirmations to public officers.

Seal; acknowledgments and oaths.

Ibid., s. 5, p. 154.

CLERK.

SEC. 1057. The court shall have power to appoint a clerk at a salary of two thousand dollars per annum, who shall hold his office during the pleasure of the court.

Clerk, appointment and salary.

Ibid., s. 2, p. 154.

SEC. 1058. The clerk may appoint one deputy, with the consent of the court, if the business shall require it, to be paid such compensation as may be allowed by the court, not exceeding one thousand dollars per annum.

Deputy.

Ibid.

SEC. 1059. The clerk shall give bond, with surety, and take the oath of office prescribed by law for clerks of district courts of the United States. [See R. S. U. S., § 794.]

Bond and oath of clerk.

Ibid.

SEC. 1060. He shall have power to administer oaths and affirmations, and in his absence his deputy may administer the same.

Oaths and affirmations.

Ibid.

SEC. 1061. There shall be no fee charged for any service by the clerk.

No fees to be charged.

Ibid., s. 7, p. 155.

BAILIFFS.

SEC. 1062. The court may appoint not exceeding two bailiffs, who shall receive for their services three dollars each for every day's attendance on court, to be paid upon certificate of service by the judge.

Bailiffs.

Ibid., s. 6, p. 154.

SEC. 1063. The bailiffs may act as deputies to the marshal for the service of process issued by the court.

May act as deputy marshals, when.

Ibid., s. 9, p. 155.

PROSECUTIONS.

SEC. 1064. Prosecutions in the police court shall be by information under oath, without indictment by grand jury or trial by petit jury.

Prosecutions to be by information.

Ibid., s. 3, p. 154. District of Columbia vs. Herlihy, Wash. Law Rep., No. 42, p. 277.

SEC. 1065. In cases arising out of violations of any of the ordinances or laws of the District in force therein, process shall be directed to the major of police, who shall execute the same and make return thereof in like manner as in other cases.

Process for violation of District laws.

Ibid., s. 4, p. 154.

SEC. 1066. In cases cognizable in the supreme court the process shall be directed to the marshal, except in cases of emergency, when it may be directed to the major of police.

Process in other cases.

Ibid.

SEC. 1067. Such process shall be under the seal of the police court, and shall bear teste in the name of the judge, and be signed by the clerk.

Form of process.

Ibid.

SEC. 1068. For such services the marshal shall receive the same fees as prescribed for like service in the supreme court.

Marshal's fees.

Ibid.

SEC. 1069. It shall be the duty of the United States attorney for the District, in person or by one or more of his assistants or deputies, to attend to the prosecution in the police court of such offenses as were cognizable in the criminal court of the District prior to June seventeenth, eighteen hundred and seventy.

Duty of United States attorney.

Ibid., s. 17, p. 156.

SEC. 1070. For such service he shall be paid the same fees as are allowed for similiar service in the supreme court.

Fees.

Ibid.

SEC. 1071. It shall be the duty of the attorney of the District, or his assistants, to attend to the prosecution in the police court of all offenses arising from violations of any of the laws or ordinances of the District in force therein, and for such service they shall be paid by the District.

Duty of attorney of the District.

Ibid., s. 16, pp. 156, 157.

Fees of witnesses.

17 June, 1870, c. 133, s. 7, v. 16, p. 153.

Appeals.

Ibid., s. 3, p. 154.

Bond on appeal.

Ibid., s. 8, p. 155.

Stay of proceedings on appeal.

Ibid.

Papers to be sent to supreme court.

Ibid.

Appellants failing to recognize.

Ibid., s. 11.

Appeals, how certified.

Ibid.

Payment of fines, penalties, costs, and forfeitures.

Ibid., s. 15, p. 155; 21 Feb., 1871, c. 62,

Disposal of moneys collected.

Ibid.

SEC. 1072. Witnesses before the police court shall receive the same fees as are allowed for similar service and attendance in the supreme court. (See § 880.)

SEC. 1073. Any party deeming himself aggrieved by the judgment of the police court may appeal to the supreme court. (See § 773.)

SEC. 1074. In all appeals the party applying for appeal shall enter into recognizance, with sufficient surety to be approved by the judge, for his appearance at the criminal term of the supreme court then in session, or at the next term thereof if the criminal term be not then in session, there to prosecute the appeal and to abide by the judgment of the supreme court.

SEC. 1075. Upon such recognizance being given, all further proceedings in police court shall be stayed.

SEC. 1076. Such recognizance so approved, and the information or complaint, shall be immediately transmitted to the clerk of the supreme court.

SEC. 1077. Upon the failure of any party appealing from the judgment of the police court to the supreme court to enter into recognizance as provided for in section ten hundred and seventy-four, he shall be committed to jail to await his trial upon his appeal, and the trial shall be had in the supreme court as though such recognizance had been entered into.

SEC. 1078. In every case of appeal the court below shall send up the information or complaint filed in the cause, and a copy of the record of all proceedings duly certified to the supreme court.

DISPOSALS OF COSTS, FINES, AND FORFEITURES.

SEC. 1079. All fines, penalties, costs, and forfeitures imposed or taxed by the police court shall be collected by the marshal, or by the major of police, as the case may be, on process ordered by the court, and by them paid over to the District. (See §§ 313-316.)

SEC. 1080. The moneys collected upon the judgments of the police court, or so much thereof as may be necessary, shall be applied to the payment of the salaries of the judge and other officers of the court, as provided in section ten hundred and forty-six, and to the payment of the necessary expenses thereof, and any surplus remaining after paying such salaries, compensation, and expenses shall be paid into the treasury of the District at the end of every quarter.

CHAPTER THIRTY-FOUR.

THE JAIL.

- Sec. 1081. Warden, appointment and removal.
- 1082. Term of office.
- 1083. Salary.
- 1084. Bond.
- 1085. Powers and duties.
- 1086. Employment of prisoners at labor.
- 1087. Commitment by marshal.
- 1088. Delivery to marshal.
- 1089. Appointment of subordinate officers.
- 1090. Supreme court to make rules.
- 1091. Warden's annual report.

- Sec. 1092. Warden to execute judgment of death.
- 1093. Place of execution.
- 1094. Officers required to attend.
- 1095. Who may be present.
- 1096. Who shall not be allowed to witness executions.
- 1097. District to re-imburse United States for part of cost of new jail.
- 1098. Secretary of the Interior to collect tax, when.
- 1099. To assess tax, when.

Warden, appointment and removal.

3 March, 1869, c. 151, s. 4, v. 15, p. 342.

SEC. 1081. The supreme court of the District has authority to appoint a suitable person to act as warden of the jail, and to remove such officer, whenever, in the opinion of the court, the public interests may require his removal, and to fill all vacancies which may occur.

SEC. 1082. The warden shall hold office for the term of four years, unless sooner removed, in accordance with the preceding section.

Term of office.
29 Feb., 1864, c. 16, s. 1, v. 13, p. 12.
Salary.

SEC. 1083. He shall receive an annual salary of sixteen hundred dollars, which shall include all fees and emoluments.

Ibid.
Bond.

SEC. 1084. The warden shall, before entering upon his office, execute to the United States a bond for the faithful performance of the duties thereof in the penal sum of five thousand dollars, with sureties to be approved by some judge of the supreme court of the District.

Ibid., s. 4, p. 13.

SEC. 1085. The warden shall have the exclusive supervision and control of the jails in the District, and be accountable for the safe-keeping of all prisoners legally committed thereto, and shall have all the power and discharge all the duties legally exercised and discharged over said jails and the prisoners therein, prior to the twenty-ninth day of February, eighteen hundred and sixty-four, by the marshal of the District.

Powers and duties.
Ibid., s. 2, p. 12.

[See R. S. U. S., §§ 5545-5550.]

SEC. 1086. Persons sentenced to imprisonment in the jail may be employed at such labor, and under such regulations, as may be prescribed by the supreme court of the District, and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

Employment of prisoners at labor.
22 Feb., 1867, c. 65, s. 9, v. 14, p. 407.

SEC. 1087. Nothing in the preceding sections of this chapter shall be construed to impair or interfere with the authority of the marshal of the District to commit persons to the jail, or to produce them in open court or before any judicial officer when thereto required.

Commitment by marshal.
12 May, 1864, c. 85, s. 4, v. 13, p. 75.

SEC. 1088. It shall be the duty of the warden to receive such prisoners, and to deliver them to the marshal or his duly-authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer as provided in the preceding section.

Delivery to marshal.
Ibid.

SEC. 1089. The warden shall have authority to appoint such subordinate officers, guards, and employes as are necessary for the proper management and safe-keeping of prisoners, which may be authorized by law, subject to the approval of the chief justice of the supreme court of the District. [See § 1180.]

Appointment of subordinate officers.
3 March, 1860, c. 151, s. 5, v. 15, p. 342.

SEC. 1090. It shall be the duty of the supreme court of the District to make such rules for the government and discipline of the prisoners confined in the jail as shall be deemed necessary for the health, security, and the protection of such prisoners from cruel treatment by any person in charge thereof.

Supreme court to make rules.
22 Feb., 1867, c. 65, s. 10, v. 14, p. 407.

SEC. 1091. The warden shall annually, in the month of November, make a detailed report to the Secretary of the Interior.

Warden's annual report.
29 Feb., 1864, c. 16, s. 1, v. 13, p. 12.

EXECUTION IN CAPITAL CASES.

SEC. 1092. Whenever any person confined in the jail is adjudged to suffer death, it shall be the duty of the warden to carry such judgment into execution.

Warden to execute judgment of death.

12 May, 1864, c. 85, s. 4, v. 13, p. 75.

SEC. 1093. Persons adjudged to suffer death shall be executed within the walls of some prison in the District, or within a yard or inclosure adjoining such prison, and not elsewhere.

Place of execution.

SEC. 1094. It shall be the duty of the warden, or one of his deputies, with such officers of the prison, constables, and other peace-officers as the warden or deputy may deem necessary and proper, to attend at such execution.

Officers required to attend.

Ibid.

SEC. 1095. The warden, or his deputy, shall invite the district attorney, the counsel of the prisoner, two or more physicians, and twelve respectable citizens to be present at every such execution; and, at the request of the person to be executed, shall also allow any of his near relatives, and any ministers of the Gospel, not more than three, to be present thereat.

Who may be present.

Ibid., s. 2.

SEC. 1096. No persons other than those mentioned in the two preceding sections, and no person whatever under the age of twenty-one years, shall be allowed to witness any such execution.

Who shall not be allowed to witness executions.

Ibid.

RE-IMBURSEMENT OF UNITED STATES.

District to re-
imburse United
States for part of
cost of new jail.

1 June, 1872, c.
260, s. 2, v. 17, p. 211.

Secretary of In-
terior to collect
tax, when.

Ibid., pp. 211, 212.

To assess tax,
when.

Ibid.

SEC. 1097. For the purpose of re-imbursing the United States for a part of the cost of a new jail authorized to be constructed by the act of June twenty-fifth, eighteen hundred and sixty-six, and acts amendatory thereof, the legislative assembly of the District shall assess, by tax or otherwise, and cause to be collected and paid into the Treasury of the United States, at or before the completion of said jail, the sum of one hundred and twenty-five thousand dollars.

SEC. 1098. Upon default of the payment of the sum specified in the preceding section at the time mentioned therein, the Secretary of the Interior shall appoint a collector, whose duty it shall be to proceed with the collection of the taxes as assessed by the legislative assembly in such manner and form as the Secretary shall prescribe.

SEC. 1099. If the District shall neglect or refuse to assess the tax provided for by section ten hundred and ninety-seven, the Secretary of the Interior is empowered to make such levy and proceed to its collection

CHAPTER THIRTY-FIVE.

PENITENTIARY.

Sec.		Sec.	
1100.	Transfer of prisoners to District penitentiary, when.	1125.	Manufacture of shoes for Army and Navy.
1101.	Use of penitentiary.	1126.	Prison regulations.
1102.	Inspectors.	1127.	Power of warden to punish.
1103.	Warden.	1128.	Mode of punishment.
1104.	First meeting of inspectors.	1129.	All punishments to be reported.
1105.	Regular meetings of board.	1130.	Regulation of punishments; report to Congress.
1106.	Quorum.	1131.	Deduction from term for good conduct.
1107.	Secretary of board.	1132.	Physician and surgeon.
1108.	Inspections.	1133.	Infirmary.
1109.	Labor of convicts.	1134.	Removal to infirmary.
1110.	Proceeds of their labor.	1135.	Return.
1111.	Rules and regulations.	1136.	Government of infirmary.
1112.	Attention to cleanliness.	1137.	Relaxation of discipline in favor of the sick.
1113.	Appointment of keepers, &c.	1138.	Religious and moral instruction.
1114.	Inspection of accounts.	1139.	Admission of visitors.
1115.	Annual report to Congress.	1140.	Penalty of officers for certain violations.
1116.	Inspectors not to be interested in contracts.	1141.	Protection of convicts and preservation of order.
1117.	Bond of warden.	1142.	Suits affecting penitentiary, how brought.
1118.	How sued; limitation.	1143.	Allowance to prisoners upon discharge.
1119.	Salary of warden, &c.		
1120.	Duties of warden.		
1121.	Warden's monthly accounts.		
1122.	Warden's quarterly accounts.		
1123.	Warden not to be interested in contracts; penalty.		
1124.	Who to act in absence of warden.		

Transfer of pris-
oners to District
penitentiary,
when.

16 Jan., 1863, c.
10, s. 6, v. 12, p. 636.

Use of peniten-
tiary.

3 March, 1829, c.
75, s. 1, v. 4, p. 365.

Inspectors.

Ibid, s. 2, p. 365.

SEC. 1100. Whenever a suitable penitentiary shall be erected in the District and completed for the reception of prisoners, it shall be the duty of the Attorney-General to cause to be transferred to such penitentiary all persons who shall then be imprisoned outside of the District, under sentence of any court of the district.

SEC. 1101. The penitentiary shall be exclusively appropriated to the confinement of such persons as may be convicted of offenses punishable with imprisonment and labor, under the laws of the United States, or of the District.

SEC. 1102. The President shall annually appoint five respectable inhabitants of the District to be inspectors of the penitentiary, who shall severally hold their offices for one year from the date of their appointment.

SEC. 1103. The President shall appoint one warden of the penitentiary, who shall hold his office during the pleasure of the President, but the office of warden shall be suspended, and the salary and emolument thereof cease, during the time in which there shall be no penitentiary used in the District.

Warden.

3 March, 1829, c. 65, s. 3, v. 4, p. 365.
12 May, 1864, c. 85, s. 5, v. 13, p. 75.

SEC. 1104. The inspectors shall hold their first meeting within ten days after their appointment.

First meeting of inspectors.

3 March, 1829, c. 65, s. 4, v. 4, p. 356.

SEC. 1105. They shall hold meetings of the board at least once in every month, and oftener, if necessary.

Regular meetings of board.

Ibid.

SEC. 1106. A majority shall be a quorum for the transaction of business, and all questions shall be decided by a majority of those present.

Quorum.

Ibid.

SEC. 1107. They shall appoint one of their number as secretary, who shall keep regular records of their proceedings.

Secretary of board.

Ibid.

SEC. 1108. The inspectors shall singly, in turn, visit and inspect the penitentiary at least one in each week, upon some stated day, to be fixed by their by-laws.

Inspections.

Ibid.

SEC. 1109. The inspectors shall direct in what labor the convicts shall be employed, subject to the provisions of section eleven hundred and twenty-five. [See § 1125.]

Labor of convicts.

Ibid., pp. 365, 366.

SEC. 1110. It shall be the duty of the inspectors so to manage the affairs of the penitentiary, if it be possible, that the proceeds of the labor of the convicts shall pay all the expenses of the penitentiary and more; but nothing contained in this section shall prevent the inspectors from employing the convicts in labor for the United States.

Proceeds of their labor.

Ibid.

SEC. 1111. It shall be the duty of the inspectors to prepare a system of rules and regulations, minutely providing for the discipline, health, and cleanliness of the penitentiary, the hours of labor, meals, and confinement, the government and behavior of the officers and convicts, so as best to carry into effect the provisions of this chapter; and they shall take care that such rules and regulations are made known to the officers of the prison, and the convicts, and that the strictest obedience is paid thereto.

Rules and regulations.

Ibid.

SEC. 1112. The inspectors shall provide that the strictest attention be paid to preserve cleanliness throughout the buildings, kitchens, cells, bedding, and, as far as may be, in the persons and clothing of the convicts.

Attention to cleanliness.

Ibid., p. 366.

SEC. 1113. The inspectors shall appoint, and at their pleasure remove, such keepers, and other inferior officers and servants, as may be required for the service and government of the penitentiary.

Appointment of keepers, &c.

Ibid.

SEC. 1114. The inspectors shall, from time to time, inspect the accounts of the penitentiary, and shall see that the affairs thereof are conducted with economy and integrity.

Inspection of accounts.

Ibid.

SEC. 1115. The inspectors shall, in the month of January, in every year, report to Congress a detailed account of the expenses and income of the penitentiary, the number of convicts received, discharged, or deceased, during the year, the rules and by-laws passed, altered, or repealed, within the year, and such other matters relating to the discipline and management of the prison as may be proper to make known its state and condition; and if the penitentiary shall fail to support itself, it shall be the duty of the inspectors to state, in such report, what they suppose to be the reason of such failure.

Annual report to Congress.

Ibid.

SEC. 1116. The inspectors shall not be concerned in any contract touching the affairs of the penitentiary; but, if any such contract shall be at any time made, in which the inspectors, or any of them, have, directly or indirectly, any interest, the same, so far as relates to that interest, shall be null and void.

Inspectors not to be interested in contracts.

Ibid., s. 9, p. 367.

SEC. 1117. The warden, before entering upon the duties of his office, shall give bond to the United States, with sufficient security, to be

Bond of warden.

Ibid., s. 7, p. 366

approved by the inspectors of the penitentiary, in such sum as they shall direct, conditioned that he will faithfully perform the duties of his office, and truly account for all goods, money, or other articles belonging to the United States, or to individuals, which may, in the discharge of the duties and trusts of his office, come into his custody, and pay or deliver the same over to the United States, or such persons as may be legally entitled thereto, whenever he shall be lawfully required.

How sued; limitation.

3 March, 1829, c. 65, s. 7, v. 4, p. 366.

Salary of warden, &c.

Ibid., s. 5, p. 366.

Duties of warden.

Ibid., s. 6, p. 366.

Warden's monthly accounts.

Ibid.

Warden's quarterly accounts.

Ibid.

Warden not to be interested in contracts; penalty.

Ibid., s. 8, p. 367.

Who to act in absence of warden.

Ibid., s. 18, p. 369.

Manufacture of shoes for Army and Navy.

17 July, 1862, Res. No. 62, s. 1, v. 12, p. 626.

Prison regulations.

3 March, 1829, c. 65, s. 11, v. 4, p. 367.

SEC. 1118. The warden's bond may be sued in the name of the United States, for the use of the United States, or any individual who may have a claim thereon, as often as the condition may be broken; but such suit shall be brought against the security within six years of the time when the cause of action accrued.

SEC. 1119. The warden shall receive a salary of twelve hundred dollars a year. The other officers and servants of the penitentiary shall receive such annual or monthly pay as the inspectors shall direct.

SEC. 1120. It shall be the duty of the warden to keep accurate accounts of all materials bought or furnished for the use or labor of the convicts, and also of the proceeds of their labor; he shall make all contracts and purchases for the supplies necessary for the penitentiary; he shall have power to let out the labor of the convicts by contract, subject always, however, to the rules and discipline of the penitentiary; he shall, under the superintendence and inspection of the inspectors, oversee and manage all the affairs of the penitentiary, and shall be responsible for the due enforcement of its rules, by-laws, and discipline.

SEC. 1121. The warden shall make out and deliver to the inspectors, at each of their monthly meetings, an account of all moneys received and expended by him on account of the penitentiary, during the preceding month, specifying from whom received, and to whom paid, and for what; which account shall be sworn to by the warden, and carefully filed and preserved among the papers of the board of inspectors.

SEC. 1122. The warden shall, on the first Monday of January, April, July, and October, in each year, make out and exhibit to the proper accounting officer of the Treasury Department, an account of all moneys received and paid on account of the penitentiary for the preceding three months, specifying from whom received, to whom paid, and for what, and shall settle the same with the Treasury Department.

[See R. S. U. S., § 1828.]

SEC. 1123. If the warden shall have any interest in any contract made by him touching the affairs of the penitentiary, with a view of gaining for himself, either directly or indirectly, any profit or advantage thereby, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and be dismissed from office, and every such contract may be declared void by the inspectors.

SEC. 1124. In case of the death of the warden, or the temporary vacancy of his office, or his absence, sickness, or other disability, such keeper or other officer, as may be especially designated by the inspectors, shall have power to exercise the authority and discharge the several duties of the warden, as prescribed by this chapter and the rules of the penitentiary.

SEC. 1125. The warden shall, so far as practicable, employ the convicts in the manufacture of shoes for the use of the Army and Navy, to be made as the War and Navy Departments shall direct; orders for which shall be, by said Departments, given to the warden from time to time upon his request; the shoes to be paid for by the Departments ordering the same at the customary rate for shoes of like quality.

SEC. 1126. The following are prison regulations:

First. Each convict, immediately upon being received into the penitentiary, shall be thoroughly cleansed with warm water and soap, and shall have the hair cut close; and the warden and other officers shall take the strictest precautions to guard against the introduction of any

infectious or contagious disease, from the persons or clothing of such convicts; which precautions it shall be the duty of the inspectors to regulate, and prescribe in their by-laws.

Second. A descriptive list of the names, ages, persons, crimes, and sentences of the convicts shall be kept by the warden, and such description shall be entered immediately upon the reception of each convict.

Third. Every convict shall be confined singly in a separate cell at night, and at such times of the day as he may be unemployed in labor, except at such hours and places as may be specially assigned, by the rules of the penitentiary, for religious or other instruction, or for meals, or when transferred to the infirmary on account of sickness, upon the recommendation of the physician.

Fourth. The male and female convicts confined in the penitentiary shall be kept, and shall labor, wholly separate and apart from each other.

Fifth. The convicts shall be clothed at the public expense during the whole term of their confinement, in habits of coarse and cheap materials, uniform in color and make, and so striped, or otherwise conspicuously marked, as may clearly distinguish them from the ordinary dress of other persons.

Sixth. Their bedding and other personal accommodations shall be of the cheapest and coarsest kind consistent with use and durability.

Seventh. The convicts shall be fed on the cheapest food which will support health and strength, with as little change or variety in diet as may be consistent with the health of the convicts and the economy of the penitentiary.

Eighth. They shall be kept, as far as may be consistent with their age, health, sex, and ability, to labor of the hardest and most servile kind, and, as far as may be, uniform in its nature, and of a kind where the work is least liable to be spoiled by ignorance, neglect, or obstinacy, or the materials to be injured, stolen, or destroyed.

Ninth. They shall not at any time be permitted to converse with one another, or with strangers, except by the special permission and in presence of some officer of the prison, as may be regulated by the by-laws.

Tenth. They shall be made to labor diligently, in silence, and with strict obedience.

SEC. 1127. The warden shall have power to punish any convict in the penitentiary—

First. Who willfully violates or refuses to obey the rules of the penitentiary; or,

Second. Who willfully refuses to perform the work assigned to him; or,

Third. Who resists by violence any of the officers of the penitentiary in the exercise of their lawful authority; or,

Fourth. Who willfully destroys any property, tools, or materials.

SEC. 1128. It shall be the duty of the warden to inflict such punishment either by confinement in solitary cells, by diet on bread and water, or by putting such convict in irons or in the stocks. [See R. S. U. S., 5327.]

SEC. 1129. All such punishments shall be regularly reported to the visiting inspectors at the next weekly visitation, and to the board of inspectors at their monthly meeting.

SEC. 1130. It shall be the duty of the inspectors to adopt and enforce special rules and by-laws regulating the times, measure, extent, and mode of such punishments in relation to the several offenses against the discipline of the penitentiary, and to report the same in their annual report to Congress whenever such regulations shall be adopted, altered, or repealed.

SEC. 1131. All prisoners confined in the penitentiary for a term of years, who conduct themselves so that no charge for misconduct shall be

Descriptive list.

Confinement in separate cells, except, &c.

Separation of the sexes.

Clothing.

Bedding, &c.

Food.

Kind of labor at which to be kept.

Not to converse without permission.

Method of labor.

Power of warden to punish.

3 March, 1829, c. 65, s. 12, v. 4, p. 367.

Mode of punishment.

Ibid., pp. 367, 368.

All punishments to be reported.

Ibid., p. 368.

Regulation of punishments; report to Congress.

Ibid.

Deduction from term for good conduct.

17 July, 1862, Res. No. 62, s. 2, v. 12, p. 626.

Physician and surgeon.

3 March, 1829, c. 65, s. 13, v. 4, p. 368.

Infirmary.

Removal to infirmary.

Return.

Ibid.

Government of infirmary.

Ibid.

Relaxation of discipline in favor of the sick.

Ibid.

Religious and moral instruction.

Ibid., s. 14, p. 368.

Admission of visitors.

Ibid., s. 15, p. 368.

Penalty of officers for certain violations.

Ibid., s. 16, p. 368.

Protection of convicts and preservation of order.

Ibid., s. 17, p. 368.

Suits affecting penitentiary; how brought.

Ibid., s. 10, p. 367.

Allowance to prisoners upon discharge.

16 Jan., 1863, c. 10, s. 5, v. 12, pp. 635, 636.

sustained against them, shall have a deduction of one month in each year made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden of their good conduct, with the approval of the Attorney-General.

SEC. 1132. The inspectors shall appoint one regularly practicing physician, to be the physician and surgeon of the penitentiary, whose duty it shall be to visit the penitentiary at such times as may be prescribed by the inspectors, and to render all medical and surgical aid which may be necessary.

SEC. 1133. One apartment, or more, as may be needed, shall be fitted up as an infirmary.

SEC. 1134. In case of sickness of any convict, he shall, upon the examination and order of the physician, be removed to the infirmary, and the name of such convict shall be entered in a hospital-book to be kept for that purpose.

SEC. 1135. Whenever the physician shall report to the warden that such convict is in a proper state to return to the ordinary employment of the prison, such report shall be duly entered in the hospital-book, and the convict shall return to the ordinary discipline of the penitentiary, so far as may be consistent with his health and strength.

SEC. 1136. Special rules for the order and government of the infirmary shall be made and enforced by the inspectors.

SEC. 1137. Nothing contained in this chapter shall be construed to prevent any such relaxation of the general discipline of the penitentiary as may be required for the sick.

SEC. 1138. The inspectors have power, and it is their duty, to provide for all the convicts the means of religious worship, and religious and moral instruction, subject, however, to general rules not inconsistent with the discipline prescribed by this chapter.

SEC. 1139. No person shall be permitted to visit the penitentiary, without a written order from one or more of the inspectors, except the President of the United States, the Secretaries of the several Departments of the Government, members of Congress, and the judges of the courts of the United States.

SEC. 1140. If any keeper, assistant keeper, or other officer, or servant, employed in or about the penitentiary, shall convey out of, or bring into, the penitentiary, to or from any convict confined there, any letter or writing, or shall bring into the penitentiary, to sell or give away, any spirituous or vinous liquors, or any other thing whatsoever, without the consent, in writing, previously obtained of the inspectors, every such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by fine not exceeding five hundred dollars and imprisonment in the District jail for any time not exceeding one year.

SEC. 1141. The inspectors shall prescribe, and it shall be the duty of the warden rigidly to enforce such rules for the government of the subordinate officers of the penitentiary as may prevent all tyrannical or violent behavior to the convicts, or all conversation between them and the convicts, or with each other, within their hearing, except for necessary purposes, and may best preserve order, silence, sobriety, and gravity of department throughout the establishment.

SEC. 1142. All suits that may be necessary to be brought for any matter or thing relating to the affairs of the penitentiary shall be brought in the name of the United States, whether the contract on which such suit is founded be made in their name or not.

SEC. 1143. The Attorney-General shall cause to be paid from the appropriations available therefor the sum of ten dollars to each prisoner when he shall be legally discharged, to enable such prisoner to reach the point he may wish to go to.

CHAPTER THIRTY-SIX.

CRIMES AND OFFENSES.

- Sec.
 1144. Penitentiary offenses.
 1145. Capital crimes not specially provided for.
 1146. Other offenses.
 1147. Substitution of imprisonment for whipping.
 1148. Punishment for disorderly conduct.
 1149. Expenses of criminal process.
 1150. Manslaughter, &c.
 1151. Arson.
 1152. Rape.
 1153. Assault with intent to commit rape.
 1154. Burglary.
 1155. Horse-stealing, mayhem, bigamy.
 1156. Perjury and subornation of perjury.
 1157. Forgery, counterfeiting, &c.
 1158. Grand larceny.
 1159. Larceny with destruction.
 1160. Receiving stolen property.
 1161. Petty larceny and receiving; second conviction.
 1162. Obtaining by false pretenses, &c.
 1163. Accessory after the fact.
 1164. Challenging to fight a duel.
 1165. Sending challenge.
 1166. Assaulting, &c., for refusal to accept challenge.
 1167. Going out of the District to evade the law.
 1168. Bar to proceedings in what case.
 1169. Embezzlement by clerks, agents, &c.

- Sec.
 1170. Evidences of debt executed but not delivered.
 1171. Buying or receiving.
 1172. Embezzlement by carrier.
 1173. Petty larceny; receiving.
 1174. Sale of lottery tickets.
 1175. Contract of sale void.
 1176. Certain act of legislative assembly repealed.
 1177. Penalty for engaging in the gift enterprise business.
 1178. Appeal and final judgment.
 1179. Procuring enlistment of criminals.
 1180. Penalty of officers of jail.
 1181. Selling intoxicating drinks to soldiers; penalty.
 1182. Penalty of persons licensed, permitting, &c.
 1183. Forfeiture of license.
 1184. Injury to trees, works of art, &c.
 1185. Carrying away timber, soil, &c.
 1186. Trespass upon gardens, &c.
 1187. Penalty for injury to cemeteries.
 1188. Manufacturers of mineral water may file description of marks upon their bottles.
 1189. Penalty for using or dealing in marked bottles.
 1190. Regulation for sale of hay and straw.
 1191. Regulation of travel over Benning's bridge.

SEC. 1144. Every person convicted in any court in the District of any of the following offenses, to wit: manslaughter, assault with intent to kill, arson, rape, assault with intent to commit a rape, burglary, robbery, horse-stealing, mayhem, bigamy, perjury, or subornation of perjury, larceny, if the property stolen is of the value of thirty-five dollars or upward, forgery, obtaining by false pretenses any goods or chattels, money, bank-note, promissory note, or any other instrument in writing for the payment or delivery of money or other valuable thing, or keeping a faro-bank or other common gaming-table, or petty larceny upon a second conviction, shall be sentenced to suffer punishment by imprisonment and labor in the penitentiary for the periods respectively prescribed in this chapter.

SEC. 1145. All capital felonies and crimes not specially provided for in this chapter, except murder, treason, and piracy, shall be punished by imprisonment and labor in the penitentiary for a period not less than seven nor more than twenty years. [See R. S. U. S., Title "Crimes."]

SEC. 1146. Every other felony, misdemeanor, or offense not provided for by this title, shall be punished as provided by laws in force in the District.

SEC. 1147. Where, by any law in force prior to March second, eighteen hundred and thirty-one, whipping was made a part or the whole of the punishment, the court shall substitute therefor imprisonment in the District jail for a period not exceeding six months. [See R. S. U. S., § 5327.]

SEC. 1148. No person in the District shall be fined or imprisoned for disorderly conduct, unless personally and individually guilty of acts disorderly in themselves.

SEC. 1149. The necessary expenses incurred in the execution of criminal processes within the District shall be chargeable to the United States, as provided in this title.

Penitentiary offenses.
 2 March, 1831, c. 37, s. 1, v. 4, p. 448.
 22 Feb., 1867, c. 63, s. 1, v. 14, p. 406.
 13 Jan., 1865, c. 13, v. 13, p. 421.

Capital crimes not specially provided for.

2 March, 1831, c. 37, s. 14, v. 4, p. 450.
 United States vs. Dixon, 1 Cranch, C. C., 414.

Other offenses.
 Ibid., s. 15.
 United States vs. Smithers, 2 Cranch, C. C., 38.

Substitution of imprisonment for whipping.
 Ibid.

Punishment for disorderly conduct.
 22 Feb., 1867, c. 63, s. 5, v. 14, p. 402.

Expenses of criminal process.
 6 Aug., 1861, c. 62, s. 18, v. 12, p. 324.

**Manslaughter,
&c.**

2 March, 1831, c.
37, s. 2, v. 4, p. 448.
13 Jan., 1866, c.
13, v. 13, p. 421.

United States *vs.* Norris, 1 Cranch, C. C., 411; United States *vs.* McLaughlin, 1 Cranch, C. C., 444; United States *vs.* Craig, 2 Cranch, C. C., 36; United States *vs.* Williams, 2 Cranch, C. C., 438; United States *vs.* Anderson, 3 Cranch, C. C., 205.

Arson.

2 March, 1831, c.
37, s. 3, v. 4, p. 448.
3 July, 1852, c.
55, v. 10, p. 13.

United States *vs.*
White, 5 Cranch,
C. C., 73.

SEC. 1150. Every person convicted of manslaughter, or of any assault with intent to kill, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than two nor more than eight years, and for the second offense for a period not less than six nor more than fifteen years.

SEC. 1151. Every person convicted of the crime of maliciously, willfully, or fraudulently burning any dwelling-house, or any other house, barn, or stable adjoining thereto, or any store, barn, or out-house having goods, tobacco, hay, or grain therein, although the same shall not be adjoining to any dwelling-house; or of maliciously, willfully, or fraudulently, and with intent to injure or defraud any other person or persons, or body politic or corporate, burning or setting on fire with intent to burn, or attempting to set on fire or burn, any house or out-house in the District, whether the same be finished or in process of erection, though such house or out-house shall not, at the time of such burning or setting on fire, or attempting to set on fire or burn, have any goods, tobacco, hay, or grain therein, nor be adjoining to any dwelling-house, nor be occupied or used for any purpose whatever; or of maliciously and willfully burning any of the public buildings in the District, belonging to the United States or to the District, or any church, meeting-house, or other building for public worship, belonging to any voluntary society or body corporate, or any college, academy, school-house, or library, or any ship or vessel afloat or building, or as being accessory thereto, shall be sentenced to suffer imprisonment and labor for a period of not less than one nor more than ten years for the first offense, and not less than five nor more than twenty years for the second offense.

Rape.

2 March, 1831, c.
37, s. 4, v. 4, p. 448.

SEC. 1152. Every person convicted of rape, or as being accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than ten nor more than thirty years, and for the second offense for and during the period of his natural life.

Assault with intent to commit rape.

Ibid., s. 5.

SEC. 1153. Every person convicted of an assault with intent to commit a rape, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one nor more than five years, and for the second offense for a period not less than five nor more than fifteen years.

Burglary.

Ibid., s. 6.
United States *vs.*
Dixon, 1 Cranch, C.
C., 414; United
States *vs.* Johnson,
2 Cranch, C. C., 21;
United States *vs.* J.

SEC. 1154. Every person convicted of burglary, or as being accessory thereto before the fact, or of robbery, or as being accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than three nor more than seven years, and for the second offense for a period not less than five nor more than fifteen years.

A. Bowen, 4 Cranch, C. C., 604.

Horse-stealing, mayhem, bigamy.

Ibid., s. 7, pp.
448, 449.

United States *vs.*
Maxwell, 1 Cranch,
C. C., 605; United
Cranch, C. C., 252;

SEC. 1155. Every person convicted of horse-stealing, mayhem, bigamy, or as being accessory to any of said crimes before the fact, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than two nor more than seven years, and for the second offense for a period not less than five nor more than twelve years.

United States *vs.* Toms, 1 Cranch, C. C., 607; United States *vs.* Krouse, 2 United States *vs.* Black, 2 Cranch, C. C., 195.

Perjury and subornation of perjury.

Ibid., s. 8, p. 449.
United States *vs.*
Thomas, 3 Cranch,
C. C., 293.

SEC. 1156. Every person convicted of perjury, or subornation of perjury, shall be sentenced to suffer imprisonment and labor, for the first offense for a period of not less than two nor more than ten years, and for the second offense for a period of not less than five nor more than fifteen years.

SEC. 1157. Every person convicted of having falsely forged and counterfeited any gold or silver coin, passing or in circulation within the District; or having falsely uttered, paid, or tendered in payment, any such counterfeit or forged coin, knowing the same to be forged and counterfeit; or of having aided, abetted, or commanded the perpetration of either of said offenses; or of having falsely made, altered, forged, or counterfeited, or caused or procured to be falsely made, altered, forged, or counterfeited, or having willingly aided or assisted in falsely making, altering, forging, or counterfeiting, any paper writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, with intent to defraud such person, body politic or corporate, or voluntary association, or of having passed, uttered, or published, or attempted to pass, utter, or publish, as true, any such falsely made, altered, forged or counterfeited paper writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to defraud such person, body politic or corporate, or voluntary association, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one year nor more than seven years, and for the second offense for a period not less than three nor more than ten years.

Forgery, counterfeiting, &c.

2 March, 1831, c. 37, s. 11, v. 4, p. 449.

United States *vs.* Book, 2 Cranch, C. C., 294; United States *vs.* McCarthy, 4 Cranch, C. C., 304.

SEC. 1158. Every person convicted of feloniously stealing, taking, and carrying away any goods or chattels, or other personal property, of the value of thirty-five dollars or upward, or any bank-note, promissory note, or any other instrument of writing, for the payment or delivery of money or other valuable thing, to the amount of thirty-five dollars or upward, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one nor more than three years, and for the second offense for a period not less than three nor more than ten years.

Grand larceny.

Ibid., s. 9, p. 449. 22 Feb., 1867, c. 65, s. 1, v. 14, p. 406.

United States *vs.* Clancey, 1 Cranch, C. C., 13; United States *vs.* Walker, 1 Cranch, C. C., 402; United States

vs. McPherson, 1 Cranch, C. C., 517; United States *vs.* Betty Read, 2 Cranch, C. C., 159; United States *vs.* Holland, 3 Cranch, C. C., 254; United States *vs.* H. Thompson, 4 Cranch, C. C., 335; United States *vs.* Robertson, 5 Cranch, C. C., 38; Weston *vs.* United States, 5 Cranch, C. C., 492.

SEC. 1159. If any person shall steal, or maliciously and feloniously destroy, any bank-bill, promissory note or notes, bill of exchange, order, receipt, warrant, draft, check, or bond, given for the payment of money, or receipt acknowledging the receipt of money or other property, or any Government bonds or other securities, or stamps, United States Treasury notes, or any public stocks of the value of thirty-five dollars or upward, knowing the same to be such, any such person shall be deemed guilty of a misdemeanor, and on conviction, shall be sentenced to suffer imprisonment and labor not more than three years nor less than one year.

Larceny with destruction.

22 Feb., 1867, c. 65, s. 2, v. 14, p. 406.

SEC. 1160. If any person shall receive or buy any goods or chattels, or bank bill or bills, or promissory note or notes, bill of exchange, order, receipt, draft, warrant, check, or bond, given for the payment of money, or any Government bond, United States Treasury note or notes, or other securities, or Government stamps or stocks, of the value of thirty-five dollars or upward, which have been stolen, knowing the same to be stolen, with intent to defraud the owners thereof, every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to suffer imprisonment and labor, not more than three years nor less than one year.

Receiving stolen property.

Ibid., s. 3.

SEC. 1161. Every person, upon a second conviction of larceny, where the property stolen is under the value of thirty-five dollars, or upon a second conviction of receiving stolen goods, knowing them to be stolen, where the property stolen is under the value of thirty-five dollars, shall be sentenced to suffer imprisonment and labor for a period not less than one year nor more than three years. [See § 1173.]

Petty larceny and receiving, second conviction.

Ibid., s. 4. 2 March, 1831, c. 37, s. 13, v. 4, pp. 449, 450.

SEC. 1162. Every person convicted of obtaining by false pretenses any goods or chattels, money, bank-note, promissory note, or any other

Obtaining by false pretenses;

keeping a faro or instrument in writing, for the payment or delivery of money or other valuable thing, or of keeping a faro-bank or gaming-table, shall be sentenced to suffer imprisonment and labor for a period not less than one year nor more than five years.

2 March, 1831, c. 37, s. 12, v. 4, p. 449.

United States vs. Porter, 2 Cranch, C. C., 60; United States vs. Watkins, 3 Cranch, C. C., 441; United States vs. Hale, 4 Cranch, C. C., 83; United States vs. Robertson, 5 Cranch, C. C., 38; United States vs. Ringgold, 5 Cranch, C. C., 378; United States vs. Milburn, 5 Cranch, C. C., 390.

Accessory after the fact.

Ibid., s. 10, p. 440.
United States vs. Williams, 1 Cranch, C. C., 174.

Challenging to fight a duel.

20 Feb., 1850, c. 20, s. 1, v. 5, p. 318.
United States vs. Shackelford, 3 Cranch, C. C., 178.

Sending challenge.

Ibid., s. 2, pp. 318, 319.

Assaulting, &c., for refusal to accept challenge.

Ibid., s. 3, p. 319.

Going out of the District to evade the law.

Ibid., s. 4.

Bar to proceedings, in what case.

Ibid., s. 5.

SEC. 1163. Every person convicted of being an accessory after the fact in any felony, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one nor more than five years, and for the second offense for a period not less than two nor more than ten years.

SEC. 1164. If any person shall, in the District, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the District, and such duel shall be fought in or out of the District, and either of the parties thereto shall be slain or mortally wounded in such duel, the surviving party, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message, and all others aiding or abetting, shall be deemed guilty of felony, and upon conviction, shall be punished by imprisonment and confinement to hard labor in the penitentiary for a term not exceeding ten years, in the discretion of the court.

SEC. 1165. If any person shall give or send, or cause to be given or sent, to any person in the District, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in the District shall accept any challenge to fight a duel or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every person so giving or sending, or causing to be given or sent, or accepting such challenge or being the bearer thereof, and every person aiding or abetting in giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding five years, in the discretion of the court.

SEC. 1166. If any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or publish, any writing charging any such person so declining or refusing to accept any such challenge, to be a coward or using any other opprobrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof, shall be punished by confinement to hard labor in the penitentiary for a term not exceeding three years, in the discretion of the court. [See § 340.]

SEC. 1167. If any person or persons, for the purpose of evading the provisions of the three preceding sections, shall leave the District, by previous arrangement or concert within the same, with intent to give or receive any such challenge without the District, and shall give or receive any such challenge accordingly, the person or persons so offending shall be deemed guilty of a misdemeanor, and be subject to the same penalties as if such challenge had been given and received within the District.

SEC. 1168. Every offender may plead a former conviction or acquittal for the same offense in any State or country; and the same being established, shall be a bar to any further proceedings against such person under the preceding section.

SEC. 1169. If any clerk, or servant of any private person or any copartnership, (except persons within the age of sixteen years,) or any officer, agent, clerk, or servant of any incorporated company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, without the assent of his master or employers, any money, goods, rights of action, Government bonds, United States Treasury notes, or Government stamps, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession or under his care by virtue of such employment or office, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or property so embezzled, taken, or secreted, or of the value of any sum of money payable or due upon any right in action so embezzled.

Embezzlement
by clerks, agents,
&c.

22 Feb., 1867, c.
65, s. 5, v. 14, p. 407.

SEC. 1170. Every embezzlement of any evidence of debt, negotiable by delivery only, and actually executed by the master or employer of any such clerk, agent, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offense within the meaning of the preceding section.

Evidences of
debt executed but
not delivered.

Ibid., s. 6.

SEC. 1171. Every person who shall buy, or in any way receive, any money, goods, rights in action, Government bonds, United States Treasury notes, or other valuable security or effects whatever, or Government stamps, knowing the same to have been embezzled, taken, or secreted, contrary to the provisions of the two preceding sections, shall, upon conviction, be punished in the same manner and to the same extent as therein prescribed upon a conviction of a servant, clerk, or agent for such embezzlement.

Buying or re-
ceiving.

Ibid., s. 7.

SEC. 1172. If any carrier or other person to whom any goods, money, right in action, or any valuable personal property or effects shall have been delivered to be transported or carried, for hire, or any person employed in such transportation or carrying, shall, without the assent of his employer, take, embezzle or convert to his own use, such goods, money, right in action, property or effects, or any part of them, and before delivery of such article at the place or to the person entitled to receive them, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article so taken, embezzled, converted, or secreted.

Embezzlement
by carrier, &c.

Ibid., s. 8.

SEC. 1173. If any person shall steal any money, or other goods and chattels of any kind whatever, of less value than thirty-five dollars, the property of another, or shall steal or maliciously destroy any bank-bill, promissory note, bill of exchange, order, warrant, draft, check, or bond, or any accountable receipt for money, given for the payment or acknowledgment of any sum under thirty-five dollars, or any United States Treasury note or Government stamps of less value than thirty-five dollars, the property of another, or shall receive or buy the same, knowing the same to be stolen, for the purpose of defrauding the owner thereof, every such person so offending, on conviction thereof, shall make restitution to the party injured in twofold the value of the property stolen or destroyed, and be fined in any sum not exceeding two hundred dollars, or shall be imprisoned in the jail of the District for any time not exceeding six months, or both, at the discretion of the court.

Petty larceny;
receiving; penalty.

Ibid., s. 4, pp.
406, 407.

United States vs.
Hankey, 2 Cranch,
C. C., 65; United
States vs. Negro
Henry Bowen, 2
Cranch, C. C., 133;
United States vs.
Rigsby, 2 Cranch,
C. C., 364.

SEC. 1174. It shall not be lawful to keep within the District any office or place of business for the sale of lottery-tickets, or of any share or interest in lottery-tickets, nor shall it be lawful to sell or offer for sale within the District any lottery-ticket or any share or interest in any lottery-ticket; and every person who shall be duly convicted of offending against the provisions of this section shall be punished by imprisonment in the District jail for a period not less than one nor more than six months, and shall forfeit and pay a fine of not less than one hundred nor exceeding one thousand dollars, one-half of which shall go to the informer and the other half to the District. [See §§ 402, 403.]

Sale of lottery-
tickets.

31 Aug., 1842, c.
282, s. 1, v. 5, p. 578.

Contract of sale void.

31 Aug., 1842, c. 282, s. 3, v. 5, p. 578.

Certain act of legislative assembly repealed.

17 Feb., 1873, c. 148, v. 17, p. 464.

Penalty for engaging in gift-enterprise business.

Ibid.

Appeal and final judgment.

Ibid.

Procuring enlistment of criminals; penalty.

3 March, 1865, c. 83, s. 1, v. 13, pp. 498, 499.

Penalty of officers of jail.

Ibid., s. 2, p. 499.

Selling intoxicating drinks to soldiers; penalty.

5 Aug., 1861, c. 44, v. 12, pp. 291, 292.

14 July, 1862, c. 168, s. 1, v. 12, p. 571.

United States vs.

Burch, 1 Cranch, C. C., 36.

SEC. 1175. The contract of sale for such lottery-tickets, or share or interest in such lottery-tickets, shall be absolutely void, and any person paying therefor shall have a right to recover back the money paid as money paid on a void consideration.

SEC. 1176. So much of the act of the legislative assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August twenty-third, eighteen hundred and seventy-one, as authorizes gift-enterprises therein, and licenses to be issued therefor, is disapproved and repealed, and hereafter it shall be unlawful for any person or persons to engage in said business in any manner as defined in said act or otherwise.

SEC. 1177. Every person who shall in any manner engage in any gift-enterprise business in the District shall, on conviction thereof in the police court, on information filed for and on behalf of the District, pay a fine not exceeding one thousand dollars, or be imprisoned in the District jail not less than one nor more than six months, or both, in the discretion of the court.

SEC. 1178. In such cases, any party deeming himself aggrieved by judgment of the police court may appeal therefrom to the supreme court of the District in the usual manner, and the judgment of said court shall be final.

SEC. 1179. It shall be unlawful for any person, with knowledge of the fact, to present or offer to any recruiting agent or officer, or any muster-in officer in the United States military or naval service, either as a volunteer or as a substitute for any person, any person charged with the commission of any criminal offense, and confined or held on bail for the trial of such offense within the District; and it shall in like manner be unlawful for any person, in any way or manner, to abet, aid, or assist in procuring the offer or acceptance of any person so charged or held for trial, or released on bail and awaiting trial, either as a volunteer or as a substitute for any person drafted, or liable to draft, in the military or naval service of the United States, whether the person so drafted, or liable to draft, shall be a resident of the District, or shall reside elsewhere. And any person who shall knowingly offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars, and by imprisonment in the District jail for a term not less than six months nor more than one year.

SEC. 1180. Any officer of the District jail, or any guard thereof, or any attaché or employé connected therewith, who shall demand, or directly or indirectly receive, any compensation, fee, reward, or gratuity for any information given in respect to any prisoner confined therein, or awaiting trial upon bail, or for any service, assistance, or influence rendered, given, or exerted, with any view, intent, or purpose of having such person thus charged or held for trial, or held on bail to await trial, taken, offered, or used, either as a volunteer or as a substitute, for any other in the military or naval service, or who shall corruptly receive, for any act done by virtue of his office or employment, any fee, compensation, reward, or gratuity, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, and by imprisonment in the District jail for a term not less than three months nor more than one year.

SEC. 1181. It shall not be lawful for any person in the District to sell, give, or administer, to any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, any spirituous liquor or intoxicating drink; and any person offending against the provisions of this section shall, on conviction thereof, pay a fine of twenty dollars, or, in default of such payment, be committed to the District jail for thirty days.

SEC. 1182. Any person licensed to sell spirituous liquors or intoxicating drink within the District, who shall suffer or permit any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, to drink any spirituous liquor or intoxicating drink upon his premises, shall be deemed guilty of the same offense mentioned in the preceding section, and, upon conviction, shall be punished accordingly.

Penalty of persons licensed, permitting, &c.

14 July, 1862, c. 168, s. 2, v. 12, p. 571.

SEC. 1183. Any person convicted under the provisions of the two preceding sections shall forfeit his license to sell spirituous liquor and intoxicating drink.

Forfeiture of license.

Ibid., s. 3.

PROTECTION OF GARDENS, GROUNDS, ETC.

SEC. 1184. Every person who, in the District, shall willfully and maliciously, or wantonly, and without cause, cut down or destroy, or by girdling, lopping, or otherwise, injure any fruit or other tree, not his own, standing or growing for shade, ornament, or other useful purpose, or shall maliciously destroy, mutilate, or otherwise injure any statuary, monument, or other work of art, standing or being on land not his own, or shall maliciously break down or injure any fence inclosing or belonging to another's land, or shall maliciously sever from the freehold of another any product thereof, or anything attached thereto, shall be punished by imprisonment in the District jail not more than three months, or by a fine not exceeding one hundred dollars.

Injury to trees, works of art, &c.

22 June, 1860, c. 190 s. 1, v. 12, pp. 88, 89.

United States vs. Wagner, 1 Cranch, C. C., 314.

SEC. 1185. Every person who, in the District, without color of right, shall willfully commit any trespass by cutting down or destroying any timber or wood standing on the land of another, or by carrying away any kind of timber or wood cut down or lying on such land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf, or mold from such land, or any roots, fruit, or plant there being, or by cutting down or carrying away any grass, hay, grain, or corn, standing or being on such land, shall be punished by imprisonment in the District jail not more than sixty days, or by a fine not exceeding sixty dollars.

Carrying away timber, soil, &c.

Ibid., s. 2, p. 89.

SEC. 1186. Every person who, in the District, without color of right, shall willfully commit any trespass by entering upon the garden, orchard, or other improved land of another, with intent to cut, take, carry away, destroy, or injure the trees, grain, grass, hay, fruit, or vegetables there growing or being, shall be punished by imprisonment in the District jail not more than forty days, or by a fine not exceeding fifty dollars.

Trespass upon gardens, &c.

Ibid., s. 3.

SEC. 1187. If any person shall willfully or maliciously cut down, break down, level, demolish, or otherwise destroy, or injure, or damage any railing, fence, or inclosure around or upon any land conveyed to any cemetery association, or to the District, under the provisions of sections five hundred and ninety-five and six hundred and four, as a burial-place for the interment of the dead, or any gate or post thereon, or shall remove, break, injure, or deface any tomb, or other stone, plank, or board, or any inscription thereon, or shall cut down, destroy, injure, or remove any tree or shrub standing or growing upon such land, he shall be liable to indictment, and, upon conviction, be fined not less than ten dollars nor more than one hundred dollars. [See §§ 595, 604.]

Penalty for injury to cemeteries.

5 May, 1870, c. 80, s. 5, v. 16, p. 107.

MISCELLANEOUS REGULATIONS.

SEC. 1188. All manufacturers and venders of mineral waters and other beverages allowed by law to be sold in bottles, upon which their names or marks shall be respectively impressed, may file with the clerk of the supreme court of the District a description of such bottles and of the name or marks thereon, and shall cause the same to be published for not less than two weeks, successively, in a daily or weekly newspaper, published in the District.

Manufacturers of mineral waters may file description of marks upon their bottles.

28 July, 1866, c. 307, s. 1, v. 14, p. 343.

Penalty for using
or dealing in
marked bottles.

28 July, 1866, c.
307, s. 2, v. 14, p.
343.

Regulations for
sale of hay and
straw.

27 July, 1868, c. 251, v. 15, p. 225.

Regulation of
travel over Ben-
ning's bridge.

1st Aug., 1856, c.
165, s. 2, v. 11, p.
120.

SEC. 1189. It shall be unlawful for any person, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, for sale, or to traffic in any such bottles so marked, and not bought by him of such owner, and every person so offending shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the first offense; and of five dollars for every subsequent offense, to be recovered as other fines are recovered in the District.

SEC. 1190. All hay and straw, which may be sold by weight in the District, shall be sold by the net hundred, and every twenty hundred pounds net weight shall be a ton.

SEC. 1191. It shall not be lawful for any person to ride, drive, or lead any horse, mule, or other animal over the wooden part of the upper Eastern Branch or Benning's bridge at a faster gait than a walk; or to discharge any gun or other fire-arm on or under said bridge, or from the causeway leading thereto; and all persons violating either of the provisions of this section shall forfeit and pay, for every offense, a penalty of not more than ten nor less than five dollars, the money when collected to be handed over to the authorities of the District, and by them applied to such repairs and improvements of the road leading to the bridge as from time to time may be required.

CHAPTER THIRTY-SEVEN.

MILITIA.

Sec.	Sec.
1192. When the President may organize the militia.	1227. Penalty for non-attendance.
1193. Oath of officers.	1228. Misconduct of officers.
1194. By whom administered.	1229. Of non-commissioned officers and privates.
1195. Volunteer companies.	1230. By-standers or spectators, when liable to punishment.
1196. To what orders subject.	1231. Parade limits.
1197. Uniforms.	1232. Apprentices to learn military music.
1198. No excuse from duty, unless.	1233. Father to be exempt from military duty.
1199. Penalty for withdrawal.	1234. Clothing, maintenance, and instruction.
1200. Attachment to battalions, &c.	1235. Yearly meeting of musicians for instruction.
1201. Militia districts.	1236. Compensation of instructors and musicians.
1202. Company divisions.	1237. Company musters.
1203. New enrollments.	1238. Battalion musters.
1204. Removal from one district to another.	1239. Legionary muster.
1205. Failing to produce certificate.	1240. Muster to continue one day only.
1206. Refusal to grant certificate; penalty.	1241. Notice of musters to legionary commanders.
1207. Who to be enrolled.	1242. Communication of notice.
1208. Age to be proven, when.	1243. How notices given.
1209. Additional enrollments.	1244. Sergeant failing to give notice; penalty.
1210. Brigade inspector.	1245. What notice deemed legal.
1211. Duties.	1246. Appearance at musters.
1212. Annual returns.	1247. Company inspection.
1213. Legionary staff.	1248. Battalion inspection.
1214. Duty of adjutant.	1249. Returns of company officers.
1215. Compensation of inspector and adjutant.	1250. Returns of commanding officers of legions and battalions.
1216. Communication of orders.	1251. Courts-martial for trial of general officers.
1217. Non-commissioned officers.	1252. Arrest of field and staff officers, when.
1218. Their liabilities.	1253. Courts-martial for trial of field and staff officers.
1219. When may be reduced to ranks.	
1220. Officers to appear in uniform.	
1221. Uniforms of non-commissioned officers and privates.	
1222. Penalty for not wearing uniform.	
1223. Orders to be obeyed.	
1224. Officers to meet for training.	
1225. Training to continue three days.	
1226. Eldest officer present to call the roll.	

- Sec.
 1254. Brigade courts-martial for trial of company officers.
 1255. Proceedings; approval of sentence.
 1256. Summons of witnesses.
 1257. Penalty of witness for default.
 1258. Battalion courts of inquiry.
 1259. Oath of members.
 1260. Proceedings of court.
 1261. Legionary courts of inquiry.
 1262. Legionary courts extraordinary.
 1263. Legionary courts, how composed.
 1264. Proceedings.
 1265. Return of delinquent officers.
 1266. Remitting fines and duty.
 1267. Clerk and provost marshal.
 1268. Duties of clerk.
 1269. Squadron courts of inquiry.
 1270. Legionary courts of cavalry.
 1271. How composed and governed.
 1272. Forfeitures and penalties for delinquencies.
 1273. Remission of fines in certain cases.
 1274. Fines of minors and apprentices, how paid.
 1275. Collection of fines.
 1276. Proceedings in distress.

- Sec.
 1277. Commitment.
 1278. Account and compensation of marshal.
 1279. Recovery from marshal.
 1280. Proceedings not to abate in certain cases.
 1281. Disposal of fines.
 1282. Paymaster's accounts.
 1283. Bond, delinquency, and commissions of paymasters.
 1284. Remission of fines.
 1285. Who is exempt from military duty.
 1286. Exemption of arms and equipments from process.
 1287. Exemption of person, when.
 1288. Distribution of militia laws.
 1289. When President may call out the militia.
 1290. Equipment and subsistence.
 1291. Orders and details.
 1292. To be governed by Articles of War.
 1293. Powers of commanding officers in certain cases.
 1294. Notice to President.
 1295. Pay and rations.
 1296. Repeal provisions.

SEC. 1192. The President is authorized to cause the militia of the District to be formed into regiments and other corps, and, whenever in his opinion necessary, to lay off said militia into additional companies, battalions, regiments, or legions and brigades, and to appoint and commission, during pleasure, the proper officers for the same.

When the President may organize the militia.

3 May, 1802, c. 52, s. 13, v. 2, p. 195.

[Sec R. S. U. S., §§ 1667, 1670.]

3 March, 1803, c. 20, s. 1, v. 2, p. 215; 9 July, 1846, c. 35, v. 9, p. 35.

Oath of officers.

SEC. 1193. Every officer appointed and commissioned, according to the provisions of this chapter, shall, previous to entering on the execution of his office, in addition to the oath prescribed in section seventeen hundred and fifty-six of the Revised Statutes, take the following oath:

3 March, 1803, c. 20, s. 5, v. 2, p. 216.
 2 July, 1862, c. 128, v. 12, p. 502.

"I, _____, do swear that I will support the Constitution of the United States, and faithfully discharge the duties of _____ in the _____ of the militia of the District of Columbia to the best of my skill and judgment: so help me God." [Sec R. S. U. S., § 1756.]

SEC. 1194. The oath prescribed in the preceding section may be administered by a justice of the peace or by the clerk of the supreme court of the District; and when administered by a justice of the peace shall be certified by such justice to the clerk of the supreme court, there to be entered of record by the clerk.

By whom administered.

3 March, 1803, c. 20, s. 5, v. 2, p. 216.

VOLUNTEER COMPANIES.

SEC. 1195. The President shall, when he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their companies with the least possible delay.

Volunteer companies.

Ibid., s. 2, p. 215.

SEC. 1196. The volunteer companies authorized by the preceding section shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; but the President may order them out on duty, as occasion may require, by entire companies.

To what orders subject.

Ibid.

SEC. 1197. Every person belonging to the volunteer companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at his own expense, as the commanding officer of the brigade to which he belongs shall direct.

Uniforms.

Ibid.

SEC. 1198. No person belonging to any battalion company shall, under color of enlisting into any company to be made up by voluntary enrollment, be excused from doing duty in the infantry, and in the company

No excuse from duty, unless.

Ibid.

in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service in such volunteer company according to law, and shall have produced a certificate thereof, from the commanding officer of such company to the commanding officer of the battalion company to which he did or might properly belong.

Penalty for withdrawal.

3 March, 1803, c. 20, s. 2, v. 2, pp. 215, 216.

SEC. 1199. No person enlisted in any volunteer company shall be permitted to withdraw from the same, unless in case of removal from his legionary district, under the penalty of ten dollars, to be recovered as other fines imposed by this chapter, upon the evidence of the commanding officer of the company from which he shall so withdraw; and such commanding officers shall return all such cases to the first battalion court of inquiry that shall sit thereafter.

Attachment to battalions.

Ibid., p. 216.

SEC. 1200. Commanders of legions shall direct, by order to commanders of battalions, to what battalions the different volunteer companies shall be attached and parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier-general.

ENROLLMENT OF THE MILITIA.

Militia districts.

Ibid., s. 3, p. 216.

SEC. 1201. Where any battalion or company districts, or alteration in districts actually laid off, may be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit and convenient place, and may proceed to lay off or alter any such battalions or company districts, which district shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of inquiry.

Company divisions.

Ibid., s. 4, p. 216.

SEC. 1202. It shall be the duty of the commanding officers of companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of the battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of inquiry.

New enrollments.

Ibid.

SEC. 1203. The regulations prescribed by the preceding section shall be observed by every commanding officer of a company, battalion, and legion or regiment, on the subsequent enrollment of any person therein, unless such person shall produce a certificate of his having been before drawn for such purpose, in which case he shall be enrolled accordingly.

Removal from one district to another.

Ibid.

SEC. 1204. Any militia-man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service, which certificate said militia-man shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is required to enroll him in the numerical class specified therein.

Failing to produce certificate.

Ibid.

SEC. 1205. Every militia-man removing from one militia district to another and failing to produce the certificate required by the preceding section, shall be arranged and enrolled in the class destined to perform the next tour of duty.

Refusal to grant certificate; penalty.

Ibid.

SEC. 1206. If any captain or commanding officer of a company shall refuse to grant the certificate mentioned in section twelve hundred and four, upon application to him made for that purpose, he shall for such refusal incur a penalty of thirty dollars.

Who to be enrolled.

Ibid., s. 6, p. 216.

21 May, 1802, c.

83, s. 4, v. 12, p. 407.

SEC. 1207. Commanding officers of companies shall enroll every able-bodied male, between the ages of eighteen and forty-five years, except such as are exempt from military duty by the laws of the United States, resident within his district. [See §§ 194, 353, 1285. See R. S. U. S., 1629.]

Wise vs. Withers, 3 Cranch, 330; Slade vs. Minor, 2 Cranch, C. C., 139; United States vs. Smith, 2 Cranch, C. C., 293; Sanford vs. Boyd, 2 Cranch, C. C., 78.

SEC. 1208. In all cases of doubt respecting the age of any person enrolled or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of inquiry within whose bounds he may reside.

Age to be proven, when.

3 March, 1803, c. 20, s. 6, v. 2, pp. 216, 217.

SEC. 1209. It shall at all times be the duty of commanding officers of companies to enroll every male who shall, from time to time, arrive at the age of eighteen years, or who, being of the age of eighteen years, and under the age of forty-five years, except as provided in section twelve hundred and seven, shall come to reside within his bounds, and shall, without delay, notify such person of his enrollment, by a proper non-commissioned officer, by whom such notice may be proved.

Additional enrollments.

Ibid., p. 217.
21 May, 1862, c. 83, s. 4, v. 12, p. 407.

GENERAL PROVISIONS OF ORGANIZATION AND DISCIPLINE.

SEC. 1210. A brigade-inspector, to act as brigade major, and be commissioned with the rank of major, shall be appointed by the President.

Brigade-inspector.

3 March, 1803, c. 20, s. 19, v. 2, p. 221.

SEC. 1211. It shall be the duty of the brigade-inspector to attend the brigadier-general when required, to receive and execute all orders necessary to carry into effect the provisions of this chapter, and to attend the annual training of the officers, and at the several legionary and battalion musters. And he shall inspect the several battalions belonging to his brigade, at their respective musters, and shall take an accurate account, from personal inspection, of the quality of the arms and accouterments, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets.

Duties.

Ibid.

SEC. 1212. The brigade-inspector shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President; and upon refusal or neglect he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade.

Annual returns.

Ibid.

SEC. 1213. The lieutenant-colonel commandants are authorized to appoint a legionary staff, to consist of one adjutant, one quartermaster, and one paymaster, to be taken from the officers of the line; and one surgeon and one surgeon's mate, and also one sergeant-major, one quartermaster's sergeant, one drum-major, and one fife-major, which appointments shall be evidenced by warrants under the hand of the lieutenant-colonel commandant.

Legionary staff.

Ibid.

SEC. 1214. It shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this chapter, and to attend the legionary and battalion musters, as also the meeting of the officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of inquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia.

Duty of adjutant.

Ibid.

SEC. 1215. The adjutant and the brigade-inspector shall severally be allowed such compensation as the legionary courts of inquiry may, from time to time, think reasonable, to be paid out of the funds arising from fines.

Compensation of inspector and adjutant.

Ibid.

SEC. 1216. The brigadier-generals are authorized to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps respecting the militia of the District. And such person shall be exempt from all other militia duty, and shall receive such compensation as the legionary court of inquiry, in which district such orders may, from time to time, be delivered, shall think proper, on his producing to the court a certificate of his having discharged said services.

Communication of orders.

Ibid., s. 26, p. 224.

SEC. 1217. Each captain or commanding officer of a company shall appoint to his company four sergeants, four corporals, a drummer, and fife, to be approved of by the commanding officer of his battalion; the

Non-commissioned officers.

Ibid., s. 13, p. 220.

- Their liabilities.
3 March, 1803, c. 20, s. 13, v. 2, p. 220.
- When may be reduced to ranks.
Ibid.
- Officers to appear in uniform.
Ibid., s. 18, pp. 220, 221.
- Uniforms of non-commissioned officers and privates.
Ibid., s. 27, p. 224.
- Penalty for not wearing uniform.
Ibid.
- Orders in relation to uniforms to be obeyed; penalty.
1 July, 1812, c. 113, s. 7, v. 2, p. 770.
- Officers to meet for training.
3 March, 1803, c. 10, s. 14, v. 2, p. 220.
- Training to continue three days.
Ibid.
- Eldst officer present to call the roll.
Ibid.
- Penalty for non-attendance.
Ibid.
- Misconduct of officers.
Ibid., s. 15, p. 220.
- Misconduct of non-commissioned officers and soldiers.
Ibid., s. 16, p. 220.
- appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion.
- SEC. 1218. If any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon himself the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall, for each offense, forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars.
- SEC. 1219. Commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer, whom, on complaint made, and due notice given, he shall find guilty of misconduct, or neglect of duty.
- SEC. 1220. All commissioned officers are required to appear in full uniform when on duty, and on failure shall forfeit and pay five dollars for each offense.
- SEC. 1221. All non-commissioned officers and privates belonging to battalion companies shall appear while on duty uniformly clothed, the color and fashion of which uniforms to be determined on for the respective legions by the first legiounary courts of inquiry which shall be held, and to be approved of by the brigadier-general; provided the expense of the same, additional to that of usual, ordinary and cheap clothing, does not exceed five dollars for each person.
- SEC. 1222. Every non-commissioned officer or drummer or fifer or private appearing at any muster held after three months from the time that such uniforms shall have been determined on and the order relative thereto shall have been published in some newspaper within the legiounary district, and not wearing the same, shall be fined five dollars for each offense, unless he can make it appear to the satisfaction of the court of inquiry of the battalion to which he may belong, that he was unable to equip himself.
- SEC. 1223. All orders in relation to procuring or wearing such uniform and equipments, or either of them, as shall have been previously determined on, which shall be issued and communicated by the brigadier-general to the officers of the brigade, or any of them, shall be forthwith obeyed; and for every disobedience of any such order, the delinquent shall be subject to the penalty or fine prescribed in the preceding section, besides being subject to arrest.
- SEC. 1224. The commissioned officers of the several legions shall meet once in every year, within their respective legiounary districts, for the purpose of being trained and instructed by the brigade-inspector; the days and places of meeting to be fixed by the commanding officer of the brigade to which the legions belong.
- SEC. 1225. The officers assembled in accordance with the preceding section shall each continue three days, and no longer.
- SEC. 1226. The eldest officer present shall call the roll each day, and report the delinquencies to the succeeding legiounary court of inquiry.
- SEC. 1227. Every officer failing to attend such meeting on being summoned, not having a reasonable excuse, to be adjudged of by the court of inquiry, shall forfeit and pay ten dollars for each day he shall fail so to attend.
- SEC. 1228. Any officer who shall be guilty of disobedience, or other misbehavior, when on duty, or shall at any time be guilty of any conduct unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as directed by this chapter.
- SEC. 1229. If any non-commissioned officer or soldier shall behave himself disobediently, or mutinously, when on duty, or before any court or board directed by law to be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or pro-

mote any quarrel among his fellow-soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall, moreover, be fined at the discretion of the court of inquiry, in any sum not exceeding ten dollars, nor less than one dollar.

SEC. 1230. If any bystander shall interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined for the day.

Bystanders or spectators, when liable to punishment.

3 March, 1803, c. 20, s. 17, v. 2, p. 220.

SEC. 1231. The commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct.

Parade limits.

Ibid.

SEC. 1232. The respective courts of inquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorized, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions.

Apprentices to learn military music.

Ibid., s. 28, p. 224.

SEC. 1233. The father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter.

Father to be exempt from military duty.

Ibid.

SEC. 1234. The several legionary courts of inquiry shall make provision from time to time for the clothing, maintenance, and proper instruction of all such youths, to be paid from the fund arising from fines.

Clothing, maintenance, and instruction.

Ibid.

SEC. 1235. The commanding officers of legions shall cause the drummers and fifers and other musicians of their respective legions to meet, at the same times and places that commissioned officers are required to meet for the purpose of being trained by the brigade inspector or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person as he may think proper and capable to instruct the drummers and fifers, and other musicians.

Yearly meeting of musicians for instruction.

Ibid.

SEC. 1236. The person so employed by the commanding officer of the legion may be allowed such compensation as the legionary court of inquiry may authorize, and each drummer and fifer, and other musician, unless an apprentice, shall be allowed, during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

Compensation of instructors and musicians.

Ibid., pp. 224, 225.

MUSTERS.

SEC. 1237. There shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrollment, in the months of April, June, and September in each year, to be appointed by the respective legionary courts of inquiry, at such places as may be deemed most convenient within the District.

Company musters.

Ibid., s. 11, p. 218.

1 July, 1812, c. 113, s. 2, v. 2, p. 769.

SEC. 1238. There shall be a muster for exercise and inspection of each battalion in the month of May in every year, to be appointed by the commanding officer of the brigade to which such battalions respectively belong, at such places as he may think proper within the District.

Battalion muster.

3 March, 1803, c. 20, s. 11, v. 2, p. 219.

21 Feb., 1871, c. 62, s. 1, v. 16, p. 419.

SEC. 1239. There shall be a muster of each legion in the month of October or November in each year, to be appointed by the command-

Legionary muster.

3 March, 1803, c. 20, s. 11, v. 2, p. 219.
 1 July, 1812, c. 113, s. 1, v. 2, p. 769.

Musters to continue one day only.

3 March, 1803, c. 20, s. 11, v. 2, p. 219.

Notice of musters to be given commandant.

Ibid.
 Communication of notice.

Ibid.

How notices given.

Ibid.
 Sergeant failing to give notice; penalty.

Ibid.

What notices deemed legal.

Ibid.

Appearance at muster.

Ibid.
 Company inspection.

Ibid.

Battalion inspection.

Ibid.

Returns of company officers.

Ibid., s. 12, pp. 219, 220.

Returns of commanding officers of legions and battalions.

Ibid., s. 11, p. 219.

ing officer of the brigade to which such legion belongs, at such place as he may think most convenient within the legionary district.

SEC. 1240. The company, battalion, and legionary musters, provided for by the three preceding sections, shall continue one day and no longer.

SEC. 1241. The time and place of all legionary, company, and battalion musters shall be notified to the commanding officers of legions thirty days previous thereto.

SEC. 1242. Commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary, company, and battalion musters, at least twenty days; the commanding officers of battalions, to the commanding officers of companies, at least fifteen days; and the commanding officers of companies to their sergeants, at least ten days; and the sergeants to each person in their respective companies, at least three days before such musters, respectively.

SEC. 1243. The notices to be given by the commanding officers of brigades, legions, battalions, and companies shall be in writing, delivered to each person to be notified, or left at his usual place of abode.

SEC. 1244. Every sergeant failing to give notice, agreeably to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each offense five dollars.

SEC. 1245. All notices publicly given by the commanding officers of companies at their respective musters, of any subsequent muster, shall be deemed legal notice, as to all persons present.

SEC. 1246. Every officer and soldier shall appear at his respective muster-field on the day appointed, by ten o'clock in the forenoon, armed and equipped.

SEC. 1247. At every muster the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging thereto, and note down all delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accouterments of all under his command, and make accurate return of the whole thereof to the commanding officer of his battalion in five days thereafter.

SEC. 1248. It shall be the duty of commanding officers of companies to have their companies prepared, at the battalion musters, for inspection, by means of returns, the forms of which to be furnished them by the brigade-inspector, through the commanding officers of the legion and battalion to which they belong, which returns shall be filed, ready to be delivered to the inspector as he shall commence the inspection of each company.

SEC. 1249. Each commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion a return of his company, in such manner and form as shall be furnished by the adjutant; and it shall be the duty of commanding officers of battalions to make like returns, within five days thereafter, to the commanding officers of legions, who shall cause the adjutants of their respective legions to make legionary returns to the brigade-inspector within ten days thereafter.

SEC. 1250. Commanding officers of legions and battalions shall, at their respective legionary and battalion musters, take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies from the commanding officers of companies, before the courts of inquiry appointed under the provisions of this chapter to take cognizance of, and determine on them; and to each of said returns shall be annexed the following certificate, namely: "I, _____, do certify that the returns hereunto annexed contain all the delinquencies which have occurred since my last return, having duly examined the same."

COURTS-MARTIAL.

SEC. 1251. The President, upon complaint for his misconduct, lodged with the Department of War, in writing, by any one or more commis-

Courts-martial for trial of general officers.

sioned officers, may at his discretion cause to be arrested any major-general or brigadier-general, and order a court-martial, to be composed of all the other general officers, field-officers, and captains, or so many of them, having regard to seniority, as shall amount to thirteen, in the militia of the District.

3 March, 1803, c. 20, s. 7, v. 2, p. 217.

SEC. 1252. Any major-general or brigadier-general, for misconduct within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, shall have power to arrest any lieutenant-colonel commandant, aid-de-camp, brigade-inspector, and major, or any other inferior officer.

Arrest of field and staff officers, when.

Ibid.

SEC. 1253. The commanding officer of the division or brigade shall order a court-martial for the trial of any officer arrested under the preceding section, to be composed of one brigadier-general, and as many lieutenant-colonel commandants, majors, and captains, as shall make up a number not less than thirteen.

Courts-martial for trial of field and staff officers.

Ibid.

SEC. 1254. And any brigadier-general, lieutenant-colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade shall order a brigade court-martial, for the trial of such captain or subaltern, to be composed of one or more field-officers, and a sufficient number of captains and subalterns to make up a number not less than thirteen.

Brigade courts-martial for trial of company officers.

Ibid.

SEC. 1255. The courts-martial provided for by the four preceding sections shall proceed to hear and determine on all offenses under this chapter, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States.

Proceedings; approval of sentence.

Ibid.

SEC. 1256. For obtaining the necessary evidence for the trials by court-martial, the President of the United States, or the presiding officer of the court, as the case may be, shall issue his summons.

Summons of witnesses.

Ibid.

SEC. 1257. Every person summoned as provided by the preceding section, and failing to attend and to give evidence, shall be subject to, and may be tried by, a court-martial; and, if an officer, may, at the discretion of the court, be cashiered, or fined not exceeding six months' pay; and if a non-commissioned officer, or soldier, or a person not enrolled, he shall be reported to the court of inquiry of the regiment or legion to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties as the court of inquiry may think proper to inflict, not exceeding forty dollars.

Penalty of witness for default.

Ibid.

COURTS OF INQUIRY.

SEC. 1258. There shall be battalion courts of inquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this chapter, in such battalion; and such courts of inquiry shall be held in the months of July and November, in each year, at some convenient place within the district, to consist of the commanding officer of the battalion and the commanding officers of companies which shall belong to or be attached to such battalion, or a majority of them.

Battalion courts of inquiry.

Ibid., s. 8, pp. 217, 218.

1 July, 1812, c. 113, s. 3, v. 2, p. 769.

SEC. 1259. Each member of a court of inquiry shall take the following oath, to be administered by the presiding officer, and afterward by any other officer of the court, to him: "I, _____, will truly and faithfully inquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favor, partiality, or affection: so help me God."

Oath of members.

3 March, 1803, c. 20, s. 8, v. 2, p. 218.

SEC. 1260. The presiding officer shall lay before the court of inquiry all the delinquencies, as directed by law, whereupon the court shall proceed to hear and determine.

Proceedings of court.

Ibid.

SEC. 1261. There shall be legionary courts of inquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this chapter, and such courts of inquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after each battalion court of inquiry.

Legionary courts of inquiry.

Ibid.

Legionary courts extraordinary.

1 July, 1812, c. 113 s. 3, v. 2, p. 769.

Legionary courts, how composed.

3 March, 1803, c. 20, s. 8, v. 2, p. 218.

Proceedings.

Ibid.

Return of delinquent officers.

Ibid.

Remitting fines and duty.

Ibid.

Clerk and provost marshal.

Ibid., s. 9.

Duties of clerk.

Ibid.

Squadron courts of inquiry.

1 July, 1812, c. 113, s. 6, v. 2, p. 770.

Legionary courts of cavalry.

Ibid.

How composed and governed.

Ibid.

SEC. 1262. The commanding officer of each legion is empowered to appoint and convene legionary courts extraordinary, which may exercise all the powers, and perform any of the duties, of the ordinary legionary courts of inquiry, except the power of assessing fines incurred by the officers of the legion, for any delinquency or neglect of duty, other than failing to attend such legionary courts extraordinary.

SEC. 1263. Legionary courts of inquiry shall consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form as prescribed in section twelve hundred and fifty-nine.

SEC. 1264. The commanding officer of the legion shall lay before the legionary court all delinquencies, directed by law, whereupon the court shall proceed to hear and determine.

SEC. 1265. It shall be the duty of the presiding officer of every court of inquiry to return to the next legionary court of inquiry all delinquent officers failing to attend the preceding court, to be proceeded against according to law.

SEC. 1266. The legionary court of inquiry may, for good cause shown, remit any fine imposed by the battalion court last preceding; and said court may also exempt any militia-man from duty on account of bodily infirmity, and may again direct such person to be enrolled when able to do duty.

SEC. 1267. The respective legionary courts of inquiry shall annually appoint, by ballot, a clerk and a provost-marshal, who shall attend the courts directed to be held, and who shall each receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

SEC. 1268. The clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies for regular routine of duty, and shall make out for the collector a fair list of all the fines assessed by the legionary and battalion courts, and one other list, which shall be retained by the clerk, on which list the collector's receipts shall be taken; the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of inquiry; and the clerk shall perform all other duties required by this chapter.

SEC. 1269. Squadron courts of inquiry, for the squadron of cavalry within the District, shall be separately held; but whenever a legionary court of inquiry, as by law directed, shall be held, the cavalry within the limits of the legion for which such court may be held shall be subject to its jurisdiction and authority; and the commanding officers of the squadron and companies of cavalry shall be members of such legionary court for the legion within which they shall respectively reside.

SEC. 1270. When the cavalry shall be formed into a separate legion, there shall be separate legionary courts held by and for them at some place within the District.

SEC. 1271. Both the squadron and legionary courts of cavalry shall be respectively for similar purposes, shall be appointed and constituted in a similar manner, and be subject to the same rules and regulations as the battalion and legionary courts authorized and directed by this chapter.

DELINQUENCIES.

Forfeitures and penalties for delinquencies.

3 March, 1803, c. 20, s. 20, v. 2, pp. 221, 222.

Of commanding officer of legion.

Ibid.

SEC. 1272. The following forfeitures and penalties shall be incurred for delinquencies, viz:

By a lieutenant-colonel commandant, or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing to give notice of a brigade, legionary, or battalion muster; or to report delinquencies, or to make returns of his legion, shall for each offense or neglect, forfeit and pay a sum not exceeding seventy dollars;

for failing to send into service any militia legally called for, three hundred dollars.

By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offense or neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due dispatch, or any detachment of men or officers as shall be required by the commanding officer of his legion, or upon any call from the President, one hundred and fifty dollars.

Of major.

By a captain, for failing to take an oath, to attend any court, to enroll his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed, to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this chapter, he shall forfeit and pay for each offense or neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall be legally called from his company, upon any call from the President, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars.

Of captain.

By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each offense he shall forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of inquiry.

Of subaltern officer.

By a non-commissioned officer or soldier, for failing to repair to his rendezvous when ordered upon any call from the President, he shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of inquiry, and shall be enrolled in the class destined to perform the next tour of duty; and all officers failing as provided in this section, shall be subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of inquiry.

Of non-commissioned officers or soldiers.

Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of inquiry.

Ibid.

Any private at or near the muster-ground at any legionary, battalion, or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

Of privates at muster.

SEC. 1273. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accoutered as the law directs, the court of inquiry before whom the same shall be tried may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment.

Remission of fines in certain cases.

3 March, 1803, c. 20, s. 20, v. 2, p. 222.

COLLECTION OF FINES.

SEC. 1274. The fines and penalties incurred by infants and apprentices, for breach or neglect of duty, in any particular service by law required of them, shall be paid by the parent, guardian, or master.

Fines of minors and apprentices; how paid.

Ibid., s. 21.

SEC. 1275. All fines assessed under the provisions of this chapter shall be certified by the clerks of the legionary and battalion courts of inquiry, respectively, by which the same shall be assessed, and delivered to the marshal of the District, within fifteen days after the sitting of the court empowered finally to determine, and he shall give a receipt therefor.

Collection of fines.

1 July, 1812, c. 113, s. 4, v. 2, pp. 769, 770.

SEC. 1276. The marshal shall forthwith proceed to collect said fines, and, upon failure of payment when called for, to levy the amount with costs by distress and sale of the goods and chattels of the delinquent;

Proceedings in distress.

Ibid., p. 770.

which costs and manner of proceeding shall be the same as in other cases of distress.

Commitment.
1 July, 1812, c. 113, s. 4, v. 2, p. 770.
Ryan vs. Ringgold, 3 Cranch, C. C., 5.

SEC. 1277. Where there are no goods or chattels to be found whereof to levy, the marshal shall commit the delinquent to jail, and hold him in close confinement during the term of twenty-four hours for each and every fine by him payable, unless the same shall be sooner paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

Account and compensation of marshal.
Ibid.

SEC. 1278. The marshal shall account for all fines, and pay such as have been by him levied, to the paymaster of the legion from which he received the certified lists, within six months after the lists are delivered to him, deducting twelve and a half per centum as a compensation for his trouble.

Recovery from marshal.
Ibid.

SEC. 1279. In case of failure of the marshal to account for and pay over the fines collected by him, as provided in the preceding section, the same shall be recovered by motion in the supreme court of the District in the name of the paymaster of the legion, with twelve and a half per centum damages, and legal interest on the amount from the time it ought to have been paid, and cost of suit: *Provided*, The marshal shall have had ten days' notice of such motion.

Proceedings not to abate in certain cases.
Ibid.

SEC. 1280. If, during the pendency of proceedings in any case, and before payment is made by the marshal, the paymaster, in whose name the proceedings are going on, should be removed from office, it shall not abate or in any manner interrupt or affect the proceedings, but the name of the succeeding paymaster may be substituted until the proceedings are formally closed.

Disposal of fines.
3 March, 1803, c. 20, s. 23, v. 2, p. 223.

SEC. 1281. The fines paid into the hands of the paymaster by virtue of this chapter shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction, and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary, to be adjudged and determined by the legionary courts of inquiry; and all accounts passed by such court, and certified by the lieutenant-colonel commandant, shall be sufficient to authorize the paymaster to pay the same.

Paymaster's accounts.
Ibid.

SEC. 1282. The paymaster shall keep a regular account of all moneys received and disbursed by him on account of the legion, and shall once in every three months render his accounts and settle with the court of inquiry.

Bond, delinquency, and commission of paymaster.

Ibid.
1 July, 1812, c. 113, secs. 2, 4, v. 2, p. 769.

SEC. 1283. The paymaster shall give bond and security, to be approved by the court of inquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as prescribed in section twelve hundred and seventy-eight, and shall be allowed a commission of two and a half per centum on the several sums by him disbursed.

Remission of fines.

Ibid., s. 5, p. 770.

SEC. 1284. Where any fine or fines shall have been collected or imposed, the delinquent shall be at liberty, at any time within twelve months after such imposition, to apply to any of the legionary courts to return or remit the same, and the court is empowered to make such order in the case as may seem to them, or a majority of them, to be right and just.

MISCELLANEOUS PROVISIONS.

Who is exempt from militia duty.

Ibid.
4 May, 1826, c. 30, v. 4, p. 157. *Ex parte* Smith, 2 Cranch, C. C., 693.

SEC. 1285. The president, professors, tutors, stewards, and students of the different seminaries of learning in the District are exempt from the performance of militia duty except in case of war.

Exemption of arms and equipments from process.

Ibid.
1 July, 1812, c. 113, s. 8, v. 2, p. 771.

SEC. 1286. The arms and other equipments belonging to an officer, non-commissioned officer, or private are exempt from taxation or execution.

SEC. 1287. The persons of officers, non-commissioned officers, and privates of the militia shall be exempt from arrest and process in civil cases while going to, continuing at, or returning from musters, and while in actual service.

Exemption of persons from, when.

3 March, 1803, c. 20, s. 25, v. 2, p. 224.

Distribution of militia laws.

Ibid., s. 29, p. 225.

SEC. 1288. The Secretary of War shall cause a sufficient number of copies of this chapter, together with Title XVI of the Revised Statutes, "THE MILITIA," and the articles of war, to be printed and distributed throughout the District, so that every general and field-officer therein, and every brigade-inspector and captain, be furnished with one copy each. [See R. S., U. S., §§ 1625-1661; 1342-1343.]

WHEN CALLED INTO ACTUAL SERVICE.

SEC. 1289. The President is authorized and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of militia from the District, and in such a manner, whether by routine of duty or otherwise, as he may deem proper.

When President may call out the militia.

Ibid., s. 24, p. 223.

SEC. 1290. For the accommodation, equipment, and support of the militia so at any time called forth, the President may appoint such quartermasters, commissaries, and other staff as to him shall seem proper, and fix their pay and allowances, and shall also take such measures for procuring, transporting, and issuing all orders which may be necessary.

Equipment and subsistence.

Ibid.

SEC. 1291. Orders for the militia to be called forth as provided in section twelve hundred eighty-nine, shall be sent to the commanding officer of the District, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered.

Orders and details.

Ibid.

SEC. 1292. Whenever any militia shall be called forth into actual service, they shall be governed by the articles of war, which govern the troops of United States. And courts-martial shall be held as provided by the articles of war, to be composed of militia-officers only, for the trial of any person, in the militia; but for cashiering any officer, or the capital punishment of any person, the approbation of the President of the United States shall be necessary. [See R. S. U. S., pp. 223-241.]

To be governed by articles of war.

Ibid.

SEC. 1293. If a sudden invasion shall be made into the District, or in case of an insurrection therein, the commanding officer of the militia of the District is authorized and required to order out the whole or such part of the militia as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like manner furnish the same.

Powers of commanding officer in certain cases.

Ibid., v. 2, pp. 223, 224.

SEC. 1294. In the event of any militia being ordered out by the commanding officer of the District as authorized by the preceding sections, such officer shall immediately notify the same, and the cause thereof, to the President of the United States.

Notice to the President.

Ibid., p. 224.

SEC. 1295. When the militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States. [See R. S. U. S., §§ 1650-1653.]

Pay and rations.

Ibid., p. 223.

SEC. 1296. All acts of Congress passed prior to the first day of December, one thousand eight hundred and seventy-three, relating to the District of Columbia, any portion of which is embraced in the foregoing revision are hereby repealed; and the section applicable thereto shall be in force in lieu thereof; and this revision of the acts of Congress relating to the District of Columbia shall be subject to, and governed by the provisions of chapter seventy-four of the Revised Statutes of the United States, entitled "Repeal Provisions." [See R. S. U. S., §§ 5595-5601.]

Repeal provisions.

Approved, June 22, 1874.

