

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.

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Ibid., s. 37.

## CHAPTER NINETEEN.

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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, 508.]

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 sum-  
mons.

Ibid.

Trial and judg-  
ment.

Ibid.

When defendant  
pleads title; pro-  
ceedings.

Ibid., s. 3, p. 384.

Appeals and how  
tried.

Ibid., sec. 4.

Appeal by de-  
fendant; addi-  
tional 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.

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- 692. Who may have lien.
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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.

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.

Notices to be recorded.

Ibid.

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.]

When liens expire unless action brought.

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.