

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.

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.

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.

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.]

Penalty for neglect.

Ibid.

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.