

CHAPTER THIRTY-TWO.

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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. [See § 85.]

Renewal of bond.

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, instant, 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. 22 Feb., 1867, c. 1

CHAPTER THIRTY-THREE.

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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 advice 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.

[See § 61. See R. S. U. S., § 2173.]

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.

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.

CLERK.

Ibid., s. 5, p. 154.

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.

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.

Ibid., s. 2, p. 154.
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.

BAILIFFS.

Ibid., s. 7, p. 155.

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 are 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 similar 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.

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| <u>Fees of witnesses.</u> | 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.] |
| 17 June, 1870, c. 133, s. 7, v. 16, p. 153. | SEC. 1073. Any party deeming himself aggrieved by the judgment of the police court may appeal to the supreme court. [See § 773.] |
| <u>Appeals.</u> | 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. |
| <u>Ibid., s. 3, p. 154.</u> | SEC. 1075. Upon such recognizance being given, all further proceedings in police court shall be stayed. |
| <u>Bond on appeal.</u> | SEC. 1076. Such recognizance so approved, and the information or complaint, shall be immediately transmitted to the clerk of the supreme court. |
| <u>Ibid., s. 8, p. 155.</u> | 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. |
| <u>Stay of proceedings on appeal.</u> | 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. |
| <u>Ibid.</u> | |
| <u>Papers to be sent to supreme court.</u> | |
| <u>Ibid.</u> | |
| <u>Appellants failing to recognize.</u> | |
| <u>Ibid., s. 11.</u> | |
| <u>Appeals, how certified.</u> | |
| <u>Ibid.</u> | |

DISPOSALS OF COSTS, FINES, AND FORFEITURES.

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| <u>Payment of fines, penalties, costs, and forfeitures.</u> | 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.] |
| <u>Ibid., s. 15, p. 155; 21 Feb., 1871, c. 62.</u> | 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. |
| <u>Disposal of moneys collected.</u> | |
| <u>Ibid.</u> | |

CHAPTER THIRTY-FOUR.

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| <u>Warden, appointment and removal.</u> | 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. |
| 3 March, 1869, c. 151, s. 4, v. 15, p. 342. | |