

REVISED STATUTES
OF
THE UNITED STATES,

RELATING TO THE
DISTRICT OF COLUMBIA

AND
POST ROADS,

PASSED AT
THE FIRST SESSION OF THE FORTY-THIRD CONGRESS,
1873-'74;

TOGETHER WITH
THE PUBLIC TREATIES

IN FORCE ON THE FIRST DAY OF DECEMBER, 1873.

EDITED, PRINTED, AND PUBLISHED UNDER THE AUTHORITY OF AN
ACT OF CONGRESS, AND UNDER THE DIRECTION
OF THE SECRETARY OF STATE

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1875.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

Whereas, by section 2 of an act entitled "An act providing for publication of the Revised Statutes and the laws of the United States," approved June 20, 1874, it is provided as follows, viz:

"SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution, the Revised Statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head-notes of the several titles and chapters, and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision, and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained in all the courts of the United States and of the several States and Territories;"

And whereas, by section 3 of said act, it is further provided that "the revision of the statutes relating to the District of Columbia, to post roads, and the public treaties in force on the first day of December, one thousand eight hundred and seventy-three, with a suitable index to each, shall be published in a separate volume, and entitled and labeled 'Revised Statutes relating to District of Columbia and Post Roads. Public Treaties;'"

And whereas, by section 1 of an act entitled "An act providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State," approved the 28th day of December, 1874, it is provided "that the certificate to the printed volume of the Revised Statutes of the United States required by said section 2 of the act of June 20, 1874, shall be made by the Secretary of State under the seal of the Department of State:"

Now, therefore, I, Hamilton Fish, Secretary of State, do hereby certify that the following are the Revised Statutes relating to the District of Columbia and to Post Roads, as enacted by Congress on the 22d day of June, 1874, and the Public Treaties in force on the first day of December, one thousand eight hundred and seventy-three, prepared, printed, and published according to the provisions of the said first-mentioned act of June 20, 1874.

In witness whereof I have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 28th day of June, A. D. 1875, and of the Independence of the United States of America the ninety-ninth.

HAMILTON FISH.



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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. | | Sec. | |
|------|---|------|---|
| 1. | Territorial area. | 32. | Forfeiture of office for refusal to take oath. |
| 2. | A body-corporate for municipal purposes; powers and limitations. | 33. | Penalty for false swearing. |
| 3. | Governor, appointment and term of office. | 34. | Quorum of legislative assembly. |
| 4. | Qualifications. | 35. | House to determine qualifications of its members. |
| 5. | Salary, how payable. | 36. | Rules of each house and choice of officers. |
| 6. | Powers and duties. | 37. | Opening of council. |
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| 8. | Passage of bills over governor's veto. | 39. | Expulsion of members. |
| 9. | Vote, how taken. | 40. | Punishment of non-members for contempt. |
| 10. | Bills not returned within ten days. | 41. | Adjournment. |
| 11. | Secretary, appointment, qualifications, and term of office. | 42. | Yeas and nays. |
| 12. | Salary, how payable. | 43. | Where bills may originate. |
| 13. | Duties of secretary. | 44. | Vote on final passage. |
| 14. | When to act as governor. | 45. | Bills to be read at large. |
| 15. | Provision in case of vacancy in offices of both governor and secretary. | 46. | Subject of act to be embraced in title. |
| 16. | Legislative assembly. | 47. | Restrictions upon legislation in appropriation bills. |
| 17. | Council; number and qualifications of members. | 48. | When acts take effect; emergency clause. |
| 18. | Appointment and term of office. | 49. | Extent and limitations of the legislative power. |
| 19. | House of delegates; term of service and qualifications of members. | 50. | All acts subject to repeal, &c., by Congress. |
| 20. | Apportionment of council and delegate districts. | 51. | Extra allowances to officers, contractors, &c., prohibited. |
| 21. | Formation of districts, how prescribed. | 52. | Unauthorized contracts void. |
| 22. | Salaries of members of legislative assembly. | 53. | District not to give its credit, &c., to corporations or individuals. |
| 23. | Additional allowance to presiding officers. | 54. | Special laws; in what cases shall not be passed. |
| 24. | Officers of legislative assembly. | 55. | Legislative assembly not to release indebtedness to the District. |
| 25. | Salaries. | 56. | Nor to establish banks of circulation or authorize issue of currency. |
| 26. | Time of meeting of legislative assembly. | 57. | Legislative assembly not to pass certain laws. |
| 27. | Length of sessions. | 58. | Right of suffrage not to be abridged. |
| 28. | Limitation of sessions. | 59. | Free schools. |
| 29. | Restrictions upon members. | | |
| 30. | United States officers prohibited from being members. | | |
| 31. | Oath of members. | | |

<p>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.</p>	<p>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.</p>
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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia

Territorial area. *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. [See R. S. U. S., § 1796.]*

16 July, 1790, c. 28, s. 1, v. 1, 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; *Riley 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. Sear'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 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.

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.

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.

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.

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

Passage of bills over governor's veto.
Ibid.

Vote, how taken.
Ibid.

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.

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.

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.

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.

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.

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

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

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

When to act as governor.
Ibid.

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.

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.)

Legislative assembly.
Ibid., s. 5.

Council: number and qualifications of members.
Ibid.

Appointment
and term of officer.

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

House of dele-
gates: term of
service and qual-
ifications of mem-
bers.

Ibid.
Apportionment
of council and dele-
gate districts.

Ibid.

Formation of dis-
tricts, how pre-
scribed.

Ibid., p. 421.
Salaries of mem-
bers of the legisla-
tive assembly.

Ibid., s. 32, p. 425.
Additional allow-
ance to the presid-
ing officers.

Ibid.
Officers of the
legislative assem-
bly.

Ibid.
Salaries.

Ibid., p. 426.

Time of meeting.

Ibid., s. 5, p. 421.

Length of ses-
sions.

Ibid.
Limitation of ses-
sions.

Ibid., s. 32, p. 426.
Restrictions
upon members.

Ibid., s. 19, p. 423.

United States
officers prohibited
from being mem-
bers.

Ibid.
Oath of mem-
bers.

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 § 56.)

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."