Summons to issue, &c.

premises, to a justice of the peace, charging a forcible entry or detainer of real estate as aforesaid, 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, which shall be served like other writs of summons at least seven days before his appearance. 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.

Proceedings if at trial defendant pleads title.

Sec. 3. *And be it further enacted*, That 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 as aforesaid.

Appeals, and how tried.

Sec. 4. *And be it further enacted*, That 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 of Columbia, in the same manner as appeals are taken to the said court in other cases; but 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 said justice, with sufficient sureties, conditioned to pay all intervening damages to the leased property resulting from waste and intervening rent for the premises; and such appeals shall be tried in the same manner and further proceedings had therein according to the practice in appeals in other cases in said court.

If defendant appeals, in addition to other bail, he must recognize to pay intervening damages.

Damages for complainant, if, &c.

Sec. 5. *And be it further enacted*, That on the trial of said 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.

Fees of justice and officer.

Sec. 6. *And be it further enacted*, That the fees of the justice issuing the process, and hearing the issue, and making up the record, and certifying the same, and the officer for serving the process, shall be those allowed in civil causes.

Repeal of inconsistent acts.

Sec. 7. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved, July 4, 1864.

July 4, 1864.

Chap. CCXLIV. — *An Act to provide for the Supervision, Repairs, Liabilities, and Completion of the Washington Aqueduct.*

Appropriation for dam, &c., for Washington aqueduct.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and fifty thousand dollars be, and the same is, hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of constructing the dam of solid masonry across the Maryland branch of the Potomac River, near the Great Falls, and for constructing the conduit around the Receiving *Resavoir* [Reservoir], and for paying existing liabilities and expenses, engineering, superintendence, and repairs of said aqueduct.

Approved, July 4, 1864.

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