

CHAP. CXXXI.—*An Act exempting from Taxes certain Property in the District of Columbia, and to amend the "Act to provide for the Creation of Corporations in the District of Columbia by general Law."*

June 17, 1870.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all churches and school-houses, and all buildings, grounds, and property appurtenant thereto, and used in connection therewith in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county.

Churches and school-houses in the District of Columbia exempt from taxation.

SEC. 2. *And be it further enacted,* That savings banks may be organized within the District of Columbia under the provisions of section four of an act "to provide for the creation of corporations in the District of Columbia by general law," and the limitation of twenty years provided for in said section for the existence of corporations created under and by virtue of the provisions of said section shall not apply to corporations formed only for the purpose of life insurance.

Savings banks may be organized in the District of Columbia, under act of 1870, ch. 80, § 4. *Ante*, p. 102. Life insurance.

APPROVED, June 17, 1870.

CHAP. CXXXII.—*An Act to provide for furnishing artificial Limbs to disabled Soldiers.*

June 17, 1870.
See Post, pp. 174, 222.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every soldier who was disabled during the late war for the suppression of the rebellion, and who was furnished by the War Department with an artificial limb, or apparatus for resection, shall be entitled to receive a new limb or apparatus as soon after the passage of this act as the same can be *practically* [practicably] furnished, and at the expiration of every five years thereafter, under such regulations as may be prescribed by the surgeon-general of the army: *Provided*, That the soldier may, if he so elect, receive, instead of said limb or apparatus, the money value thereof, at the following rates, viz.: For artificial legs, seventy-five dollars; for arms, fifty dollars; for feet, fifty dollars; for apparatus for resection, fifty dollars.

Disabled soldiers heretofore furnished with artificial limbs, &c. to be supplied anew now, and every five years hereafter;

or may receive money value thereof.

Commutation rates.

SEC. 2. *And be it further enacted,* That the surgeon-general shall certify to the commissioner of pensions a list of all soldiers who have elected to receive money commutation instead of limbs or apparatus, with the amount due to each, and the commissioner of pensions shall cause the same to be paid to such soldiers in the same manner as pensions are now or hereafter may be paid.

Money commutation how to be paid.

SEC. 3. *And be it further enacted,* That every soldier who lost a limb during the late war, but from the nature of his injury was not able to use an artificial limb, and consequently received none from the government, shall be entitled to the benefits of this act and shall receive money commutation as hereinbefore provided.

Disabled soldiers who cannot use an artificial limb, to receive money value.

APPROVED, June 17, 1870.

CHAP. CXXXIII.—*An Act to establish a Police Court for the District of Columbia, and for other Purposes.*

June 17, 1870.
See Post, p. 188.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the District of Columbia a court to be called the Police Court of the District of Columbia, which shall have original and exclusive jurisdiction of all offences against the United States committed in the District of Columbia, 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 offences against any of the ordinances of the city of Washington, or of the city of Georgetown, or laws of the levy court of the county of Washington. It

Police court of the District of Columbia established.

Jurisdiction.

Judge, appointment, term of office, oath.

shall be composed of one judge, who shall be a man learned in the law, and who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold his office for the term of six years. Before entering upon the duties of his office he shall take the oath prescribed for judges of the courts of the United States.

Salary.

Clerk, appointment, salary, term of office.

Deputy.

Bond of clerk and oath of office.

Prosecutions to be by information, &c.

Appeal;

how to be tried.

Terms of police court.

Power of judge to issue process;

to enforce judgments, &c.

Process how to be directed in cases for violation of city ordinances;

in other cases.

Fees of marshal.

Process how sealed and signed.

If police judge is disabled, who to perform his duties.

Contempts. Process; seal. Court not to naturalize foreigners.

Bailiffs, and their pay.

SEC. 2. *And be it further enacted*, That the salary of said judge shall be three thousand dollars per annum. The said 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 said court. He 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. Said clerk shall give bond with surety, and take the oath of office as prescribed by law for clerks of district courts of the United States. He shall have power to administer oaths and affirmations, and in his absence his deputy may administer the same.

SEC. 3. *And be it further enacted*, That prosecutions in said police court shall be by information under oath, without indictment by grand jury or trial by petit jury; but any party deeming himself aggrieved by the judgment of said court may appeal to the criminal court held by a justice of the supreme court of the District of Columbia, and in such case the appeal shall be tried on the information filed in the court below, certified to said criminal court, by a jury in attendance thereat, as though the case had originated therein.

SEC. 4. *And be it further enacted*, That said police 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.

Said judge shall have power to issue process for the arrest of persons against whom information may be filed, or complaint under oath be made, to compel the attendance of witnesses; and said court may enforce any of its judgments or sentences by fine or imprisonment, or by both. In cases arising out of violations of any of the ordinances of either of said cities, or of the laws of said levy court, such process shall be directed to the chief of the metropolitan police of the District of Columbia, who shall execute the same, and make return thereof, in like manner as in other cases; but in cases now cognizable in the said criminal court the process shall be directed to the marshal of said district, except in cases of emergency, when it may be directed to said chief of the metropolitan police; and for his services the marshal shall receive the same fees prescribed for like service in said criminal court, to be paid as provided for in section fourteen of this act. Such process shall be under the seal of said police court, and shall bear a teste in the name of said judge, and be signed by the clerk. And in cases of sickness, absence, or disability of said police judge, either of the justices of the supreme court of the District of Columbia shall designate some justice of the peace of said District to discharge the duties of said police judge, until such disability be removed, who shall take the same oath as is prescribed for said judge of the police court, 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 said police judge is paid.

SEC. 5. *And be it further enacted*, That said police court shall have power to punish contempts, and to issue all process necessary for the exercise of its jurisdiction, and shall have a seal. But said court shall not have power to naturalize foreigners.

SEC. 6. *And be it further enacted*, That said police court may appoint bailiffs, not exceeding two, who shall receive for their services three dollars each for every day's attendance upon said court, to be paid as provided for in section fourteen of this act, upon certificate of said service by the judge of said court.

SEC. 7. *And be it further enacted*, That there shall be no fee charged for any service by the clerk of said police court. The witnesses shall receive the same fees as are allowed for similar service and attendance in the criminal court, and be paid by the local jurisdiction in which the offence shall be committed.

Clerk not to charge fees.
Witness fees and how paid.

SEC. 8. *And be it further enacted*, That in all appeals from said police court, the party applying for appeal shall enter into recognizance, with sufficient surety to be approved by the judge, for his appearance at the criminal court then in session, or at the next term thereof, if said criminal court be not then in session, there to prosecute said appeal and to abide by the judgment of said criminal court; said recognizance so approved and the information or complaint shall be immediately transmitted to the clerk of the supreme court of the District of Columbia. Upon such recognizance being given, all further proceedings in said police court shall be stayed, and the judgment in said criminal court shall be final in the case.

Appellants to recognize with surety to prosecute appeal, &c.

Papers to be sent to other courts.

Effect of appeal, &c.
Judgment in appellate court.

SEC. 9. *And be it further enacted*, That the bailiffs of said court may act as deputies for the marshal of said District of Columbia for the service of process issued by said court.

Bailiffs may act as deputy marshals, for, &c.

Court-room to be provided.

SEC. 10. *And be it further enacted*, That said police court shall be provided with a suitable place for the holding of its sessions at the expense of the District of Columbia, to be apportioned as provided for in section fourteen of this act. Said court shall have power to do all acts which may be necessary to the exercise of its jurisdiction hereby conferred.

Power of court.

SEC. 11. *And be it further enacted*, That upon the failure of any party appealing from the judgment of said police court to the criminal court, to enter into recognizance, as provided for in section eight, he shall be committed to jail to await his trial upon his appeal, and said trial shall be had in said criminal court as though said recognizance had been entered into. 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 in the criminal court.

Appellants, failing to recognize, to be committed.

Papers to be sent up in appeal cases.

SEC. 12. *And be it further enacted*, That said police court shall have power to take the acknowledgment of deeds and to administer oaths and affirmations to public officers.

Police court may take acknowledgment of deeds and administer certain oaths.

Rules and regulations.
Punishment for contempts.

SEC. 13. *And be it further enacted*, That said police court shall have power to make such rules and regulations as may be deemed necessary and proper for conducting business therein. Contempts may be punished 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.

Salaries of judge, clerk, &c. how to be paid.

SEC. 14. *And be it further enacted*, That the salaries of said judge and clerk of the said police court, the compensation of said deputy clerk and bailiffs, and the fees of the marshal of said District, shall be paid quarterly by the proper authorities of the cities of Washington and Georgetown and the levy court of the county of Washington; eighty per centum thereof to be paid by the city of Washington, twelve per centum by the city of Georgetown, and eight per centum by the levy court aforesaid.

Proportions of payment.

SEC. 15. *And be it further enacted*, That all fines, penalties, costs, and forfeitures imposed or taxed by said police court, shall be collected by the marshal aforesaid, or by the chief of the metropolitan police, as the case may be, on process ordered by said police court, and by him paid over to the proper authorities of said cities and levy court, in the same proportion as aforesaid. But the fines, penalties, costs, and forfeitures, arising from the violation of the ordinances of said cities and the acts of the levy court, shall be paid to the proper authorities of said jurisdictions, respectively, wherein the violation was committed.

Fines, penalties, costs, &c. how to be collected and disposed of.

SEC. 16. *And be it further enacted*, That it shall be the duty of the Attorneys of

cities, &c. to attend to certain prosecutions;

their pay therefor, and how provided.

United States attorney for the District to attend to certain prosecutions;

his pay therefor; 1853, ch. 89, § 1. Vol. x. p. 161.

not to be allowed pay for permanent deputy, or office expenses, clerk hire, &c.;

to pay deputies, &c. clerk hire, &c.

Fees to be paid quarterly, and in what manner.

Limit to compensation.

Attorney and his assistants may administer oaths, &c.

Wilful false swearing to be deemed perjury, and how punished.

Justices of the peace in the District not to take jurisdiction over offences in the District; may issue warrants, returnable to police court.

attorneys of said cities and of said levy court or their assistants, to attend to the prosecution in said police court of all offences arising from violations of any of the ordinances of said cities, or of the acts of said levy court respectively; and for their services they shall be paid by their respective authorities; and it shall be the duty of said cities and of said levy court to levy and collect yearly such taxes as may be necessary to defray the expenses incurred under this act.

SEC. 17. *And be it further enacted*, That it shall be the duty of the United States attorney for the District of Columbia, in person or by one or more of his assistants or deputies, to attend to the prosecution in said police court of such offences as have heretofore been cognizable in said criminal court, for which service he shall be paid the same fees as are now allowed for such service in said criminal court, under the first section of the act of Congress approved February twenty-six, eighteen hundred and fifty-three. Hereafter it shall not be lawful for the Attorney-General of the United States to allow any compensation to the United States attorney for the said District of Columbia for any permanent assistant or deputy; nor shall said attorney of the United States for said District be allowed any sum by the Secretary of the Interior or Attorney-General for his office expenses, clerk hire, fuel, stationery, or other incidental expenses; but said attorney for said District shall hereafter pay to his deputies or assistants not exceeding in all four thousand dollars per annum, also his clerk hire not exceeding twelve hundred dollars per annum, office rent, fuel, stationery, printing and other incidental expenses out of the fees of his office, taxed and allowed under the provisions of said first section of said act of February twenty-six, eighteen hundred and fifty-three, which said fees shall be paid to him quarterly at the Treasury of the United States, on the first days of January, April, July, and October in each year, upon a return in writing made to the Secretary of the Treasury in such form as he shall prescribe, embracing all the fees and emoluments of his office under the oath of said attorney for said District and the certificate of a judge of or justice of the court wherein the services may have been rendered, that the services for which said fees are charged have been performed; and so much of the third section of said act approved February twenty-sixth, eighteen hundred and fifty-three, as relates to the compensation of the United States district attorneys, and the allowance of their office expenses, clerk hire, or other incidental expenses, shall not hereafter apply to said attorney for said District of Columbia: *Provided*, That the compensation of said district attorney shall not exceed six thousand dollars per annum.

SEC. 18. *And be it further enacted*, That the said attorney of the United States for the District of Columbia, and every assistant or deputy by him duly appointed, shall be, and is hereby, authorized and empowered to administer oaths or affirmations to witnesses in criminal cases, and in all cases where a justice of the peace is authorized to do so; and if any person to whom such oath or affirmation may be administered as aforesaid shall wilfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he or she shall be examined, he or she shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment and labor in the penitentiary, for the first offence for a period not less than two [n] or more than ten years, and for the second offence for not less than five [n] or more than fifteen years.

SEC. 19. *And be it further enacted*, That no justice of the peace in said District of Columbia shall hereafter exercise any jurisdiction over crimes and offences committed in said District, either for examination to commit or hold to bail, or for final judgment; except that any justice of the peace may, on complaint under oath or actual view, issue warrants against persons accused of such offences, which shall be returnable to the

said police court, and he shall make a record of his proceedings in every case, in a book to be kept for that purpose. And all acts of Congress authorizing justices of the peace to sit at the respective station-houses to hear charges against persons who may be arrested and carried thereto, and fixing compensation thereto, are hereby repealed.

Repeal of acts giving justices of the peace certain authority.

SEC. 20. *And be it further enacted*, That the judge of said police court may examine and commit, or hold to bail, in all offences, whether cognizable in said police court or in the criminal court of said District.

Police judge may examine and commit, &c. for any offence.

SEC. 21. *And be it further enacted*, That hereafter the marshal of the District of Columbia, in all civil cases, may demand and receive payment of his fees before serving any process therein, except, in cases in which the United States may be a party, or of fieri facias, or where the court or any justice thereof may order suit to be instituted without prepayment of costs.

Marshal may demand prepayment of fees in civil cases, except, &c.

SEC. 22. *And be it further enacted*, That this act shall go into operation within ten days after the approval by the President; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. But the provisions of this act shall in no wise affect the proceedings in any case pending in the said criminal court of the District of Columbia at the time when this act shall take effect, but the same may be prosecuted to final judgment and execution the same as if this act had not been passed.

When this act takes effect. Repealing and saving clauses.

APPROVED, June 17, 1870.

CHAP. CXXXIV.—*An Act to incorporate a Zoological Society in the City of Washington, District of Columbia.*

June 21, 1870.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry D. Cook, George W. Riggs, James C. Kennedy, Spencer F. Baird, General O. O. Howard, T. W. Bartley, Joseph Casey, Horace Capron, James C. McGuire, and George Taylor, of the city of Washington, District of Columbia, and their associates and successors be, and are hereby, incorporated and made a body corporate by the name of the Washington Zoological Society, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporations for the purpose of establishing and maintaining a zoological garden in the city of Washington, and that they, the said corporators, may purchase or lease any real or personal estate required for the purpose aforesaid; and after the said zoological garden shall be established, the said company, for the purpose of paying the expenses of the same, may charge and receive a fee for entry thereunto, not exceeding twenty-five cents for each and every person over the age of twelve years, and ten cents for each and every person under said age: *Provided*, That said society shall, for at least one day in each and every week, open said garden to all classes for a charge not exceeding ten cents each.

Washington Zoological Society incorporated.

Powers.

Real and personal estate.

Fee for entry to garden.

Proviso.

Certain birds and animals may be imported free of duty.

SEC. 2. *And be it further enacted*, That the said society may from time to time import into this country from foreign countries, free of duty, all birds and animals necessary for the establishment of said garden; and in consideration thereof the said society shall do all in their power to introduce valuable animals, poultry, and birds, and furnish the same to persons or societies requiring the same at the least possible cost.

SEC. 3. *And be it further enacted*, That the said society be, and is hereby, authorized to use, under the direction of the water register [registrar] of the city of Washington, without charge, the Potomac water for the purpose of hydrants, ponds, and fountains in said garden.

May use Potomac water for hydrants, &c. without charge.

SEC. 4. *And be it further enacted*, That the government, and direction of the affairs of said society shall be invested in said corporators; and that

Corporators to manage the society.