

CHAP. 2073.—An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes.

May 1, 1906.
[S. 47.]

[Public, No. 138.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, created in and for the District of Columbia a board to be known as the board for the condemnation of insanitary buildings in the District of Columbia, to consist of the assistant to the Engineer Commissioner in charge of buildings, the health officer, and the inspector of buildings of said District, and to have jurisdiction and authority to examine into the sanitary condition of all buildings in said District, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or of persons living in the vicinity, and to cause all buildings to be put into sanitary condition or to be vacated, demolished, and removed, as may be required by the provisions of this Act. Said board may authorize and direct the performance of any of the ministerial duties of said board by officers, agents, employees, contractors, and employees of contractors duly detailed or employed by the Commissioners of said District for that purpose. Said board, the members thereof, and all persons acting under its authority, may, between the hours of eight o'clock antemeridian and five o'clock postmeridian, peaceably enter into and upon any and all lands and buildings in said District for the purpose of inspecting the same. Said board shall report its operations to the Commissioners of the District of Columbia from time to time as said Commissioners direct. Said Commissioners shall furnish said board such assistance as may be required for the proper conduct of its work, by details from various departments and offices of the government of said District.

District of Columbia.
Insanitary buildings
in.
Board to condemn,
etc., created.
Members of.

SEC. 2. That a majority of the board for the condemnation of insanitary buildings shall constitute a quorum, and a majority vote of the members present shall be necessary to condemn any building under this Act. Whenever for any reason the health officer is unable to act as a member of said board one of the deputy health officers shall act as a member thereof in place of said health officer, and whenever for any reason the inspector of buildings is unable to act as a member of said board the principal assistant inspector of buildings shall act as a member thereof in place of said inspector of buildings; but no person shall act as a member of said board who has any property interests, direct or indirect, in his own right or through relatives or kin, in the building the sanitary condition of which is under consideration. The deputy health officer and the principal assistant inspector of buildings, when acting as members of the board for the condemnation of insanitary buildings in the District of Columbia, shall have all authority and duties which are vested by this Act in the health officer and the inspector of buildings, respectively, when acting in the same manner.

Duties.

Powers.

Report.

Detail of assistants.

Quorum.

Substitutes.

Restriction.

SEC. 3. That said board for the condemnation of insanitary buildings be, and is hereby, authorized to investigate, through personal inquiry and inspection by the members thereof, and through inquiry and inspection by officers, agents, and employees appointed or detailed for that purpose, into the sanitary condition of any building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. If any building or part of a building be found, as the result of such investigation, to be in such insanitary condition as to endanger the health or the lives of the occupants thereof or of persons living in the vicinity, said board shall cause a notice to be served on each owner or part owner of such building requiring him to show cause within not less than twenty days, exclusive of Sundays and legal holidays, from the date of the service of said notice why such building or part of building should not be condemned. And if within the time specified in said notice no cause be shown sufficient in the

Inspection, etc.

Notice.

Order of condemna-
tion.

opinion of a majority of said board to prevent the condemnation of such building or part of building said board shall issue an order condemning such building or part of building, and shall cause a copy of such order to be served on each owner or part owner thereof, and a copy or copies to be affixed to the building or part of building condemned.

Occupancy restricted.

SEC. 4. That from and after thirty days, exclusive of Sundays and legal holidays, after a copy or copies of any order of condemnation has been affixed to any condemned building or part of building no person shall occupy such building or part of building.

Special permits.

SEC. 5. That no person having authority to prevent shall permit any building or part of building condemned to be occupied except as specially authorized by the board for the condemnation of insanitary buildings in the District of Columbia, under authority of section six of this Act, after thirty days, exclusive of Sundays and legal holidays, from and after the date of the service of a copy of the order of condemnation on the owner of such building; or, if there be several part owners of such building, from the latest date of service on any part owner; or, if a copy or copies of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on any owner or the latest date of service on any part owner, after thirty days from the date on which said copy or copies of such order of condemnation was so affixed.

Cancellation of condemnation order.

SEC. 6. That if the owner or owners of any building or part of building condemned under the provisions of this Act shall make such changes or repairs as will remedy in a manner satisfactory to said board the conditions which led to the condemnation of such building or part of building, said board shall cancel its order of condemnation and the building may be again occupied; and if such owner or owners can not make such changes or repairs within the period within which they may lawfully permit such building or part of building to be occupied under section five of this Act, but proceed with such changes or repairs with reasonable diligence during that period, said board may, by special order, extend from time to time the period within which the occupants of said building or part of building may remain therein and within which the owner or owners thereof may permit them so to do.

Occupancy during repairs, etc.

Removal, etc., of condemned buildings.

SEC. 7. That the owner or owners of any building or buildings condemned under the provisions of this Act, which can not be so changed or repaired as to remedy the condition which led to the condemnation thereof, shall demolish and remove such building or part of building within a time to be specified by said board in the order of condemnation. And if any owner or part owner shall fail or refuse to demolish and remove said building or part of building within the time so specified he shall be deemed guilty of a misdemeanor and liable to the penalties provided by section thirteen of this Act, and such building or part of building shall be demolished and removed under the direction of the board for the condemnation of insanitary buildings in the District of Columbia, and the cost of such demolition and removal, less the amount, if any, received from the sale of the old material, but including the cost of making good such damage to adjoining premises as may have resulted from carelessness or willful recklessness in the demolition of such building and the cost of publication, if any, herein provided for, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected, and when collected shall be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts.

Failure to remove, etc., a misdemeanor.

Post, p. 160.

Cost to be assessed against property.

Proceedings in case of title litigation.

SEC. 8. That whenever the title to any building or part of a building the condemnation of which is contemplated is in litigation, said board for the condemnation of insanitary buildings shall notify all parties to

the suit and shall report the circumstances to the corporation counsel of the District of Columbia, who shall bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said board to continue such proceedings looking toward condemnation, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose.

SEC. 9. That whenever the title to any building or part of building is vested in a person non compos mentis, or a minor child or minor children without legal guardian, said board for the condemnation of insanitary buildings shall report that fact to the corporation counsel of the District of Columbia, who shall take due legal steps to secure the appointment of a guardian or guardians for such person non compos mentis, or minor child or children aforesaid, for the purpose of the condemnation proceedings authorized by this Act. And any justice of the supreme court of the District of Columbia holding the equity court is hereby authorized to appoint a guardian or guardians for that purpose.

When title is vested in non compos mentis persons, etc.

Appointment of guardians.

SEC. 10. That any notice required by this Act to be served shall be deemed to have been served if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or if no such residence or place of business can be found in the District of Columbia by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on ten consecutive days in a daily newspaper published in the District of Columbia; or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

Personal service of notice.

Publication.

Notice to corporation.

SEC. 11. That no person shall interfere with any member of the board for the condemnation of insanitary buildings or with any person acting under authority and by direction of said board in the discharge of his lawful duties, nor hinder, prevent, or refuse to permit any lawful inspection or the performance of any work authorized by this Act to be done by or by authority and direction of said board.

Obstructing inspection, etc.

SEC. 12. That no person shall, without the consent of said board for the condemnation of insanitary buildings, deface, obliterate, remove, or conceal any copy of any order of condemnation which has been affixed to any building or part of building by order of said board; and the owner and the person having custody of any building or part of building to which a copy or copies of any such order has been affixed shall, if said copy of said order has been to his knowledge defaced,

Defacement, etc., of condemnation orders.

obliterated, or removed, forthwith report that fact in writing to said board, unless he has good reason to believe that such copy of such an order has been removed by authority of said board, and if such copy of such order has been concealed shall forthwith expose the same to view.

Penalty for violation of the law.

SEC. 13. That any person violating or aiding or abetting in violating any of the provisions of this Act shall, upon conviction thereof in the police court of the District of Columbia, upon information filed in the name of said District, be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ninety days; and each day on which such unlawful act is done or during which such unlawful negligence continues shall constitute a separate and distinct offense.

Proceedings to vacate, etc., condemnation order.

SEC. 14. That the owner or owners of any building or part of building condemned under the provisions of this Act may, within the time specified in the order of condemnation, institute proceedings in the supreme court of the District of Columbia, sitting as a district court, for the modification or vacation of the order of condemnation aforesaid, and the court shall give precedence to any such case and shall hear the testimony adduced therein; and unless the court shall find that there is sufficient proof made of the necessity of the destruction of such building or part of building, the order of the board for the condemnation of insanitary buildings shall be modified or set aside, as said court shall direct; otherwise the court shall issue such orders and decrees as may be necessary to carry the order of said board, as made by the board or as modified by the court, into effect; and the court may appoint a committee of award, consisting of three persons, each of whom shall have the qualifications of jurors in the District of Columbia, who, after taking the oath required of jurors in the trial of civil causes, shall proceed to hear and receive evidence respecting the amount of damages to be awarded to the owner or owners of such condemned building or part of building aforesaid, and said committee may issue subpoenas requiring the attendance of witnesses before them and may administer oaths to such witnesses. Witnesses may be compelled to appear and testify before said committee in the same manner as witnesses may be compelled to appear and testify in the supreme court of the District of Columbia; and, if need be, said committee shall be entitled, upon application, to the aid of said court to compel such attendance and giving of testimony. Unless the court shall order otherwise, the hearing of evidence before said committee need not be in the presence of the court, but they may meet in any room assigned to them by the United States marshal for the District of Columbia, who shall, in person or by deputy, attend such hearings. In such proceedings evidence shall be received by the committee of award appointed as aforesaid, to prove—

Committee to award damages.

Witnesses.

Hearings.

Evidence as to damages.

Rents of buildings, etc.

Defective sanitation, etc.

Unfit for habitation.

Compensation based on rental.

First. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

Second. That the building is in a state of defective sanitation, or is not in reasonably good repair; or

Third. That the building is unfit and not reasonably capable of being made fit for human habitation; and if the committee, or a majority of the members thereof, is satisfied by such evidence that compensation should be awarded, then the compensation—

(a) Shall in the first case, so far as it is based on rental, be on the rental of the building (as distinct from the ground rent), which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building was, under all the circumstances of the case, fitted to accommodate without such

overcrowding as is dangerous or injurious to the health of the inmates; and

(b) Shall in the second case be the amount estimated as the value of the building if it had been put into a sanitary or safe condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) Shall in the third case be the value of the materials of the building.

That after hearing and considering the testimony offered by the owner and offered on behalf of the District of Columbia, the said committee of award shall report to the court in writing the compensation allowed by them to the owner according to the provisions of this section. Unless cause be shown to the court within ten days from the filing of said report why the same should not be confirmed, the court shall confirm the same and judgment be entered thereon accordingly; but from the damages awarded in any case the cost of removing the building, including the cost of making good such damage to adjoining premises as may have resulted from carelessness or willful recklessness in such removal, and the cost of publication, if any, authorized by section ten of this Act, shall be deducted unless the owner shall, at his own expense, remove the same within such time as may be fixed by the court in the order confirming the report of the said committee as hereinbefore provided.

That each member of the committee of award appointed by the court as aforesaid shall receive for each day's attendance the sum of five dollars, and any vacancy caused by death, sickness, or disqualification may be filled by appointment by the court.

SEC. 15. That except as herein otherwise authorized all expenses incident to the enforcement of this Act shall be paid from appropriations made from time to time for that purpose, one-half from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

SEC. 16. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved, May 1, 1906.

CHAP. 2074.—An Act To incorporate The American Cross of Honor within the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That H. A. George, of Charlottesville, Virginia; Richard Stocking, of Trenton, New Jersey; John J. Delaney, of New York City, New York; Andrew M. Taylor, of Rondout, New York; Eugene Longstreet, of Brielle, New Jersey, and Thomas H. Herndon, of Washington, District of Columbia, their associates and successors, are hereby created a body politic and corporate within the District of Columbia, by the name of The American Cross of Honor, for the purpose of bringing into closer relations of fraternal fellowship the said body, and to cause to be perpetuated the memory of the gallant and heroic deeds of those persons upon whom the United States Government has bestowed the life-saving medal of honor. Congress reserves the right to amend, alter or repeal this Act.

Approved, May 1, 1906.

Value of buildings in sanitary condition, etc.

Value of material.

Report on amount of compensation.

Confirmation of report.

Compensation of committee of award.

Vacancies.

Expenses.

One-half from District revenues.

Repeal.

May 1, 1906.
[S. 3045.]

[Public, No. 139.]

District of Columbia.
The American Cross of Honor incorporated.
Incorporators.

Purposes.

Amendment.