

February 18, 1895.

CHAP. 98.—An Act To bridge the Newark Bay.Newark Bay, N. J.
Bayonne and Elizabeth may bridge.

Location.

Provisions.
Draw.Secretary of War to
approve plans, etc.

Opening draw.

Lights, etc.

Commencement and
completion.

Amendment, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boards of chosen freeholders of the counties of Hudson and Union, in the State of New Jersey, or the legally constituted authorities of the city of Bayonne and the city of Elizabeth, as may be determined by the authorities of the State of New Jersey, shall be, and they are hereby, authorized to locate, build, maintain, equip, and operate a bridge across Newark Bay, in the State of New Jersey, between the city of Elizabeth, in the county of Union, and the city of Bayonne, in the county of Hudson, at a point not less than five hundred feet above the present bridge structure known as the Central Railroad bridge: *Provided,* That the bridge herein authorized shall be built as a drawbridge, with a draw giving a clear width of opening of not less than one hundred feet and said bridge shall be located and built in such manner and under such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the parties proposing to build said bridge shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, such changes shall be subject to the approval of the Secretary of War and the said bridge shall be held to be a public highway forever: *Provided also,* That the draw of said bridge shall be promptly opened, upon reasonable signal, for the passage of vessels and boats; and the owners of said bridge shall maintain thereon, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

SEC. 2. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this Act.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 18, 1895.

February 19, 1895.

CHAP. 100.—An Act To extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate the proceedings before them.District of Columbia.
Jurisdiction of justices of the peace.
R. S., D. C., sec. 997,
p. 117, amended.

Exclusive jurisdiction.

Concurrent.

Jury trials.

Limit of appeals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That justices of the peace of the District of Columbia shall have jurisdiction to hear, try, and determine all civil pleas and actions, including attachment and replevin, when the amount claimed to be due or the value of the property sought to be recovered shall not exceed three hundred dollars, except in cases where the title to real estate is in issue, actions for malicious prosecution, actions against justices of the peace or other officers for misconduct in office, and actions for slander, verbal or written, and actions for damages for breaches of promise to marry.

SEC. 2. That such jurisdiction shall be exclusive original jurisdiction where the amount claimed to be due or the value of the property sought to be recovered shall not exceed one hundred dollars, and original and concurrent with the supreme court of the District of Columbia where the amount claimed to be due or the value of the property sought to be recovered is more than one hundred dollars, but does not exceed three hundred dollars; and where the sum claimed exceeds twenty dollars either party shall be entitled to a trial by jury.

SEC. 3. That no appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto, shall exceed the sum of five dollars, nor unless the appellant, with sufficient surety, approved by

the justice, enters into an undertaking to pay and satisfy whatever final judgment may be recovered in the appellate court.

SEC. 4. That writs of attachment shall be issued by justices of the peace whenever the plaintiff, his agent, or attorney shall file with said justice of the peace, whether at the commencement or during the pendency of a suit, an affidavit, supported by the testimony of one or more witnesses, showing the grounds upon which he bases his claim, and also setting forth that the plaintiff has a just right to recover against the defendant what he claims in his said affidavit, and also stating, either first, that the defendant is a nonresident of the District, or, second, that the defendant evades the service of ordinary process by concealing himself or by withdrawing from the District temporarily, or, third, that he has removed or is about to remove some of his property from the District so as to defeat just demands against him, and shall file his (plaintiff's) undertaking with sufficient surety, to be approved by said justice of the peace, to make good all costs and damages which the defendant may sustain by reason of the wrongful suing out of the attachment.

Writs of attachment.

Affidavit as to grounds.

Bond.

SEC. 5. That if the defendant, his agent, or attorney shall file an affidavit traversing the plaintiff's affidavit, the justice of the peace shall determine whether the facts set forth in the plaintiff's affidavit are true, and whether there was just ground for issuing the writ of attachment, and if the facts do not sustain the affidavit the justice of the peace shall quash the writ of attachment or garnishment, and this issue may be tried by said justice of the peace summarily.

Issue to quash writ.

SEC. 6. That the thing attached shall not be discharged from the custody of the officer seizing it until the defendant shall deliver to the said justice of the peace, to be filed in the cause, his undertaking, with sufficient surety, to satisfy and pay the final judgment against him: *Provided, however,* That the principal and surety on such undertaking shall not be liable in a greater sum than the value of the thing discharged from such attachment as aforesaid, and for costs and disbursements.

Discharge of property attached.

Proviso. Limit of bond.

SEC. 7. That if the defendant fail to execute such undertaking provided for in the last preceding section, and it shall appear from the testimony of disinterested witnesses that any of the property is of a perishable nature, or if the parties to the cause file their consent in writing therefor, the justice may issue his order directing the officer having custody thereof to dispose of the same as upon execution, and the money realized therefrom shall be paid over to the justice and applied as other money realized from the sale of the property attached is applied.

Sale of perishable articles, etc.

SEC. 8. That in case the defendant be found liable to the plaintiff's claim, in whole or in part, the final judgment shall be that the plaintiff recover against the defendant and his sureties.

Judgment for plaintiff.

SEC. 9. That publication may be substituted for personal service of process upon any defendant who can not be found in suits by attachment.

Publication for service.

SEC. 10. That no order for the substitution of publication for personal service shall be made till a summons for the defendant shall have been issued and returned "not to be found."

Order.

SEC. 11. That the order of publication shall be in the following or equivalent form:

Form.

IN JUSTICE'S COURT OF THE DISTRICT OF COLUMBIA.

Before
A. B., plaintiff, }
vs. } No.
C. D., defendant. }

A summons in due form having been issued out of this court to a lawful constable of this District for the said defendant, and the same

having been by said constable returned "not to be found," it is hereby ordered that said defendant cause his appearance to be entered herein on or before the first Tuesday 189 , otherwise the cause will be proceeded with as in case of default.

Declaration in replevin.

SEC. 12. That the declaration in replevin shall be in the following or equivalent form:

The plaintiff sues the defendant for (wrongfully taking and detaining) (unjustly detaining) his, said plaintiff's, goods and chattels, to wit: (describe them) of the value of dollars. And the plaintiff claims that the same be taken and delivered to him; or, if they are eloiigned, that he may have judgment of their said value, and all mesne profits and damages, which he estimates at dollars, besides costs.

Affidavit of plaintiff.

SEC. 13. That at the time of filing the declaration in replevin, the plaintiff, his agent, or attorney shall file an affidavit, sworn to before the said justice of the peace, stating:

First. That according to affiant's information and belief the plaintiff is entitled to recover possession of chattels proposed to be replevied, being the same described in the declaration.

Second. That the defendant has seized and detains, or detains, the same.

Third. That said chattels were not subject to such seizure or detention and were not taken upon any writ of replevin.

Bond.

SEC. 14. That the plaintiff shall at the same time enter into an undertaking with surety, approved by said justice of the peace, to abide by and perform the judgment of the said justice's court in the premises.

Return of writ.

SEC. 15. That if the officer's return of the writ of replevin be that he has served the defendant with copies of the declaration, notice to plead, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same and damage for detention, or he may renew the writ in order to get possession of the goods and chattels themselves.

Without goods.

With goods.

SEC. 16. That if the officer's return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the said justice of the peace may order that the defendant appear to the action by some fixed day; and of this order the justice of the peace shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance.

Proceedings in default.

SEC. 17. That if the defendant fails to appear the court may proceed as in case of default after personal service.

Plea of defendant.

SEC. 18. That if the defendant appear he may plead not guilty, in which case all special matters of defense may be given in evidence, or he may plead specially.

Ascertainment of damages.

SEC. 19. That whether defendant plead and the issue thereon joined is found against him, or his plea is held bad on demurrer, or he make default after personal service or after publication, the plaintiff's damages shall be ascertained on the trial, and the damages shall be the full value of the goods, if eloiigned by the defendant, including in every case the loss sustained by the plaintiff by reason of the detention, and judgment shall pass for the plaintiff accordingly.

Damages when judgment for defendant.

SEC. 20. That if the issue be found for the defendant, or the plaintiff dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant, with damages, or, on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue, or by the justice trying the case without a jury, or, where the plaintiff dismisses or fails to prosecute his suit, by the justice.

Goods eloiigned.

SEC. 21. That if the defendant has eloiigned the things sued for the justice or the jury trying the case may assess such damages as may compel the defendant to return the things.

SEC. 22. That the judgment in such cases shall be that the plaintiff recover against the defendant the value of the goods as found, to be discharged by the return of the things with damages for detention, which shall also be assessed by the justice or jury trying the case.

Judgment if goods
eloiigned.

SEC. 23. That when personal property is taken on execution or attachment issued by a justice of the peace, and such property is claimed by a person other than a defendant therein, or is claimed by the defendant to be property exempt from execution, and such claimant shall give notice in writing to the constable of his claim to such property, or that it is exempt as aforesaid, the constable shall notify the plaintiff in such writ, or his agent or attorney, of such claim, and shall also notify such plaintiff and the claimant before what justice and at what time and place a trial of the right of property shall be had.

Property claimed by
other party or to be
exempt.

SEC. 24. That the trial of the right of property in such cases shall be before the justice of the peace who issued such writ, unless removed by change of venue, as now provided by law; or if he should be unable to attend to such trial, before some other justice of the peace in the said District.

Trial of right of
property.

SEC. 25. That the justice shall enter such cases on his docket, and the trial shall be had therein in the same manner as in other trials before justices of the peace; and a change of venue may be taken as in other cases.

Entry, etc.

SEC. 26. That in case the property shall appear to belong to the claimant, or to be exempt from execution, judgment shall be entered against the plaintiff in the execution or attachment for costs, and the property levied upon shall be released. If it shall appear that the property does not belong to the claimant, or is not so exempt as aforesaid, judgment shall be entered against said claimant for costs, including such additional costs as shall have been made by the delay in the execution of such writ.

Judgment.

SEC. 27. That an appeal may be taken as in other cases, provided the same is prayed on the day of the entering of judgment, and the bond shall be given within six days, Sunday exclusive, from the time of entering of the judgment.

Appeal.

SEC. 28. That the judgment in such cases shall be a complete indemnity to the constable in proceeding to sell or return any such property; and in case of appeal the constable shall return such property unless the party claiming, or the defendant in the execution, or his agent, shall enter into an undertaking, with sufficient security, to be approved by the justice, for the delivery of such property to the officer if the judgment of the court shall be against the party entering into such undertaking.

Duty of constable.

SEC. 29. That the supreme court of the District is hereby authorized to make and establish such additional rules of practice and prescribe forms of process and proceedings rendered necessary by this act, and to alter and amend the same as it may from time to time deem advisable.

Supreme court to
make rules and forms.

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing herein shall be construed to take away and limit the jurisdiction conferred upon justices of the peace by chapter nineteen of the Revised Statutes of the United States relating to the District of Columbia.

Repeal, etc.
R. S. D. C., ch. 31, p.
116.

Landlord and ten-
ant jurisdiction un-
changed.
R. S. D. C., ch. 19, p.
81.

Approved, February 19, 1895.

CHAP. 101.—An Act To readjust the salaries and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory.

February 19, 1895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized and directed to allow to the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory, the

Oklahoma.