

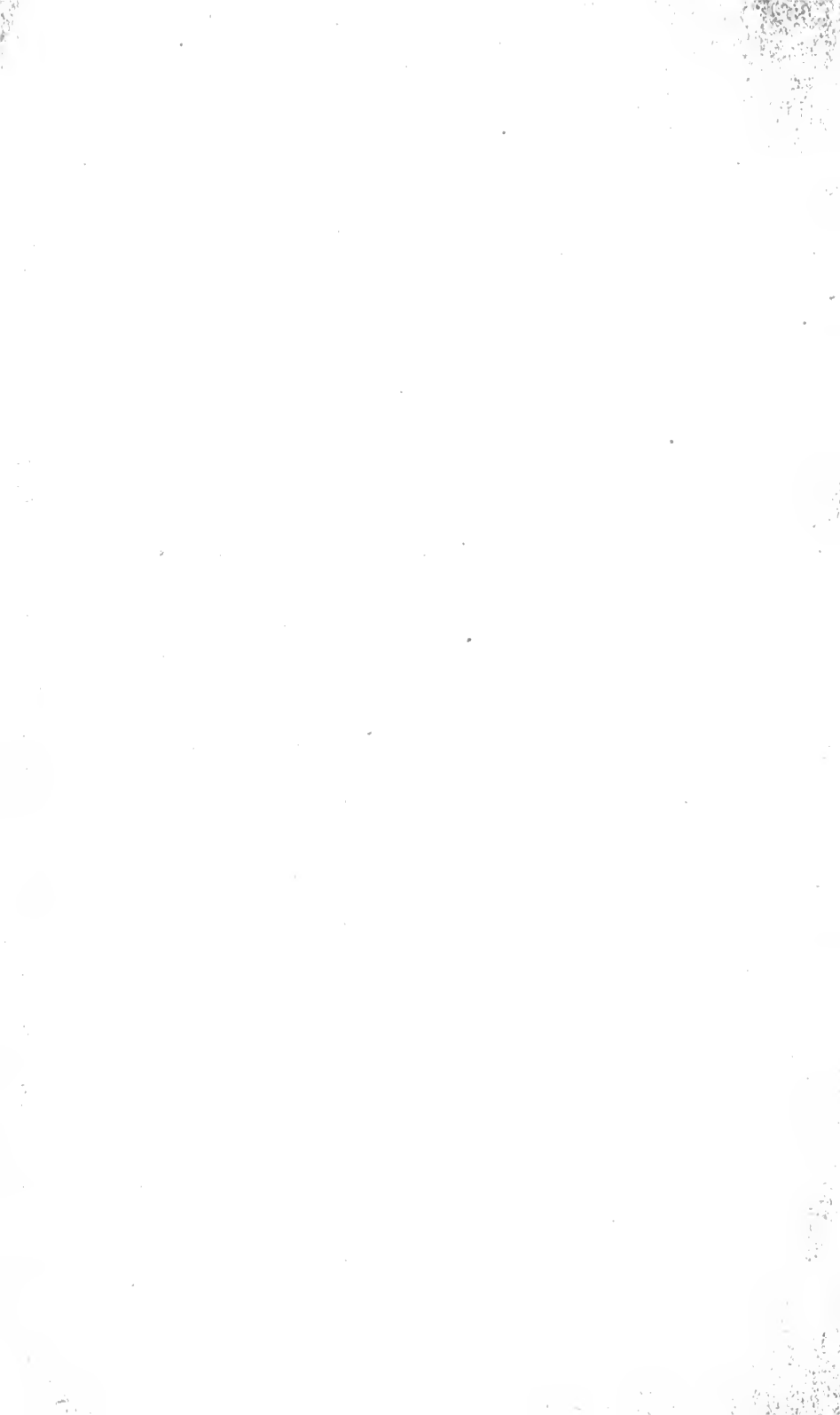
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Tindall







ORIGIN AND GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

BY  
WILLIAM TINDALL

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Printed for use of the Committee on the District of  
Columbia, House of Representatives



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1909

Checked  
May 1913

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## PREFACE.

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The distinctive object of this compilation is to present in chronological order the essential features of the principal legislative and official measures affecting the origin, establishment, and local government of the permanent seat of government of the United States, but a number of historical facts of general interest and not strictly within that category have been included.

It is arranged in two parts, the first of which embraces the period prior to the creation of the present form of government for the District; the other pertains to the form of government now in vogue.

Several of the statutes mentioned in the pamphlet are appended, but most of them are only cited by the number and page of the statute at large in which they are respectively published. The page references, which frequently occur in this work, relate to the folios in the appendices: L. A. to Legislative Assembly laws, and W. D. to Webb's Digest of the laws of the city of Washington.

WILLIAM TINDALL.

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## ORIGIN AND GOVERNMENT OF THE DISTRICT OF COLUMBIA.

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The District of Columbia is the permanent seat of the Government of the United States of America (p. 81).

### LOCATION AND TOPOGRAPHY.

It is situated on the left or eastern bank of the Potomac River, 106 miles from its entrance into Chesapeake Bay and about 185 miles, via that river and bay, from the Atlantic Ocean.

The center of the District, as originally established, is in longitude  $77^{\circ} 02' 27.745''$  west of Greenwich; in north latitude  $38^{\circ} 53' 34.915''$ , and in the vicinity of Seventeenth and C streets NW., in square south of square No. 173, in the city of Washington; but, as a consequence of the retrocession to Virginia of the portion of the District derived from that State, the original center point is now nearly on the southwestern border, although it is still approximately midway between the eastern and western extremes. It is 1,305 feet north and 1,579 feet west of the Washington Monument.

The District consists topographically of an urban section, named "the city of Washington," and of a suburban and agricultural section, which contains a number of unincorporated villages. It embraces an area of 69.245 square miles, 60.01 square miles of which are land. Its surface is generally irregular and undulating, rising from the level of mean low tide in the contiguous Potomac River to an elevation of 420 feet at the highest point, which is about a half mile southeastwardly from the middle of its northwestern boundary.

The main branch of the Potomac River forms the southwestern boundary. It is joined from the east, about 3 miles north of the southern apex of the District, by the Anacostia River, or Eastern Branch, which flows through the District in a southwesterly course to that point.

The navigation of the Potomac for vessels of commerce practically terminates at the Aqueduct Bridge, about 3 miles from its junction with the Anacostia; the like navigation of the Anacostia stops at the Navy-Yard Bridge, about 2 miles above its junction with the Potomac.

## AUTHORITY FOR ITS ESTABLISHMENT.

The District of Columbia was established as the seat of government of the United States by proceedings taken under authority and direction of the acts of Congress approved July 16, 1790, entitled "An act for establishing the temporary and permanent seat of the Government of the United States" (1 Stats., 130) (pp. 72, 75, and 81), and the act of March 3, 1791, entitled "An act to amend 'An act for establishing the temporary and permanent seat of the Government of the United States'" (1 Stats., 214) (p. 84). Those acts were passed pursuant to the following provision contained in the eighth section of the first article of the Constitution of the United States, enumerating the powers of Congress, viz:

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

An abstract of the Congressional proceedings prior to the passage of said acts, on the subject of locating the seat of government, is contained in Appendix 1 (p. 30).

The right to exercise exclusive authority at the seat of government was conferred upon Congress to enable it to provide for the convenience and protection of the several agencies of government there in a manner compatible with the needs and dignity of the nation. Among the considerations which led to the investiture of Congress with such absolute jurisdiction were the facts that in June, 1783, the Continental Congress removed from Philadelphia in consequence of a hostile demonstration which was made toward it by a body of soldiers of the Revolutionary Army, impatient at the long neglect to pay them for their services, and the admission of the authorities of that city and of the State of Pennsylvania that they were unable to protect it from the threatened intimidation (p. 31).

With reference to this grant of exclusive legislation, Mr. Harper, on December 31, 1800, made the following statement in Congress in reply to an observation that it was not necessary for Congress to legislate for the government of the District of Columbia, as the people of the District had lived happily for one hundred years under their respective State governments:

But the provision of the Constitution on this subject had not been made with this view. It was made to bestow dignity and independence on the Government of the Union. It was to protect it from such outrages as had occurred when it was differently situated, when it was without competent legislative, executive, and judicial power to insure to itself respect. While the Government was under the guardianship of State laws, those laws might be inadequate to its protection, or there might

exist a spirit hostile to the General Government, or, at any rate, indisposed to give it proper protection. This was one reason, among others, for the provisions of the Constitution confirmed and carried into effect by the acts of Maryland and Virginia and by the act of Congress (p. 76). See Mr. Madison's views on same subject (p. 140).

#### SITES FIRST SELECTED.

The Congress of the Confederation resolved on October 7, 1783, "that buildings for the use of Congress be erected on or near the banks of the Delaware or of the Potomac, provided a suitable district can be procured on one of the rivers as aforesaid for a Federal town, and the right of soil and an exclusive or such other jurisdiction as Congress may direct shall be vested in the United States." Also, "that the place on the Delaware for erecting buildings for the use of Congress be near the falls" (p. 39).

On the 21st of that month it was resolved "that buildings be likewise erected for the use of Congress at or near the lower falls of the Potomac or Georgetown" (p. 42).

An appropriation of \$100,000 was made on December 20, 1784, to erect the necessary buildings (p. 47).

On December 23, 1784, Congress ordained that "three commissioners be appointed with full powers to lay out a district of not less than 2 nor exceeding 3 miles square, on the banks of either side of the Delaware, not more than 8 miles above or below the falls thereof, for a Federal town," etc., and on February 10 and 11 appointed Philip Schuyler, Philemon Dickinson, and Robert Morris as such commissioners. Philip Schuyler declined to accept the office, and on March 16 John Brown was appointed in his stead; but the proceedings of Congress do not show that any further action was taken under that ordinance (pp. 47, 48, 49, 50).

None of these measures were carried into effect, but the whole subject of providing a seat of government was deferred by a resolution of August 6, 1788, to the consideration of the Congress provided for by the Constitution (p. 55).

In September, 1789, the Senate and House passed, on different days, a bill to locate the seat of government at Germantown, Pa.; but its final consideration on amendments having been deferred until the next session it never became a law (pp. 66 and 67).

#### SELECTION OF THE PRESENT SITE.

The requisite area for the present site of the seat of government was offered to Congress by the States of Maryland and Virginia. The former State, by an act of its general assembly passed December 23, 1788, directed its Representatives in the House of Representatives of the Congress of the United States to cede to the Congress of the United States any district in said State not exceeding 10 miles square

which the Congress might fix upon and accept for the seat of government (p. 82). The latter State, by an act of its general assembly passed December 3, 1789, ceded a like tract or any lesser quantity of Virginia territory for the same purpose (p. 82).

A tract 10 miles square on the banks of the Delaware was also offered by certain citizens of Pennsylvania and New Jersey as a site for the seat of government (p. 64).

The general assembly of Maryland, by an act passed December 19, 1791, formally ratified the cession provided for in its act of December 23, 1788 (p. 96).

Maryland also gave \$72,000 (p. 101), and loaned \$250,000 more for the erection of public buildings in the District for the use of the General Government. Virginia made a grant of \$120,000 for the same purpose in case of the acceptance by Congress of the cession of the site offered by it for the seat of government (p. 83).

The southern limit of the area of selection for the site of the District was placed by the act of March 3, 1791, at Hunting Creek, an estuary of the Potomac River which enters that river from the west immediately below Alexandria, Va. The northern limit was fixed by the act of July 16, 1790, at a small stream named "Connogochegue Creek," which enters the Potomac River from the north, at Williamsport, Md., about 80 miles above the southern limit.

In anticipation of the enactment of the statute of March 3, 1791, and to advance the work of locating the boundary lines of the District as far as possible pending its consideration, a tentative boundary of the District was laid out by Commissioners Thomas Johnson, David Stuart, and Daniel Carroll, who were appointed by President Washington on January 22, 1791 (p. 84), pursuant to the act of July 16, 1790, and directed by a Presidential proclamation dated January 24, 1791 (p. 89), to proceed forthwith to make a preliminary survey, or, in the President's words, to run "lines of experiment," which were substantially in accord with the lines subsequently adopted as hereinafter mentioned.

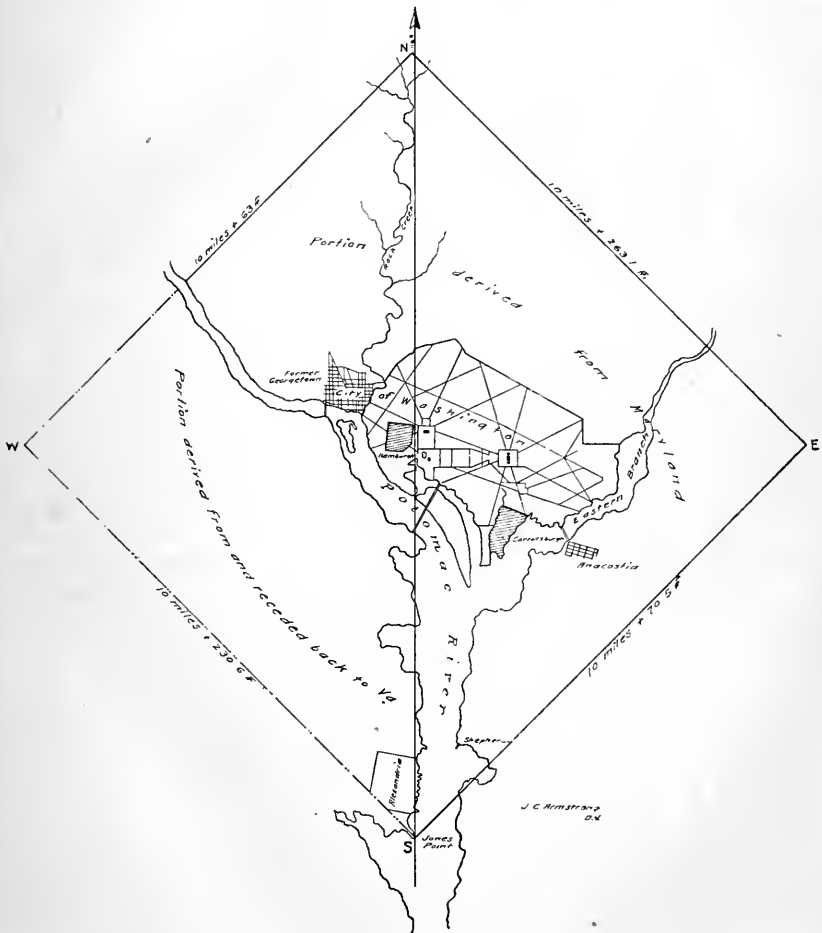
Mr. Carroll was a Delegate from Maryland, in the House of Representatives of the United States, when this appointment was first made, and declined to accept it while a member of Congress. Consequently only two Commissioners were on duty until March 4, 1791, when Mr. Carroll's Congressional term expired and he accepted a new commission which the President sent to him.

The point of beginning for the lines of experiment was found by "running from the court-house of Alexandria, in Virginia, due southwest half a mile, and thence a due southeast course, till it shall strike Hunting Creek" (p. 89).

The area of selection having been enlarged by the act of March 3, 1791, the site of the District was finally located, partly in Prince George and Montgomery counties, in the State of Maryland, and

partly in Fairfax County, in the State of Virginia, by proclamation of President George Washington, March 30, 1791, within the following bounds:

Beginning at Jones Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of 45 degrees west of the north, and running in a direct line 10 miles for the first line; then beginning again at the same Jones Point, and running another direct line at a right angle with the first across the Potomac 10 miles



- Southwestern side, 10 miles 230.6 feet.
- Northeastern side, 10 miles 263.1 feet.
- Southeastern side, 10 miles 70.5 feet.
- Northwestern side, 10 miles 63 feet.

for the second line; then from the terminations of the said first and second lines running two other direct lines of 10 miles each, the one crossing the Eastern Branch aforesaid and the other the Potomac, and meeting each other in a point (p. 90).

The corner stone which indicates the point of beginning in the boundaries of the District was laid at Jones Point, on the Virginia shore, with Masonic ceremonies, April 15, 1791, and now forms part of the foundation of the retaining wall of the terrace or garden around the Jones Point light-house. It is under the gateway, and almost directly south of the center of the light-house, on the north bank of Hunting Creek.

A survey of the District, which was commenced in 1881 under the direction of the United States Coast and Geodetic Survey, demonstrated that the boundary lines as laid down by the commissioners in 1790 are incorrect. The northern point is 116 feet west of the meridian running through the southern corner, and each of the sides exceeds 10 miles in length.<sup>a</sup> (See cut, page 9.)

The land boundary of the District of Columbia is marked on the ground by sandstone mileposts 1 foot square and 2 feet high, numbered from 1 to 9, from right to left. They bear on the side facing the District the legend, "Jurisdiction of the United States," and the number of miles they respectively are from the corner at which the numerical series to which they belong begins. On the opposite side they bear the inscription "Maryland," on the third side the year 1792, and on the fourth side the variations of the compass.

#### TOWNS IN THE DISTRICT AT TIME OF CESSION.

At the time the District was established three towns existed in the portion of it which was ceded from Maryland, namely, Georgetown, Carrollsburg, and Hamburg. The last two, although they were laid out on the records, had no corporeal existence. Carrollsburg was the name of a tract on the northern bank of the Eastern Branch east of Arsenal Point, containing 160 acres, subdivided into 268 lots, under a deed of trust recorded at "Marlborough," Md., November 2, 1770. Hamburg, sometimes called Funkstown, fronted on the Potomac in the neighborhood of Twenty-fourth street west, and contained 120 acres, subdivided into 287 lots, by its owner, Jacob Funk, by a plat also recorded at "Marlborough," Md., October 28, 1771 (p. 113).

#### ACCEPTANCE OF THE SITE.

Section 3 of the aforesaid act of July 16, 1790, prescribes, among other things, that "the District so defined, limited, and located *shall be deemed the District accepted* by this act for the permanent seat of the Government of the United States." Section 1 of the same act

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<sup>a</sup> An account of this and other surveys and maps of the District is contained in a paper presented before the National Geographic Society by Marcus Baker, March 23, 1894, and published in Volume VI of the National Geographic Magazine.



contains a substantially similar provision. Both of those provisions are adopted by the act of March 3, 1791, as applicable to the site located under the enlarged purview of that act.

#### NAMING THE DISTRICT.

The first official mention of the district by name is in a letter of the original Commissioners dated September 9, 1791, in which they state: "We have agreed that the Federal district shall be called the Territory of Columbia," etc. (p. 94). They had no specific authority of law to name it.

The first mention of the name "District of Columbia" in an act of Congress is in the *title*, but not in the body, of "An act authorizing a loan for the use of the city of Washington, in the District of Columbia, and for other purposes therein mentioned," approved May 6, 1796; but a previous statutory use of the name appears in the fourth section of the act of the Maryland legislature, approved in November, 1793, entitled "A further supplement to the act concerning the Territory of Columbia and the city of Washington" (p. 114). The seat of government is mentioned in at least one act of Congress as the Territory of Columbia and the District of Columbia, indiscriminately. (2 Stats., 193 and 194.)

Although the territory at the seat of government is referred to in various statutes as the District of Columbia, it was not until February 21, 1871, that Congress directly legislated on the subject of naming it, which it did by the following clause in the act of that date, entitled "An act to provide a government for the District of Columbia:"

That all that part of the territory of the United States included *within the limits of the District of Columbia* be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes. (16 Stats., 419.)

But this act omitted to define the limits to which it referred.

Congress, obviously in doubt as to the sufficiency of that action, again legislated on the subject, in the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, as follows:

That all the territory *which was ceded by the State of Maryland* to the Congress of the United States, for the permanent seat of the government of the United States, shall *continue* to be designated as the District of Columbia. (20 Stats., 102.)

In this latter act Congress definitely indicates the territory it names.

#### ASSUMPTION OF LEGAL JURISDICTION BY THE UNITED STATES.

The acts of cession of Virginia and Maryland provided that the jurisdiction of the laws of those States, respectively, over the persons and

property of individuals residing within the limits of the sections so ceded should not cease or determine until Congress, having accepted such cession, should by law provide for the government thereof under its jurisdiction in the manner provided in the eighth section of the first article of the Constitution of the United States. Section 1 of the act of Congress approved July 16, 1790, contains a corresponding provision. (See also act of Feb. 27, 1801, 2 Stat., 104.)

The authority of the Government of the United States over the District of Columbia "in full and absolute right and exclusive jurisdiction as well of soil as of persons residing or to reside thereon, became vested on the first Monday of December, 1800." (Cranch's Circuit Reports, Vol. 1, pp. 15 to 21. (p. 102.)

#### TRANSFER OF THE SEAT OF GOVERNMENT TO THE DISTRICT OF COLUMBIA.

The date of the transfer of the seat of government to the District of Columbia was fixed by the first paragraph of section 6 of the act of July 16, 1790, as follows:

"*And be it enacted*, That on the said first Monday in December, in the year one thousand eight hundred, the seat of the Government of the United States shall, by virtue of this act, be transferred to the District and place aforesaid;" the place referred to being the portion of the District selected for the Federal city.

An act of Congress approved April 24, 1800 (2 Stats., 55), authorized the President of the United States to direct the removal of the various Executive Departments to the city of Washington at any time after the adjournment of the first session of the Sixth Congress and before the time fixed by the act of July 16, 1790, for the transfer of the seat of government to that place.

The date of the first meeting of Congress in the District was fixed by an act passed May 13, 1800 (p. 102), for the 17th day, or the third Monday, in November, 1800; but it actually met for the first time in the District on November 21, which was the first day of the session when a quorum of both Houses was present. The meeting was in the north wing of the Capitol, then the only completed part of the building. A quorum of the House of Representatives was present on the 18th of that month.

The President arrived in Georgetown on June 3, 1800, and in Washington the next day.

The personnel and records of the several Departments were transferred from Philadelphia to Washington about the same time, at an expense of \$32,872.34, and those Departments were fully removed to the latter city by June 16, 1801. (Senate Doc. No. 238, second session, Fifty-fifth Congress.)

The Supreme Court held its first session in Washington on the 2d of the ensuing February; but the first session at which a quorum of that court was present was held on the 4th of that month.

PREVIOUS MEETING PLACES OF CONGRESS.

The Congress of the Revolution first met in Philadelphia, Pa., on September 5, 1774, and remained there until Wednesday, December 12, 1776, when it adjourned to Baltimore, Md., in consequence of the approach of the British army (p. 30).

It met in Baltimore Friday, December 20, 1776, and remained there until February 27, 1777, when it adjourned to Philadelphia, where it met on the 4th of the next March and adjourned from day to day until the 12th of that month. (Ib.)

On the 18th of September, 1777, military necessity again led to its removal from Philadelphia. It thereupon adjourned to Lancaster, Pa., where it met on Saturday the 27th of that month, and on the same day adjourned to meet at Yorktown in the same State, at which place it assembled on Tuesday the 30th of the same month. (Ib.)

It remained in York until Saturday, June 27, 1778, when, in view of the evacuation of Philadelphia by the British, it adjourned to that city, where it held its next session on Thursday, July 2, 1778. (Ib.)

It remained in Philadelphia until June 21, 1783, when in consequence of the menacing demonstration toward it by the unpaid soldiers of the Revolutionary Army, it adjourned to meet either at Trenton or Princeton, N. J., as the President might direct (p. 31.)

Upon the summons of the President it met at Princeton on the 30th of June and continued to hold its sessions there until November 4, 1783 (pp. 31, 43).

On November 26, 1783, it met in Annapolis, Md., where it remained until June 3, 1784 (p. 43).

It next met in Trenton, N. J., from November 1, 1784, until December 24, 1784, when it adjourned to meet in the city of New York (p. 49).

It met in New York City on January 11, 1785, and continued to meet there until March 4, 1789, when it was succeeded by the Congress provided for in the Constitution (p. 57).

The Congress provided for by the Constitution first met in New York City. The first Wednesday, which was the 4th day of March, 1789, was the day appointed by the resolution of September 12, 1788 (p. 57), for "commencing proceedings" by the Congress provided for by the Constitution, and several members of each House were present on that day, but no quorum appeared in the House of Representatives until the 1st of April, 1789, nor in the Senate until the 6th of that month. On December 6, 1790, Congress removed to Philadelphia

which was chosen by the act of July 16, 1790, as the temporary seat of government until its removal to the District of Columbia.

#### AUTHORITY FOR TEMPORARY REMOVAL OF THE SEAT OF GOVERNMENT.

Section 6 of "An act respecting quarantines and health laws," approved February 25, 1799, provides that—

In case of the prevalence of a contagious or epidemical disease at the seat of government it shall be lawful for the President of the United States to permit and direct the removal of any or all the public offices to such other places as, in his discretion, shall be deemed most safe and convenient for conducting the public business. (1 Stats., 620.)

This legislation originated in a Senate amendment, and was a sequela of the yellow-fever epidemics which scourged the city of Philadelphia in 1793 and in 1798, and so severely during the latter year that the President of the United States and the offices of the General and State governments temporarily removed to Germantown, Pa., to avoid the pestilence. (See Watson's Annals of Philadelphia, vol. 2, pp. 41, 63, and 94.)

#### COUNTY SUBDIVISION.

The District was divided into two counties by an act of Congress approved February 27, 1801. The portion derived from Virginia was named the county of Alexandria, and the portion from Maryland, including the islands in the Potomac River in said District, was named the county of Washington. (2 Stats., 105.)

#### RETROCESSION OF ALEXANDRIA COUNTY.

Pursuant to an act of Congress of July 9, 1846 (9 Stats., 35), and with the assent of the people of the county and town of Alexandria, at an election on the first and second days of September, 1846, by a viva voce vote of 763 for retrocession and 222 against it, President Polk, by proclamation of September 7, 1846, gave notice that the portion derived from the State of Virginia was re-ceded to that State. The District was thereby reduced to its present area. (9 Stats., 1000.)

The action of Congress and the President was based upon petitions of the people of the town and county of Alexandria, Va., set forth in House of Representatives Report No. 325, of the first session of the Twenty-ninth Congress, dated February 25, 1846 (p. 102).

#### BOUNDARY BETWEEN THE DISTRICT OF COLUMBIA AND THE STATE OF VIRGINIA.

The boundary line between the District of Columbia and the State of Virginia is held by several judicial decisions to be high-water mark on the Virginia shore of the Potomac River, and that the act of Congress of March 3, 1879, does not apply to the portion of the

Potomac River abutting the District of Columbia. (See *Evans v. U. S.*, 31 Appeals, D. C., p. 544; and *Morris v. U. S.*, 174 U. S., p. 225.)

The act of February 27, 1801 (2 Stats., 103), dividing the District of Columbia into two counties, prescribes "and the said river in its whole course through said District shall be taken and deemed to all intents and purposes to be within both of said counties," so that the whole breadth of the river proper became a part of the two counties, in common for all purposes.

CENSUS.

The population of the District from 1790 to 1908 has been as follows:

Date.	Washington.	Georgetown.	Washington County (suburban).	Alexandria city.	Alexandria County (suburban).	Total.	Colored included in total.	Slaves included in colored.
1790				2,746		2,746		
1800	3,210	2,993	1,941	4,971	978	14,093	2,472	2,072
1810	8,208	4,948	2,315	7,227	1,325	24,023	5,126	3,554
1820	13,247	7,360	2,726	8,218	1,488	33,039	7,278	4,520
1830	18,827	8,441	2,993	8,263	1,310	39,834	9,110	4,505
1840	23,364	7,312	3,069	8,459	1,508	43,712	9,819	3,320
1850	40,001	8,366	3,320	(a)	(a)	51,687	13,746	3,687
1860	61,122	8,733	5,225			75,080	14,216	3,185
1870	109,199	11,384	11,117			131,700	43,403	(b)
1878	131,947	11,571	16,533			160,051	53,624	
1880	147,293	12,578	17,753			177,624	59,402	
1885	173,606	14,322	15,531			203,459	67,188	
1888	179,448	14,345	24,364			218,157	72,522	
1890	188,932	14,046	27,414			230,392	75,572	
1894	217,617	15,747	37,155			270,519	87,084	
1897	220,698	15,809	41,195			277,782	88,325	
1900	232,745	(d)	45,973			278,718	87,186	
1905	259,100					323,123	95,695	
1906						326,435	95,018	
1907						329,591	96,188	
1908						339,403	97,483	

<sup>a</sup> Alexandria city and county re-ceded to Virginia in 1846.

<sup>b</sup> See under head of "Abolition of African slavery," *infra*. The decrease in population of Alexandria County in 1830 was due to absence of slaves and other residents thereof employed in constructing the Chesapeake and Ohio Canal.

<sup>c</sup> The item of 15,531 for suburban census of 1885, although apparently erroneous, agrees with the official returns.

<sup>d</sup> Georgetown became a part of Washington February 11, 1895, pursuant to an act of Congress of that date. The population of that part of Washington according to the census of 1900 was 14,549.

The census for 1800 and each subsequent decade was taken by the United States; for the year 1878 by the board of assessors, and for the years 1885, 1888, 1894, 1897, 1905, 1906, 1907, and 1908 by the Metropolitan police department.

ABOLITION OF AFRICAN SLAVERY.

African slavery in the District of Columbia was abolished April 16, 1862, by the act of Congress approved on that date, and entitled "An act for the release of certain persons held to service or labor in the District of Columbia" (11 Stats., 376), which provided, among other things:

That all persons held to service or labor within the District of Columbia by reason of African descent are hereby discharged and freed of and from all claim to such service or labor; and from and after the passage of this act neither slavery nor involuntary servitude, except for crime, whereof the party shall be duly convicted, shall hereafter exist in said District.

This act also directed the President of the United States to appoint three commissioners to appraise and apportion the value and validity of claims of "all persons loyal to the United States" "for service or labor against persons discharged therefrom by this act," "not to

exceed in the aggregate an amount equal to three hundred dollars for each person shown to have been so held by lawful claim." One million dollars was appropriated in the act to carry it into effect, and \$100,000 more to aid in colonizing in Haiti, Liberia, or such other country as the President might determine, such free persons of African descent then residing in the District as desired to emigrate.

Trade in slaves in the District was by act of September 20, 1850, prohibited after January 1, 1851. (9 Stats., 467.)

#### PENAL DISCRIMINATION ON ACCOUNT OF COLOR DISCONTINUED.

Persons of color were made subject to the same penalties as free white persons, and no other, for violations of law on and after May 21, 1862. (12 Stats., 407.)

#### OWNERSHIP OF LAND BY ALIENS.

Section 6 of the act of the State of Maryland "concerning the Territory of Columbia and the city of Washington," passed December 19, 1791, provides:

That any foreigner may, by deed or will hereafter to be made, take and hold lands within that part of the said Territory which lies within this State in the same manner as if he were a citizen of this State; and the same lands may be conveyed by him and transmitted to and inherited by his heirs or relations as if he and they were citizens of this State: *Provided*, That no foreigner shall, in virtue thereof, be entitled to any further or other privilege of a citizen.

The object of the foregoing legislation was, as stated in the preamble to said act, "that allowing foreigners to hold land within the said Territory will greatly contribute to the improvement and population thereof (p. 94)."

This privilege was substantially modified by subsequent acts of Congress and is now governed by sections 396 and 397 of the code of laws for the District of Columbia, as follows:

It shall be unlawful for any person not a citizen of the United States or who has not lawfully declared his intention to become such citizen, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire and own real estate, or any interest therein, in the District of Columbia, except such as may be acquired by inheritance: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold and dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they exist by force of any such treaties, shall continue to exist so long as such treaties are in force, and no longer, and shall not apply to the ownership of foreign legations or the ownership of residences by representatives of foreign governments or attaches thereof.

No corporation or association of which more than twenty per centum of the stock is or may be owned by any person or persons, corporation or corporations, association or associations not citizens of the United States shall hereafter acquire or own any real estate hereafter acquired in the District of Columbia.

All property acquired or held or owned in violation of the provisions of this chapter shall be forfeited to the United States.

## SUFFRAGE.

The right to vote in the District of Columbia for President of the United States and other national officers, which was extant at the time the territory embraced in the District was ceded to Congress, was exercised by the qualified voters in the District in the Presidential election of November, 1800. It remained in force until the first Monday in December, 1800, when, as announced in the opinion of Justice Cranch, hereinbefore mentioned, the exclusive jurisdiction of Congress over the District took effect.

The qualifications of voters in the portion derived from Maryland were at that time as follows:

All free men above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote, and residing therein, and all free men having property in this State above the value of £30 current money, and having resided in the county *in which they offer to vote* one whole year next preceding the election, shall have a right of suffrage, etc. (Constitution of Maryland.)

When the District ceased to be a part of Maryland, its residents, no longer being residents of any county of Maryland, consequently lost the right to vote in the elections of that State.

The qualification of voters in the portion of the District derived from Virginia at the time of the cession was the possession of a certain amount of real property in the county in which the vote was cast. (Vol. 8, p. 306, Hening's Statutes at Large of Virginia.) When that part of the District ceased to be under the jurisdiction of any county of Virginia, that right of suffrage in the District accordingly expired.

Although the citizens of the District of Columbia ceased to vote for national officers after the first Monday in December, 1800, they were subsequently vested with the right of suffrage in municipal matters, as hereinafter shown under the head of "The cities of Washington and Georgetown," and the form of municipal government created by the act of Congress of February 21, 1871, but that right has not existed in the District since June 20, 1874, when the latter form of government was abolished.

## FORMS OF LOCAL GOVERNMENT.

A brief account of the several forms of local government which have been in operation in the District since its establishment as the seat of the General Government is hereinafter given under the heads of "The city of Washington," "Georgetown," "The levy court," and "The District of Columbia."

## THE CITY OF WASHINGTON.

## LOCATION.

The locality in the District of Columbia designated "the city of Washington" occupies a peninsula formed by the main and eastern branches of the Potomac River. It embraces the Federal city as laid

out by the commissioners appointed in 1791 and the town of Georgetown, which was consolidated with it February 11, 1895, by an act of Congress of that date. (28 Stats., 650.)

The city as it existed prior to its consolidation with former Georgetown was established pursuant to the provisions of section 3 of the act of Congress of July 16, 1790, entitled "An act for establishing the temporary and permanent seat of the Government of the United States" (1 Stats., 130), which provided that the commissioners appointed under section 2 of said act to define the limits of the District of Columbia should have the power "to purchase or accept such quantity of land on the eastern side of said (Potomac) river, within the said District, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve; the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the Government of the United States."

The city was located in the portion of the District ceded by Maryland conformably to the requirement of the act of March 3, 1791 (1 Stats., 214), amendatory of the act of July 16, 1790, "that nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac."

#### BOUNDARIES OF THE CITY OF WASHINGTON.

The boundaries of the city of Washington were never specifically defined by acts of Congress, but those of the city as it existed prior to the annexation of Georgetown were incidentally fixed by the President of the United States, pursuant to the discretion vested in him by section 3 of the act of July 16, 1790, which empowered the commissioners appointed under that act to purchase or accept land and provide buildings for the accommodation of Congress, the President, and the public offices, as the President might deem proper. In the exercise of that discretion the President approved of the plan embracing the land deeded by the proprietors to said commissioners, in trust, to be laid out for a Federal city and which is bounded in the deeds as follows (p. 91):

Beginning on the east side of Rock Creek, at a stone standing in the middle of the main road leading from Georgetown to Bladensburg; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry; thence south to a stone eighty poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east parallel to the said east and west line to the Eastern Branch; thence, by and with the waters of the Eastern Branch, Potomac River, and Rock Creek, to the beginning.



These boundaries are also recognized in an act of the legislature of Maryland, passed December 19, 1791, entitled "An act concerning the Territory of Columbia and the city of Washington" (p. 96).

By an act of Congress approved August 18, 1856 (11 Stats., 120), the bounds of the corporation of the city of Washington were extended so far as to comprehend the lower Eastern Branch or Navy-Yard Bridge.

The bounds of the city of Washington and of the county of Washington were also extended so far as to embrace the causeway and bridge across the Potomac to the opposite shore, and those corporations empowered to adopt and enforce such rules and regulations as they might deem necessary for the safety and security of property and of persons passing the said causeway and bridge. (March 3, 1839; 5 Stats., 365.)

These boundaries were enlarged by the consolidation of Georgetown and the city of Washington by the act of Congress approved February 11, 1895.

#### AREA.

The city of Washington as first established contained 6,110.94 acres; but on February 11, 1895, its area was increased by the annexation of Georgetown, whose precise extent has never been determined, but which is estimated by the Surveyor to contain 543 acres.

#### PRELIMINARY AGREEMENT OF PROPRIETORS.

The owners of the land, in consideration of the great benefit they expected to derive from having the Federal city laid off upon their lands, etc., entered into a preliminary agreement with the commissioners, April 12, 1791, to convey the land in trust for that purpose (p. 85).

#### PROCUREMENT OF THE SITE.

The proprietors of the 6,110.94 acres conveyed the same on June 29, 1791, in trust to two trustees, Thomas Beall and John Mackall Gantt, "to be laid out for a Federal city, with such streets, squares, parcels, and lots as the President of the United States for the time being shall approve" (p. 92).

Those trustees were required to convey, "for the use of the United States forever," to the commissioners appointed to lay out the District and city all the said streets and such of the said squares, parcels, and lots as the President might deem proper for such use.

The interest of the State of Maryland in the site was, by the legislature of that State, on December 19, 1791, vested in the same trustees, subject to the same terms and conditions as those to which the said proprietors had subjected their land (p. 97).

## BOUNDARIES OF THE TRACTS OF THE ORIGINAL PROPRIETORS.

The border lines of the lands of the several original owners of the site of the city of Washington, exclusive of former Georgetown, were laid down on the land, as a preliminary engineering groundwork, by Major L'Enfant in designing the map of the Federal city, and the plan of the city was subsequently mapped out over these lines. These lines appear on the portfolio maps made by Nicholas King. The King set of maps was reproduced by the United States Coast and Geodetic Survey Office, approved for publication by the superintendent of that office April 4, 1884, and duly published by that office for distribution. Mr. King also compiled them into a map about 5 feet square, which is called the King map of 1803. These farm lines are marked across the respective squares in the records of the apportionment of lots between the original proprietors and the first commissioners. These records, with the King maps, are in the custody of the officer in charge of public buildings and grounds. In 1884 Mr. John M. Stewart, civil engineer, of the office of the commissioner of public buildings and grounds, published a condensed map showing these lines, which is generally considered an authority in determining who were the original proprietors of the land embraced in lots, and in several cases has been so accepted by the local courts.

## THE DESIGNING OF THE PLAN OF THE CITY.

The credit of designing the plan of Washington is mainly due to Maj. Pierre Charles L'Enfant, who was employed for that purpose, but frequently conferred with President Washington and others whose views had a material influence in the matter. His plan, without substantial alteration, was approved by President Washington in August, 1791. His employment in that capacity was discontinued March 1, 1792.

The following reference by President Washington to the subject will be of interest:

That many alterations have been made from L'Enfant's plan by Major Ellicott, with the approbation of the Executive, is not denied; that some were essential is avowed; and had it not been for the materials which he happened to possess it is probable that no engraving from L'Enfant's drafts ever would have been exhibited to the public, for after the disagreement took place between him and the commissioners his obstinancy threw every difficulty in the way of its accomplishment.

Andrew Ellicott succeeded Major L'Enfant. He had assisted him in surveying the site, and was directed to "finish the laying of the plan on the ground," and to prepare a plan from the materials gathered and from the information obtained by him while assisting L'Enfant in making the surveys. His plan, which was substantially that of L'Enfant, was the first plan engraved and published for distribution. Its publication and promulgation were alluded to by President Wash-

ington as "giving the final and regulating stamp to the city of Washington." The general features of this plan have stood the test of time so well that Congress, by an act approved August 27, 1888 (25 Stats., 451), directed that "no future subdivisions of land in the District of Columbia without the limits of the cities of Washington and Georgetown shall be recorded in the surveyor's office of said District unless made in conformity with the general plan of the city of Washington," and adopted it in the general highway-extension law of March 2, 1893 (27 Stats., 532).

#### THE FEE SIMPLE TO THE STREETS AND RESERVATIONS.

In consequence of disputes as to the meaning of portions of the deed, the trustees refused to convey the streets and reservations to the commissioners appointed to lay out the city; but the Supreme Court of the United States decided that the fee simple therein was vested in the United States. (John P. Van Ness and Marcia, his wife, complainants, appellants, *v.* The Mayor, Aldermen, and Board of Common Council of the City of Washington and the United States of America, defendants, *4* Peters, 232.) This relates only to the streets and avenues of the city of Washington as it existed prior to its consolidation with Georgetown.

#### DISTRIBUTION OF LOTS.

The deed in trust directed that a fair and equal division should be made of the land not taken for streets, squares, parcels, and lots for the use of the United States; that the lots assigned to the proprietors should be conveyed to them by the trustees, and that the other lots be sold as the President might direct; the proceeds of such sales to be first applied to the payment, in money, to the proprietors for the land set apart for the use of the United States, excepting the streets, at £25, or \$66 $\frac{2}{3}$  per acre,<sup>a</sup> and the remainder to providing public buildings as contemplated by sections 3 and 4 of the act of July 16, 1790.

While the trustees, by a deed dated November 30, 1796, conveyed to the commissioners appointed to lay out the city such lands as were allotted to the United States, no reconveyance was made by the trustees to the original grantors of the lands to which they were entitled under the trust deeds. The act of the Maryland legislature of December 19, 1791 (p. 100), however, which ratified the cession of the territory selected as the site of the District, provided that the commissioners should have recorded every allotment and assignment to the respective proprietors.

These entries of allotment, together with the certificates thereof, are the only evidence of title of the original grantors to the portions

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<sup>a</sup> Pennsylvania currency, then adopted in Pennsylvania, New Jersey, Maryland, and Delaware.

to which they were entitled under the provisions in their trust deeds. (See opinion of Attorney-General Cushing, dated August 1, 1855.)

The land was divided as follows:

	Acres.
Total number of acres taken for the city .....	6, 110. 94
Donated to the United States for avenues, streets, and alleys.....	3, 606
Donated to the United States, 10,136 building lots.....	982
Bought by the United States for public buildings and use.....	541
	5, 129
10,136 lots given back to former owners.....	981. 94

A list of the lots so assigned to the original proprietors, with names and dates, is contained in Senate Document No. 18, Fifty-seventh Congress, first session.

The act of the same State, entitled "A further supplement to the act concerning the Territory of Columbia and the city of Washington," approved December 28, 1793, prescribed:

That the certificates granted, or which may be granted, by the said commissioners, or any two of them, to purchasers of lots in the said city, with acknowledgment of the payment of the whole purchase money, and interest, if any shall have arisen thereon, and recorded agreeably to the directions of the act concerning the Territory of Columbia and city of Washington, shall be sufficient and effectual to vest the legal estate in the purchasers, their heirs and assigns, according to the import of such certificates, without any deed or formal conveyance (p. 114).

As the 541 acres for public buildings and reservations were required to be paid for out of the first proceeds of the sale of the lots donated to the Government, it will be seen that of the 6,111 acres 5,129, or five-sixths of the whole, were a gift to the Government. Thus the United States not only got without cost the fee simple in the streets and avenues and the sites and grounds for the Capitol and other public buildings, but received a large amount of money from the net proceeds of the sales of the alternate building lots apportioned to it.

#### NAMING THE CITY.

The first official mention of the city by name was in a letter of the original commissioners to Major L'Enfant, dated September 9, 1791, in which they state: "We have agreed that the Federal district shall be called the Territory of Columbia and the Federal city the city of Washington," although they had no statutory authority to name either of them (p. 94).

The first reference to it by its present name, in an act of Congress, is in the title of "An act authorizing a loan for the use of the city of Washington, in the District of Columbia, and for other purposes therein mentioned," approved May 6, 1796 (1 Stats., 461), but the name does not occur in the body of the law. It is mentioned by that name in an

act of Maryland, entitled "An act concerning the Territory of Columbia and the city of Washington," approved December 19, 1791 (p. 97).

The most explicit statutory application of the name by Congress is in the act of February 21, 1871, which prescribes that "that portion of said District included within the present limits of the city of Washington shall continue to be known as the city of Washington." (16 Stats., 428.)

THE FIRST CITY OFFICIALS.

The first officials of the Federal city were the President of the United States, the three commissioners appointed by the President under act of July 16, 1790, and, to a limited extent, the officers of the levy court. On July 1, 1802, the office of the three commissioners was abolished by section 1 of "An act to abolish the board of commissioners in the city of Washington, and for other purposes," approved May 1, 1802 (2 Stats., 175), which directed the commissioners to deliver all their official records and property relating to said city to an officer created by said act and styled "superintendent," to be appointed by the President, and to succeed to all the powers and duties of said commissioners.

This office of "superintendent" was abolished March 3, 1817, by the operation of an act of Congress approved April 29, 1816 (3 Stats., 324), which in lieu thereof created the office of one commissioner to superintend public buildings, and succeed to all the powers and duties of the former three commissioners and of said superintendent, but to "hold no other office under the authority of the United States."

The office of commissioner in charge of public buildings so created was abolished and its duties and powers transferred to the Chief of Engineers of the United States Army by an act of Congress approved March 2, 1867. (14 Stats., 466.)

The duties which were thus transferred to the Chief of Engineers were, with subsequent additions and changes, those which related to the supervision of the national public buildings and grounds in the city of Washington, excepting the care and improvement of the streets and other public highways.

The duties which commonly appertain to municipal control were, as hereinafter stated, intrusted to the inhabitants of the city of Washington by an act incorporating them for that purpose.

THE FIRST CHARTER OF THE CITY OF WASHINGTON.

The first incorporation of the inhabitants of the city of Washington was effected by an act of Congress approved May 3, 1802. (2 Stats., 195.) This charter provided for a mayor appointable by the President of the United States, and a city council to be elected by the people. This charter was modified by subsequent acts of Congress. The first mayor was appointed in June, 1802, and was reappointed annually and

served until the second Monday in June, 1812. An act of Congress of May 4, 1812 (2 Stats., 721), devolved the duty of electing a mayor, to take office on the second Monday of each subsequent June, upon the city council, which was elected by the qualified voters of the city. That method was in force until the first Monday of June, 1820, from which date, pursuant to an act of Congress approved May 15, 1820, the mayor was elected by the people for terms of two years until May 31, 1871, on which date the charter of the corporation expired pursuant to the provisions of an act of Congress approved February 21, 1871, entitled "An act to provide a government for the District of Columbia" (16 Stats., 419), which continued the name of the city of Washington, but only as a local designation. (A list of the principal officials of the city is contained in Senate Document No. 238, Fifty-fifth Congress, second session, by Wilhemus B. Bryan, esq.)

#### NAMING THE STREETS.

The commissioners who first named the city also stated in their letter of September 9, 1791, informing Major L'Enfant of their action in that respect:

We have also agreed that the streets be named alphabetically one way and numerically the other; the former to be divided into north and south and the latter into east and west numbers from the Capitol (p. 95). (See also "Naming the Avenues," p. 25.)

#### WIDTH OF HIGHWAYS.

The widths of the streets within the city of Washington, between the building lines, are:

North and South Capitol, 130; East Capitol, 160; Boundary, or Florida avenue, 80; Water, 60 and 80; Maine,<sup>a</sup> 85; Missouri,<sup>a</sup> 85.

North: A B C D E F G H I K L M N O P Q R S T U V W  
90 90 80 70 90 100 90 90 90 147.8 90 90 80 90 90 90 90 90 90 90 80 80

South: A B C D E F G H I K L M N O P Q R S T U V W  
90 90 80 90 90 70 100 80 90 80 90 90 90 85 85 85 85 85 85 80 80 40

East:  $\frac{1}{2}$  1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21  
80 110 90 90 85 100 85 90 100 90 80 90 112 90 100 90 80 100 80 80 100 80  
22 23 24  
80 80 80

West:  $\frac{1}{2}$  1 2 3 4 4 $\frac{1}{2}$  5 6 7 8 9 10 11 12 13 13 $\frac{1}{2}$  14 15 16 17  
80 90 90 110 80 110 80 100 85 100 85 85 111.5 85 110 70 110 110 160 110  
18 19 20 21 22 23 24 25 26 27 28  
90 110 90 90 90 100 90 90 80 70 80

<sup>a</sup> Maine and Missouri streets are commonly called "avenues;" but the act of the corporation of the city of Washington, approved March 23, 1826, by which they were named, designates them as streets.

**OUTSIDE THE CITY:** Not less than 90 feet, except streets existing March 2, 1893 (27 Stat., 532), or streets 60 feet wide, with a building-restriction line to make it 90 feet (31 Stat., 248).

#### WIDTH OF AVENUES.

**IN THE CITY:** Connecticut, 130; Delaware, 160; Georgia, 160; Indiana, 160; Kentucky, 120; Louisiana, 160; Maryland, 160; Massachusetts, 160. (See footnote as to Maine and Missouri avenues, so called.) New York, east of Fifteenth street, 130; New York, west of Seventeenth street, 160; New Jersey, 160; North Carolina, 160; New Hampshire, 120; Ohio, 160; Pennsylvania, east of Fifteenth street, 160; Pennsylvania, west of Seventeenth street, 130; Rhode Island, 130; South Carolina, 160; Tennessee, 120; Vermont, 130; Virginia, Mall to Eastern Branch, 160; Virginia, B street to Rock Creek, 120.

**OUTSIDE THE CITY:** Not more than 160 feet nor less than then existing width in case of avenues existing March 2, 1893 (27 Stat., 532).

#### NAMING THE AVENUES.

Neither the acts of Congress nor the records of the commissioners under whose direction and surveillance the city of Washington was established contain authority for nor account of the naming of the avenues in that city, other than the incidental recognition of those on the Dermot map of 1795, which was formally adopted by President Washington in his letter of March 2, 1797, to the trustees appointed to lay out the federal city; but by an act of Congress, approved February 16, 1904 (33 Stats., pt. 1, 14), the Commissioners of the District of Columbia are directed to name or rename streets, avenues, alleys, highways, and reservations in that part of the District outside of the city of Washington under such system as they shall see fit.

#### ORIGINAL ALLEYS.

President Washington, in his order of October 17, 1791, regulating the manner and materials for building in the city of Washington, states: "The way into the squares being designed in a special manner for the common use or convenience of the occupiers of the respective squares the property in the same is reserved in the public, so that there may be an immediate interference on any abuse of the use thereof by any individual to the nuisance or obstruction of others." (Webb's Digest, p. 57.)

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<sup>a</sup>The name of Four-and-a-half street NW. was changed to Fourth street NW. June 6, 1900. (31 Stats., 668.) The name of that portion of Fourth street NW., formerly a part of Four-and-a-half street, extending from D street to Pennsylvania avenue, was changed to John Marshall place March 1, 1901. (31 Stats., 828.) This street is therefore John Marshall place from North D street to Pennsylvania avenue; Fourth street from that avenue to the middle of the Mall, and Four-and-a-half street thence south.

## GEORGETOWN.

The part of Washington which was formerly Georgetown was laid out pursuant to an act of the province of Maryland dated June 8, 1751 (p. 128), passed in response to a petition of several inhabitants of Frederick County, in said State. This act appointed seven commissioners to purchase 60 acres belonging to Messrs. George Gordon and George Beall, on the Potomac River, "above the mouth of Rock Creek, adjacent to the inspection house in the county aforesaid," and to cause the said 60 acres to be "surveyed, divided, and laid out, as near as conveniently may be, into 80 equal lots, allowing sufficient space or quantity thereof for streets, lanes, and alleys. The act then adds that upon the completion of said proceedings the locality is "erected into a town, and shall be called by the name of Georgetown." It was never incorporated as a city, but was commonly called the city of Georgetown as a consequence of the casual reference to it by that title in numerous acts of Congress; unless a purpose to create it a city may be inferred from the clause in the act of Congress of February 21, 1871, which directs that "that portion of said District included within the limits of the city of Georgetown shall continue to be known as the city of Georgetown." (16 Stats., 428.)

The boundaries and jurisdiction of Georgetown were extended and defined by the following enactments of Maryland and Congress: Acts of Maryland passed December 26, 1783 (p. 134); January 22, 1785 (p. 134); and December 25, 1789 (p. 136); and acts of Congress approved March 3, 1805 (2 Stats., 335); March 3, 1809 (*ib.*, 537); June 4, 1813 (3 Stats., 1); January 14, 1823 (6 Stats., 280); March 3, 1826 (4 Stats., 140); May 25, 1832 (*ib.*, 518); July 4, 1836 (6 Stats., 683); July 27, 1842 (5 Stats., 497); February 27, 1845 (6 Stats., 927).

Under the statute of March 3, 1805, the "Fenwick map" adopted by the act of March 3, 1809, was prepared. The extension of March 3, 1826, was made to include the residence of John Cox to enable him to retain his residence and be eligible to hold the office of mayor.

The general supposition is that the town was named in honor of George II, then the reigning sovereign of Great Britain, but it is also contended that it was named as a compliment to the two Georges from whom the site was obtained.

The commission, whose membership was reduced to five in 1784, continued to exercise the local municipal authority in the town until December 25, 1789, when the town was incorporated by an act of the general assembly of Maryland of that date, with a mayor, recorder, aldermen, and common council (p. 136). The first mayor was appointed by that act for one year, to commence January 1, 1790. The office was thereafter filled annually on the first Monday of January by the votes of the mayor, recorder, and common council, or in an analogous manner,



until the fourth Monday of February, 1831. The office was then and thereafter biennially filled by vote of the people.

The streets of this part of Washington generally run due north and south and east and west.

By an arbitrary order of the District Commissioners, dated October 4, 1880, the north and south streets were renamed from Twenty-sixth to Thirty-eighth, both included, in continuation of the western series of the streets of Washington having the same general direction; and the east and west streets from K (or Water) to W, in order to agree as nearly as practicable with the corresponding streets in Washington.

A few streets, viz, Prospect, Dumbarton, Olive, Jefferson, Valley, Potomac, Grace, and Needwood, were so situated as not to admit of designation under either of those systems.

The streets are 60 feet wide from building line to building line, except K, which is 70; M, 82½; Thirty-fifth, 80; Thirty-second from K to the angle south of N, 82½; Valley, 33; Mill, 33, and Poplar, 40.

The Commissioners were directed by the act of February 11, 1895, consolidating Washington and Georgetown, to cause the nomenclature of the streets and avenues of the latter to conform to those of the former as far as practicable, but have never acted under that requirement.

The streets in the part of Georgetown laid out under the act of Maryland of June 8, 1751, were acquired by the public in practically the same manner in which the title to the original streets of the city of Washington was derived, but the status of those streets, unlike the status of the original streets and avenues of the original city of Washington, has never been judicially determined.

Georgetown had been enlarged by numerous additions, until, as calculated by the surveyor of the District, it embraced about 543 acres.

Its charter was revoked May 31, 1871, by the act of Congress of February 21, 1871, aforesaid, by which its name was retained as a topographical designation, until its consolidation with Washington by the act of February 11, 1895 (28 Stats. 650), as follows:

AN ACT changing the name of Georgetown, in the District of Columbia, and for other purposes.

*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 that part of the District of Columbia embraced within the bounds and now constituting the city of Georgetown, as referred to in said acts of February twenty-first, eighteen hundred and seventy-one, and June twentieth, eighteen hundred and seventy-four, shall no longer be known by the name and title in law of the city of Georgetown, but the same shall be known as and shall constitute a part of the city of Washington, the Federal capital; and all general laws, ordinances, and regulations of the city of Washington be, and the same are hereby, extended and made applicable to that part of the District of Columbia formerly known as the city of Georgetown; and all general laws, regulations, and ordinances of the city of Georgetown be, and the same are hereby, repealed; that the title and existence of said Georgetown as a separate

and independent city by law is hereby abolished, and that the Commissioners of the District of Columbia be, and they are hereby, directed to cause the nomenclature of the streets and avenues of Georgetown to conform to those of Washington so far as practicable. And the said Commissioners are also directed to have the squares in Georgetown renumbered, so that no square shall hereafter bear a like number to any square in the city of Washington: *Provided*, That nothing in this act shall operate to affect or repeal existing law making Georgetown a port of entry, except as to its name.

#### THE LEVY COURTS.

When the District of Columbia was first established the local public affairs of that portion of its territory located in Maryland were administered by two bodies, which had jurisdiction over the portions derived from Prince George County and from Montgomery County, respectively, and were composed of justices of the peace, who were commissioned by the governor and council of that State as "justices of the levy court."

The jurisdiction for the same purposes in the portion derived from Virginia at that time reposed in the county courts of that State.

No subsequent legislation seems to have been enacted by Congress relative to the jurisdiction of the levy court of the county of Alexandria except as such jurisdiction was affected by the act receding that county to Virginia, hereinafter mentioned.

By section 11 of an act of Congress approved February 27, 1801 (2 Stats., 107), the President of the United States was directed to appoint, in and for each of said counties, an indefinite number of justices of the peace, to continue in office for five years. Section 4 of an act approved March 3, 1801 (*ib.*, 115), constituted these magistrates a "board of commissioners," with the same powers and duties as those then performed by the levy courts of Maryland.

Under the above-mentioned and subsequent laws of Congress the levy courts administered the local government affairs of that part of the District of Columbia situated outside of the city of Washington and of Georgetown.

The membership of the court for that part of the District derived from Maryland was fixed at seven by the act of July 1, 1812 (2 Stats., 773), to be annually designated by the President of the United States from among the existing magistrates of the county; two from east of Rock Creek, outside of the city of Washington; two from west of Rock Creek and outside of Georgetown, and three from Georgetown. The city of Washington, although not represented in the court, was required by section 11 of the same act to bear and defray equally with the other parts of the county the general county expenses and charges, other than for the expenses of the roads and bridges outside of the limits of Washington and Georgetown; but by section 16 of the act of May 17, 1848 (9 Stats., 230), the President was directed to appoint four members from the city of Washington in

addition to the seven appointable from the other portions of the District.

The requirement that the membership of the court should be selected from among the justices of the peace for the county of Washington was repealed May 3, 1862, by an act of that date (12 Stats., 384, sec. 8).

By an act approved March 3, 1863 (12 Stats., 799), the membership of the court was reduced to nine persons, without respect to their occupations, to be appointed by the President and confirmed by the Senate, in such manner that the terms of one-third of the members should expire annually. Its jurisdiction and functions were specifically prescribed by that act and remained substantially as so established until May 31, 1871, when the court was abolished by the act of February 21, 1871 (16 Stats., 428, sec. 40), which consolidated the local governments in the District into one municipality.

#### FIRST MUNICIPAL GOVERNMENT OF THE ENTIRE DISTRICT OF COLUMBIA.

The act of Congress of February 21, 1871, which revoked the charters of the corporations of the city of Washington, Georgetown, and the levy court of the county of Washington, established in their stead a single municipal government named the District of Columbia. All valid laws and ordinances then existing in the District were, by said act, continued in force. The new municipality consisted of a governor, a board of public works composed of the governor and four other persons, a secretary, a board of health, a legislative assembly consisting of a council of 11 members and a house of delegates consisting of 22 members, and a Delegate in the House of Representatives of the United States.

The governor, the board of public works, the secretary, the board of health, and the council were appointed by the President of the United States, by and with the consent of the Senate. The members of the house of delegates and the Delegate in the House of Representatives were elected by the qualified voters of the District of Columbia. The official term of the governor, members of the board of public works, the secretary, and the members of the board of health was four years; the term of the members of the council and the Delegate to Congress two years, and the term of the members of the house of delegates one year.

#### SECOND MUNICIPAL GOVERNMENT OF THE ENTIRE DISTRICT OF COLUMBIA.

On June 20, 1874, by an act of Congress of that date (18 Stats., 116), the form of government established by the act of February 21, 1871, was abolished, and the executive municipal authority in the District temporarily vested in three Commissioners appointed by the President

of the United States and confirmed by the Senate, who succeeded in general to the powers and duties of the governor and the board of public works, and were assisted by an officer of the Engineer Corps of the United States Army, detailed for that purpose under the requirements of the first-named act.

This temporary form of government existed until July 1, 1878, when, pursuant to an act of Congress of June 11, 1878 (20 Stats., 102), it was succeeded by the present form, for which see pages 141, *et sequentes*.

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#### APPENDIX 1.

[Abstract of proceedings of Congress relative to locating the seat of government, carefully compared with the original records in the Library of Congress by Mr. Louis C. Wilson, assistant secretary to the Commissioners.]

The Congress of the Revolution first met at Philadelphia, Monday, September 5, 1774, and continued to hold its sessions there until Wednesday, December 12, 1776, when, in consequence of the approach of the British army, it adjourned to Baltimore, where it met on Friday the 20th and continued until Tuesday, February 27, 1777, when it adjourned to meet at Philadelphia on Wednesday, the 4th of March, when it met and adjourned from day to day until the 12th of that month.

On Sunday, September 14, 1777, it was—

*Resolved*, That if Congress shall be obliged to remove from Philadelphia, Lancaster be the place where they shall meet.

It continued to meet in Philadelphia until the 18th of that month, and adjourned that evening to meet the next morning. But in the meantime the President received a letter from Colonel Hamilton, one of General Washington's aids, which intimated the necessity of removing immediately from Philadelphia. Agreeably to the resolve of the 14th it met in Lancaster, in the State of Pennsylvania, on Saturday the 27th; on the same day adjourned to Yorktown in that State, where it assembled on Tuesday the 30th, and continued to meet until Saturday the 27th of June, 1778, when, having been informed by a letter from General Washington on the 18th (read in Congress on the 20th) that the enemy had evacuated the city of Philadelphia, adjourned to that city, where it met on Thursday the 2d of July.

On the 4th of June, 1783, it resolved—

That copies of the act of the legislature of Maryland, relative to the cession of the city of Annapolis to Congress for their permanent residence; and also copies of the act of the legislature of New York, relative to the cession of the town of Kingston for the same purpose, together with the papers which accompanied both acts, be transmitted to the executives of the respective States, and that they be informed by the President, that Congress have assigned the first Monday in October next for taking the said offers into consideration.

On the 21st of June, 1783, it was resolved by Congress—

That the President and supreme executive council of Pennsylvania be informed that the authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.

*Resolved*, That the committee, on a letter from Colonel Bufler, be directed to confer, without loss of time, with the supreme executive council of Pennsylvania, on the practicability of carrying the preceding resolution into effect; and that in case it shall appear to the committee that there is not a satisfactory ground for expecting adequate and prompt exertions of this State for supporting the dignity of the Federal Government, the President on the advice of the committee be authorized and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt, and maintaining the dignity and authority of the United States.

*Resolved*, That the Secretary at War be directed to communicate to the commander in chief, the state and disposition of the said troops, in order that he may take immediate measures to dispatch to this city such force as he may judge expedient for suppressing any disturbances that may ensue.

Congress did not meet again until the 30th, when they assembled at Princeton upon the summons of the President.

*Tuesday, July 1, 1783.*—On the report of a committee consisting of Mr. Hamilton, Mr. Ellsworth, and Mr. Bland, to whom was referred a motion of Mr. Hamilton—

*Resolved*, That Major-General Howe be directed to march such part of the force under his command, as he shall judge necessary to the State of Pennsylvania, in order that immediate measures may be taken to confine and bring to trial all such persons belonging to the army as have been principally active in the late mutiny, to disarm the remainder, and to examine fully into all the circumstances relating thereto.

That in the execution of the foregoing resolution, if any matters shall arise which may concern the civil jurisdiction, or in which its aid may be necessary, application be made for the same to the executive authority of the State.

That the executive of Pennsylvania be informed of the foregoing resolutions, and requested to afford their assistance whensoever the same shall be required.

The committee, consisting of Mr. Hamilton, Mr. Ellsworth, and Mr. Peters, to whom were referred a letter of the 17th of June, from Col. R. Butler, at Lancaster, and sundry papers communicated to Congress by the executive council of Pennsylvania, through their delegates, having on the 19th of June made a verbal report, and on the 20th of the same month, a report in writing, and the written report being on the 30th recommitted that they might amend it by adding thereto their verbal report, and the report being this day brought in with the amendment:

*Ordered*, That it be entered on the journal.

The report is as follows:

The committee to whom were referred the letters and papers communicated to Congress by the executive council of Pennsylvania, through their delegates, report:

That they had a conference yesterday, as directed, with the supreme executive council, in which, in the first instance, the propriety of calling out a detachment of militia to intercept the mutineers on their march from Lancaster, was proposed to the council, suggesting the danger of their being suffered with impunity to join the troops in the barracks, who a few days before had manifested a dangerous spirit by an insolent and threatening message sent to Congress in the name of a board of sergeants, and who, it was apprehended, would be ready to make common cause with those on their march for mutinous purposes.

That the council having shown a reluctance to call out any part of the militia, expressing an opinion that they would not be willing to act, till some outrage should have been committed by the troops; there appeared to the committee no alternative but to endeavor to dissuade the mutineers from coming to town, and if they failed in that attempt, to make use of expedients to prevent the troops in the barracks from joining in any excesses, and to induce the detachment from Lancaster to return to that place. That in this view, and that at their desire, the assistant secretary at war met the detachment then on its march to the city, and endeavored to engage them to return to the former place, urging the considerations contained in the annexed instructions to him, but the said detachment persisted in their intention of coming to this city, and arrived here this morning. That upon conferring with the superintendent of finance, they find there is a probability that the paymaster-general, to whom the settlement of the accounts of the Army has been committed, and who, having all the documents in his possession, can alone execute the business with propriety, will shortly arrive from the Army, and will immediately enter upon a settlement with the troops in this State; that in the meantime measures will be taken to prepare the business for a final adjustment.

That there will immediately be sent to Lancaster a sum of money to be paid to the troops on account of the month's pay heretofore directed to be advanced to them, the payment of which has hitherto been delayed by particular circumstances, together with notes for three months' pay, intended to be advanced to the men when furloughed. That they have desired this information to be transmitted to the commanding officer here, and at Lancaster, with this declaration, that the corps stationed at Lancaster, including the detachment, can only be settled with or paid at that place.

THE INSTRUCTIONS TO MAJOR JACKSON.

SIR: Information having been received that a detachment of about eighty mutineers are on their way from Lancaster to this place, you will please proceed to meet them, and to endeavor by every prudent method to engage them to return to the post they have left. You will inform them of the orders that have been given, permitting them to remain in service till their accounts shall have been settled, if they prefer it to being furloughed, and of the allowance of pay which has been made to the Army at large, and in which they are to be included. You will represent to them that their accounts can not be settled without their officers, whom they have left behind them at Lancaster. You will represent to them with coolness but energy the impropriety of such irregular proceedings, and the danger they will run by persisting in an improper conduct. You will assure them of the best intentions in Congress to do them justice, and of the absurdity of their expecting to procure it more effectually by intemperate proceedings. You will point out to them the tendency which such proceedings may have to raise the resentments of their country, and to indispose it to take effectual measures for their relief. In short, you will

urge every consideration in your power to induce them to return, at the same time avoiding whatever may tend to irritate. If they persist in coming to town, you will give the earliest notice to us of their progress and disposition. Should they want provisions, you will assure them of a supply if they will remain where they are, which you are to endeavor to persuade them to do in preference to coming to town.

I am, sir, your most obedient servant,

A. HAMILTON,

*In behalf of the Committee*

Major JACKSON, *Assistant Secretary at War.*

PHILADELPHIA, *June 19, 1783.*

The committee, consisting of Mr. Hamilton and Mr. Ellsworth, appointed on the 21st June to confer with the supreme executive council of Pennsylvania, on the practicability of taking effectual measures to support the public authority, having delivered in a report:

*Ordered,* That it be entered on the journal.

The report is as follows:

The committee appointed to confer with the supreme executive council of Pennsylvania, on the practicability of taking effectual measures to support the public authority, in consequence of the disorderly and menacing appearance of a body of armed soldiers surrounding the place where Congress were assembled, on Saturday, the 21st instant, beg leave to report:

That they had a conference the morning following with the supreme executive council, agreeably to the intention of Congress, and having communicated their resolution on that subject, informed the council that Congress considered the proceeding on which that resolution was founded, of so serious a nature, as to render palliatives improper, and to require that vigorous measures should be taken to put a stop to the further progress of the evil, and to compel submission on the part of the offenders. That in this view they had thought it expedient to declare to the executive of the State in which they reside, the necessity of taking effectual measures for supporting the public authority. That though they had declined a specification of the measures which they would deem effectual, it was their sense that a number of the militia would be immediately called out, sufficient to suppress the revolt. That Congress, unwilling to expose the United States to a repetition of the insult, had suspended their ordinary deliberations in this city, till proper steps could be taken to provide against the possibility of it.

The council, after some conversation, informed the committee, that they would wish, previous to a determination, to ascertain the state and disposition of the militia, and to consult the officers for that purpose.

The day following the committee waited upon the council for their final resolution, having previously presented a letter addressed to his excellency the President, of which a copy is annexed, requesting the determination of the council in writing.

The council declined a written answer, alleging that it had been unusual on similar occasions; that they were unwilling to do anything which might appear an innovation in the manner of conducting conferences between their body and committees of Congress, adding, however, that they were ready to give their answer in writing, if Congress should request it. They then proceeded to a verbal answer, in substance as follows:

That the council had a high respect for the representative sovereignty of the United States, and were disposed to do everything in their power to support its dignity. That they regretted the insult which had happened, with this additional motive of sensibility, that they had themselves had a principal share in it. That

they had consulted a number of well-informed officers of the militia, and found that nothing in the present state of things was to be expected from that quarter. That the militia of the city in general were not only ill provided for service, but disinclined to act upon the present occasion. That the council did not believe any exertions were to be looked for from them, except in case of further outrage and actual violence to person or property. That in such case a respectable body of citizens would arm for the security of their property and of the public peace; but it was to be doubted what measure of outrage would produce this effect, and in particular, it was not to be expected merely from a repetition of the insult which had happened.

The council observed that they thought it their duty to communicate their expectations with candor, and passed from the subject of the practicability of vigorous measures to the policy of them. They stated, that General St. Clair, with the approbation of several members of Congress and of council, had, by a declaration in writing, permitted the mutineers to choose a committee of commissioned officers to represent their grievances to council, and had authorized them to expect that a conference would be allowed for that purpose. That it was said the mutineers began to be convinced of their error and were preparing submissions. That from the steps which had been taken the business seemed to be in a train of negotiation, and that it merited consideration, how far it would be prudent to terminate the matter in that way rather than employ coercive means.

The committee remarked, with respect to the scruple about giving an answer in writing, that they could not forbear differing in opinion as to its propriety. That nothing was more common than written communications between executives of the different States and the civil and military officers acting under the authority of the United States; that for a much stronger reason there was a propriety in this mode of transacting business between the council and a committee of the body of Congress. That, indeed, it would be conformable to the most obvious and customary rules of proceeding, and that the importance of the present occasion made it desirable to give every transaction the greatest precision.

With respect to the practicability of employing the militia, the committee observed that this was a point of which the council was alone competent to judge. That the duty of the committee was performed in explicitly signifying the expectations of Congress.

And with respect to the policy of coercion the committee remarked that the measures taken by Congress clearly indicated their opinion, that the excesses of the mutineers had passed the bounds within which a spirit of compromise might consist with the dignity and even the safety of government. That impunity for what had happened might encourage to more flagrant proceedings, invite others to follow the example, and extend the mischief. That the passiveness of conduct observed toward the detachment which had mutinied at Lancaster, and come to the city in defiance of their officers, had, no doubt, led to the subsequent violences. That these considerations had determined Congress to adopt decisive measures. That besides the application to the State in which they reside, for its immediate support, they had not neglected other means of ultimately executing their purpose, but had directed the commander in chief to march a detachment of troops towards the city. That whatever moderation it might be prudent to exercise toward the mutineers when they were once in the power of government, it was necessary, in the first instance, to place them in that situation. That Congress would probably continue to pursue this object unless it should be superseded by unequivocal demonstrations of submission on the part of the mutineers. That they had hitherto given no satisfactory evidence of this disposition, having lately presented the officers they had chosen to represent their grievances with a formal commission in writing, enjoining them, if necessary, to use compulsory means for redress, and menacing them with death in case of their failing to execute their views.



Under this state of things the committee could not forbear suggesting to the council that it would be expedient for them so to qualify the reception which they should think proper to give to any propositions made by the mutineers as not to create embarrassment, should Congress continue to act on the principle of coercion.

The committee, finding that there was no satisfactory ground to expect prompt and adequate exertions on the part of the executive of this State for supporting the public authority, were bound by the resolution under which they acted to advise the President to summon Congress to assemble at Princeton or Trenton on Thursday, the 26th instant.

Willing, however, to protract the departure of Congress as long as they could be justified in doing it, still hoping that further information would produce more decisive measures on the part of the council, and desirous of seeing what complexion the intimated submissions would assume, they ventured to defer advising the removal till the afternoon of the day following that on which the answer of the council was given. But having then received no further communications from the council, and having learnt from General St. Clair that the submissions proposed to be offered by the mutineers, through the officers they had chosen to represent them, were not of a nature sufficiently explicit to be accepted or relied on. That they would be accompanied by new demands to which it would be improper to listen; that the officers themselves composing the committee had shown a mysterious reluctance to inform General St. Clair of their proceedings—had refused, in the first instance, to do it, and had afterwards only yielded to a peremptory demand on his part. The committee could no longer think themselves at liberty to delay their advice for an adjournment, which they this day accordingly gave, persuaded at the same time that it was necessary to impress the mutineers with a conviction that extremities would be used against them before they would be induced to resolve on a final and unreserved submission.

PHILADELPHIA, *June 24th, 1783.*

The letter to his excellency the president of the supreme executive council of Pennsylvania:

SIR: We have the honor to enclose for your excellency and the council a copy of the resolutions communicated in our conference yesterday. Having then fully entered into all the explanations which were necessary on the subject, we shall not trouble your excellency with a recapitulation; but as the object is of a delicate and important nature, we think it our duty to request the determination of the council in writing.

We have the honor to be, with perfect respect, your excellency's most obedient servants.

PHILADELPHIA, *June 23, 1783.*

*Wednesday, July 2, 1783.*—A letter of the 24th of June, from his excellency W. Livingston, governor of the State of New Jersey, was read, whereupon it was—

*Resolved,* That the president inform his excellency, the governor of New Jersey, that Congress entertain a high sense of the spirit and attachment of the citizens of New Jersey to the Federal Union, and of the sentiments expressed by his excellency; and are happy that events have rendered the call of the citizens into service unnecessary.

An address of the governors and masters of the college was read, offering to Congress the use of the hall, library room, and every other

convenience that the college in its present situation can afford; whereupon it was—

*Resolved*, That the President inform the governors and masters of the college that Congress entertain a proper sense of their obliging offer, and accept the use of such parts of the college as are immediately necessary for their sessions, and for the officers attending them during their stay at Princeton.

Resolutions were also passed by the inhabitants of Trenton, Princeton, and Newark, and their vicinities, to support order and good government, which received the approbation of Congress.

*Monday, July 28, 1783.*—An address from the citizens of Philadelphia, and the liberties thereof, having been received and read it was—

*Resolved*, That the President inform the citizens of Philadelphia, and its liberties, in answer to their respectful and affectionate address, that the United States, in Congress assembled, have great satisfaction in reviewing the spirited and patriotic exertions which have been made by the government and citizens of Pennsylvania, in the course of the late glorious war; and that they are highly pleased with the resolution, expressed by the citizens of Philadelphia, to aid in all measures which may have a tendency to support the national honor and dignity.

*Friday, August 1, 1783.*—A motion was made by Mr. Read, of South Carolina:

That on the eighth of August instant, the President shall adjourn Congress to meet at Philadelphia on the twelfth of August instant, there to continue until the last Monday in October next, at which time the President shall adjourn Congress to meet at Annapolis on the Friday following, unless Congress shall, before that time, have determined otherwise.

And upon the question whether the words which follow “twelfth” shall stand, one State voted in the affirmative, three in the negative, four were divided, and five were not represented; so that the words of limitation were stricken out, and the further consideration of the question postponed to the 6th.

*Wednesday, August 13, 1783.*—Agreeable to the order of the day, Congress took into consideration a motion made by Mr. Howell, of Rhode Island, seconded by Mr. Bland, of Virginia, in words following:

*Resolved*, That on the 15th instant, the President adjourn Congress to meet at Philadelphia on the 21st instant.

A motion was made by Mr. Read, of South Carolina, seconded by Mr. Carroll, of Maryland, to postpone the consideration of the foregoing motion, in order to take up the following:

Whereas the resolution of Saturday, the 21st day of June last, enabling the President to summon Congress to meet at Trenton or Princeton, on Thursday then next following, had for its object, that further and more effectual measures might be taken for suppressing the then existing revolt of certain troops of the Pennsylvania line, and maintaining the dignity and authority of the United States: and whereas it is no longer found necessary or expedient that Congress should continue at Princeton,

*Resolved*, That on Friday, the 15th instant, the President do adjourn Congress to meet on Monday next, the 21st, at the city of Philadelphia; and that on the second

Monday in October next, the President do in like manner adjourn Congress, to meet on the Monday following, at Annapolis, in the State of Maryland, unless Congress shall in the meantime order otherwise.

On the question of postponing, the States voting in the affirmative were Pennsylvania, Maryland, and South Carolina; the negative were Massachusetts, Rhode Island, Connecticut, New Jersey, and Virginia; divided, New York and North Carolina; not represented, New Hampshire, Delaware, and Georgia. So the question was lost.

On motion of the delegates of Pennsylvania—

*Ordered*, That the further consideration of the original motion be postponed, in order that the following declaration made by one of the delegates from Pennsylvania this morning, in his place, be entered on the Journal, viz:

“The delegates of Pennsylvania are authorized by the president and council of that State to declare in the most respectful terms to Congress that their return to Philadelphia is sincerely desired by the president and council, as an event which would give them the greatest satisfaction.”

The consideration of the original motion was again resumed, and after further debate an adjournment was called for and agreed to.

On the next day a motion for general postponement of the question was lost; and upon the original motion of Mr. Howell, to adjourn to Philadelphia, the affirmative votes were Pennsylvania and Maryland; the negative were Massachusetts, Connecticut, New York, New Jersey, Virginia, and South Carolina; divided, North Carolina; not represented, New Hampshire, Rhode Island, Delaware, and Georgia: So the question was lost.

*Monday, September 1, 1783.*—The delegates for the State of Pennsylvania laid before Congress sundry resolutions of the general assembly of that State, which were read and ordered to be entered on the Journal, as follows:

State of Pennsylvania, in general assembly, Friday, August 29, 1783, a. m.

The report of the committee appointed to consider of the most eligible means for the accommodation of Congress, should that honorable body determine to reside within this State, read 27th instant, was read the second time: Whereupon,

*Resolved unanimously*, That until Congress shall determine upon the place of their permanent residence it would be highly agreeable to this house if that honorable body should deem it expedient to return to and continue in the city of Philadelphia; in which case they offer to Congress the different apartments in the statehouse and adjacent buildings which they formerly occupied for the purpose of transacting the national business therein.

*Resolved unanimously*, That this house will take effectual measures to enable the executive of the State to afford speedy and adequate support and protection to the honor and dignity of the United States in Congress, and the persons of those composing the Supreme Council of the nation assembled in this city.

*Resolved unanimously*, That as this house is sincerely disposed to render the permanent residence of Congress in this State, commodious and agreeable to that honorable body, the delegates of this State be instructed to request that Congress will be pleased to define what jurisdiction they deem necessary to be vested in them in the place where they shall permanently reside.

*Friday, September 5, 1783.*—On motion of Mr. McHenry, of Maryland, seconded by Mr. Lee, of Virginia—

*Resolved*, That Friday next be assigned to decide on the place proper for a temporary residence of Congress.

(It does not appear that Congress met on Friday, the 12th of September, 1783.)

*Monday, September 22, 1783.*—Congress took into consideration the report of a committee, consisting of Mr. Duane, of New York; Mr. Read, of South Carolina; Mr. McHenry, of Maryland; Mr. Huntington, of Connecticut; Mr. Peters, of Virginia; Mr. Wilson, of Pennsylvania, and Mr. Madison, of Virginia, appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence: whereupon—

*Ordered*, That the said report be referred to a committee of the whole house.

*Resolved*, That on Thursday next Congress be resolved into a committee of the whole to take into consideration the above report.

*Thursday, September 25, 1783.*—According to order, the House was resolved into a committee of the whole to take into consideration the report of the committee appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence. Mr. Carroll, of Maryland, was elected to the chair. After some time the President resumed the chair, and Mr. Carroll reported that the Committee of the Whole had taken into consideration the report referred to them, and made some progress therein, but, not having come to a conclusion, desire leave to sit again to-morrow.

*Ordered*, That leave be granted.

(It does not appear from the Journal that this committee of the whole ever sat again.)

*Monday, October 6, 1783.*—The order of the day being called for and read, to take into consideration the proposition of several States respecting a place for the permanent residence of Congress, a motion was made by Mr. Gerry, of Massachusetts, seconded by Mr. Holten, of Massachusetts, that Congress resolve itself into a committee of the whole to take into consideration the propositions of the several States from New York to Virginia, inclusive, respecting a place for the permanent residence of Congress.

Question put; passed in the negative.

A motion was made by Mr. Gerry, seconded by Mr. Foster, of New Hampshire, to postpone the order of the day.

This motion was lost; Massachusetts, Rhode Island, and Delaware only voting in the affirmative, and ten States being represented.

A motion to postpone the subject to the last Monday of the month was also lost; Massachusetts and Rhode Island only voting in the affirmative. It was then—

*Resolved*, That the question be taken, in which State buildings shall be provided and erected for the residence of Congress; beginning with New Hampshire, and proceeding in the order in which they stand.

The question upon each State was passed in the negative, no State having received more than 4 votes, and New Jersey and Maryland having each received that number.

*Resolved*, That the fixing on a place for providing and erecting buildings for the residence of Congress be an order of the day for to-morrow.

*Tuesday, October 7, 1783.*—The order of the day being called for, a motion was made by Mr. Gerry, of Massachusetts, seconded by Mr. Howell, of Rhode Island—

That buildings for the use of Congress be erected on the banks of the Delaware, near Trenton, or of Potomac, near Georgetown, provided a suitable district can be procured on one of the rivers as aforesaid for a Federal town, and the right of soil and an exclusive or such other jurisdiction as Congress may direct shall be vested in the United States.

A motion by Mr. Duane, seconded by Mr. Holton, to add "the Hudson" was negatived.

This motion having been amended so as to read: "That buildings for the use of Congress be erected on or near the banks of the Delaware or of the Potomac, provided a suitable district," etc. (as in the original motion), was agreed to without a call for the yeas and nays, after an ineffectual attempt had been made by the Maryland delegates to postpone the motion in order to take into consideration a proposition to accept the offer made by the legislature of Maryland, by their act of ———, for the residence of Congress. Upon the question of postponement for that purpose, Maryland alone voted in the affirmative. It was then—

*Resolved*, That buildings for the use of Congress be erected on or near the banks of the Delaware, provided a suitable district, etc.

(As in the original motion.)

The States voting on this resolution in the affirmative were Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware; those voting in the negative were Maryland, Virginia, North Carolina, and South Carolina; not represented, New Hampshire and Georgia.

A motion, made by Mr. Bedford, of Delaware, seconded by Mr. Tilton, of Delaware, that the buildings should be erected in the State of Delaware, near Wilmington, was negatived, Delaware, Maryland, and South Carolina only voting in the affirmative. But it was—

*Resolved*, That the place on the Delaware for erecting buildings for the use of Congress be near the falls.

*Resolved*, That a committee of five be appointed to repair to the falls of the Delaware to view the situation of the country in its neighborhood and report a proper district for carrying into effect the preceding resolution. The members, Mr. Gerry, Mr. S. Huntington, Mr. Peters, Mr. Duane, Mr. Clarke.

*Resolved*, That it be the order of the day for to-morrow to consider of the temporary residence of Congress.

*Wednesday, October 8, 1783.*—A motion was made by Mr. Williamson, of North Carolina, seconded by Mr. Read, of South Carolina—

To consider the resolution of yesterday, by which the residence of Congress is to be fixed near the falls of the Delaware, in order to fix on some other place that shall be more central, more favorable to the Union, and shall approach nearer to that justice which is due to the Southern States.

This motion was negatived; Delaware, Maryland, Virginia, North Carolina, and South Carolina voted in the affirmative; but, as it required 7 votes to carry a question affirmatively, the motion was lost, although there were only 6 negative votes. New Hampshire and Georgia were not represented.

*Friday, October 10, 1783.*—The order of the day being called for, it was—

*Resolved*, That for the more convenient transaction of the business of the United States and accommodation of Congress, it is expedient for them to adjourn from their present residence.

New York and all the States south of New York voted in the affirmative, except Georgia, which was not represented.

A motion was then made by Mr. Williamson, of North Carolina, seconded by Mr. Peters, of Pennsylvania—

That on the last Thursday of this month the President adjourn Congress, to meet at Philadelphia on the next Saturday, there to sit, for the dispatch of public business, till the first Monday in June next, at which time the President is hereby empowered and directed to adjourn Congress, to meet at Trenton on the Wednesday following.

Mr. Duane moved to strike out "Philadelphia" and insert in its place "Trenton," and to strike out all the words after "business." This amendment was rejected, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey voting in the affirmative.

Mr. Williamson's motion was then rejected, New York, Pennsylvania, Delaware, Virginia, and North Carolina having voted in the affirmative.

*Saturday, October 11, 1783.*—The order of the day being called for, a motion was made by Mr. Ellery, of Rhode Island, seconded by Mr. Holten, of Massachusetts—

That the President of Congress be, and he is hereby, authorized and directed to adjourn Congress on the 22d, to meet at Annapolis, in the State of Maryland, on the 31st of October instant, there to sit for the dispatch of public business till the first Monday in June next, at which time the President is hereby empowered and directed to adjourn Congress to meet at Trenton on the Wednesday following.

This motion having been amended by striking out the words "there to sit," etc., and all the following words to the end, and by inserting the words "for the place of their temporary residence," was lost: Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, and

North Carolina voting in the affirmative; South Carolina was divided, and New Hampshire and Georgia were not represented.

*Monday, October 13, 1783.*—The order of the day being called for, a motion was made by Mr. Mercer, of Virginia, seconded by Mr. Lee, of Virginia, that Congress will, on the 15th instant, adjourn to meet at the city of Williamsburg, in the State of Virginia, on the 30th instant, there to sit for the dispatch of public business.

A motion was made by Mr. Howell, of Rhode Island, seconded by Mr. Ellery, to strike out the words "there to sit for the dispatch of public business," and in lieu thereof insert "for the place of their temporary residence." This amendment was not carried. Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Maryland voted in the affirmative; Connecticut and North Carolina were divided; New Hampshire, Delaware, South Carolina, and Georgia were not represented; Virginia voted in the negative.

The motion of Mr. Mercer was lost, Virginia alone voting in the affirmative.

*Friday, October 17, 1783.*—A motion was made by Mr. Gerry, of Massachusetts, seconded by Mr. Lee, of Virginia, in the words following:

Whereas the resolutions of Congress, of the 7th instant, to erect buildings for their use at or near the falls of the Delaware, are not satisfactory to a respectable part of the United States, five of which, on the 8th instant, voted for the reconsideration of the said resolutions; and whereas Congress have no prospect of a general assent to any one place for their residence, and there is every reason to expect that the providing buildings for the alternate residence of Congress in two places will be productive of the most salutary effects, by securing the mutual confidence and affections of the States, and preserving the Federal balance of power: it is therefore, resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac, or Georgetown; provided a suitable district on the banks of the river can be procured for a Federal town, and the right of soil and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States.

Whereupon a motion was made by Mr. Clarke, of New Jersey, seconded by Mr. Peters, of Pennsylvania, as follows:

Whereas the motion now before the House, made by the honorable mover from Massachusetts, appears to involve in it such important consequences to the Union as to require a special and deliberate investigation, unconnected with any other subject, and ought not be determined upon a motion immediately taken up without previous notice thereof given to the States, as was the case in fixing a single Federal town; therefore resolved, That the said motion be postponed to the first Monday in April next, and copies thereof be transmitted to the executives of the several States.

Mr. Clarke's resolution was lost, New York, New Jersey, and Pennsylvania voting in favor of it.

The consideration of the main question was postponed till Wednesday.

*Saturday, October 18, 1783.*—A motion was made by Mr. McHenry, of Maryland, seconded by Mr. Mercer, of Virginia, to reconsider the

resolution "that the consideration of the motion made by Mr. Gerry be postponed till Wednesday." When the question was about to be put, the determination thereof was postponed by the State of New Jersey.

*Monday, October 20, 1783.*—On the question to reconsider the resolution postponing the consideration of Mr. Gerry's motion to Wednesday next, it was resolved in the affirmative, New York alone voting in the negative, and New Hampshire, New Jersey, Pennsylvania, Delaware, and Georgia not being represented.

On the motion that the consideration of Mr. Gerry's motion be postponed to Wednesday next, the question was lost.

Mr. Gerry's motion then being taken into consideration, he moved to amend it by adding thereto—

and that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods of not more than one year and not less than six months in Trenton and Annapolis; and the President is hereby authorized and directed to adjourn Congress on the 10th of November next, to meet at Annapolis on the 25th day of the same month for the dispatch of public business.

On motion, the words "of not more than one year and not less than six months" were stricken out. But Congress refused to strike out the words "and Potomac," "alternately at equal periods," "and Annapolis," "at Annapolis;" New York alone voting in favor of the motion.

The amendment of Mr. Gerry, after being so amended, was lost, six States only voting in its favor, viz, Massachusetts, Connecticut, Maryland, Virginia, North Carolina, and South Carolina. New York alone voted in the negative, the other States being divided or not represented.

*Tuesday, October 21, 1783.*—The amendment offered by Mr. Gerry—on the preceding day and lost—was in substance renewed by Mr. Ellery, who had voted against it, and was now carried by the same votes, with the addition of Rhode Island, which on the former vote had been divided. The whole resolution of Mr. Gerry was then adopted by the same votes, viz, Massachusetts, Rhode Island, Connecticut, Maryland, Virginia, North Carolina, and South Carolina voted in the affirmative, New York alone in the negative; the other States were not represented. The resolution as passed was in this form:

Whereas there is reason to expect that the providing buildings for the alternate residence of Congress in two places, will be productive of the most salutary effects, by securing the mutual confidence and affections of the States.

*Resolved,* That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a Federal town, and the right of soil, and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States; and that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods of not more than one year, and not less than six months,



in Trenton and Annapolis; and the President is hereby authorized and directed to adjourn Congress on the 12th day of November next, to meet at Annapolis on the 26th day of the same month, for the dispatch of public business.

*Thursday, October 30, 1783.*—

*Resolved*, That in case a President shall not be chosen on or before the 12th day of November next, the Secretary adjourn Congress on the day, to meet at Annapolis on the 26th of the said month, according to the resolution of the 20th (2188) instant.

Seven States voted in the affirmative: three, viz, New York, New Jersey, and Pennsylvania, in the negative: New Hampshire, Delaware, and Georgia were not represented.

A motion was made by Mr. Lee, of Virginia, seconded by Mr. Holten, of Massachusetts, that a committee be appointed to repair to the lower falls of the Potomac, to view the situation of the country in the vicinity of the same, and report a proper district for carrying into effect the resolution of the 21st of October.

Whereupon a motion was made by Mr. Howell, of Rhode Island, seconded by Mr. Carroll, of Maryland, to amend the foregoing motion by adding—

And that the committee appointed on the 7th day of October, instant, to report the most suitable place for erecting buildings for the accommodation of Congress near the falls of the Delaware, be directed to report as soon as may be.

which was carried by the votes of the same seven States, as was also Mr. Lee's motion so amended, in the following form, viz:

*Resolved*, That a committee be appointed to repair to the lower falls of Potomac, to view the situation of the country in the vicinity of the same, and report a proper district for carrying into effect the resolution of the 21st of October; and that the committee appointed on the 7th of October to report the most suitable place for erecting buildings for the accommodation of Congress near the falls of the Delaware, be directed to report as soon as may be. The members, Mr. Hawkins, of North Carolina; Mr. Gerry, of Massachusetts; Mr. Carroll, of Maryland; Mr. Mercer, of Virginia, and Mr. Williamson, of North Carolina.

It was also resolved (by the same votes)—

That the President transmit to the executives of New Jersey, Pennsylvania, Maryland, and Virginia copies of the acts of Congress of the 7th instant, respecting buildings to be erected for a Federal town on the banks of the Delaware; and of the acts of the 21st instant, respecting buildings to be erected on the banks of Potomac for a second Federal town, and the adjournment of Congress to Annapolis; and that copies be also transmitted to the several other States in the Union.

*Monday, November 3, 1783.*—

*Resolved*, That the Chairman, in the absence of the President, be, and he is hereby, empowered and directed to adjourn Congress on the 6th instant, to meet at Annapolis on the 26th, agreeable to the resolution of the 21st of October last.

*Tuesday, November 4th, 1783.*—

*Resolved*, That the resolution, passed yesterday, empowering the Chairman to adjourn Congress on the 6th, be reconsidered and altered to the 4th.

*Resolved*, That this Congress be, and it is hereby adjourned to meet at Annapolis on the 26th of the present month.

*Wednesday, April 14, 1784.*—The delegates of the State of Rhode Island and Providence Plantations having informed Congress that the legislature of said State, at their session in February last passed the following resolution, to wit:

*Resolved,* That the delegates of this State be, and they are hereby, instructed to use their influence to obtain a recess of Congress as soon as the national business will possibly admit.

It is further voted that the delegates of this State request that honorable body to adjourn and convene at Rhode Island in the course of the next year, or as soon as may be convenient; and that Congress be informed that if the aforesaid request shall be acceded to, this State will prepare suitable buildings for their accommodation.

And thereupon moved—

That on the 26th day of May next, the President adjourn this Congress until the 26th day of October next, then to meet at Newport, in the State of Rhode Island and Providence Plantations; and, if a sufficient number of members to form a house should not then meet, that all the business before this Congress unfinished at the time of said adjournment be referred to the United States in Congress, who shall be assembled at said Newport on the first Monday in November next.

A motion was then made by Mr. Jefferson, of Virginia, seconded by Mr. Hardy, of Virginia, to strike out the words “then to meet at Newport, in the State of Rhode Island and Providence Plantations,” and afterwards the words “at said Newport,” which were accordingly stricken out. Rhode Island alone voting in favor of retaining them.

A motion was then made by Mr. Montgomery, of Pennsylvania, seconded by Mr. Hand, of Pennsylvania, in lieu of the words struck out to insert “to meet at Philadelphia,” which motion was lost, Pennsylvania alone voting in its favor.

A motion was then made by Mr. Monroe, of Virginia, seconded by Mr. McHenry, of Maryland, to postpone the further consideration of the motion under debate, in order to take up the following:

That the States of Maryland and Virginia be informed, that provided they will advance the United States ——— pounds, for the erecting the necessary buildings for the reception of Congress at or near Georgetown, at the falls of Potomac, it shall be allowed them in the requisition made on them for the year —, by the United States in Congress assembled;

which passed in the negative, Maryland, Virginia, and South Carolina voting in the affirmative, Rhode Island and North Carolina being divided, Delaware and Georgia not being represented.

A motion was then made by Mr. Jefferson, seconded by Mr. Monroe, in lieu of the words struck out, to insert “Alexandria;” which motion was lost, Virginia alone voting in its favor.

A motion was then made by Mr. Beatty, of New Jersey, seconded by Mr. Sherman, of Connecticut, in lieu of the words struck out, to insert “to meet at Trenton, in the State of New Jersey, agreeably to their act of the 21st of October last,” which was carried, Maryland, Virginia, and South Carolina voting in the negative, North Carolina divided, Delaware and Georgia not represented.

A motion was then made by Mr. Jefferson for a further amendment, by adding, immediately after the words inserted, these words, to wit: "*Provided*, A committee of the States shall have been previously constituted." On this amendment the previous question was moved by the State of Massachusetts, seconded by the State of New Jersey; and on the question to agree to the previous question it was lost; ayes, 5; noes, 5; New York divided.

*Monday, April 26, 1784.*—Present eleven States.

A motion was made by Mr. Howell, seconded by Mr. Gerry—

that the President be, and he is hereby, authorized and directed to adjourn Congress on the third day of June next, to meet on the thirtieth of October next at Trenton, for the dispatch of public business; and that a committee of the States shall be appointed to sit in the recess of Congress.

A motion was made by Mr. McHenry, seconded by Mr. Spaight, of North Carolina, to postpone the consideration of the foregoing motion in order to take into consideration the report of a committee "to whom was referred a report on the powers with which a committee of the States should be vested during the recess of Congress, and a motion on the same subject."

The motion to postpone was lost, Pennsylvania and all the States east of Pennsylvania voting in the negative; Maryland and all south of Maryland voting in the affirmative. Delaware and Georgia were not represented.

A motion was then made by Mr. Williamson, of North Carolina, seconded by Mr. McHenry, to amend the motion of Mr. Howell by adding thereto—

*Provided*, A committee of the States shall first have been appointed to sit in the recess of Congress, and the powers defined with which the said committee shall be vested, according to the tenth of the Articles of Confederation.

This motion was also negatived by the same vote.

A motion was then made by Mr. McHenry, seconded by Mr. Mercer, to postpone the further consideration of the motion under debate in order to take up the following:

That as soon as a proper place shall be reported by the committee appointed to view and report a proper place for a Federal town at or near Georgetown, on the Potomac, and the soil and jurisdiction obtained as well for the town on Potomac as that on Delaware, Congress will forthwith proceed to erect such public buildings as may be necessary for their sessions, at the expense of the United States, out of the common treasury thereof; that the foundations of the said buildings shall be laid at the same time, and no sum of money appropriated for the one, unless an equal sum be appropriated for the other.

The motion to postpone for the purpose aforesaid was lost, Maryland alone voting in the affirmative, and Virginia and South Carolina being divided. Mr. Jefferson and Mr. Monroe voted in the negative.

A motion was then made by Mr. Hardy, of Virginia, and seconded by Mr. Read, of South Carolina, to postpone the consideration of the motion under debate, in order to take up the following:

Whereas the resolution of the 20th of October last provides that Congress shall reside at Trenton and Annapolis, alternately, at equal periods of not less than six months or more than twelve, until the buildings on the banks of Potomac and Delaware be ready for their reception;

And whereas the delegates from Rhode Island, pursuant to instructions from that State, have moved a resolution that Congress adjourn to Newport, in the State of Rhode Island, from which it is evidently the sense of that State that the resolution for two Federal towns should not be carried into effect;

And whereas it appears to be the sense of a majority of the States in Congress assembled, by a motion from the State of Connecticut forbidding the committee appointed to view the ground at or near Georgetown to proceed in that business until the further order of Congress, and by a motion for allowing the States of Maryland and Virginia to advance ——— pounds for the purpose of erecting public buildings at or near Georgetown, and for giving them credit for the same in the requisition of — year, which last being negatived, amounts to a virtual repeal of the aforesaid act; and as it will be expedient to fix on a situation the most central to all parts of the Union for holding the sessions of Congress,

*Resolved*, That Congress hold their sessions in Annapolis, in the State of Maryland, until they decide on some place for their permanent residence and the necessary public buildings be erected for their accommodation.

On this motion the previous question was moved by the State of Connecticut, seconded by the State of Rhode Island; and on the question to agree to the previous question, the yeas and nays being required by Mr. Hardy, the yeas were, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; nay, Maryland; divided, Virginia, North Carolina, and South Carolina; not represented, Delaware and Georgia.

So it was resolved in the affirmative, and the motion was set aside.

The original motion of Mr. Howell was then carried, Pennsylvania and all the States east of Pennsylvania voting in the affirmative; Maryland, Virginia, and South Carolina in the negative; North Carolina divided, and Delaware and Georgia not represented. So it was—

*Resolved*, That the President be, and he hereby is, authorized and directed to adjourn Congress on the 3d day of June next, to meet on the 30th of October next at Trenton for the dispatch of public business; and that a committee of the States shall be appointed to sit in the recess of Congress.

*Thursday, June 3, 1784.*—The President, in pursuance of the act of the 26th of April, adjourned Congress to meet at Trenton on the 30th of October, where they met November 1.

*Friday, December 10, 1784.*—A motion being made by the State of South Carolina, seconded by the State of Pennsylvania, “that for the more convenient transaction of the business of the United States and accommodation of Congress it is expedient for them to adjourn from their present residence,” the determination thereof was postponed to the next day, when the question was lost, the affirmative votes being

Pennsylvania, Delaware, Virginia, South Carolina, and Georgia; the negative, Massachusetts, New York, and New Jersey; not represented, New Hampshire, Rhode Island, Connecticut, Maryland, and North Carolina.

*Monday, December 20, 1784.*—On motion of Mr. Howell, seconded by Mr. Jay, of New York—

*Resolved*, That it is expedient the Congress proceed to take measures for suitable buildings to be erected for their accommodation.

*Resolved* (by nine States), That a sum not exceeding \$100,000 be appropriated for the payment of the expense of erecting such buildings, provided always that hotels or dwelling houses for the members of Congress representing the different States shall not be understood as included in the above appropriation.

*Resolved*, That it is inexpedient for Congress at this time to erect public buildings for their accommodation at more than one place.

*Tuesday, December 21, 1784.*—A motion was made by Mr. Pinckney, of South Carolina, seconded by Mr. Jay, that it is expedient Congress should determine on a place, at which they will continue to sit until proper accommodations in a Federal town shall be erected, and that the subsisting resolutions respecting the alternate temporary residence of Congress at Trenton and Annapolis, be repealed.

A motion of Mr. Howell, seconded by Mr. Ellery, to strike out the words “and that the subsisting resolutions,” etc., to the end, the question being taken shall those words stand, it was decided in the negative and the words were stricken out. The affirmative votes were, New York, Virginia, North Carolina, South Carolina, and Georgia; the negative, Massachusetts, Rhode Island, and New Jersey; Pennsylvania was divided, and New Hampshire, Connecticut, Delaware, and Maryland were not represented.

The resolution being further amended was passed thus:

*Resolved*, That it is expedient Congress should determine on a place at which they will continue to sit until public buildings for their proper accommodation shall be erected.

*Thursday, December 23, 1784.*—An ordinance for carrying into execution the resolutions of the 20th instant, and for fixing upon a place for the residence of Congress, until suitable buildings shall be erected for their accommodation, being moved by Mr. Gerry, seconded by Mr. Howell, read a first time, and taken up for a second reading, and the following paragraph being under debate—

That for this purpose three commissioners be appointed with full powers to lay out a district of not less than two nor exceeding three miles square, on the banks of either side of the Delaware, not lower than Lambertton, nor more than six miles above it, for a Federal town.

A motion was made by Mr. Hardy, of Virginia, seconded by Mr. Monroe, to strike out the words “on the banks of either side of the Delaware, not lower than Lambertton, nor more than 6 miles above

it," and in lieu thereof to insert, "at Georgetown, on the Potomac." But the motion was lost, Virginia alone voting in the affirmative.

Sundry amendments being made, when the paragraph was under debate, viz:

"That on the — day of ——— next Congress stand adjourned to meet at ———, on the — day of ——— following, for the dispatch of public business, and that the sessions of Congress be held at the place last mentioned until the buildings aforesaid shall be ready for their reception."

A motion was then made by Mr. Houston, of New Jersey, seconded by Mr. Howell, to strike out the words, "that on the — day of ——— next Congress stand adjourned to meet at ——— on the — day of ——— following, and that the sessions of Congress be held at the place last mentioned," and in lieu thereof insert, "and that Congress shall continue to hold their sessions at Trenton," which motion was also lost; Rhode Island and New Jersey only voting in its favor.

A motion was then made by Mr. Hardy, seconded by Mr. Spaight, of North Carolina, to fill up the blank after "meet at" with the word "Philadelphia," which was also lost; Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia voting in the affirmative; Massachusetts, Rhode Island, New York, and New Jersey in the negative; New Hampshire, Connecticut, Delaware, and Maryland not represented.

A motion was then made by Mr. Ellery, seconded by Mr. Howell, to fill the blank with the words, "city of Newport, in the State of Rhode Island and Providence Plantations," which was also lost; Rhode Island alone voting for it.

A motion was then made by Mr. Howell, seconded by Mr. Spaight, to fill the blank with "the city of New York," which was carried; Pennsylvania alone voting in the negative, Georgia being divided, and New Hampshire, Connecticut, Delaware, and Maryland not represented.

The other blanks being filled, the ordinance was read the third time and agreed to, as follows:

*Be it ordained by the United States in Congress assembled, That the resolutions of the 20th instant, respecting the erecting buildings for the use of Congress, be carried into effect without delay; that for this purpose three commissioners be appointed, with full power to lay out a district of not less than two nor exceeding three miles square on the banks of either side of the Delaware, not more than eight miles above or below the falls thereof, for a Federal town; that they be authorized to purchase the soil, or such part of it as they may judge necessary, to be paid in proper installments; to enter into contracts for erecting and completing, in an elegant manner, a Federal house for the accommodation of Congress, and for executive officers thereof; a house for the use of the President of Congress, and suitable buildings for the residence of the secretary of foreign affairs, secretary at war, secretary of Congress, secretary of the marine, and officers of the Treasury; that the said commissioners be empowered to draw on the Treasury of the United States for a sum not exceeding one hundred thousand dollars for the purpose aforesaid; that in choosing a situation for the*

buildings due regard be had to the accommodation of the States, with lots for houses for the use of their delegates, respectively; that on the 24th day of December instant, Congress stand adjourned to meet at the city of New York on the 11th day of January following, for the despatch of public business, and that the sessions of Congress be held at the place last mentioned until the buildings aforesaid shall be ready for their reception. Done, etc.

*Friday, December 24, 1784.*—

*Resolved*, That Congress will proceed to the election of commissioners, for carrying into execution the purposes mentioned in the ordinance of yesterday, on the 13th of January next.

*Resolved*, That the President transmit to the executives of the several States the ordinance passed yesterday, and that it be also published.

*Resolved*, That Congress entertain a due sense of the attention of the legislature of the State of New Jersey in providing accommodations for their reception, and also of the exertions of the inhabitants of Trenton in accomplishing the intentions of their legislature.

On motion of Mr. King, of Massachusetts, seconded by Mr. Howell, Congress came to the following resolution:

The delegates of Pennsylvania, having laid before Congress the resolves of their legislature of the 27th of November last—

*Resolved*, That Congress entertain a due sense of the attention of the Commonwealth of Pennsylvania in offering to Congress the use of their public buildings in the city of Philadelphia for their temporary residence.

Adjourned to meet at the city of New York the 11th of January next.

On Thursday, January 11, 1785, Congress met at New York, seven States being present, but did not on that day proceed to the election of the commissioners under the ordinance of the 23d of December, 1784, agreeably to the resolve of the 24th of December.

*Tuesday, January 18, 1785.*—

*Resolved*, That the mayor and corporation of the city of New York be informed that Congress entertain a just sense of the attention which they have manifested to the interest of the Federal Union in the offer they have made of such of the public buildings in the city as may be necessary for the transaction of public business, and that they accept of the several apartments in the city hall, the whole of which (except the court and jury rooms) will be necessary for the session of Congress and the accommodation of their officers.

*Tuesday, February 8, 1785.*—The order of the day being called to proceed to the election of the three commissioners, pursuant to the ordinance of the 23d December, 1784,

A motion was made by Mr. Williamson, of North Carolina, seconded by Mr. Sitgreaves, of Pennsylvania, to postpone the order of the day to take up the following:

That the commissioners who may be appointed in pursuance of the 23d December, 1784, be instructed to examine such places on the river Delaware, within the limits prescribed, as may be purchased, and such as they may judge proper for the site of public buildings; to cause one or more places to be surveyed on each side of the river, and report to Congress the situation and quantity of land offered them for

sale, and the terms on which the several tracts may be purchased, properly authenticated by the different proprietors.

This motion was lost, North Carolina alone voting in its favor.

A motion was then made by Mr. McHenry, of Maryland, seconded by Mr. Foster, of New Hampshire—

that Congress do not proceed to the appointment of commissioners, to carry the ordinance for founding the said town into effect, till the delegates, representing the several States, have time to consult, in a matter so important and momentous, the sense of their constituents.

This motion was decided to be in order, but Congress adjourned without taking a question upon it.

*Wednesday, February 9, 1785.*—The order of the day being called to proceed to the election of three commissioners, pursuant to the ordinance of 23d December, 1784, the same was postponed till to-morrow by the State of Virginia.

*Thursday, February 10, 1785.*—A motion further to postpone the order of the day, to proceed to the election of three commissioners, etc., was negatived, Maryland alone voting in the affirmative.

Congress proceeded to the election of three commissioners, pursuant to the ordinance of the 23d of December, 1784, and the ballots being taken, Philip Schuyler, esq., was elected, having been previously nominated by Mr. W. Livingston, of New York.

*Friday, February 11, 1785.*—Congress proceeded to the election of the two remaining commissioners, pursuant to the ordinance of the 23d of December, 1784, and the ballots being taken, Mr. Philemon Dickenson and Mr. Robert Morris were elected, the former having been previously nominated by Mr. Stewart, of New Jersey, and the latter by Mr. Ellery, of Rhode Island.

*Tuesday, March 10, 1785.*—A letter of the 3d, from Mr. P. Schuyler, was read, wherein he declines the office of commissioner for carrying into effect the act for Federal buildings.

*Friday, March 11, 1785.*—

*Resolved,* That Tuesday next be assigned for the election of a commissioner for carrying into execution the purposes mentioned in the ordinance of December 23, 1784, in the place of Philip Schuyler, esq., who has declined to accept that appointment.

A motion to strike out “Tuesday” and insert “the first Monday in May” was lost, Maryland alone voting in its favor.

*Wednesday, March 16, 1785.*—Mr. John Brown, nominated by Mr. Beatty, of New Jersey, was elected commissioner in the place of Mr. P. Schuyler.

The Journals of Congress do not show that any further proceedings were had under the ordinance of 23d December, 1784.

On Tuesday, April 10, 1787, Congress having continued its sessions in New York ever since the 13th of January, 1785,



A motion was made by Mr. Kearney, of Delaware, seconded by Mr. Blount, of North Carolina:

That on the last Friday in the present month Congress will adjourn, to meet on the first Monday in June next at the city of Philadelphia, in the State of Pennsylvania, and the President of Congress is hereby authorized and directed, on the said last Friday in the present month, to adjourn Congress to the said first Monday in June next to meet in the city of Philadelphia, in the State of Pennsylvania; and that the secretary of Congress and the heads of the several departments take order for the removal of the books and papers belonging to their respective offices to the said city of Philadelphia.

A motion was then made by Mr. Varnum, of Rhode Island, to amend the motion, so as to substitute Newport for Philadelphia; which motion to amend was lost, Rhode Island alone voting in the affirmative.

A motion was then made by Mr. King, of Massachusetts, so to amend the resolution as to leave it a simple resolution to adjourn on the last Friday of the month, till the first Monday in June; which motion was carried.

Mr. King then moved to strike out the words, "on the last Friday of the present month," and when the question was about to be put the determination was postponed by the State of Massachusetts to the next day, when it was postponed indefinitely.

On Thursday, May 10, 1787, a motion by Mr. Kearney, of Delaware, to adjourn on the 16th, to meet at Philadelphia on the second Monday in June, was decided not to be in order, because contrary to the ordinance of the 23d of December, 1784, which enacted that the sessions of Congress should be held in New York until the public buildings in the Federal town should be ready for their reception.

Mr. Kearney then renewed his motion with this addition, "Anything in the ordinance of the 23d of December, 1784, contained, to the contrary notwithstanding."

A motion was then made by Mr. Lee, of Virginia, seconded by Mr. Huger, of South Carolina, to postpone the motion before the House to take up the following, viz:

Whereas the convenient and due administration of the Government of the United States requires that a permanent situation most central to all parts of the Union be established for holding the sessions of Congress.

*Resolved*, That the board of treasury take measures for erecting the necessary public buildings, for the accommodation of Congress, at Georgetown, on the Potomac River, so soon as the soil and jurisdiction of the said town are obtained, and that on the completion of the said buildings that Congress adjourn their sessions to the said Federal town.

*Resolved*, That the States of Maryland and Virginia be allowed a credit in the requisition of 1787, or in the arrearages due on past requisitions for such sums of money which they may respectively furnish toward the erection of the said buildings,

This motion was lost; Massachusetts, New York, Virginia, and Georgia voted in the affirmative; New Jersey, Pennsylvania, Delaware,

Maryland, and North Carolina in the negative; New Hampshire, Connecticut, Rhode Island, and South Carolina not represented.

A motion was then made by Mr. Lee, seconded by Mr. Carrington, of Virginia, to amend the motion before the house by adding the following words:

That the board of treasury take order for the payment of all just expenses which the officers of the United States may be involved in by the adjournment of Congress before the expiration of the year;

which motion was also lost, Massachusetts, New York, and Virginia voting in the affirmative.

An unsuccessful motion was made by Mr. Carrington, of Virginia, to substitute the 10th and 30th of October for the 16th of May and the second Monday in June; but Mr. Dane, of Massachusetts, prevailed in a motion to strike out the second Monday in June next.

Nothing further appears to have been done upon Mr. Kearney's motion of the 10th of May, 1787.

*Monday, July 28, 1788.*—The committee, consisting of Mr. Carrington, Mr. Edwards, Mr. Baldwin, Mr. Otis, and Mr. Tucker, to whom were referred the acts of the several States which have been transmitted to Congress, ratifying the Constitution for the United States of America, having reported an act for putting the said Constitution into operation, and the following paragraph having been debated and amended to read as follows:

That the first Wednesday in January next be the day for appointing electors in the several States which have, or shall, before the said day have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President, and that the first Wednesday in March next be the time and ——— the place for commencing proceedings under the said Constitution;

a motion was made by Mr. Edwards, of Connecticut, seconded by Mr. Williamson, of North Carolina, to fill the blank with "Philadelphia." This motion was lost; New Hampshire, Connecticut, Pennsylvania, Maryland, Virginia, and North Carolina voted in the affirmative; Massachusetts, New York, New Jersey, and South Carolina in the negative; Delaware and Georgia were divided, and Rhode Island was not represented.

*Wednesday, July 30, 1788.*—The order of the day being called for, and the paragraph which was under debate on Monday being read, a motion was made by Mr. Dayton, of New Jersey, seconded by Mr. Huger, of South Carolina, to fill the blank with the words "the city of New York, in the State of New York." Thereupon a motion was made by Mr. Lee, seconded by Mr. Clarke, of New Jersey, in lieu of this, to amend the paragraph so that the last clause be "and at such place as shall hereafter be appointed by Congress."

The motion of Mr. Lee so to amend it was lost, Massachusetts, New York, New Jersey, and South Carolina voting in the affirmative;

Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and Georgia in the negative; New Hampshire being divided and Rhode Island not being represented.

*Monday, August 4, 1788.*—The order of the day being called, and the motion renewed by Mr. Dayton, seconded by Mr. Ross, of Maryland, to fill the blank with the words “city of New York, in the State of New York,” a motion was made by Mr. Williamson, of North Carolina, seconded by Mr. Seney, of Maryland, to postpone the motion, in order to admit a motion to fill the blank with the word “Lancaster,” which motion was lost; Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and Georgia voting in the affirmative, and the other seven States in the negative.

A motion was then made by Mr. Carrington, seconded by Mr. Seney, to postpone the motion for New York, in order to admit “Baltimore, in the State of Maryland,” which motion to postpone was carried; the seven Southern States, including Pennsylvania, voting in the affirmative, and the six Eastern States in the negative.

The motion to fill the blank with the words “the town of Baltimore, in the State of Maryland,” was carried by the same majority.

*Tuesday, August 5, 1788.*—A motion was made by Mr. Hamilton, of New York, seconded by Mr. Dane, of Massachusetts, to reconsider the question for filling the blank in the resolution with the words, “the town of Baltimore, in the State of Maryland,” which motion was lost by the same majority.

*Wednesday, August 6, 1788.*—The order of the day being called for, and the act, as amended, for putting the Constitution into operation being read as follows—

Whereas the convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th of September in the same year, report to the United States, in Congress assembled, a Constitution for the people of the United States, whereupon Congress, on the 28th of the same September, did resolve unanimously that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case; and whereas the Constitution so reported by the convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the secretary: Therefore,

*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several States which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President, and that the first Wednesday in March next be the time, and the town of Baltimore, in the State of Maryland, the place for commencing proceedings under the said Constitution—

a motion was made by Mr. Tucker, of South Carolina, seconded by Mr. Lee, of Virginia, further to amend the act by striking out the

words "in the town of Baltimore, in the State of Maryland," and inserting as follows:

And whereas a central situation would be most eligible for the sitting of the Legislature of the United States, if such could be found in a condition to furnish in due time the accommodations necessary for facilitating public business, and at the same time free of weighty objections which might render it improper or unlikely to be the seat of government, either permanently or until a permanent seat can be agreed on; and whereas the most effectual means of obtaining finally the establishment of the Federal Government in a convenient central situation is to leave the subject to the deliberate consideration of the future Congress, uninfluenced by undue attachment to any of the places which may stand in competition for preference on so interesting a question, and unembarrassed by want of time and means to fix on and prepare the most proper place for this purpose; and whereas the removal of the public offices must be attended with much expense, danger, and inconvenience, which ought not to be incurred but with a well-founded expectation of advantages that may fully counterbalance the same; and whereas no such advantages can be expected from a removal to any place now in a condition to receive the Federal Legislature; and whereas, in addition to the before-mentioned reasons, unnecessary changes of the seat of government would be indicative of instability in the national councils, and therefore highly injurious to the interests as well as derogatory to the dignity of the United States: Therefore,

*Resolved*, That the city of New York, in the State of New York, be the place for commencing proceedings under the said Constitution.

A motion was then made by Mr. Williamson, of North Carolina, seconded by Mr. Read, to postpone the motion before the House in order to take up the following:

Whereas it is proper that the seat of the new Congress and of the National Government should be placed as near the center of the Union as may consist with present accommodation, in order that its influence and benefits may be equally felt by the great body of citizens throughout the United States, that members of Congress and other persons may approach it with equal convenience from opposite extremes, and that no species of partial favor may seem to have been extended to one extreme rather than to the other; and whereas the present residence of Congress is far removed from the center of the Union, whether population or distance are considered, since the new Congress is to consist of 8 Senators from States to the eastward of New York, and 16 from States to the southward, and since there are to be only 17 members in the House of Representatives from the Eastern States, though there are to be 42 members from Southern States, and since the distance to the seat of government in the extreme Eastern State is hardly equal to one-third of the distance to the seat of government in the most southerly State; and whereas it is to be desired that the new Congress may be convened in the same spirit of mutual accommodation which has hitherto appeared in all deliberations respecting the new Government, and that proceedings under the said Government may commence under the impressions of mutual confidence without that general irritation and loss of time which must attend the removal from an improper situation, and without those painful apprehensions which will naturally arise from a measure that may seem to have originated in an undue regard to local considerations: Therefore,

*Resolved*, That the seat of the new Congress ought to be in some place to the southward of New York.

This motion of Mr. Williamson to postpone, for the purpose afore-said, was decided in the negative, the six Eastern States and South

Carolina voting against it and the other six Southern States in its favor.

A motion was then made by Mr. Carrington, seconded by Mr. Bingham, of Pennsylvania, to amend the amendment by striking out the words "New York, in the State of New York," and in lieu thereof inserting "Philadelphia;" which motion was lost, the same States voting in the negative and Georgia being divided.

A division of Mr. Tucker's resolution was then called for, and on the question to agree to the resolving clause it was decided in the affirmative.

The question to agree to the preamble was also agreed to by the same vote.

*Tuesday, September 2, 1788.*—A motion was made by Mr. Clark, of New Jersey, seconded by Mr. Sedgwick, of Massachusetts, in the words following, viz:

Whereas the convention, assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th day of September in the same year, report to the United States in Congress assembled, a constitution or form of government for the people of the United States; whereupon Congress, on the 28th day of the same September, did resolve unanimously that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case; and whereas the Constitution so reported by the convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress and are filed in the office of the Secretary thereof: Therefore,

*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several States which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States to vote for a President; and that the first Wednesday in March next be the time, and the seat of the Federal Government at that time the place for commencing proceedings under the said Constitution.

This motion was lost, Massachusetts, New York, New Jersey, and South Carolina voting in the affirmative; Pennsylvania, Delaware, Maryland, and Virginia in the negative; Connecticut and Georgia being divided, and New Hampshire not represented.

The same motion, with the exception of the clause respecting the place, was renewed by Mr. Edwards, of Connecticut, seconded by Mr. Sedgwick, of Massachusetts. A motion was then made by Mr. Irwine, of Pennsylvania, seconded by Mr. Bingham, of Pennsylvania, to amend the motion before the House by inserting after the word "time" the words "and that Lancaster be the place."

Mr. Irwine's motion was lost, Pennsylvania, Delaware, Maryland, and Virginia, voting in the affirmative; Massachusetts, New York, New Jersey, and South Carolina in the negative; Connecticut and

Georgia divided; New Hampshire, Rhode Island, and North Carolina not represented.

*Wednesday, September 3, 1788.*—A motion was made by Mr. Seney, seconded by Mr. Ross, of Maryland, to amend the motion of Mr. Edwards by inserting after the word “time” the words “and that the city of Annapolis, in the State of Maryland, be the place.” This question was also lost. Pennsylvania and Maryland only voting in the affirmative.

*Thursday, September 4, 1788.*—The motion made by Mr. Edwards, seconded by Mr. Sedgwick, being again moved and read, a motion was made by Mr. Tucker, seconded by Mr. Huger, that the same be postponed in order to take up the following, viz:

Whereas after long deliberation on the subject of the new Constitution, so far as the agency of Congress is required to give it effect, there appears to be a diversity of sentiment with respect to the place for commencing proceedings under the said Constitution, which may prevent a speedy and definite decision thereon; and

Whereas a further delay of the other essential parts of this business might be productive of much national inconvenience: Therefore,

*Resolved,* That the first Wednesday in January next, etc. (as in the former resolution), and that the first Wednesday in March next be the time for commencing proceedings under the said Constitution, at such place as Congress shall hereafter appoint, or, failing such appointment, at the place which shall, immediately before the last-mentioned day, be the seat of Congress.

This question was also lost, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, and South Carolina voting in the affirmative.

The question was then taken on the motion of Mr. Edwards, of the 2d of September, and lost.

*Friday, September 12, 1788.*—A motion being made by Mr. Lee, seconded by Mr. Gilman, of New Hampshire, in the words following:

Whereas longer delay in executing the previous arrangements necessary to put into operation the Federal Government may produce national injury,

*Resolved,* That the first Wednesday in January next, etc. (as in the former motions), and the present seat of Congress be the place for commencing proceedings under the said Constitution.

A motion was made by Mr. Carrington, seconded by Mr. Madison, of Virginia, to amend the proposition by striking out the words “and the present seat of Congress be the place,” and by adding:

And whereas it is of great importance that a government, founded on the principles of conciliation and impartial regard to the interests and accommodation of the several parts of the Union, should commence in a spirit corresponding with these principles, and under every circumstance calculated to prevent jealousies in one part of the Union of undue bias in the public councils or measures towards another part; and it is conceived that these desirable purposes will be much favored by the appointment of some place for the meeting of the new government more central than the present seat of Congress, and which will at the same time be more likely to obviate disagreeable and injurious discussions concerning the place most fit for the

seat of Federal business, until a permanent seat be established as provided for by the new Constitution—

*Resolved*, That ——— be the place for commencing proceedings under the new Constitution.

This motion of Mr. Carrington was lost, Pennsylvania, Delaware, and Virginia only voting in its favor.

A motion was then made by Mr. Kearney, of Delaware, seconded by Mr. Mitchel, of Delaware, to strike out the words “and the present seat of Congress the place,” and on the question, “Shall those words stand?” it was resolved in the affirmative, Delaware alone voting in the negative, and all the States excepting Rhode Island, Maryland, and North Carolina being present.

When the question was about to be put upon the resolution of Mr. Lee, the determination thereof was postponed till the next day, when the resolution passed unanimously, nine States voting in the affirmative. The absent States were Rhode Island, Delaware, Maryland, and North Carolina.

So it was resolved in the affirmative, as follows:

Whereas the Convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th of September of the same year, report, etc. (see the whole preamble stated in Mr. Clarke’s motion of the 2d of September, 1788): Therefore,

*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several States which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President, and that the first Wednesday of March next be the time and the present seat of Congress the place for commencing the proceedings under the said Constitution.

Thus ended the deliberations of the old Congress respecting the seat of the Federal Government.

PROCEEDINGS OF THE CONGRESS PROVIDED FOR BY THE CONSTITUTION.

It is now a matter of history that the proceedings under the Constitution commenced at New York on Wednesday, the 4th of March, 1789, until which time a few of the members of the old Congress attended in their places and held their seats. The last act of the old Congress was passed on the 10th of October, 1788.

On the 7th of April, 1789, New York appropriated its public buildings to the use of the new Congress.

*Friday, May 15, 1789.*—Mr. White, one of the Representatives from Virginia, presented to the House a resolve of the legislature of that State, of the 27th of December, 1788, offering to the acceptance of the Federal Government 10 miles square of territory, or any less quantity, in any part of that State which Congress may choose, to be occupied and possessed by the United States as the seat of the Federal Government.

Read and ordered to lie on the table.

*Saturday, May 16, 1789.*—Mr. Seney, one of the Representatives of Maryland, presented to the House an act of the legislature of that State offering to the acceptance of Congress 10 miles square of territory, in any part of the said State, for the seat of the Federal Government.

Read and ordered to lie on the table.

*Saturday, August 22, 1789.*—The several memorials of the inhabitants of Trenton, in the State of New Jersey, and of the boroughs of Lancaster and York Town, in the State of Pennsylvania, were presented to the House and Senate and read, respectively praying that the permanent seat of Congress may be established at the same.

Ordered to lie on the table.

*Thursday, August 27, 1789.*—Mr. Thomas Scott, of Pennsylvania, agreeably to notice, moved the following resolution:

That a permanent residence ought to be fixed for the General Government of the United States at some convenient place as near the center of wealth, population, and extent of territory as may be consistent with convenience to the navigation of the Atlantic Ocean, and having due regard to the particular situation of the western country.

Made the order for Thursday, the 3d of September.

Mr. Scott observed that the principle of union in which we are bound is the principle of equal and reciprocal justice. The question now before the House is a grand link in the chain of the Federal system. The peace of the United States depends as much on this as on any other question which can come before Congress. No man in the western country ever wished anything further than that when the central line between the northern and the southern extremities was fixed, Congress should establish their seat as far back on this line as the convenience of maritime commerce would allow.

Mr. Livermore said that the idea of a permanent seat is not itself strictly true. As population increases, and as men of new principles and views take their seats in Congress, this permanent seat may be altered at pleasure. It is certainly wise in Congress to be economical; it is always found a very expensive thing to remove, etc.

Mr. Jackson, of Georgia, said the existence of the Union depends on this subject, etc.

Mr. Michael Jenifer Stone, of Maryland, observed that this will be a very important business. No question will so fully try the temper of this body as the present.

Mr. Ames, of Massachusetts, said:

I believe it will involve as many passions as can reside in the human heart. Every principle of local interest, of pride and honor, and of even patriotism itself, are engaged.

*Thursday, September 3, 1789.*—In Committee of the Whole, upon Mr. Scott's resolution, Mr. Goodhue, of Massachusetts, in debate, said



that "the Eastern and Northern members had made up their minds on the subject, and were of opinion that on the eastern banks of the Susquehanna Congress should fix its permanent residence, and that until the particular spot should be determined upon and the proper buildings erected the seat of the General Government should be at the city of New York." He then introduced a resolution to that effect. A crowded hall and galleries testified the public solicitude. Several amendments were proposed and negatived, but one moved by Mr. R. B. Lee, of Virginia, for substituting "Potomac" for "Susquehanna" prolonged the debate until nearly 4 o'clock, when the committee rose without taking the question, and had leave to sit again.

*Friday, September 4, 1789.*—The resolution offered by Mr. Goodhue on the 3d was in these words:

*Resolved,* As the opinion of the committee, that the permanent seat of the Government of the United States ought to be at some convenient place on the east bank of the Susquehanna, in the State of Pennsylvania; and that until the necessary buildings be erected for the purpose the seat of the Government ought to be at New York.

Mr. Lee's amendment and several others were rejected, and Mr. Goodhue's was carried.

Mr. Fitzsimons, of Pennsylvania, on September 5, 1789, then proposed the following:

*Resolved,* As the opinion of this committee, that the President of the United States be authorized to appoint ——— commissioners, to examine and report to him, the most eligible situation on the east bank of the Susquehanna, for the permanent seat of the Government of the United States. That the said commissioners be authorized, by and with the advice of the President, to purchase such quantity of land as may be thought necessary, and to erect thereon within ——— years suitable buildings for the accommodation of Congress and of the officers of the United States. That the Secretary of the Treasury, together with the commissioners so to be appointed, be authorized to borrow a sum not exceeding ——— dollars, to be paid in ——— years with interest, at the rate of ——— per cent per annum, payable out of the duties on imports and tonnage, to be applied to the purchase of the land and the erection of the buildings aforesaid. And that a bill ought to pass, in the present session, in conformity with the foregoing resolutions.

Before any decision of the question the committee rose and had leave to sit again.

One of the amendments proposed and rejected on the 3d was offered by Mr. Lee in these words:

Whereas the people of the United States have assented to and ratified a constitution for their Government, to provide for their defense against foreign danger, to secure their perpetual union and domestic tranquillity, and to promote their common interest, and all these great objects will be best effected by establishing the seat of government in a station as nearly central as a convenient water communication with the Atlantic Ocean, and an easy access to the western territory will permit; and as it will be satisfactory to the people of the United States, and give them a firm confidence in the justice and wisdom of their Government to be assured that such a station is already in the contemplation of Congress, and that proper measures will be

taken to ascertain it, and to provide the necessary accommodations, as soon as the indispensable arrangements for carrying into effect the Constitution can be made, and the circumstances of the United States will permit;

*Resolved*, That a place as nearly central as a convenient water communication with the Atlantic Ocean, and an easy access to the western territory will permit, ought to be selected and established as the permanent seat of the Government of the United States.

*Saturday, September 5, 1789.*—The committee of the whole reported Mr. Scott's, Mr. Goodhue's, and Mr. Fitzsimons's resolutions, filling the blank in the latter with \$100,000, to be repaid in twenty years, at 5 per cent interest. The House took up the report, and agreed to Mr. Scott's resolution, as follows:

*Resolved*, That the permanent seat of the Government of the United States ought to be fixed at some convenient place as near the center of wealth, population, and extent of territory, as may be consistent with convenience to the navigation of the Atlantic Ocean, and having due regard to the situation of the western country.

On September 7, 1789, Mr. Lee moved to amend Mr. Goodhue's resolution by substituting the "north bank of the river Potomac in the State of Maryland," for "the east bank of the river Susquehanna in the State of Pennsylvania;" which amendment was rejected; ayes, 21; noes, 29; two members from Maryland, viz, Mr. Seney and Mr. Wm. Smith, voting in the negative.

A motion was then made by Mr. Vining, of Delaware, to amend the resolution of Mr. Goodhue by striking out the word "permanent," and also, after the words, "ought to be at," to strike out to the end of the resolution, and to insert in lieu thereof, "the borough of Wilmington in the State of Delaware." This motion was negatived; ayes, 19; noes, 32.

A motion was then made by Mr. Boudinot, of New Jersey, to strike out "east bank of the river Susquehanna in the State of Pennsylvania," and insert "Potomac, Susquehanna, or Delaware." This motion was lost; ayes, 23; noes, 28.

A motion was then made by Mr. Boudinot to strike out "east bank of the river Susquehanna," etc., and insert "banks of either side of the Delaware, not more than eight miles above or below the lower falls of Delaware." Rejected; ayes 4; noes, 46.

Mr. Boudinot then moved to strike out "east banks," and insert "banks." Carried; ayes, 26; noes, 25.

Mr. Lee then moved to insert "or Maryland" after the words "Susquehanna in the State of Pennsylvania." Rejected; ayes, 25; noes, 26.

Mr. Vining then moved to substitute Wilmington in Delaware for New York, as the temporary residence of Congress. Rejected; ayes, 21; noes, 30.

Mr. Parker, of Virginia, then moved to insert Philadelphia in place of New York. Rejected; ayes, 22; noes, 29.

The resolution of Mr. Goodhue was then passed, as follows:

*Resolved*, That the permanent seat of the Government of the United States ought to be at some convenient place on the banks of the river Susquehanna, in the State of Pennsylvania, and that until the necessary buildings be erected for the purpose the seat of Government ought to continue in the city of New York.

Mr. Fitzsimons's resolution being under debate, a motion was made by Mr. Gale, of Maryland, to add, after the word "aforesaid," the following:

*Provided, nevertheless*, That previous to any such purchase or erection of buildings as aforesaid, the legislatures of the States of Pennsylvania and Maryland make such provision for removing all obstructions to the navigation of the said river, between the seat of the Federal Government and the mouth thereof, as may be satisfactory to the President of the United States.

This amendment was rejected; ayes, 24; noes, 25.

The resolution of Mr. Fitzsimons was then passed; ayes, 28; noes, 21; the blank for the time of erecting the buildings being filled with "four years;" and it was ordered that a bill, or bills, be brought in pursuant to those resolutions. The committee to prepare them consisted of Mr. Ames, Mr. Lawrence, and Mr. Clymer.

*Tuesday, September 8, 1789.*—A petition was presented of sundry inhabitants of Georgetown, in the State of Maryland, containing an offer to put themselves and fortunes under the exclusive jurisdiction of Congress, in case that town should be selected as the permanent seat of the Government of the United States.

Ordered to lie on the table.

*Monday, September 14, 1789.*—Mr. Ames, from the committee appointed, presented, according to order, a bill to establish the seat of the Government of the United States, which was received and read the first time.

In the course of the debate (September 3), Mr. Lawrence having alluded to an observation of Mr. Madison (in a former debate)—that could the moderate and equal policy of that day's proceedings have been foreseen in the convention of Virginia, it would have obviated many objections that were there produced against the Constitution.

Mr. Madison replied:

I admit that on a former occasion I applied the remark quoted by the gentleman from New York; but I now as verily believe that had a prophet started up in that convention and foretold the proceedings of this day, Virginia would not now be a party to this Constitution.

Mr. Burke said that a league was formed between the Northern States and Pennsylvania. This was denied by Mr. Fitzsimons.

Mr. Scott, of Pennsylvania, observed that the question seemed to lie between the Susquehanna and the Potomac. He gave a geographical description of those rivers, in relation to their advantages of communication with the western territory; he considered Pittsburg as the

key of that territory. The result of his detail was clearly in favor of the Potomac. That there is no comparison between the advantages of one communication and the other, with respect to the Ohio country. The Potomac will, no doubt, one day be a very important channel into those regions. That though he thought that the Potomac was nearer the center of communication between the Atlantic and the Ohio than the Susquehanna, as there was no prospect of a decision in favor of the former he should give his vote for the Susquehanna. In this situation, as he was a native of Pennsylvania, there was a certain duty which he owed to his country, and which he should now perform.

Mr. Madison, in debate (on the 4th of September), observed—

if there be any event on which we may calculate with tolerable certainty, I take it the center of population will continually advance in a southwestern direction. It must then travel from the Susquehanna, if it is now found there. It may go beyond the Potomac; but the time will be long first; and, if it should, the Potomac is the great highway of communication between the Atlantic and the Western country, which will justly prevent any attempts to remove the seat farther south. I have said, sir, that the communication to the Western territory is more commodious through the Potomac than the Susquehanna. I wish all the facts connected with this subject could have been more fully ascertained and more fully stated. But if we consider the facts which have been offered by gentlemen who spoke, we must conclude that the communication through the Potomac would be much more facile and effectual than any other.

Mr. Madison stated the probable distance by land from the seat of Government, if fixed on the Potomac, to Pittsburg, at 170 or 180 miles; if by the river, 250 miles; and from the seat of Government, if fixed on the Susquehanna, by land, 250; by the river, 500.

Whether, therefore [he said], we measure the distance by land or water, it is in favor of the Potomac; and if we consider the progress in opening this great channel, I am confident that consideration would be equally favorable. It has been determined, by accurate research, that the waters running into the Ohio may be found not more than 2 or 3 miles distant from those of the Potomac. This is a fact of peculiar importance.

*Tuesday, September 15, 1789.*—The bill to establish the seat of the Government of the United States was read the second time and committed to a Committee of the Whole House, on Thursday next.

*Thursday, September 17, 1789.*—In Committee of the Whole upon the bill.

Mr. Vining moved to strike out the first paragraph, and to insert one to the following effect:

That a district of ten miles square, comprehending the borough of Wilmington, in the State of Delaware, to be located as hereafter directed, should be selected as the seat of Government of the United States until a more eligible place should be fixed upon for the permanent seat; and that measures should be taken to accommodate Congress with that district as soon as conveniently might be: *Provided*, That no cession be accepted till acts should be passed by the States of Maryland and Pennsylvania to open a water communication between the bays of Chesapeake and Delaware.

This motion was negatived; ayes, 23; noes, 28.

Mr. Gale then moved to amend the first clause of the bill by annexing the following proviso:

That no district be accepted as aforesaid until the President of the United States shall be satisfied of the practicability of effecting a navigation from the seat of Government to the mouth of said river; and that this law shall not be carried into effect until the States of Pennsylvania and Maryland shall pass acts (not including any expense to the said States) providing for removing the obstructions of the same.

A division of the motion was called for at the word "river;" and the question on the first part was negatived; ayes, 25; noes, 29.

The question on the second part was then put, and the committee was equally divided; ayes, 27; noes, 27. The chairman gave the casting vote in the affirmative.

The committee then rose and reported, and the House took up the report.

The amendment adopted by the committee, on the motion of Mr. Gale, was agreed to; ayes, 28; noes, 26.

Mr. Gale then moved to insert, after the words "Susquehanna, in the State of Pennsylvania," the words "or Maryland."

This motion was negatived by the casting vote of the Speaker.

The bill was then laid on the table.

*Monday, September 21, 1789.*—The House proceeded to consider the bill to establish the seat of the Government of the United States, which lay on the table with amendments reported by the Committee of the Whole House.

Mr. Madison moved to strike out that part of the bill which provided that New York should be the temporary residence, as being contrary to the Constitution, which gives the power to the two Houses to adjourn without the consent of the President, and before they could adjourn to any place but New York this bill, if it passes, must be repealed, which can not be done without his consent.

Mr. Lawrence and Mr. Ames replied that the same objection would apply to the fixing of the permanent residence.

Mr. Madison's motion to strike out was negatived without a division.

Mr. Madison then moved to strike out the word "permanent," as it was unnecessary and not a term used in the Constitution.

This motion was also negatived without a division.

The bill with amendments was then ordered to be engrossed for a third reading on the next day, when it was passed—ayes, 31; noes, 16, viz:

Ayes: Ames, Baldwin, Benson, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Grout, Hartley, Hathorn, Jackson, Lawrence, Leonard, Livermore, Muhlenburg, Patridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, William Smith (of Maryland), Stone, Thatcher, Trumbull, Wadsworth, and Wynkoop—31.

Noes: Bland, Boudinot, Burke, Cadwalader, Coles, Lee, Madison,

Mathews, Moore, Parker, Shureman, William Smith (of South Carolina), Sumpter, Tucker, Vining, and White—16.

*Saturday, September 26, 1789.*—The bill was returned from the Senate with an amendment striking out all that part respecting the Susquehanna, and inserting a clause fixing the permanent seat of government at Germantown, in the State of Pennsylvania.

A district of 10 miles square, bounded on the south by a line running parallel at 1 mile's distance from the city of Philadelphia on the east side of the river of Delaware and extending northwardly and westerly so as to include Germantown.

A motion to postpone the consideration of this amendment to the next session was lost—29 to 25.

*Monday, September 28, 1789.*—Mr. Madison moved to amend the Senate's amendment by adding a proviso that nothing therein contained should be construed to affect the operation of the laws of Pennsylvania, within the said district of 10 miles square, until Congress shall otherwise provide by law.

This was agreed to without a division.

Mr. Madison moved to strike out of the Senate's amendment those words which comprehend within the district such parts of the Northern Liberties of Philadelphia as are not excepted in the Pennsylvania act of cession.

This motion was negatived without a division.

Mr. Lee moved to strike out the clause providing for the temporary residence in New York.

This was also negatived without a division.

Mr. Boudinot moved to amend the amendment of the Senate by annexing to it a clause providing that the seat of government might be anywhere on the Delaware, within the States of New Jersey, Pennsylvania, or either of them, above Philadelphia and below Howell's Ferry.

This was also negatived without a division.

The main question, that the House agree to the amendment of the Senate, with the foregoing amendment, was then carried—ayes, 31; noes, 24.

The bill was then returned to the Senate, which postponed the consideration of the amendment until the next session.

*In the Senate—Saturday, August 22, 1789.*—The memorial of John Cox and others, citizens of the State of New Jersey and of the State of Pennsylvania, praying that the future seat of government might be established on the banks of the Delaware, and proposing a cession of a tract of land of 10 miles square, was read, and, together with a draft of the said tract, was laid on the table.

*Tuesday, August 25, 1789.*—Mr. Maclay presented a draft of 10 miles square, including the borough of Lancaster, with a letter containing a description of the same, from Edward Hand. Mr. Maclay

also nominated Wright's Ferry, on the Susquehanna; Yorktown, west of the Susquehanna; Carlisle, west of the Susquehanna; Harrisburg, on the Susquehanna; Reading, on the Schuylkill, and Germantown, in the neighborhood of Philadelphia, as different places in Pennsylvania which had been proposed for the permanent seat of government of the United States.

*Monday, September 21, 1789.*—Mr. Morris, on behalf of the Senators from the State of Pennsylvania, introduced a resolve of the general assembly of that State, of March 5, 1789, making a respectful offer to Congress of the use of any or all of the public buildings in Philadelphia, the property of the State, etc., in case Congress should at any time incline to make choice of that city for the temporary residence of the Federal Government.

*Thursday, September 24, 1789.*—On the second reading of the bill to establish the seat of government of the United States, a motion to strike out the words "in the State of Pennsylvania" was negatived—10 to 8.

On motion, the words "at some convenient place on the banks of the river Susquehanna, in the State of Pennsylvania," were stricken out—11 to 7.

A motion to insert in their place the words "at some convenient place on the northern bank of the river Potomac" was lost. A motion to fill the blank with these words—

in the counties of Philadelphia, Chester, and Bucks, and State of Pennsylvania, including within it the town of Germantown and such parts of the Northern Liberties of the city of Philadelphia as are not excepted by the act of cession passed by the legislature of the said State,

was carried by the casting vote of the Vice-President, 18 Senators being present.

*Friday, September 25, 1789.*—A motion to strike out the words—  
and that until the necessary buildings should be erected therein, the seat of government shall continue at the city of New York—  
was lost—11 to 7.

The second section of the bill was then amended, so as to read as follows:

*And be it further enacted,* That the President of the United States be authorized to appoint three commissioners, who are, under his direction, to locate a district, not exceeding 10 miles square, in the said counties, and including therein the said Northern Liberties and town of Germantown, and to purchase such quantity of land within the same as may be necessary, and to accept grants of land for the use of the United States, and to erect thereon, within four years, suitable buildings for the accommodation of the Congress and of the officers of the United States.

The bill was further amended by striking out the last two sections, and inserting the following:

*Provided,* That no powers herein vested in the President of the United States shall be carried into effect until the State of Pennsylvania, or individual citizens of the

same, shall give satisfactory security to the Secretary of the Treasury to furnish and pay, as the same may be necessary, one hundred thousand dollars, to be employed in erecting the said buildings.

*Saturday, September 26, 1789.*—The bill was read the third time, passed, and sent to the House of Representatives.

Yeas, Messrs. Basset, of Delaware; Dalton, of Massachusetts; Ellsworth, of Connecticut; Johnson, of Connecticut; King, of New York; Morris, of Pennsylvania; Paterson, of New Jersey; Read, of Delaware; Schuyler, of New York; and Wingate, of New Hampshire—10.

Noes, Messrs. Butler, of South Carolina; Carroll, of Maryland; Grayson, of Virginia; Gunn, of Georgia; Henry, of Maryland; Izard, of South Carolina; and Lee, of Virginia—7.

*Monday, September 28, 1789.*—The bill was returned by the House of Representatives, with an amendment to the Senate's amendment, the consideration of which was postponed to the next session, as before stated.

*In the House of Representatives—Monday, May 31, 1790.*—A motion to consider the following resolution, proposed by Mr. Fitzsimons, on the 27th, viz:

*Resolved,* That Congress shall meet and hold their next session at—

was carried, 32 to 27, Mr. Thatcher, of Massachusetts, who objected to the motion, remarking "that he did not think it of two paper dollars' consequence to the United States whether Congress met at New York, Philadelphia, or on the Potomac."

A motion by Mr. Boudinot, to amend the same, by inserting, after the word "*resolved,*" the words—

that a permanent seat for the Government of the United States shall be fixed at some convenient place on the banks of the Delaware, and—

was decided by the Speaker not to be in order. Upon appeal, the House was equally divided upon the question of order, and the Speaker decided that the motion was not in order.

A motion by Mr. Lawrence to commit the original motion to a Committee of the Whole House was negatived.

Mr. Smith, of Maryland, proposed to fill the blank with "Baltimore," whose inhabitants had raised a subscription of between twenty and thirty thousand pounds to erect suitable buildings.

Mr. Sherman proposed "Wilmington."

A motion to insert "New York" was lost—35 to 25.

Mr. Gerry observed that it is important to determine the question respecting the temporary and permanent residence of Congress, for while the question remains doubtful it will always be insinuating itself in all great national questions.

Mr. Carroll moved to insert "Philadelphia."

Mr. Seney moved to add "or Baltimore." Mr. Seney's motion was lost—38 to 22.



Mr. Carroll's motion prevailed—38 to 22.

Ayes—Messrs. Ashe, Baldwin, Boudinot, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Leonard, Madison, Mathews, Moore, Muhlenburg, Page, Parker, Scott, Seney, Sinnickson, Smith of Maryland, Steele, Stone, Sumpter, Thatcher, Vining, White, Williamson, Wynkoop—38.

Noes—Ames, Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huger, Huntington, Lawrence, Livermore, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith of South Carolina, Sturges, Trumbull, and Tucker—22.

The resolution was then sent to the Senate for their concurrence.

*In the Senate (on the same 31st of May, 1790).*—Mr. Butler, of South Carolina, by leave, presented a bill to determine—

the permanent seat of Congress and the Government of the United States—

which was read the first time.

*Tuesday, June 1, 1790.*—The bill was read the second time and debated. The resolution of the House of the 31st of May was received and its consideration postponed to the next day.

*Wednesday, June 2, 1790.*—The bill and resolution were committed to Messrs. Butler, Johnston, Henry, Lee, and Dalton.

*Monday, June 7, 1790.*—Mr. Butler, from the committee, made report on the bill respecting the permanent residence, the consideration of which reports was postponed to the next day.

*Tuesday, June 8, 1790.*—The Senate refused (13 to 11) to concur in the resolution of the House “to meet and hold their next session in Philadelphia.”

The Senate then proceeded to consider the report of the committee on the bill to determine the permanent residence, etc.; which was as follows:

First. That in their opinion, taking a combination of circumstances into consideration, the present session is a proper time for fixing on the permanent residence of Congress and the Government of the United States, and, after due consideration, recommend that it be placed on the eastern or northeastern bank of the Potomac.

Your committee further recommend that such sums of money as may be offered by the States for the carrying this bill into effect may be accepted of; then the bill will read thus: “And to accept of grants of money or lands.”

Your committee were of opinion that Congress can best determine the time to be allowed for completing the buildings.

With respect to the temporary residence of Congress, your committee, after weighing all circumstances, consider the ground of choice to be so narrowed as to be full in the view of the Senate.

Your committee recommend that the Senate should agree with all the other parts of the bill.

Whereupon a motion was made that the opinion of the Senate be taken, whether it be expedient at this time to determine upon any place for the permanent seat of the Government of the United States.

The question was decided in the negative by the casting vote of the Vice-President.

On motion:

*Ordered*, That the consideration of the bill to determine "the permanent seat of Congress," etc., be resumed, the report of the committee being rejected.

A motion was lost (15 to 9) to fill the blank in the first paragraph with the words "the easterly bank of the Potomac."

A motion was also made to postpone the further consideration of the bill for a fortnight. It passed in the negative.

A motion to fill the blank with "Baltimore," was also lost, 17 to 7.

The following motions were also lost, viz:

To postpone the bill indefinitely.

To postpone the bill till the next session of Congress.

To reject the first enacting clause of the bill, viz:

*Be it enacted, etc.*, That a district of territory not exceeding 10 miles square to be located as hereafter directed at ———, and the same is hereby accepted as the permanent seat of Congress and the Government of the United States.

To adjourn.

To fill the blank with "Wilmington, in the State of Delaware."

A motion was then made, that the first enacting clause be agreed to; which was superseded by a motion to adjourn, which was carried.

*In the House of Representatives, Tuesday, June 8, 1790.*—The House was informed by message that the Senate disagreed to the resolution of the House of the 31st of May, "That Congress shall meet and hold their next session at the city of Philadelphia."

*Thursday, June 10, 1790.*—The House agreed, by a vote of 32 to 29, to take up a motion which had been laid on the table, as follows:

*Resolved*, That when the two Houses shall adjourn to close the present session, the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses to meet and hold their next session in the city of Philadelphia.

The motion being read, the House refused to commit it to a Committee of the Whole—33 to 28.

*Friday, June 11, 1790.*—A motion to substitute "Baltimore" for "Philadelphia" was carried—31 to 28.

The resolution, so amended, was then agreed to—53 to 6, the votes being Messrs. Fitzsimons, of Pennsylvania; Gilman, of Massachusetts; Schureman, of New Jersey; Tucker, of South Carolina; Williamson, of North Carolina, and Wynkoop, of Pennsylvania.

*In the Senate—Monday, June 28, 1790.*—The Senate proceeded to the consideration of the resolve of the House of Representatives of the 11th of June (to adjourn to Baltimore), which was postponed to take up the bill to determine "the permanent seat," etc.

On motion:

*Ordered*, That the consideration of the bill be postponed, and that the representation of John O'Donnell, in behalf of himself and others, citizens of Baltimore town, stating that town to be exceedingly commodious and eligible for the permanent seat of government of the United States, and the representation of Robert Peter in behalf of himself and others, inhabitants of Georgetown, for the same purpose, be severally read.

The consideration of the bill was resumed, and the first enacting clause read, as follows:

*Be it enacted, etc.*, That a district of territory, not exceeding 10 square miles, to be located as hereafter directed, at ——— be, and the same is hereby, accepted as the permanent seat of Congress and the Government of the United States.

A motion to fill the blank with the word "Baltimore" was lost—15 to 10.

On motion, after the word "directed," in the fifth line of the bill, to strike out to the end of the clause, and insert—

on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby, accepted, for the permanent seat of the Government of the United States: *Provided, nevertheless*, That the operation of the laws of the State within such district shall not be affected by this acceptance, until the time fixed for the removal of the Government thereto, and until Congress shall otherwise by law provide.

It passed in the affirmative, 16 to 9.

On motion that the bill be amended as follows:

After the word "authorized," in the second clause, strike out to the end of the said clause and insert, "to appoint, and by supplying vacancies happening from refusals to act, or other causes, to keep in appointment, as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, and by proper metes and bounds, define and limit a district or territory, under the limitations above mentioned; and the district so defined, limited, and located shall be deemed the district accepted by this act for the permanent seat of the Government of the United States."

The motion was agreed to without a division.

On motion to subjoin to the amendment last agreed to, as follows:

*And be it enacted*, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December in the year 1800, provide suitable buildings for the accommodation of Congress and of the President, and for the public offices of the Government of the United States.

A motion was made to amend the amendment so as that it should read, "prior to the first Monday of December, 1794:" which motion was lost—16 to 9.

A motion was then made to amend the proposed amendment so as

that it should read, "prior to the first Monday in December, 1798;" which was also lost.

And on motion to agree to the proposed amendment to the bill, it passed in the negative—17 to 8.

A motion prevailed (15 to 10) to strike out the third, fourth, and fifth enacting clauses in the bill and insert the following:

*And be it enacted*, That for defraying the expense of such purchases and buildings the President of the United States be authorized and requested to accept grants of money, and cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six per cent; for payment of which, and repayment of the principal within twenty years, so much of the duties on imposts and tonnage as may be sufficient is hereby pledged and appropriated.

On motion to subjoin the following to the clause last agreed to:

*And be it enacted*, That on the said first Monday in December, 1800, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid; and all offices attached to the said seat of government shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

It was carried—13 to 12.

On motion to fill the first blank in the last paragraph of the bill, viz:

*And be it further enacted by the authority aforesaid*, That the temporary residence of Congress shall be and continue in the ——— till the year —, and no longer— with the words "city of New York," it passed in the affirmative—13 to 12.

*Tuesday, June 29, 1790.*—A motion to fill the blank in the last paragraph of the bill with the words "one thousand eight hundred" was carried—13 to 12.

A motion to agree to the last clause of the bill, amended to read as follows:

*Be it enacted, etc.* That the temporary residence of Congress shall be and continue in the city of New York till the year 1800, and no longer.

It passed in the negative—16 to 9.

A motion was made to subjoin the following paragraph to the bill in lieu of that last struck out, to wit:

*And be it enacted*, That prior to the first Monday in December next, all offices attached to the seat of Government of the United States, shall be removed to, and until the first Monday in December, in the year 1800, shall remain at, the city of Philadelphia, in the State of Pennsylvania; at which place the two Houses do hereby resolve that the session of Congress next ensuing the present shall be held.

A motion was made to amend the motion, as follows:

*And be it enacted*, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, 1794; and from and after the said first Monday of December, 1794, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same until the first Monday in December, 1800.

This last motion was negatived by the casting vote of the Vice-President, the Senate being divided—13 to 13.

A similar motion in regard to New York and Baltimore was negatived—16 to 10.

A similar motion to continue to sit at New York until the first Monday in December, 1792, and afterwards at Philadelphia until the first Monday in December, 1800, was decided in the negative by the casting vote of the Vice-President.

The original motion, for removing the public offices to the Federal District before the first Monday in December, 1800, and to remove to and continue in Philadelphia until that time, was negatived by the casting vote of the Vice-President, the Senate being divided—13 to 13, viz:

Yeas: Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, and Wingate—13. Nays: Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—13.

A motion that the bill pass to a third reading was superseded by a motion to adjourn, which was carried.

*Wednesday, June 30, 1790.*—The Senate agreed to reconsider the last paragraph in the bill, which was yesterday struck out; and

On motion to amend the paragraph to read as follows:

*And be it enacted,* That prior to the first Monday in December next all offices attached to the seat of the Government of the United States shall be removed to and, until the said first Monday in December in the year 1800, shall remain at the city of Philadelphia, in the State of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

A motion was made to amend the motion to read as follows:

*And be it enacted,* That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, 1794, and from and after the said first Monday of December, 1794, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same until the first Monday of December, 1800.

This motion was lost without a division.

A similar motion to amend, substituting 1792 for 1794, was also lost without a division.

The original motion was then carried, 14 to 12, Mr. Butler having gone over.

The Senate also agreed to reconsider and strike out the following clause, which had been agreed to yesterday:

and cause to be borrowed a sum not exceeding one hundred thousand dollars at an interest not exceeding six per cent, for payment of which, and repayment of the principal within twenty years, so much of the duties on imposts and tonnage as may be sufficient is hereby pledged and appropriated.

Yeas, 19; nays, 7.

The bill was then ordered to a third reading; 16 to 10, viz:

Ayes: Bassett, Butler, Carroll, Elmer, Few, Gunn, Hawkins, Henry,

Johnston, Langdon, Lee, Maclay, Morris, Read, Walker, and Wingate, 16.

Noes: Dalton, Ellsworth, Foster, Johnson, Izard, King, Peterson, Schuyler, Stanton, and Strong, 10.

*Thursday, July 1, 1790.*—On the third reading of the bill, a motion was lost to strike out these words in the first enacting clause, "between the mouths of the Eastern Branch and Connococheague," and insert "within thirty miles of Hancock Town."

A motion to substitute the first Monday in May, 1791, for the first Monday in December, 1790, as the time for the removal of the public offices to Philadelphia, was lost by the casting vote of the Vice-President, the Senate being divided, 13 to 13.

A motion to restore the clause authorizing the President to borrow one hundred thousand dollars was lost without a division.

The bill was then passed—14 to 12. Mr. Few and Mr. Wingate, who voted in favor of the third reading, voted against the passage of the bill. The other votes were the same as on ordering the bill to a third reading.

The title of the bill was ordered to be "An act for establishing the temporary and permanent seat of the Government of the United States."

*In the House of Representatives, Friday, July 2, 1790.*—The bill was brought in from the Senate and had its first and second reading and committed to a committee of the whole House.

*Tuesday, July 6, 1790.*—In Committee of the Whole Mr. Sherman moved to strike out of the first clause the words "on the river Potomac," etc., and insert a clause which should include the town of Baltimore.

Mr. Burke, of South Carolina, in debate, speaking of the removal of Congress from New York to Philadelphia, said:

It is calculated to arrest the funding system and to throw everything into confusion. \* \* \* If the bill is passed in its present form Congress will never leave Philadelphia.

He spoke in handsome terms of Pennsylvania, but he was afraid of its influence, and it was the last State in which he would ever consent that the permanent seat of Government should be. He then adverted to the influence of the members from that State, who by their political management had, he said, raised a storm in the United States. He objected to Philadelphia also on account of there being no gallery in the House proposed for the accommodation of Congress. An open gallery he considered as a very important check to the legislature.

Mr. Lawrence, among other topics, adverted to the funding business and other important matters which remain to be decided on, and very strongly intimated that these questions were to be determined agreeably to the fate of this bill.

Mr. Bloodworth observed that, as the funding bill had been alluded

to, he could wish that the objection from that quarter might be taken out of the way, and moved that they rise in order to take up the ways and means.

Mr. Smith, of Maryland, introduced an address from the inhabitants of Baltimore to the Members and Senators from that State, which was read. A memorial from the inhabitants of Georgetown was also read, and certain papers received from the executive of Virginia, and a report of a committee appointed by the old Congress to view the banks of the Potomac.

Mr. Seney, of Maryland, observed that the State of Maryland was as much divided on the subject as the United States seemed to be. A great rivalry exists between the Potomac and Susquehanna rivers. Pennsylvania and Maryland had given the preference to the Susquehanna. He agreed that Pennsylvania, Maryland, and Virginia were the only States who could make any reasonable pretensions for the seat of government, but a majority of voices from these States had been against the Potomac.

Mr. Scott, of Pennsylvania, said that from the town of Baltimore there is no water conveyance to the interior country, but from the proposed place on the Potomac there are 200 miles navigation directly into the heart of the country.

Mr. Madison contended that Baltimore offered no advantages which were not common to the Potomac, and that in regard to centrality, security from invasion, and relation to the western country, the Potomac had greatly the advantage.

In answer to the fears of some, that a future Congress would repeal the act, he flattered himself that some respect would be paid to the public interest and the plighted faith of the Government. He urged the friends of the bill not to put it in hazard by consenting to any amendment.

Mr. Gerry regretted that the subject had been brought forward, "for it is very evident that it has had a very pernicious influence on the great business of funding the public debt." He said that it had been promised to New York that this place (New York) should be the temporary residence of Congress, and on this engagement they came into an unconditional adoption of the Constitution.

Mr. Vining, of Delaware, said:

We are sent here to do the public business, and I trust that our constituents have not sent men that are to be deterred from doing their duty by such insidious insinuations, such ill-founded suggestions of deceiving and deluding the citizens of this place. He imputed the embarrassments of the public business to the assumption of the State debts, and not to the subject of residence.

*Wednesday, July 7, 1790.*—In Committee of the Whole, Mr. Smith, of South Carolina, and several other members expressed their apprehensions that if Congress should remain ten years in Philadelphia the seat of government would never be removed.

Mr. Sherman's motion to substitute Baltimore for the Potomac was negatived—37 to 23.

Mr. Burke then made the following motion: That the seat of government should remain in New York two years from last May; and from the expiration of that time to the year 1800, that the seat of government should remain in Philadelphia. This resolution was laid on the table.

Mr. Sedgwick, of Massachusetts, moved to substitute "Delaware" for "Potomac." Negatived without debate.

Mr. Seney moved that the permanent residence should be fixed between the Potomac and the Susquehanna. Negatived without a division.

Mr. Gerry moved to amend the clause so as to include the town of Alexandria. This motion was also lost.

A motion by Mr. Smith, of Maryland, to insert the word "locate," was also lost; as was also a motion made by Mr. Lawrence, of New York, to substitute 1795 for 1800.

*Tuesday, July 8, 1790.*—Mr. Burke, of South Carolina, then moved the following amendment:

*Be it further enacted,* That the city of New York shall be seat of the government of the United States until the — day of —; and that thereafter, as soon as the same may be conveniently done, all the offices attached to the seat of the Government of the United States shall be removed to the city of Philadelphia, in the State of Pennsylvania, which shall thenceforth be the seat of said Government until the — day of —.

This motion was lost—32 to 28.

Mr. Smith, of South Carolina, moved the words "at which place the ensuing session of Congress shall be held" should be erased, on the ground that the clause would limit the constitutional right of the two Houses to adjourn without the consent of the President.

This motion being negatived, the committee rose and reported the bill without amendment.

*Friday, July 9, 1790.*—Mr. Boudinot moved to substitute "Delaware" for "Potomac." Negatived, 39 to 22.

Mr. Ames, of Massachusetts, moved to strike out "Potomac" and insert "Georgetown, in Pennsylvania." Negatived, 39 to 22.

Mr. Smith, of Maryland, moved to strike out "Potomac," etc., and insert the words "between the rivers Susquehanna and Potomac, as the most healthy and convenient place, having due regard to the navigation of the Atlantic Ocean and the situation of the Western territory." Negatived, 36 to 25.

Mr. Lawrence moved to substitute "Baltimore" for "the Potomac." The question was divided and the motion to strike out was negatived, 34 to 26.

Mr. Gerry moved to strike out of the third section the words "purchase or." Negatived, 35 to 26.



Mr. Gerry then moved to amend the third section by inserting after the word "purchase" the words "with such money only as may be granted to the President of the United States in the manner hereinafter provided." Negatived, 33 to 26.

Mr. Lawrence moved to add these words, "*Provided*, That the purchases and buildings aforesaid shall not exceed the sum of ——— dollars. Negatived, 32 to 26.

Mr. Gerry then moved to strike out the words "three Commissioners or any two of them. Lost.

Mr. Tucker, of South Carolina, moved to strike out the fifth section (respecting the removal of the public offices). Negatived, 33 to 28.

Mr. Burke moved to substitute "May, 1792," for "December, 1790," in the fifth section. Lost, 32 to 28.

Mr. Sherman moved to substitute "May," for "December," in the fifth section. Lost, 33 to 28.

Mr. Smith, of South Carolina, moved to strike out of the fifth section the words "at which place the session of Congress next ensuing the present shall be held." Lost, 33 to 26.

Mr. Smith, of Maryland, moved to amend the fifth section by adding the following, viz:

*Provided nevertheless*, That whenever the President of the United States shall receive authentic information that the public buildings aforesaid are so far completed as to be fit for the reception of both Houses of Congress all offices attached to the seat of government shall be removed thereto, anything herein contained to the contrary notwithstanding.

Negatived, 48 to 13.

The bill was then passed, without amendment—ayes, 32; noes, 29.

Ayes—Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Griffin, Hartly, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumter, Vining, White, Williamson, Wynkoop—32.

Noes—Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hathorn, Huntington, Lawrence, Leonard, Livermore, Partridge, Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith of Maryland, Smith of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth—29.

The bill was approved by the President on the 16th of July, 1790.

*Monday, April 7, 1800.*—"An act to make further provision for the removal and accommodation of the Government of the United States" was read the third time in the House of Representatives. Passed—47 to 33, and sent to the Senate for concurrence.

*House, Wednesday, April 16, 1800.*—Messrs. H. Lee, Craik, Evans, Dennis, and Marshall were appointed a committee to prepare and report a system of rules and regulations respecting the Territory of Columbia. This committee did not report.

*Senate, Thursday, April 17, 1800.*—The bill "to make further provisions," etc., was passed by the Senate with amendments—18 to 10.

Yeas—Anderson, Baldwin, Bloodworth, Chipman, Cocke, Dexter, Foster, Franklin, Greene, Gunn, Langdon, Lloyd, Marshall, Mason, Nicholas, Pinkney, Read, and Tracy—18.

Noes—Bingham, Brown, Goodhue, Hillhouse, Latimore, Lawrence, Livermore, Ross, Schureman, and Wells—10.

The House agreed to the amendment, and the bill was approved on the 24th of April, 1800.

On the 13th of May, 1800, the President approved an act directing that the next session of Congress should be holden at the city of Washington on the third Monday of November, 1800. This bill, which originated in the Senate, was ordered to a third reading in the House on Friday, May 9, 1800, by the casting vote of the Speaker, the House being divided—32 to 32. On the third reading the bill was passed, 41 to 35.

On the 22d of November, 1800, the President (Mr. John Adams), in his speech at the opening of Congress, said:

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government, and I congratulate you, gentlemen, on the prospect of a residence not to be changed. It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you can not fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth, and in population, and possessing within itself those energies which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

The House of Representatives, in their answer to the speech, say:

The final establishment of the seat of National Government, which has now taken place in the District of Columbia, is an event of no small importance in the political transactions of our country. A consideration of those powers which have been vested in Congress over the District of Columbia will not escape our attention, nor shall we forget that in exercising these powers a regard must be had to those events which will necessarily attend the capital of America.

*Wednesday, December 31, 1800.*—On a motion to recommit the bill concerning the District of Columbia, Mr. Harper (in reply to an observation that the people of the District had continued for one hundred years to live happily under their respective State governments, and therefore it was not necessary for Congress to legislate at all on the subject) said:

But the provision of the Constitution on this subject had not been made with this view. It was made to bestow dignity and independence on the Government of the Union. It was to protect it from such outrages as had occurred when it was differently situated, when it was without competent legislative, executive, and judicial

power to insure to itself respect. While the government was under the guardianship of State laws, those laws might be inadequate to its protection, or there might exist a spirit hostile to the General Government, or, at any rate, indisposed to give it proper protection. This was one reason, among others, for the provisions of the Constitution confirmed and carried into effect by the acts of Maryland and Virginia, and by the act of Congress.

The bill was recommitted to Messrs. H. Lee, Evans, Craik, Bird, Silas Lee, Chauncey Goodrich, and Dennis.

This committee did not report upon that bill, it having been superseded by a bill with the same title, which originated in the Senate and which was brought to the House on the 5th of February, 1801, and committed to a committee of the whole House, where it was amended and passed, with the amendment, by the House, on the 23d, and returned to the Senate, who agreed to the amendments on the 26th; and the bill was signed by the President on the 27th.

Notwithstanding the seat of Government was thus fixed, the public offices removed, and Congress had exercised its exclusive legislation over the District, a motion was made on the 8th of February, 1803, in the House of Representatives, by Mr. Bacon (of Massachusetts) that it be—

*Resolved*, That it is expedient for Congress to recede to the State of Virginia the jurisdiction of that part of the Territory of Columbia which was ceded to the United States by the said State of Virginia by an act passed the 3d of December, 1789, entitled, etc., provided the said State of Virginia shall consent and agree thereto.

*Resolved*, That it is expedient for Congress to recede to the State of Maryland the jurisdiction of that part of Columbia which was ceded to the United States by the said State of Maryland by an act passed the 19th of December, 1791, entitled "An act concerning the Territory of Columbia and the city of Washington;" provided the said State of Maryland should consent and agree thereto.

This motion was referred to a committee of the whole House immediately.

The reasons urged in favor of these resolutions were—

1. That exclusive jurisdiction is not necessary nor useful to the Government.
2. That it deprives the inhabitants of the District of their political rights.
3. That much of the time of Congress was consumed in legislating for the District.
4. That the government of the District is expensive.
5. The incompetency of Congress to legislate for the District, because the members are strangers to its local concerns.
6. It is an example of a government without representation, an experiment dangerous to the liberties of the States.

In answer to these reasons it was said:

1. That the Constitution and the acts of cession of the States of Maryland and Virginia and the act of Congress accepting the cession

all contemplate the exercise of exclusive legislation by Congress; and its usefulness, if not its necessity, is inferred from the inconvenience which was felt by the Congress of the Confederation for want of it.

2. That the people themselves, who are said to be deprived of their political rights, have not complained and do not desire a recession. The evil may be remedied by giving them a representation in Congress when the District shall become sufficiently populous, and in the meantime a local legislature. If they have not political rights, they have great political influence.

3. The trouble and expense of legislating for the District will not be great, and will diminish, and may in a great measure be avoided by a local legislature.

4. That Congress having accepted the cession can not divest itself of the right of exclusive jurisdiction and retain its seat of government.

5. That Congress can not recede the inhabitants without their consent.

6. If the District should be receded, there would be no obligation upon the Government to remain in this place.

7. By accepting the cession and exercising exclusive legislation a contract was entered into between the ceding States, the Congress, and the people of the District which could not be dissolved but by the consent of all the parties.

After two days' debate the committee, on the 9th of February, reported their disagreement to the resolutions, and the House concurred in the report—66 to 26.

Notwithstanding this decided rejection of these resolutions, they were renewed at the next session by Mr. Dawson, in the House, on the 17th of March, 1804. The city of Washington, however, was excepted from their operation.

On the same day Mr. Wright, in the Senate, brought in a bill for the temporary removal of the public offices to Baltimore, and for the session of Congress at that place.

Mr. Dawson's resolutions were referred to a committee of the whole House.

On the 23d of March the House refused to go into committee upon them, and they were postponed to the first Monday in December, i. e., rejected by a large majority, and without debate.

In the Senate, on Monday, the 19th of March, Mr. Wright himself moved that the further consideration of the bill which he had introduced on the 17th should be postponed to the first Monday of May (a day after the end of the session), intimating that it was not his intention that the bill should be passed, but that it should operate as a stimulus to the inhabitants of the city to exert themselves in providing more convenient accommodations for the members of Congress.

Gen. James Jackson, of Georgia, in reply, denied the right of Congress to remove the seat of government, which had been fixed under the provisions of the Constitution. He observed that it had already cost the nation the assumption of the State debts to the amount of twenty-one millions of dollars, besides one or two millions for the public accommodation. That Congress could not remove without a violation of the Constitution, and of the public faith, and without indemnifying the proprietors of property in the District. He said he should vote against the postponement under the expectation that the Senate would take up the bill and reject it by a majority so great that no similar proposition should ever be brought before them.

Mr. Anderson, of Tennessee, considered Congress as having the constitutional power of altering the seat of government, and thought it expedient to remove from Washington and to indemnify the inhabitants.

Mr. Cocke, of Tennessee, was of opinion that the permanent seat of the Government was fixed under the Constitution and that Congress had not the power to alter it.

Mr. Adams, of Massachusetts, also contended strenuously against the right of Congress to remove the seat of Government. To do so would be to prostrate the national faith and to shake the confidence of the nation in the Government.

The question of postponement was then taken and decided in the negative, 24 to 3.

Mr. Dayton, of New Jersey, said that he had been instructed by the legislature of New Jersey, in case any prospect presented itself of a removal of the seat of Government, to offer in their name the public buildings in Trenton for their accommodation. He therefore gave notice that in case the bill should go to a third reading he should produce his instructions and move to substitute Trenton for Baltimore. At the same time he declared his opinion of the impolicy of the proposed measure. The provision in the Constitution had arisen from an experience of the necessity of establishing a permanent seat for the Government. To avert the evils arising from a perpetual state of mutation, and from the agitation of the public mind whenever the question was discussed, the Constitution had wisely provided for the establishment of a permanent seat, vesting in Congress exclusive legislation over it. He admitted that there might be reasons which would justify a removal, such as great insalubrity of climate, or very great inconvenience in transacting the public business, or a turbulent spirit in the inhabitants endangering the safety of Congress, or a determined resolution, arising from a dissatisfaction with the government of Congress, expressed in favor of a recession. He did not, however, apprehend that any of these reasons would occur.

On the motion of Mr. Maclay, of Pennsylvania, the words "Baltimore" and "Maryland" were stricken out of the first section, and after further argument the bill was negatived, 19 to 9.

On Wednesday, the 12th of February, 1806, Mr. Smilie, of Pennsylvania, offered in the House of Representatives two resolutions for re-ceding the District of Columbia, similar to those which had been offered by Mr. Bacon on the 8th of February, 1803.

These resolutions were referred to a Committee of the Whole House, and made the order of the day for the following Monday, but were never afterwards considered.

On Monday, the 26th of September, 1814, immediately after the burning of the Capitol and public offices by the British, Mr. Fisk, of New York, proposed in the House of Representatives the following resolution:

*Resolved*, That a committee be appointed to inquire into the expediency of removing the seat of Government during the present session of Congress to a place of greater security and less inconvenience than the city of Washington, with leave to report by bill or otherwise.

This resolution was agreed to—72 to 51.

On Monday, October 3, the committee reported that it was inexpedient to remove the seat of government at this time from the city of Washington.

Upon the motion of Mr. Fisk, the word "expedient" was substituted for "inexpedient," by the casting vote of the Speaker (Mr. Cheves), the House being divided—68 to 68. The reason which he gave was that this District could not be defended except at an immense expense. The report, as amended, was then referred to a Committee of the Whole House and made the order of the day for the 4th of October, when a motion by Mr. Newton of Virginia to postpone the subject indefinitely was lost—77 to 61; and on the 6th the resolution, as amended, was agreed to—72 to 71, and a committee was appointed to bring in a bill accordingly, who reported on the 13th.

On the 15th the bill was rejected—83 to 74. If the vote had been taken by States, Delaware and all the States east of Delaware would have been in favor of removal and the other States against it, excepting Kentucky, which was equally divided. There being then 18 States in the Union, the 9 Eastern States would have carried the bill through the House.

The debate upon this subject was maintained for several days by Mr. Pearson of North Carolina (one of whose speeches will be found in the National Intelligencer of November 5, 1814), Mr. Johnson of Kentucky, Mr. Forsyth, Mr. Hawkins, Mr. Macon, Mr. Fisk of Vermont, and Mr. Rhea against the removals; and Mr. Stockton, Mr. Grosvenor, Mr. Sharpe, Mr. Bowen, Mr. Ingersoll, and Mr. Fisk of York in favor of it.

This debate, with the exception of Mr. Pearson's speech, has not been published.

The last proposition which has been made for receding any portion of the District was made by Mr. Darlington, in the House of Representatives on the 6th of January, 1820, in the following words:

Whereas there appears to be considerable dissatisfaction among the inhabitants of the District of Columbia, who reside without the limits of the city of Washington, on account of the inconveniences to which they are subjected by the present mode of government in said District; and,

Whereas it is desirable that Congress should, as far as practicable, be relieved from the duty of legislating in cases where it is at once burthensome in itself and unacceptable to the people: Therefore,

*Resolved*, That the Committee for the District of Columbia be instructed to enquire into the expediency of retroceding and restoring to the States of Maryland and Virginia, respectively, all such portions of the territory of said district, not included within the limits of the city of Washington, as were derived from those States.

But the House refused to consider the resolution.

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#### APPENDIX 2.

AN ACT for establishing the temporary and permanent seat of the Government of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and the Connogochegue, be, and the same is hereby, accepted for the permanent seat of the government of the United States: *Provided nevertheless*, That the operation of the laws of the State within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited, and located shall be deemed the district accepted by this act for the permanent seat of the government of the United States.

SEC. 3. *And be it (further) enacted*, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable

buildings for the accommodation of Congress and of the President and for the public offices of the government of the United States.

SEC. 4. *And be it (further) enacted*, That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it (further) enacted*, That prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the State of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it (further) enacted*, That on the said first Monday in December, in the year one thousand eight hundred, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of Government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

Approved, July 16, 1790. (1 Stats., 130.)

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#### APPENDIX 3.

AN ACT to cede to Congress a district of 10 miles square in this State (Maryland) for the seat of the Government of the United States. Approved December 23, 1788.

*Be it enacted by the General Assembly of Maryland*, That the representatives of this State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the first Wednesday of March next, be, and they are hereby, authorized and required, on behalf of this State, to cede to the Congress of the United States any district in this State not exceeding 10 miles square, which the Congress may fix upon and accept for the seat of Government of the United States.

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#### APPENDIX 4.

AN ACT for the cession of 10 miles square or any lesser quantity of territory within this State (Virginia) to the United States in Congress assembled, for the permanent seat of the General Government. Approved, December 3, 1789.

1. Whereas the equal and common benefits resulting from the administration of the General Government will be best diffused and its operations become more prompt and certain by establishing such a situation for the seat of said Government as will be most central and convenient to the citizens of the United States at large, having regard as well to population, extent of territory, and free navigation to the



Atlantic Ocean, through the Chesapeake Bay, as to the most direct and ready communication with our fellow citizens in the Western frontiers; and whereas it appears to this assembly that a situation combining all the considerations and advantages before recited may be had on the banks of the river Potomac, above tide water, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessaries and conveniences of life, where, in a location of 10 miles square, if the wisdom of Congress shall so direct, the States of Pennsylvania, Maryland, and Virginia may participate in such location:

2. *Be it therefore enacted by the general assembly,* That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by law direct, shall be, and the same is, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.

III. *Provided,* That nothing herein contained shall be herein construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.

IV. *And provided also,* That the jurisdiction of the laws of this Commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress, having accepted the said cession, shall by law provide for the government thereof, under their jurisdiction, in the manner provided by the article of the Constitution before recited.

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#### APPENDIX 5.

AN ACT concerning the advance of money to the Government of the United States for public buildings.

Whereas the general assembly of Maryland has acceded to a proposition of the general assembly of this Commonwealth, contained in their resolution of the tenth day of December, 1789, concerning an advance of money to the General Government to be applied towards the erection of public buildings at the permanent seat of the Government of the United States, should Congress deem it expedient to fix it on the banks of the Patowmack; and whereas Congress have passed an act for establishing the said seat of government on the Patowmack—

*“Be it enacted by the general assembly (of Virginia),* That 120,000 dollars shall be advanced by this Commonwealth to the General Gov-

ernment, payable in three equal yearly payments, and to be applied toward erecting public buildings at the permanent seat of government of the United States on the banks of the Patowmack, and the auditor of public accounts is hereby directed to issue his warrants on the treasurer to the amount of 120,000 dollars, payable in the manner hereinbefore directed, to the order of the President of the United States."

Passed December 27, 1790.

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APPENDIX 6.

[SEAL.] GEORGE WASHINGTON, *President of the United States.*

To all who shall see these presents, greeting:

Know ye, that reposing special trust and confidence in the integrity, skill, and diligence of Thos. Johnson and Daniel Carroll, of Maryland, and David Stuart, of Virginia, I do, in pursuance of the powers vested in me by the act entitled "An act for establishing the temporary and permanent seat of the Government of the United States," approved July 16, 1790, hereby appoint them, the said Thomas Johnson, Daniel Carroll, and David Stuart, commissioners for surveying the district of territory accepted by the said act for the permanent seat of the Government of the United States, and for performing such other offices as by law are directed, with full authority for them, or any two of them, to proceed therein according to law, and to have and to hold the said office, with all the powers, privileges, and authorities to the same of right appertaining each of them, during the pleasure of the President of the United States for the time being.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States thereto affixed.

Given under my hand at the city of Philadelphia, the twenty-second day of January, in year of our Lord one thousand seven hundred and ninety-one and of the Independence of the United States the fifteenth.

GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

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APPENDIX 7.

AN ACT to amend "An act for establishing the temporary and permanent seat of the Government of the United States."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the act entitled "An act for establishing the temporary and permanent seat of the government of the United States" as requires that the whole of the district of territory, not exceeding ten miles square, to be

located on the river Potomac, for the permanent seat of the government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory so to be included, shall form a part of the district not exceeding ten miles square, for the permanent seat of the Government of the United States, in like manner and to all intents and purposes as if the same had been within the purview of the above-recited act: *Provided*, That nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

Approved March 3, 1791. (1 Stats., 214.)

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#### APPENDIX 8.

On March 28, 1791, President Washington reached Georgetown, and on the 29th he rode over the proposed site of the Federal city, in company with the three Commissioners and the two surveyors, Andrew Ellicott and Maj. Peter Charles L'Enfant.

On the evening of the same day a meeting was held for the purpose of effecting a friendly agreement between the proprietors of the lands constituting the site of the Federal city and the United States commissioners, and Washington's good counsel on that occasion had so favorable an effect that the general features were settled that very evening for the agreement, which was signed and executed by nineteen property holders the next day, and thereby the rights of and titles to property within this District and city may be said to have been decided on that evening.

This agreement, which was accepted by the Commissioners and recorded in their books on April 12, 1791, was as follows:

We, the subscribers, in consideration of the great benefits we expect to derive from having the Federal city laid off upon our lands, do hereby agree and bind ourselves, heirs, executors, and administrators, to convey, in trust, to the President of the United States, or commissioners, or such person or persons as he shall appoint, by good and sufficient deeds, in fee simple, the whole of our respective lands which he may think proper to include within the lines of the Federal city, for the purposes and on the conditions following:

The President shall have the sole power of directing the Federal city to be laid off in what manner he pleases.

He may retain any number of squares he may think proper for public improvements, or other public uses; and the lots only which shall be laid off shall be a joint property between the trustees on behalf of the public and each present proprietor,

and the same shall be fairly and equally divided between the public and the individuals, as soon as may be, the city shall be laid off.

For the streets the proprietors shall receive no compensation; but for the squares or lands in any form, which shall be taken for public buildings, or any kind of public improvements or uses, the proprietors whose lands shall be taken shall receive at the rate of 25 pounds per acre, to be paid by the public.

The whole wood on the lands shall be the property of the proprietors, and should any be desired by the President to be reserved or left standing, the same shall be paid for by the public at a just and reasonable valuation, exclusive of the £25 per acre to be paid for the land on which the same shall remain.

Each proprietor shall retain the full possession and use of his land until the same shall be sold and occupied by the purchase of the lots laid out thereon, and in all cases where the public arrangements as the streets, lots, etc., will admit of it, each proprietor shall possess his buildings and other improvements and graveyards, paying to the public only one-half the present estimated value of the land, on which the same shall be, or £12 10sh. per acre; but in cases where the arrangements of the streets, lots, squares, etc., will not admit of this, and it shall become necessary to remove such buildings, etc., the proprietors of the same shall be paid the reasonable value thereof by the public.

Nothing herein contained shall affect the lots any of the parties to this agreement may hold in the towns of Hamburg or Carrolsburg.

In witness whereof we have hereunto set our hands and seals this 30th day of March, in the year of our Lord 1791.

ROBERT PETER. [SEAL.]

DAVID BURNES. [SEAL.]

JAS. M. LINGAN. [SEAL.]

URIAH FORREST. [SEAL.]

BENJAMIN STODDERT. [SEAL.]

NOTLEY YOUNG. [SEAL.]

DANIEL CARROLL OF DÜDDINGTON. [SEAL.]

OVERTON CARR. [SEAL.]

THOMAS BEALE OF GEORGE. [SEAL.]

CHAS. BEATTY. [SEAL.]

ANTHONY HOLMEAD. [SEAL.]

WM. YOUNG. [SEAL.]

EDWARD PIERCE. [SEAL.]

ABRAHAM YOUNG. [SEAL.]

JAS. PIERCE. [SEAL.]

WM. PROUT. [SEAL.]

ROBERT PETER, [SEAL.]

*As Attorney in Fact for Eliphas Douglass.*

BENJAMIN STODDERT, [SEAL.]

*For Jas. Warren, by written authority from W. Warren.*

WM. KING. [SEAL.]

Signed and sealed in presence of Mr. Thomas Beale, making an exception of the land he sold A. C. Young not yet conveyed.

Witness to all subscribers, including Wm. Young.

WM. BAILEY.

WM. ROBERTSON.

JOHN LUTER.

SAM. DAVIDSON (witness to Abraham Young signing).

BENJAMIN STODDERT (witness to Pierce's signing).

JOSEPH E. ROWLES (for Jno. Warring).

WM. DEAKING, JR. (for Wm. Prout and Wm. King).

## APPENDIX 9.

Whereas, by proclamation bearing date the 24th day of Jan., of this present year, and in pursuance of certain acts of the States of Maryland and Virginia and the Congress of the United States, therein mentioned, certain lines of experiment were directed to be run in the neighborhood of Georgetown, in Maryland, for the purpose of locating a part of the territory of ten miles square, for the permanent seat of government of the United States, and a certain part was directed to be located within the said lines of experiment on both sides of the Potomac, and above the limits of the Eastern Branch, prescribed by the said act of Congress;

And Congress, by an amendatory act, passed on the 3d day of this present month of March, have given further authority to the President of the United States "*to make any part of the said territory below the said limit and above the mouth of Hunting Creek a part of said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria.*"

Now, therefore, for the purpose of amending and completing the location of the whole of said territory of ten miles square, in conformity with the said amendatory act of Congress, I do hereby declare and make known that the whole of the said territory shall be located and included within the four lines following, that is to say:

Beginning at Jones's Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of forty-five degrees west of the north, and running in a direct line ten miles, for the first line; then beginning again at the same Jones's Point, and running another direct line, at a right angle with the first, across the Potomac ten miles, for the second line; thence from the termination of said first and second lines, running two other lines of ten miles each, the one crossing the Eastern Branch aforesaid and the other the Potomac, and meeting each other in a point.

And I do accordingly direct the commissioners named under the authority of the said first-mentioned act of Congress to proceed forthwith to have the said four lines run, and by proper metes and bounds defined and limited, and thereof to make due report, under their hands and seals; and the territory so to be located, defined, and limited shall be the whole territory accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my own hand. Done at Georgetown aforesaid the 30th day of March, in the year of our Lord 1791, and of the Independence of the United States the fifteenth.

[SEAL.]

GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

## APPENDIX 10.

In pursuance of the act of 16th of July, 1790, three commissioners were appointed, who proceeded to locate the district of 10 miles square agreeably to the following proclamation of the President:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas the general assembly of the State of Maryland, by an act passed on the 23d day of December, 1788, entitled, "An act to cede to Congress a district of ten miles square in this State for the seat of Government of the United States," did enact, that the representatives of the said State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the first Wednesday of March then next ensuing, should be, and they were thereby, authorized and required, on the behalf of the said State, to cede to the Congress of the United States any district in the said State not exceeding ten miles square, which the Congress might fix upon and accept for the seat of Government of the United States.

And the general assembly of the Commonwealth of Virginia, by an act passed on the 3d day of December, 1789, and entitled "An act for the cession of ten miles square, or any lesser quantity of territory within this State, to the United States in Congress assembled, for the permanent seat of the General Government," did enact, that a tract of country not exceeding ten square miles, or any lesser quantity, to be located within the limits of the said State, and in any part thereof, as Congress might by law direct, should be and the same was thereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States:

And the Congress of the United States, by their act passed the 16th day of July, 1790, and entitled "An act for establishing the temporary and permanent seat of the Government of the United States," authorized the President of the United States to appoint three commissioners to survey under his direction, and by proper metes and bounds to limit a district of territory not exceeding ten miles square on the river Potomac, at some place between the mouth of the Eastern Branch and Conococheague, which district, so to be located and limited, was accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.

Now, therefore, in pursuance of the powers to me confided, and after duly examining and weighing the advantages and disadvantages of the several situations within the limits aforesaid, I do hereby declare and make known that the location of one part of the said district of ten miles square shall be found by running four lines of experiment in the following manner, that is to say: Running from the court-house of Alexandria, in Virginia, due southwest half a mile, and thence a due southeast course till it shall strike Hunting Creek, to fix the beginning of the said four lines of experiment.

Then beginning the first of the said four lines of experiment at the point on Hunting Creek, where the said southeast course shall have struck the same, and running the said first line due northwest ten miles; thence the second into Maryland, due northeast ten miles; thence the third line due southeast ten miles; and thence the fourth line due southwest ten miles, to the beginning on Hunting Creek.

And the said four lines of experiment being so run, I do hereby declare and make known that all that part within the said four lines of experiment which shall be within the State of Maryland, and above the Eastern Branch, and all that part within the same four lines of experiment which shall be within the Commonwealth of Virginia, and above a line to be run from the point of land forming the Upper Cape of the mouth of the Eastern Branch due southwest, and no more, is now fixed upon, and directed to be surveyed, defined, limited, and located for a part of the said district accepted by the said act of Congress for the permanent seat of the Government of the United States; hereby expressly reserving the direction of the survey and location of the remaining part of the said district, to be made hereafter contiguous to such part or parts of the present location as is or shall be agreeably to law.

And I do accordingly direct the said commissioners, appointed agreeably to the tenor of the said act, to proceed forthwith to run the said lines of experiment, and, the same being run, to survey and, by proper metes and bounds, to define and limit the part within the same which is hereinbefore directed for immediate location and acceptance, and thereof to make due report to me under their hands and seals.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia the 24th day of January, in the year of our Lord 1791, and of the Independence of the United States the fifteenth.

GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

## APPENDIX 10A.

BY THE PRESIDENT OF THE UNITED STATES.

## A PROCLAMATION.

Whereas by a proclamation bearing date the 24th day of January of this present year, and in pursuance of certain acts of the States of Maryland and Virginia and of the Congress of the United States therein mentioned, certain lines of experiment were directed to be run in the neighborhood of George Town, in Maryland, for the purpose of determining the location of a part of the territory of ten miles square for the permanent seat of government of the United States, and a certain part was directed to be located within the said lines of experiment on both sides of the Potomac and above the limit of the Eastern Branch, prescribed by the said act of Congress:

And Congress, by an amendatory act passed on the 3d day of this present month of March, have given further authority to the President of the United States "to make any part of the said territory below the said limit and above the mouth of Hunting Creek a part of the said district, so as to include a convenient part of the Eastern Branch and of the lands lying on the lower side thereof, and also the town of Alexandria:"

Now, therefore, for the purpose of amending and completing the location of the whole of the said territory of ten miles square, in conformity with the said amendatory act of Congress, I do hereby declare and make known that the whole of the said territory shall be located and included within the four lines following, that is to say:

Beginning at Jones' Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of 45 degrees west of the north, and running in a direct line ten miles for the first line; then beginning again at the same Jones' Point, and running another direct line at a right angle with the first across the Potomac ten miles for the second line; then from the terminations of the said first and second lines running two other direct lines of ten miles each, the one across the Eastern Branch aforesaid and the other the Potomac, and meeting each other in a point.

And I do accordingly direct the commissioners, named under the authority of the said first mentioned act of Congress, to proceed forthwith to have the said four lines run, and by proper metes and bounds defined and limited, and thereof to make due report under their hands and seals; and the territory so to be located, defined, and limited shall be the whole territory accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.



In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at George-Town aforesaid, the 30th day of March, in the year of our Lord 1791, and of the Independence of the United States the fifteenth.

GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

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APPENDIX 11.

On or about the 29th of June, 1791, nineteen original proprietors of the greater parts of the lands which now constitute the city of Washington conveyed them in trust, by deeds in the following form, viz:

[Copy of the deed in trust from an original proprietor of the ground on which the city of Washington is located to the trustees appointed by authority of the United States to receive the same.]

This indenture, made this 29th day of June, in the year of our Lord one thousand seven hundred and ninety-one, between (here is inserted the name of the grantor), of the State of Maryland, of the one part, and Thomas Beall, of George, and John M. Gantt, of the State of Maryland, of the other part, witnesseth: That the said ——— (the grantor), for and in consideration of the sum of five shillings, to him in hand paid by the same Thomas Beall, of George, and John M. Gantt, before the sealing and delivery of these presents, the receipt whereof he doth hereby acknowledge, and thereof doth acquit the said Thomas Beall, of George, and John M. Gantt, their executors and administrators; and also, for and in consideration of the uses and trust hereinafter mentioned, to be performed by the said Thomas Beall, of George, and John M. Gantt, and the survivor of them, and the heirs of such survivor, according to the true intent and meaning thereof, hath granted, bargained, sold, aliened, released, and confirmed, and by these presents doth grant, bargain, sell, alien, release, and confirm unto the said Thomas Beall, of George, and John M. Gantt, and the survivor of them, and the heirs of such survivor, all the lands of him, the said (grantor) lying and being within the following limits, boundaries, and lines, to wit: Beginning on the east side of Rock Creek, at a stone standing in the middle of the main road leading from Georgetown to Bladensburg; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61 degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry; thence south, to a stone eighty poles north of the east and west line already drawn from the mouth of Goose Creek, to the Eastern Branch; then east, parallel to the said east-and-west line, to the

Eastern Branch: thence by and with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning, with their appurtenances, except all and every lot and lots of which the said ——— (the grantor) is seized or to which he is entitled in Carrollsburg or Hamburg; to have and to hold the hereby bargained and sold lands with their appurtenances to the said Thomas Beall of George and John M. Gantt, and the survivor of them, and the heirs of such survivor forever: To and for the special trust following, and no other: that is to say: That all the said lands hereby bargained and sold, or such part thereof as may be thought necessary or proper to be laid out, together with other lands within the said limits, for a Federal city, with such streets, squares, parcels, and lots as the President of the United States for the time being shall approve; and that the said Thomas Beall of George and John M. Gantt, or the survivor of them, or the heirs of such survivor shall convey to the Commissioners for the time being, appointed by virtue of the act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," and their successors, for the use of the United States forever, all the said streets and such of the said squares, parcels, and lots as the President shall deem proper, for the use of the United States; and that as to the residue of the said lots, into which the said lands hereby bargained and sold shall have been laid off and divided, that a fair and equal division of them shall be made. And if no other mode of division shall be agreed on by consent of the said ——— (the grantor) and the Commissioners for the time being, then such residue of the said lots shall be divided, every other lot alternate to the said ——— (the grantor), and it shall, in that event, be determined by lot, whether the said ——— (the grantor) shall begin with the lot of the lowest number laid out on the said lands or the following number.

And all the said lots which may in any manner be divided or assigned to the said ——— (the grantor) shall, thereupon, together with any part of the bargained and sold lands, if any, which shall not have been laid out in the said city, be conveyed by the said Thomas Beall of George and John M. Gantt, or the survivor of them, or the heirs of such survivor, to him, the said ——— (the grantor), his heirs and assigns. And that the said other lots shall and may be sold at such time or times, in such manner, and on such terms and conditions as the President of the United States for the time being shall direct; and that the said Thomas Beall of George and John M. Gantt, or the survivor of them, or the heirs of such survivor, will, on the order and direction of the President, convey all the said lots so sold and ordered to be conveyed to the respective purchasers in fee simple, according to the terms and conditions of such purchases; and the produce of the sales of the said lots when sold as aforesaid shall in the

first place be applied to the payment in money to the said ——— (the grantor), his executors, administrators, or assigns, for all the part of the land hereby bargained and sold which shall have been laid off into lots, squares, or parcels, and appropriated as aforesaid to the use of the United States, at the rate of twenty-five pounds per acre, not accounting the said streets as part thereof.

And the said twenty-five pounds per acre, being so paid, or in any other manner satisfied, that then the produce of the same sale, or what thereof may remain as aforesaid, in money or securities of any kind, shall be paid, assigned, transferred, and delivered over to the President of the United States, for the time being, as a grant of money, and to be applied for the purposes and according to the act of Congress aforesaid. But the said conveyance to the said ——— (the grantor), his heirs or assigns, as well as the conveyance to the purchasers, shall be on, and subject to such terms and conditions as shall be thought reasonable, by the President, for the time being, for regulating the materials and manner of the buildings and improvements on the lots, generally, in the said city, or in particular streets, or parts thereof, for common convenience, safety, and order: *Provided*, Such terms and conditions be declared before the sales of any of the said lots, under the direction of the President. And in trust further, and on the agreement that the said ——— (the grantor), his heirs or assigns, shall and may continue his possession and occupation of the said lands hereby bargained and sold, at his and their will and pleasure, until they shall be occupied under the said appropriations for the use of the United States as aforesaid, or by purchasers; and when any lots or parcels shall be occupied under purchase or appropriations as aforesaid, then, and not until then, shall the said ——— (the grantor) relinquish his occupation thereof. And in trust also, as to the trees, timber, and wood, on the premises, that he the said ——— (the grantor) his heirs or assigns, may freely cut down, take, and carry away, and use the same as his and their property, except such of the trees and wood growing as the President or commissioners aforesaid may judge proper, and give notice, shall be left for ornaments, for which the just and reasonable value shall be paid to the said ——— (the grantor), his executors, administrators, or assigns, exclusive of the twenty-five pounds per acre for the land.

And in case the arrangements of the streets, lots, and the like will conveniently admit of it, he the said ——— (the grantor), his heirs or assigns, if he so desire it, shall possess and retain his buildings and graveyard, if any, on the hereby bargained and sold land, paying to the President at the rate of twelve pounds ten shillings per acre for the lands so retained, because of such buildings and graveyards, to be applied as aforesaid, and the same shall thereupon be conveyed

to the said ——— (the grantor), his heirs or assigns, with his lots. But if the arrangements of the streets, lots, and the like will not conveniently admit of such retention, and it shall become necessary to remove such buildings, then the said ——— (the grantor), his executors, administrators, or assigns, shall be paid the reasonable value thereof in the same manner as squares or other ground appropriated for the use of the United States are to be paid for. And because it may so happen that by deaths or removals of the said Thomas Beall, of George, and John M. Gantt, and from other causes, difficulties may occur in fully perfecting the said trusts, by executing all the said conveyances, if no eventual provision is made, it is therefore agreed and covenanted between all the said parties, that the said Thomas Beall, of George, and John M. Gantt, or either of them, or the heirs of any of them, lawfully may, and that they, at any time, at the request of the President of the United States for the time being, will convey all or any of the said lands hereby bargained and sold, which shall not then have been conveyed in execution of the trusts aforesaid, to such person or persons as he shall appoint, in fee simple, subject to the trusts then remaining to be executed, and to the end that some may be perfected.

And it is further granted and agreed between all the said parties, and each of the said parties doth for himself, respectively, and his heirs, covenant and grant to and with the others of them, that he and they shall and will, if required by the President of the United States for the time being, join in and execute any further deed or deeds for carrying into effect the trusts, purposes, and true intent of this present deed. In witness whereof the parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

Signed by the grantor.

—————. [SEAL.]

Signed, sealed, and delivered in the presence of—  
 \_\_\_\_\_.

All the residue of the lands lying within the bounds of the city were, by an act of the legislature of Maryland, passed on or about the 19th of December, 1791, vested in the same trustees, and subjected to the same trusts.

APPENDIX 12.

GEORGETOWN, *September 9, 1791.*

SIR: We have agreed that the Federal District shall be called "The Territory of Columbia," and the Federal City the "city of Washington." The title of the map will, therefore, be, "A Map of the City of Washington in the Territory of Columbia."

We have also agreed that the streets be named alphabetically one way and numerically the other, the former to be divided into north and south, and the latter into east and west numbers from the Capitol. Major Ellicott, with proper assistance, will immediately take, and soon furnish you with, the soundings of the Eastern Branch, to be inserted in the map. We expect he will also furnish you with the proposed post road, which we wish to be noticed in the map.

We are, respectfully, yours,

THOMAS JOHNSON.  
DAVID STUART.  
DANIEL CARROLL.

To Major L'ENFANT.

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### APPENDIX 13.

#### ACT OF MARYLAND RATIFYING THE CESSION.

AN ACT Concerning the Territory of Columbia and the city of Washington.

[Passed December 19, 1791.]

Whereas the President of the United States, by virtue of several acts of Congress, and acts of the assemblies of Maryland and Virginia, by his proclamation, dated at Georgetown on the thirtieth day of March, seventeen hundred and ninety-one, did declare and make known that the whole of the territory of ten miles square, for the permanent seat of government of the United States, shall be located and included within the four lines following, that is to say: Beginning at Jones Point, being the upper point of Hunting Creek, in Virginia, and at an angle at the outset forty-five degrees west of north, and running a direct line ten miles for the first line; then beginning again at the same Jones Point and running another direct line at a right angle with the first across the Potomac ten miles for the second line; then from the terminations of the said first and second lines running two other direct lines ten miles each, the one across the Eastern Branch and the other Potomac, and meeting each other in a point, which has since been called the Territory of Columbia; and,

Whereas Notley Young, Daniel Carroll, of Duddington, and many others, proprietors of the greater part of the land hereinafter mentioned to have been laid out in a city, came into an agreement, and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other parts to be sold to raise money as a donation to be employed according to the act of Congress for establishing the temporary and permanent seat of the Government of the United States, under and upon the terms and conditions contained in each of the said deeds; and many of

the proprietors of lots in Carrollsburg and Hamburg have also come into an agreement, subjecting their lots to be laid out anew, giving up one-half of the quantity thereof to be sold, and the money thence arising to be applied as a donation as aforesaid, and they to be reinstated in one-half of the quantity of their lots in the new location, or otherwise compensated in land in a different situation within the city, by agreement between the Commissioners and them, and in case of disagreement, that then a just and full compensation shall be made in money; yet some of the proprietors in Carrollsburg and Hamburg, as well as some of the proprietors of other lands, have not, from imbecility and other causes, come into any agreement concerning their lands within the limits hereinafter mentioned, but a very great number of the landholders having agreed on the same terms, the President of the United States directed a city to be laid out comprehending all the lands beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburgh; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburgh to the Eastern Branch ferry; then south to a stone ninety poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east, parallel to the said east and west line, to the Eastern Branch; then with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning, which has since been called the City of Washington: and

Whereas it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole; that an incontrovertible title ought to be made to the purchasers, under public sanction; that allowing foreigners to hold land within the said territory will greatly contribute to the improvement and population thereof; and that many temporary provisions will be necessary till Congress exercise the jurisdiction and government over the said territory; and

Whereas in the cession of this State, heretofore made, of territory for the Government of the United States, the lines of such cession could not be particularly designated; and it being expedient and proper that the same should be recognized in the acts of this State—

2. *Be it enacted by the General Assembly of Maryland,* That all that part of the said territory called Columbia which lies within the limits of this State shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, and full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to

the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States: *Provided*, That nothing herein contained shall be so construed to vest in the United States any right of property in the soil as to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States: *And provided also*, That the jurisdiction of the laws of this State over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

3. *And be it enacted*, That all the lands belonging to minors, persons absent out of the State, married women, or persons non compos mentis, or the lands the property of this State, within the limits of Carrollsburg and Hamburg, shall be and are hereby subjected to the terms and conditions hereinbefore recited, as to the lots where the proprietors thereof have agreed concerning the same; and all the other lands, belonging as aforesaid, within the limits of the said city of Washington, shall be, and are hereby, subjected to the same terms and conditions as the said Notley Young, Daniel Carroll, of Duddington, and others, have, by their said agreements and deeds, subjected their lands to, and where no conveyances have been made, the legal estate and trust are hereby invested in the said Thomas Beall, son of George, and John Mackall Gantt, in the same manner as if each proprietor had been competent to make, and had made a legal conveyance of his or her land, according to the form of those already mentioned, with proper acknowledgments of the execution thereof, and where necessary, of release of dower, and in every case where the proprietor is an infant, a married woman, insane, absent out of the State, or shall not attend on three months' advertisement of notice in the Maryland Journal and Baltimore Advertiser, the Maryland Herald, and in the Georgetown and Alexandria papers, so that allotment can not take place by agreement, the commissioners, aforesaid, or any two of them, may allot or assign the portion or share of such proprietor as near the old situation as may be, in Carrollsburg and Hamburg, and to the full value of what the party might claim under the terms before recited; and as to the other lands within the said city, the commissioners aforesaid, or any two of them, shall make such allotment and assignment, within the lands belonging to the same person, in alternate lots, determined by lot or ballot, whether the party shall begin with the lowest number: *Provided*, That in the cases of coverture and infancy, if the husband, guardian, or next friend will agree with the commissioners, or any two of them, then an effectual division may be made by consent; and in case of contrary claims, if the claimants will not jointly agree, the commissioners may proceed as if the proprietor was absent; and all

persons to whom allotments and assignments of lands shall be made by the commissioners, or any two of them, on consent and agreement, or pursuant to this act without consent, shall hold the same in their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, and incumbrances as their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, incumbrances as their former estates and interests were subject to, and as if the same had been actually reconveyed pursuant to the said deed in trust.

4. *And be it enacted*, That where the proprietor or proprietors, possessor or possessors, of any lands within the limits of the city of Washington, or within the limits of Carrollsburg or Hamburg, who have not already, or who shall not, within three months of this act, execute deeds in trust to the aforesaid Thomas Beall and John M. Gantt, of all their land within the limits of the said city of Washington, and on the terms and conditions mentioned in the deeds already executed by Notley Young and others, and execute deeds in trust to the said Thomas Beall and John M. Gantt of all their lots in the towns of Carrollsburg and Hamburg on the same terms and conditions contained in the deeds already executed by the greater part of the proprietors of lots in the said towns, the said commissioners, or any two of them, shall and may, at any time or times thereafter, issue a process, directed to the sheriff of Prince Georges County, commanding him, in the name of the State, to summon five good substantial freeholders, who are not of kin to any proprietor or proprietors of the lands aforesaid, and who are not proprietors themselves, to meet on a certain day, and at a certain place within the limits of the said city, to inquire of the value of the estate of such proprietor or proprietors, possessor or possessors, on which day and place the said sheriff shall attend, with the freeholders by him summoned, which freeholders shall take the following oath, or affirmation, on the land to be by them valued, to wit: "I, A. B., do solemnly swear (or affirm) that I will, to the best of my judgment, value the lands of C. D. now to be valued so as to do equal right and justice to the said C. D. and to the public, taking into consideration all circumstances," and shall then proceed to value the said lands; and such valuation, under their hands and seals and under the hand and seal of the said sheriff, shall be annexed to the said process and returned by the sheriff to the clerk appointed by virtue of this act, who shall make record of the same, and the said lands shall, on the payment of such valuation, be and is hereby vested in the said commissioners in trust, to be disposed of by them or otherwise employed to the use of the said city of Washington; and the sheriff aforesaid and freeholders aforesaid shall



be allowed the same fees for their trouble as are allowed to a sheriff and juryman in executing a writ of inquiry; and in all cases where the proprietor or possessor is tenant in right of dower or by the courtesy the freeholders aforesaid shall ascertain the annual value of the lands and the gross value of such estate therein, and upon paying such gross value or securing to the possessor the payment of the annual valuation, at the option of the proprietor or possessor, the commissioners shall be and are hereby vested with the whole estate of such tenant, in manner and for the uses and purposes aforesaid.

5. *And be it enacted*, That all the squares, lots, and parcels of land within the said city which have been or shall be appropriated for the use of the United States, and all the lots and parcels which have been or shall be sold to raise money as a donation as aforesaid shall remain and be to the purchasers, according to the terms and conditions of their respective purchase; and purchases and leases from private persons claiming to be proprietors, and having, or those under whom they claim having, been in the possession of the lands purchased or leased, in their own right, five whole years next before the passing of this act, shall be good and effectual for the estate, and on the terms and conditions of such purchases and leases, respectively, without impeachment, and against any contrary title now existing; but if any person hath made a conveyance, or shall make a conveyance or lease, of any lands within the said city, not having right and title to do so, the person who might be entitled to recover the land under a contrary title now existing may, either by way of ejectment against the tenant or in an action for money had and received for his use against the bargainer or lessor, his heirs, executors, administrators, or devisees, as the case may require, recover all money received by him for the squares, pieces, or parcels appropriated for the use of the United States, as well as for lots or parcels sold and rents received by the person not having title as aforesaid, with interest from the time of receipt; and, on such recovery in ejectment, where the land is in lease, the tenant shall thereafter hold under, and pay the rent reserved to, the person making title to and recovering the land; but the possession bona fide acquired in none of the said cases shall be changed.

6. *And be it enacted*, That any foreigner may, by deed or will hereafter to be made, take and hold lands within that part of the said territory which lies within this State in the same manner as if he were a citizen of this State; and the same lands may be conveyed by him, and transmitted to, and inherited by his heirs or relations, as if he and they were citizens of this State; provided that no foreigner shall, in virtue hereof, be entitled to any further or other privilege of a citizen.

7. *And be it enacted*, That the said commissioners, or any two of

them, may appoint a clerk for recording deeds of land within the said territory, who shall provide a proper book for the purpose, and therein record, in a strong, legible hand, all deeds duly acknowledged, of lands in the said territory, delivered to him to be recorded, and in the same book make due entries of all divisions and allotments of lands and lots made by the commissioners in pursuance of this act, and certificates granted by them of sales, and the purchase money having been paid, with a proper alphabet in the same book of the deeds and entries aforesaid; and the same book shall carefully preserve and deliver over to the commissioners aforesaid, or their successors, or such person or persons as Congress shall hereafter appoint, which clerk shall continue such during good behaviour, and shall be removable only on a conviction of misbehaviour in a court of law; but before he acts as such he shall take an oath or affirmation well and truly to execute his office, and he shall be entitled to the same fees as are or may be allowed to the clerks of the county courts for searches, copying, and recording.

8. *And be it enacted*, That acknowledgments of deeds made before a person in the manner and certified as the laws of this State direct, or made before, and certified by, either of the commissioners shall be effectual; and that no deed hereafter to be made, of or for lands within that part of the said territory which lies within this State, shall operate as a legal conveyance, nor shall any lease for more than seven years be effectual, unless the deed shall have been acknowledged as aforesaid, and delivered to the said clerk to be recorded within six calendar months from the date thereof.

9. *And be it enacted*, That the commissioners aforesaid, or some two of them, shall direct an entry to be made in the said record book of every allotment and assignment to the respective proprietors in pursuance of this act.

10. And for the encouragement of master builders to undertake the building and finishing houses within the said city by securing to them a just and effectual remedy for their advances and earnings, *Be it enacted*, That for all sums due and owing on written contracts for the building any house in the said city, or the brickwork or carpenters' or joiners' work thereon, the undertaker or workmen employed by the person for whose use the house shall be built shall have a lien on the house and the ground on which the same is erected, as well as for the materials found by him: *Provided*, The said written contract shall have been acknowledged before one of the commissioners, a justice of the peace, or an alderman of the corporation of Georgetown and recorded in the office of the clerk for recording deeds, herein created, within six calendar months from the time of acknowledgment as aforesaid, and if within two years after the last of the work is done he proceeds in equity he shall have as upon a mortgage, or if he proceeds at

law within the same time he may have execution against the house and land, in whose hands soever the same may be; but this remedy shall be considered as additional only, nor shall, as to the land, take place of any legal incumbrance made prior to the commencement of such claim.

11. *And be it enacted*, That the treasurer of the western shore be empowered and required to pay the seventy-two thousand dollars agreed to be advanced to the President by resolutions of the last sessions of assembly, in sums as the same may come to his hands on the appointed funds, without waiting for the day appointed for the payment thereof.

12. *And be it enacted*, That the Commissioners aforesaid for the time being, or any two of them, shall from time to time, until Congress shall exercise the jurisdiction and government within the said Territory, have power to license the building of wharves in the waters of the Potomac and the Eastern Branch, adjoining the said city, of the materials, in the manner and of the extent they may judge durable, convenient, and agreeing with the general order; but no license shall be granted to one to build a wharf before the land of another, nor shall any wharf be built in the waters without license as aforesaid; and if any wharf shall be built without such license, or different therefrom, the same is hereby declared a common nuisance. They may also, from time to time, make regulations for the discharge and laying of ballast from ships or vessels lying in the Potomac River above the lower line of the said Territory and Georgetown, and from ships and vessels lying in the Eastern Branch. They may also, from time to time, make regulations for landing and laying materials for building the said city, for disposing and laying earth which may be dug out of the wells, cellars, and foundations and for ascertaining the thickness of the walls of houses, and to enforce the observance of all such regulations by appointing penalties for the breach of any one of them not exceeding ten pounds current money, which may be recovered in the name of the said Commissioners, by warrant, before a justice of the peace, as in case of small debts, and disposed of as a donation for the purpose of the said act of Congress. And the said Commissioners, or any two of them, may grant licenses for retailing distilled spirits within the limits of the said city, and suspend or declare the same void. And if any person shall retail or sell any distilled spirits, mixed or unmixed, in less than ten gallons to the same person, or at the same time actually delivered, he or she shall forfeit for every such sale three pounds, to be recovered and applied as aforesaid.

13. *And be it enacted*, That an act of assembly of this State to condemn lands, if necessary, for the public buildings of the United States be, and is hereby, repealed.

## APPENDIX 14.

AN ACT Appointing the time and directing the place of the next meeting of Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the session of Congress next ensuing the present shall be held at the city of Washington, in the District of Columbia, and said session shall commence on the third Monday of November, one thousand eight hundred.

Approved, May 13, 1800. (2 Stats., 85.)

## APPENDIX 15.

## JURISDICTION OF THE UNITED STATES.

In the case of *United States v. John Hammond* (Cranch's Circuit Reports, vol. 1, pp. 15-21) the court held "that before the right of exclusive jurisdiction absolutely vested in the United States, it was necessary, by the act of cession (of Virginia), and by the eighth section of the first article of the Constitution of the United States, that three events only should happen: First, that the cession should be accepted by Congress; second, that it should be located and defined; and third, that the district so accepted, located, and defined should become the seat of government of the United States.

"All these events had happened on the first Monday of December, 1800, being the day appointed by law for the removal of the seat of government. On that day, therefore, all the preliminary events having happened, the District of Columbia became vested in the Congress and Government of the United States, according to the impressive words of the act of cession 'in full and absolute right and exclusive jurisdiction as well of soil as of persons residing or to reside thereon.'"

## APPENDIX 16.

[House Report No. 325, Twenty-ninth Congress, first session.]

## RETROCESSION OF ALEXANDRIA TO VIRGINIA.

[To accompany H. R. No. 259.]

On February 25, 1846, Mr. Hunter, from the Committee for the District of Columbia, made the following report:

The committee to whom was referred the petition of many citizens of the town and county of Alexandria for the retrocession of the portion of the District of Columbia south of the Potomac have considered the same, and report:

That they have come to the conclusion that there is much in the petition to commend itself to the favor of Congress.

The portion of the District of Columbia south of the Potomac constitutes about one-third of its area, and up to this time has not been used for the public buildings or grounds necessary for the seat of government.

The experience of more than forty years seems to have demonstrated that the cession of the county and town of Alexandria was unnecessary for any of the purposes of a seat of government, mischievous to the interest of the District at large, and especially injurious to the people of that portion which was ceded by Virginia. One of the great objects in removing the seat of government to a district under the exclusive legislation of Congress was to secure the persons and deliberations of the members of the General Government from open violence or lawless intrusions.

Your committee can see no reason why this object may not be as well secured by confining the District to two-thirds of its present extent as by embracing the whole within its area. Within the portion of the District on the north side of the Potomac River there is much more than space enough for all the public grounds and buildings ever likely to be necessary for the seat of government. Beyond this quantity every addition of territory to be embraced within the exclusive legislation of Congress is not only unnecessary but makes a useless diversion of its time and attention from the great objects of general legislation to the discharge of the duties of a petty local legislation, for which it is unfitted. In the District itself this union of the counties of Washington and Alexandria has been the source of much mischief.

At the time of the cession of this District, the counties of Washington and Alexandria were left under the operation of the laws of the States of Maryland and Virginia, respectively, except so far as they might be altered by the subsequent legislation of Congress. Within the limits of the ten miles square we have thus had two people separated by a broad river, and under the operation of different codes of laws. It has been so difficult to harmonize the legislation of Congress with these two different codes, and that body has had so little time to bestow on this work, that but little has been done toward amending their codes, or toward placing the District under one general system of laws. The difficulty of harmonizing its legislation with both codes has hitherto prevented Congress from making many most necessary alterations in either. It is not to be conceded that these and other circumstances have always produced a degree of sectional feeling, even in this small District, which would scarcely have been expected by those who had not examined into the causes of their dissensions. It would be possible, perhaps, with much more time and labor than Congress will ever have to bestow on this subject to substitute a general

code for the different systems of law, but the difficulties in the way of this work would be far greater than would attend the amendment of either one of the systems considered separately. Nor is it likely that Congress will ever have the time to bestow on work of so much labor.

But if this were accomplished, there is a still more permanent cause of jealousy subsisting between the two parties of the District of Columbia.

All the disbursements growing out of the location of the seat of government are made within the county of Washington, and of necessity must continue to be so made.

This has been and will continue to be a source of jealousy and division between the counties of the District. Had the District submitted to the exclusive legislation of Congress, been confined to either county, it is probable that Congress would have been able to have discharged to a far greater extent the duties of a local legislature, and with a far less expenditure of time and money than has been wasted on the hitherto vain attempt to attain that object. The present condition of the laws in the District of Columbia is such as should excite a strong sympathy for its people, and would reflect some discredit on our legislation if it were not obvious that the difference in the systems and the local jealousies of the two counties have interposed difficulties which it required more time to surmount than Congress have ever had to bestow upon the subject. The people of the county and town of Alexandria have been subjected not only to their full share of those evils which affect the District generally, but they have enjoyed none of these benefits which serve to mitigate their disadvantages in the county of Washington. The advantages which flow from the location of the seat of government are almost entirely confined to the latter county, whose people, as far as your committee are advised, are entirely content to remain under the exclusive legislation of Congress.

But the people of the county and town of Alexandria, who enjoy few of those advantages, are, as your committee believe, justly impatient of a state of things which subjects them not only to all the evils of inefficient legislation, but also to political disfranchisement. To enlarge on the immense value of the elective franchise would be unnecessary before an American Congress or in the present state of public opinion. The condition of thousands of our fellow-citizens who, without any equivalent, if equivalent there could be, are thus denied a vote in the local or general legislation by which they are governed, who to a great extent are under the operation of old English and Virginia statutes long since repealed in the counties where they originated, and whose sons are cut off from many of the most highly valued privileges of life, except upon the condition of leaving the soil of their birth, is such as must deeply move the sympathies of those who enjoy those rights themselves and regard them as inestimable. Your committee believe that it would be difficult to measure the full

extent of the depressing effect which these circumstances have had upon the growth and prosperity of the people of the town and county of Alexandria. When we compare their present condition with that which their natural advantages would seem to have promised, we are constrained to believe that there is something in their political state which must have marred the beneficent design of nature.

Upon a full view of all these considerations, your committee are of opinion that the interest of the General Government, of the whole District of Columbia, and particularly of the people of the county and town of Alexandria, would be promoted by a retrocession of that county to the State of Virginia, whose general assembly have signified their assent to the act by a law passed with the unanimous vote of both houses.

It has been alleged, it is true, that Congress has no power to pass such an act—upon the grounds which your committee have examined, and believe to be entirely insufficient. This objection rests mainly upon the assumption that the power in relation to the location of the seat of government, and the extent of the district given in the seventeenth clause of the eighth section and first article of the Constitution, has been executed and exhausted—a construction not warranted, as we believe, by the history or context of the clause in question, nor by the general spirit of the instrument in which it is contained. There is no more reason to believe that the power in this case, when once exercised and executed, is exhausted than in any other of the long list of enumerated powers to which it belongs, and which it is provided that Congress “shall have.”

The phraseology of the grant is the same, and as much reason seems to exist for the continuance of the right to exercise this power as in most of those contained in the list to which we have referred. If this construction be true, when Congress had once fixed the seat of government it could no more be removed, although it should prove to be unsafe from foreign invasion or so unhealthy as to endanger the lives of the members of the Government, or so located as to be inconsistent with a due regard to the facilities of access to our whole population or to their convenience; and yet it is manifest that some of these considerations might make the removal of the seat of government a matter of necessity. To have excluded the conclusion that the framers of the Constitution had regarded considerations so manifest and reasonable, there must have been terms so precise and accurate as to have left no doubt of their intention to make the act irrevocable when the power was once exercised. As some proof that the framers of the Constitution did not overlook these considerations, we may advert to the fact that Mr. Madison moved to strike out the word “permanent” from the act establishing the seat of government because the Constitution did not contain it. Nor is this the only difficulty involved by this construction; the same section gives a like power relative to forts

and arsenals. And, contrary to reason and the usage of Congress, this power when once exercised would be thus considered as executed and exhausted.

The true construction of this clause of the Constitution would seem to be that Congress may retain and exercise exclusive jurisdiction over a district not exceeding 10 miles square; and whether those limits may enlarge or diminish that district, or change the site, upon considerations relating to the seat of government, and connected with the wants for that purpose: the limitation upon their power in this respect is that they shall not hold more than 10 miles square for this purpose; and the end is to attain what is desirable in relation to the seat of government. This construction is consistent with the phraseology of the Constitution, with the reasons for granting such a power, and not inconsistent with the reserved powers of the States. It saves the Government, too, from great and manifold inconveniences to which it would be exposed upon any other interpretation of the clause in question. Congress might, under this clause, have taken a district less than 10 miles square; and if this had been found insufficient, there can be no doubt but that it might have added as much more by cession from a State as was necessary for the purposes of a seat of government. If it had taken more originally than was necessary for those purposes, there would seem to be as little doubt but that they might relinquish the surplus. If it may remove the site of its exclusive legislation from the Potomac to the Mississippi it would seem to be clear that they might remove that site from the boundaries of Alexandria County to the north bank of the Potomac.

But, it has been asked, by what clause of the Constitution could Congress transfer the district thus abandoned to the legislation of any State; and if there be none, is it not a fatal objection to the construction given by us to the clause in dispute—that the people of the district thus relinquished would be left without any government whatever? Different minds attending to the system of constitutional construction to which they inclined have derived this power from different clauses of the Constitution. Some think that the power of the General Government to cede in such a case is to be derived from the power of “exclusive legislation” given by the Constitution. Some, too, derive this power from that “to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.” Others, again, hold that the right to exercise exclusive legislation in this case is a qualified right, and determines when the seat of government is removed. Those who hold this opinion maintain that when this right determines, the jurisdiction reverts to the ceding State, who, by the very terms of the Constitution, could only have ceded the right of exclusive legislation to the District while it remained the seat of government. Your committee



think there is much of truth in this last opinion. For it is only by this construction that the seat of government can be removed by the Federal authorities, without not only the assent of the States who cede the new site, but also of those who have given the old. This would enable either the State of Maryland or Virginia to prevent the removal of the seat of government, although demanded by every other State in the Union. For even those who derive the power from the two sources first named could not maintain that consistently with good faith; we could cede away to other States territory not contiguous to them, but contiguous to Virginia and Maryland, and ceded by them for a consideration, which failed the moment that the seat of government was removed.

Upon the last construction as to the relative rights of the parties no such inconvenience could be experienced. We might remove the seat of government without the consent of Virginia and Maryland, if a majority of the people and States desired it, without leaving the abandoned District beyond the pale of all government, and without violating the provision of the Constitution which limits the right of Congress to exclusive legislation to 10 miles square. Under this view of the clause in question, the jurisdiction over the county of Alexandria would revert to Virginia upon the withdrawal of the right of exclusive legislation over it, by confining the seat of government to the portion of the district north of the Potomac River. But, in any view of the case, an act of retrocession would be proper, as it would be conferring a right on Virginia which would be necessary in the opinion of some, or else acknowledging a right already existing, after the withdrawal of our jurisdiction, in the opinion of others. The grant would be necessary according to the one opinion, and the acknowledgment of right would be salutary even upon the grounds assumed by others. One other objection to the act of retrocession remains to be considered. The act of Congress establishing the present seat of government characterized it as permanent. It has been maintained that its site could not be removed or changed without the assent of both Virginia and Maryland, except by a breach of faith toward these States. It might be replied that this word "permanent" meant only an indefinite period; that it was designed merely to require the removal to be made by law, and not by resolution of the two Houses; or it might be well said that Congress could not, by contract, part with a power reposed in them by the Constitution for wise purposes; but in point of fact, the history of the transaction does not sustain this view of the contract.

Neither Virginia nor Maryland, by their acts of cession, made the permanence of the seat of government a condition of the grant. Nor is there anything in the acts of cession or the circumstances attending them to sanction the idea which has been expressed, that it

was a contract between the United States and the States of Virginia and Maryland jointly, and thus that good faith would require the assent of both States to a retrocession to either. A reference to these acts will show that each State contracted, for itself only, with the General Government, and did not contemplate the action of any other State as necessarily connected with its own. This is conclusively proved by the fact that each State offered to cede the whole of the 10 miles square, and thus clearly contemplated the case in which the United States and itself might be the only parties to the contract. The acts of Virginia and Maryland were passed at different times and without the least reference to each other. Upon all these views as to the propriety and right of retroceding to Virginia all that portion of the District of Columbia originally ceded by her to the United States, your committee have been induced to report a bill, which is respectfully submitted.

MEMORIAL OF THE COMMITTEE OF THE TOWN OF ALEXANDRIA FOR  
RETROCESSION.

The committee appointed by the common council of Alexandria to attend to the interests of the town before Congress, and especially to urge upon that body the subject of retrocession, beg leave respectfully to submit to the honorable chairman and members of the District Committee of the House of Representatives some of the considerations which impel them greatly to desire to return to the State of Virginia, from which, in an evil hour, they were separated. We maintain that all government (politically considered) but self-government is bad, and that without some radical change, time, instead of making a bad government better, will make it worse; that whatever power is exercised independently of the will of the people, expressed individually or through their representatives, is a despotism. When we remind the committee that we are a disfranchised people, deprived of all those political rights and privileges so dear to an American citizen, and the possession of which is so well calculated to elevate and dignify the human character; that the exclusive jurisdiction which Congress possesses over us, however wisely and moderately exercised, is a despotism, we are almost inclined to say nothing more, as we can not doubt but that our feelings, under such circumstances, will meet with the ready sympathy of every member of Congress. Regardless of these evils we should be willing to continue in this state of vassalage, and sacrifice ourselves for the good of our country, could we perceive any substantial benefit resulting therefrom to the rest of the Union.

The citizens of Alexandria are as strongly influenced as the citizens of any of the States (we say not fellow-citizens, for in our degraded condition the term would be inapplicable) by emotions of pure and elevated patriotism. We are convinced, however, that so far from

being of advantage we are a useless and even a burdensome appendage to the General Government. The appropriations for the support of the judicial system of the District of Columbia have been a subject of serious complaint, amounting, we believe, to as much as \$50,000 per annum. By retroceding the town and county of Alexandria this amount would be greatly diminished, and there would be a considerable saving in the diminished time that Congress would feel it incumbent on them to bestow on the affairs of the District. Our condition is essentially different from and far worse than that of our neighbors on the northern side of the Potomac. They are citizens of the metropolis of a great and noble republic, and wherever they go there cluster about them all those glorious associations connected with the progress and fame of their country. They are in some measure compensated for the loss of their political rights by benefits resulting from the large expenditure of public money among them, and by daily intercourse and association with the various officers of the Government, and particularly with the members of Congress. How is it with the citizens of Alexandria? When they go abroad, or their sons are sent to the various literary institutions in the States, from a sense of their degraded political condition they are induced to pass themselves as citizens of Virginia.

Permit us here expressly to state that in nothing we have said or may say do we design to cast any censure on Congress. Their good will we do not for a moment doubt, but are confident that the evils under which we labor can not be remedied otherwise than by retrocession. While every State in the Union has been amending and improving its civil and penal codes, and none more so than Virginia, but few changes, and still fewer improvements, have been made in our laws. The laws of Virginia, as they existed on the 27th of February, 1801, with some few unimportant changes, are still in force with us. We are yet governed by antiquated English statutes, repealed even there half a century ago. Efforts have, at different periods since the cession of the District, been made by Congress to establish for us a code of laws, but each effort has proven abortive, and we doubt not that future efforts will, if made, share a similar fate. With a due regard to the interests of the constituents of each member of your honorable body, it is not reasonable to expect Congress to give the time necessary to modify and reform these laws in such a manner as is necessary. So mongrel and complicated is our present system, so patchwork in its nature, that to ascertain what the law is we are in many cases compelled to resort to the revised code of Virginia of the last century (now nearly out of print), to the laws of Maryland, and acts of Congress, and when we have undergone this labor find it difficult to eviscerate from the chaotic mass the true meaning of the law. Can a people among whom the march of the human mind is thus impeded in

relation to the highest objects on which it can be exercised, be expected to prosper—when, too, we are surrounded by States to whose citizens every passing year brings the fruits of an improved judgment and a more intelligent understanding?

By decisions of the Supreme Court, the inhabitants of this District are not constitutionally entitled to many of the civil rights of citizens of the States, as guaranteed to them merely because their rights are secured to them as being citizens of a State; and while an alien, a British subject, may sue in the Federal courts of the Union, we are denied the privilege. In order to obtain this right, individual instances have occurred in which our citizens have been compelled to remove to one of the States. We are deprived of the elective franchise, a privilege so dear and sacred that we would present its deprivation in the strongest light before your honorable body. Side by side with the trial by jury and the writ of habeas corpus may be placed the rights of the ballot box. It is not unworthy of the remark that while the principles of free government are yearly extending with the rapid march of civilization, and thrones and dynasties are yielding to their influence, here alone in the 10 miles square in and about the capital of this great country is there no improvement, no advance in popular rights. A foreigner, on reaching some distant portion of our territory, might well expect on approaching the seat of government to find its inhabitants enjoying in at least an equal degree the free institutions of the country. In ascertaining our true condition, how unaccountable must it appear that we alone are denied them.

However clear ourselves as to the constitutional right of Congress to carry out the measure we propose, as some doubts—not, we think, of a serious character—have been suggested, it is perhaps proper that we should advert to the subject. By the seventeenth section of the eighth article of the Constitution of the United States, the power is delegated to Congress to exercise exclusive jurisdiction in all cases whatsoever over such district (not exceeding 10 miles square) as might, by the cession of particular States and the acceptance of Congress, become the seat of government. In limiting the extent of territory thus to be ceded to 10 miles square, it is evident that Congress was not tied down to that particular quantity nor prohibited from accepting any less quantity; and had it thus acted, the requirements of the Constitution would have been fully answered. The avowed object of the framers of the Constitution, in giving Congress exclusive jurisdiction over a space of country surrounding the seat of government, was to protect its deliberations from disturbance and to secure its action from the influence of popular outbreaks. It was left, however, for Congress to determine the extent of territory, not exceeding or within the limits of 10 miles square, over which it might be proper to exercise exclusive legislation. For causes satisfactory to Congress, they thought

proper to accept the maximum quantity allowed by the Constitution; and the question now is, whether they have not the clear and undoubted right of withdrawing their jurisdiction from so much thereof as to them may appear unnecessary and useless for the purposes of the original cession. The right to abandon would seem necessarily to follow the right to acquire.

Virginia, in her act of cession, passed to the General Government the exclusive jurisdiction alone of that part of the District of Columbia south of the river Potomac. The right of property in the soil is expressly reserved to the individual proprietors. Has this jurisdiction become so vested that it can not be divested, even by the consent of the contracting parties, without an amendment of the Constitution? Were this true it would, when carried out, establish that when Congress shall have once undertaken to exercise any of the other delegated powers, the right again to exercise such power would be forever extinguished. Although the jurisdiction over the Territory of Columbia was ceded jointly by the States of Maryland and Virginia, yet the assent of the former can surely not be necessary to authorize the General Government to recede to the State of Virginia the jurisdiction over that part of the territory originally ceded by that State.

In parting with the jurisdiction over the town and county of Alexandria, Virginia appended no condition or limitation in her act of cession other than the protection of the individual rights of the inhabitants. The only implied restriction to the control of Congress in relinquishing such jurisdiction would be, that the object of the original grant should not be thereby defeated. In this view the question becomes one of mere expediency for Congress to determine whether the other portion of Columbia (to some of which the United States have the absolute right in the soil) would not be amply sufficient for all the purposes of a seat of government. The absolute power of Congress to dispose of the public lands can not be doubted. An express authority for this may be found in the second section of the third article of the amended Constitution. It provides that—

Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States.

From the latter part of the seventeenth section, above referred to, it is evident that the power secured to Congress, by giving it exclusive legislation over the District of Columbia, is exactly the same and none other than it is authorized to exercise over any other property of the United States; and that land granted for the erection of forts, for arsenals, and other purposes is not more liable to its control than the territory, or jurisdiction over the territory, of Columbia.

If the title to property be absolute the mode of its acquisition is unimportant. Whether it be by gift, purchase, or conquest, it is still but a complete title. Congress, by a long and uniform series of

legislation, has given a practical construction to that part of the Constitution by which it is authorized to dispose of the public property. Lands owned by the United States have, regardless of the mere manner of acquisition, been placed under the exclusive legislation of Congress, and appropriated for the erection of forts, arsenals, and for other public uses. When they ceased to be necessary or useful to the Government for the objects of the original appropriation they have been sold and disposed of according to the will of Congress. The entire power of the General Government over the immense body of public domain acquired by the cession of Florida and Louisiana has never been doubted, and that obtained by the recent annexation of Texas must occupy a similar footing. In the exercise of this power private rights are of course respected.

If, then, Congress has the power of disposing of territory ceded by a foreign government, can it not relinquish a jurisdiction acquired from one of the sovereign States of this Union? An abandonment of the right of exclusive legislation by Congress has been exhibited, as the new States formed out of parts of the Northwest Territory (also ceded by Virginia) have one by one entered the confederacy. If the Government can not withdraw, or agree not to exercise, the right of exclusive legislation over a territory because such right has become vested and has for a time been legally exercised, it might place it beyond the reach of Congress, under whatever emergency, to establish boundaries between our territory and that of other nations having contiguous possessions. The recent location of the north-eastern boundary by the Ashburton treaty, with others of a similar nature, shows that Congress may, by treaty, waive and forever abandon the right of exclusive legislation, though previously possessed and exercised.

Other instances have occurred in the legislation of Congress of an actual transfer of jurisdiction. (See vol. 1. Laws U. S., 574.) We conceive that the legislature of Virginia, by its act of cession, virtually said to the United States, You may henceforward exercise exclusive legislation over the town and county of Alexandria, and that Congress, having accepted the cession and finding from long experience that the exercise of such jurisdiction was wholly useless to the General Government and productive of many evils to the inhabitants, may well determine, with the consent of Virginia, to restore the power thus granted.

In view, then, not only of a sound construction of the Constitution, but also of the repeated and well-established usage of the Government, it would seem, at this day, to be far too late to raise any doubts about the power of Congress to recede to the State of Virginia the jurisdiction over that portion of the Territory of Columbia which lies south of the river Potomac.

For these reasons, and believing that the many grievances to which our people are subject can only be remedied by retroceding to the State of Virginia, we humbly petition the adoption of the necessary report and legislation proper to effectuate this end.

All of which is respectively submitted.

FRANCIS L. SMITH,  
ROBERT BROCKETT,  
CHARLES T. STUART,  
*Committee of the Town of Alexandria.*

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#### APPENDIX 17.

##### ORIGIN OF CARROLLSBURG AND HAMBURG.

1. The property in Carrollsburg was subdivided into lots, streets, alleys, etc., about the latter part of 1770, by virtue and authority of a deed of trust dated the 2d day of November, 1770, from Charles Carroll, jr., to Henry Rozer, Daniel Carroll, and Notley Young (vide Liber A A, No. 2, fol. 299 et seq.). This conveyance authorizes the grantees to subdivide "Duddington Manor" and "Duddington Pasture," containing in the aggregate 160 acres of land, more or less, into 268 lots, to sell the same (except 6 lots to be selected by the grantor, his heirs or assigns, for his or their own proper use), and to draw or cause to be drawn for by ballot or lottery. This deed is recorded on November 20, 1770, and the plat, courses, and distances of the town are also of record in the Land and Special Record. Immediately following are innumerable deeds from the above grantees to different parties for lots in Carrollsburg, which the deeds recite having been drawn by the grantees, respectively, in a lottery of the same. It was a custom apparently in those days to dispose of property by lottery. In my researches of the old records I have found several such, including the St. Elizabeth Asylum of your city, which was drawn by an old sea captain. In the Elizabeth matter, as in this, the owner conveyed the property to the trustees, who sold the tickets, attended the drawing, and deeded the prize to the lucky owner. There is no mention whatever in any of the conveyances of this Carrollsburg property of any contemplated cession to the United States.

2. Hamburg was surveyed and laid off by the owner, Jacob Funk, and his plat recorded here October 28, 1771, in Liber A A, No. 2, folio 398. Funk appears to have purchased the land in fee simple from Thomas Johns in 1765 (see deed in Liber B B, fol. 227 et seq.), and to have taken out a commission in 1770 to perpetuate the bounds of widow's mite, and then to have laid it off and sold it out as lots in Hamburg, giving the deeds to the purchasers himself. None of these

deeds recite that the lots have been drawn by lottery or ballot. The deed of trust for Carrollsburg is the only authority I can find for a lottery, but that may be explained by the fact that not until 1792 did the statutes require a lottery to be specially authorized by the legislature of Maryland. (See acts of 1792, ch. 58, sec. 1.)

3. The title to Carrollsburg was in Rozer, Carroll, and Young, who deeded the same to the parties drawing the lots by deeds duly executed and recorded here.

4. The title in Hamburg was in Jacob Funk, who deeded, etc.

I find no act of incorporation for either of these towns in Kilty's Laws of Maryland, and hence infer they were never incorporated, as the acts incorporating other villages and towns in the State are quite numerous in "Kilty's."

Truly, yours,

HENRY BROOKE.

UPPER MARLBORO, MD., *September 29, 1874.*

#### APPENDIX 18.

A further supplement to the act concerning the territory of Columbia and the city of Washington (Lib. J G, No. 2, folio 82).

Certificates to  
be sufficient, etc.

*Be it enacted by the general assembly of Maryland,* That the certificates granted, or which may be granted, by the said commissioners, or any two of them, to purchasers of lots in the said city, with acknowledgment of the payment of the whole purchase money, and interest, if any shall have arisen thereon, and recorded agreeably to the directions of the act concerning the territory of Columbia and the city of Washington, shall be sufficient and effectual to vest the legal estate in the purchasers, their heirs and assigns, according to the import of such certificates, without any deed or formal conveyance.

On sales not  
paid, property to  
be again sold,  
etc.

II. *And be it enacted,* That on sales of lots in the said city by the said commissioners, or any two of them, under terms or conditions of payment being made therefor, at any day or days after such contract entered into, if any sum of the purchase money or interest shall not be paid for the space of thirty days after the same ought to be paid, the commissioners, or any two of them, may sell the same lots at public vendue, in the city of Washington, at any time after sixty days' notice of such sale, in some of the public newspapers of Georgetown and Baltimoretown, and retain in their hands sufficient of the money produced by such new sale to satisfy all principal and interest due on the first contract, together with the expenses of advertise-



ments and sale, and the original purchaser, or his assigns, shall be entitled to receive from the said commissioners, at their treasury, on demand, the balance of the money which may have been actually received by them or under their order on the said second sale; and all lots so sold shall be freed and acquitted of all claim, legal and equitable, of the first purchaser, his heirs and assigns.

III. *And be it enacted*, That the commissioners aforesaid, or any two of them, may appoint a certain day for the allotment and assignment of one-half of the quantity of each lot of ground in Carrollsburgh and Hamburg, not before that time divided or assigned, pursuant to the said act concerning the territory of Columbia and the city of Washington, and on notice thereof in the Annapolis, some one of the Baltimore, the Easton and Georgetown newspapers, for at least three weeks, the same commissioners may proceed to the allotment and assignment of ground within the said city, on the day appointed for that purpose, and therein proceed at convenient times till the whole be finished, as if the proprietors of such lots actually resided out of this State: *Provided*, That if the proprietor of any such lot shall object in person, or by writing delivered to the commissioners, against their so proceeding as to his lot, before they shall have made an assignment of ground for the same, then they shall forbear as to such lot, and may proceed according to the before-mentioned act.

Commissioners  
to appoint a day,  
etc.

IV. *And be it enacted*, That the said commissioners may make a seal of office of the clerk for recording deeds within the District of Columbia, which shall be kept by him; and that the like fees shall be paid for and the like credit shall be given to certificates under that seal as to the like acts under the seal of a county court, and the said clerk shall be entitled to demand and receive his fee when the services enjoined him by this act and the act to which this is a further supplement shall be performed.

And to make a  
seal, etc.

Passed the 28th of December, 1793.

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#### APPENDIX 19.

AN ACT providing a permanent form of government for the District of Columbia.

#### SECTION 1.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the territory which was ceded by the State of Maryland to the Congress of the

United States for the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia.

2. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act.

3. The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation.

4. And all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

#### SECTION 2.

1. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of a captain, shall be Commissioners of the District of Columbia.

JOINT RESOLUTION defining a quorum of the Board of Commissioners of the District of Columbia and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That any two of the Commissioners of the District of Columbia, sitting as a board, shall constitute a quorum for the transaction of business, and that the senior officer of the Corps of Engineers of the Army who shall for the time being be detailed to act as assistant (and in case of his absence from the District or disability, the junior officer so detailed) shall, in the event of the absence from the District or disability of the Commissioner who shall for the time being be detailed from the Corps of Engineers, perform all the duties imposed by law upon said Commissioner. Hereafter such Engineer Commissioner may, in the discretion of the President of the United States, be detailed from among the captains or officers of higher grade having served at least fifteen years in the Corps of Engineers of the Army of the United States.

Approved December 24, 1890.

2. And who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners.

3. The Commissioner, who shall be an officer detailed from time to time from the Corps of Engineers by the President for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army.

Salary of Engineer Commissioner fixed at \$5,000, U. S. Stat. at L., vol. 21, p. 460.

Hereafter the operations of the water department of the D. C. shall be under the direction of the Engineer's Office of the District, subject to the control of the Commissioners, vol. 22, p. 143.

4. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else;

5. And one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur thereafter;

6. And said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law;

7. And said Commissioners appointed from civil life shall each receive for his services a compensation at the rate of five thousand dollars per annum, and shall, before entering upon the duties of the office, each give bond in the sum of fifty thousand dollars, with surety as is required by existing law.

8. The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years.

(Attorney General Devens rendered an opinion July 7, 1880, that the term of office of the Commissioners appointed from civil life is three years, and not for unexpired balance of their predecessor's terms.)

9. Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia;

10. Nor shall any contractor be accepted as surety for any officer or other contractor in said District.

### SECTION 3.

1. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, duties, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy-four, shall be transferred to and vested in and imposed upon said Commissioners; and the functions of the Commissioners so appointed under

the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine.

2. And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes and other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid;

Commissioners—

expenditures of, not to exceed appropriations, vol. 22, p. 470.

shall not make requisitions on U. S. for greater sums than on revenues from D. C., vol. 22, p. 471.

duties of, respecting "low grounds" transferred to Secretary Interior, vol. 21, p. 47.

shall not make requisition on the U. S. Treasury for a larger amount than from the revenues of the D. C., vol. 29, p. 684.

hospital for foundlings, to report to, act March 3, 1909.

3. But said Commissioners, in the exercise of such duties, powers, and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress.

4. The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require.

5. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners.

The attorney for the District holds that the Act of January 26, 1887 (24 Stat., 368), repeals paragraph 5. (See "AUTHORITY TO MAKE PUBLIC VEHICLE RATES," p. 177.)

6. All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided;

7. But said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof;

8. But they may borrow, for the first fiscal year after this act takes effect, in anticipation of collection of revenues, not to exceed two hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, which shall be repaid out of the revenues of that year.

9. And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law;

10. Said Commissioners shall have power to erect, light and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary:

*Provided*, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the Commissioners thereof, or affect any right, penalty, forfeiture, or cause of action existing in favor of said District or Commissioners, or any citizen of the District of Columbia, or any other person, but the same may be commenced, proceeded for, or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation.

12. The said Commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof;

13. Also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year:

Estimates for water department shall be included in estimates of Commissioners, vol. 21, p. 466.

Estimates shall be submitted to Congress through Secretary of Treasury by October 15th of each year (31 Stats., 1009) (23 Stat., 254).

Shall not exceed twice the estimated revenues for fiscal year, act March 3, 1909.

Estimates for Freedman's Hospital shall hereafter be made by Commissioners, vol. 27, p. 373.

Shall include cost of defending suits in Court of Claims, vol. 24, p. 253.

Shall include estimates for Columbia Institution for Deaf and Dumb, vol. 25, p. 962.

Shall include expense of militia, vol. 25, p. 780.

Shall include care of feeble-minded children, vol. 26, p. 393.

Shall include expenses of support of D. C. convicts, vol. 26, p. 408.

Shall include provision for Board of Assistant Assessors and its clerk, vol. 28, p. 285.

Shall include salaries of the force necessary for the care and protection of the Court House, vol. 28, p. 202.

Shall include salary of the Warden of the District Jail, vol. 28, p. 202.

Shall include expense of maintaining prisoners in the District Jail, vol. 28, p. 417.

Shall include expense of insane, vol. 20, p. 230.

Shall not be published in advance of submission to Congress, act March 3, 1909.

Annual, shall include statement of number and compensation of employees appropriated for in one office and detailed to another for longer than one year, vol. 28, p. 808.

And hereafter one-half of the cost of the maintenance and repair of any bridge across Rock Creek occupied by the tracks of a street railway or railways shall be borne by the said railway company or companies, and shall be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section five of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878. The amounts thus collected shall be deposited to the credit of the appropriation for the fiscal year in which they are collected. U. S. Stat., vol. 28, p. 252.

14. *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities.

The following which were in charge of U. S. officers have since been transferred to Commissioners.

The reservations formed by intersecting avenues and streets were apportioned between Superintendent of Public Buildings and Grounds and the Commissioners, February 16, 1889, by L. S. 38,693. C. O.

Bennings, Anacostia and Chain Bridges—transferred to charge of Commissioners, vol. 24, p. 132.

Bridge at Penna. Ave., over Eastern Branch, transferred to Commissioners July 28, 1890. L. R. 167,768. C. O.

Aqueduct Bridge over Potomac, placed under the jurisdiction of the Commissioners July 18, 1888, vol. 25, p. 319.

All bridges in D. C. except the Aqueduct Bridge over Rock Creek, placed under control of Commissioners, vol. 27, p. 544.

Bridges, Commissioners shall make regulations for public safety on, vol. 27, p. 544.

15. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress.

16. To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of fifty per centum thereof;

17. And the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia;

18. And all proceedings in the assessing, equalizing and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now

required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act;

19. *Provided*, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempted by law; and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof (see pp. 146, 163):

20. *And provided further*, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars. (Rate fixed at \$1.50 per \$100, p. 616.)

21. The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes;

22. And any person who shall, within thirty days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of five per centum on the amount of his tax;

Provision allowing deduction for prompt payment of taxes repealed, vol. 22, p. 571.

23. All penalties imposed by the act approved March third, eighteen hundred and seventy-seven, chapter one hundred and seventeen, upon delinquents for default in the payment of taxes levied under said act, at the times specified therein, shall, upon payment of the said taxes assessed against such delinquent within three months from the passage of this act, with interest at the rate of six per cent. thereon, be remitted.

#### SECTION 4.

1. That the said Commissioners may, by general regulations consistent with the act of Congress of March third, eighteen hundred and seventy-seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto.

(See "Methods of Taxation," p. 143 et seq.)

2. All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the Auditor of the District of Columbia, certified by said Commissioners, or a majority of them;

Balances of appropriations remaining at end of two years from close of fiscal year shall be covered into Treasury to credit of U. S. and D. C. equally, vol. 25, p. 808.

3. And the accounts of said Commissioners, and the tax collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States.

4. Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pursuance of the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

#### SECTION 5.

1. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of one thousand dollars, notice shall be given in one newspaper in Washington, and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore, also for one week, for proposals, with full specifications as to material for the whole or any portion of the works proposed to be done.

2. And the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted:

3. *Provided, however,* That the Commissioners shall have the right, in their discretion, to reject all of such proposals:

4. *Provided,* That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars.

5. All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District.

(See note after paragraph 1, section 2, as to quorum of Board.)

6. And all contracts shall be copied into a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid.

The First Comptroller verbally advised Commissioners that books composed of original copies of contracts bound together would meet the requirements of this law as to copying contracts into a book.



7. No pavement shall be accepted nor any pavements laid except that of the best material of its kind known for that purpose, laid in the most substantial manner;

8. And good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contract shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners (*see Officers' and Contractors' bonds, p. 180, for modification of this restriction*);

9. And that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts (*see Term of Contractors' Liability, p. 181*);

10. And ten per centum of the cost of all new work shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors. (*See Retents from Contractors, p. 181.*)

Contractors' retains: "All moneys which have been or may hereafter be legally retained from contractors may be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts," vol. 23, p. 313; or the Treasurer of U. S. may retain said money without interest, or invest same at the request and risk of the contractor, when amount is over \$100, at his discretion, vol. 24, p. 501.

11. The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair;

12. But the said railway companies, having conformed to the grades established by the Commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the Commissioners may direct;

13. The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year;

(Except permit work. 28 Stats., 247.)

14. And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of

Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

A disbursing officer shall be appointed by the Commissioners of the District of Columbia, who shall give bond to the United States in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office in the disbursing and accounting, according to law, for all moneys of the United States and of the District of Columbia that may come into his hands, which bond shall be approved by the said Commissioners and the Secretary of the Treasury and be filed in the office of the Secretary of the Treasury: Provided, That hereafter advances in money shall be made on the requisition of said Commissioners to the said disbursing officer instead of to the Commissioners, and he shall account for the same as now required by law of the said Commissioners.

That hereafter all accounts for the disbursement of appropriations made either from the revenues of the District of Columbia or jointly from the revenues of the United States and the District of Columbia shall be audited by the Auditor of the District of Columbia before being transmitted to the accounting officers of the Treasury, unless otherwise specifically provided in the law making such appropriations: Provided, That this provision shall not apply to disbursements on account of the court of appeals and the Supreme Court of the District of Columbia, and for interest and sinking fund on the funded debt of the District of Columbia, which disbursements shall continue to be audited as heretofore provided by law. (June 30, 1898.)

15. That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia:

16. And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company;

17. And if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

18. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

19. It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down;

The Commissioners of the District of Columbia are hereby authorized, whenever the roadway of a street is about to be paved or macadamized, to make service connections in such street for all abutting lots and premises with the water mains and sewer provided for the service of said lots and premises. The entire cost of the said connections shall be paid from the current appropriations respectively for the extension of the sewer and water supply systems, and shall be assessed against the abutting property, and collected in like manner as assessments which are levied under the compulsory permit system; the sum so collected shall be credited to the respective appropriations for the extension of the sewer and water supply systems for the fiscal year during which said collections are made. U. S. Stat., vol. 28, p. 44.

20. And the Washington Gas-Light Company, under the direction of said Commissioners, shall, at its own expense take up, lay, and replace all gas mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct.

21. The President of the United States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the Engineer Officer belonging to the Board of Commissioners of said District to act as assistants to said Engineer Commissioner, in the discharge of the special duties imposed upon him by the provisions of this act.

*Provided*, That the last clause of section five of "An act providing a permanent form or the District of Columbia, approved June 11, 1878," is hereby amended, so as to read as follows:

The President of the United States may detail from the Engineer Corps of the Army not more than three officers, junior to the engineer officer belonging to the Board of Commissioners of said District to act as assistant to said Engineer Commissioner in the discharge of the special duties imposed upon him by the provisions of this act. (28 Stat., 236.)

(See joint resolution following clause I, section 2, for further duties of these assistants.)

## SECTION 6.

1. That from and after the first day of July, eighteen hundred and seventy-eight, the Board of Metropolitan Police and the Board of School Trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

2. And the Commissioners of the District of Columbia shall from time to time appoint nineteen persons, actual residents of said District

of Columbia, to constitute the trustees of Public Schools of said District, who shall serve without compensation and *for such terms as said Commissioners shall fix*. Said trustees shall have the powers and perform the duties in relation to the care and management of the Public Schools which are now authorized by law.

Complete jurisdiction over the public schools of the District of Columbia is vested in a Board of Education, consisting of nine members, three of whom shall be women, appointed by the supreme court of said District. (34 Stat., pt. 1, 316.) (See also p. 181.)

#### SECTION 7.

That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

Sinking fund and interest: Treasurer may invest in any District bonds he may deem most advantageous, vol. 22, p. 470.

Appropriations for sinking fund and interest shall be drawn only on requisition of Treasurer U. S., vol. 22, p. 470.

Hereafter any amount appropriated for any fiscal year may be consolidated with the unexpended balances of appropriations for interest and sinking fund for the years preceding, vol. 23, p. 131.

Treasurer U. S. shall redeem Board of Audit certificates, vol. 21, p. 286.

Treasurer U. S. shall pay judgments of Court of Claims with 3-65 bonds or proceeds thereof, vol. 21, p. 466.

Any excess sums hereby or hereafter appropriated for the sinking fund over and above the amount required for the payment of the interest on the funded debt of the District of Columbia shall be applied by the Treasury of the United States to the purchase and redemption of the bonds of the District of Columbia: *Provided*, That should the Treasurer of the United States at any time be unable to secure bonds of the District of Columbia at a price which he may deem advantageous, he is hereby authorized to invest the amount available for the said sinking fund in bonds of the United States, the bonds so purchased to be registered in the name of the Treasurer of the United States, trustee for the sinking fund of the District of Columbia, and it shall be the duty of the Treasurer of the United States to collect the interest, when due on the bonds so held, and to invest the same for account of said sinking fund: *Provided further*, That the Treasurer of the United States is hereby authorized, by exchange or by sale and reinvestment, to substitute bonds of the District of Columbia for the bonds of the United States, so held, when he shall deem it to be to the interest of the said sinking fund to do so. (March 3, 1903.)

#### SECTION 8.

That in lieu of the Board of Health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician

as Health Officer, whose duty it shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said commissioners; and the Board of Health now existing shall, from the date of the appointment of said Health Officer, be abolished.

#### SECTION 9.

1. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the Health Officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation; and said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each;

2. And said inspectors shall be respectively required to make, at least once in two weeks, a report to said Health Officer, in writing, of their inspections, which shall be preserved on file;

3. And said Health Officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

#### SECTION 10.

That the Commissioners may appoint, on the like recommendation of the Health Officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said Health Officer, than the public interests demand and the appropriation shall justify.

#### SECTION 11.

1. That the salary of the Health Officer shall be three thousand dollars per annum (now \$4,000);

2. And the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each;

3. And the salary of the clerks and other assistants of the Health Officer shall not exceed in the aggregate the amount of seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best. (This has been much increased by annual appropriations by Congress.)

#### SECTION 12.

1. That it shall be the duty of the said Commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby

adopted, and for the effectual and proper government of the District of Columbia;

(The required compilation was submitted to Congress, but never acted upon by that body.) By act of March 2, 1889, the compilation of a code of laws was provided for, vol. 25, p. 872. W. Stone Abert was employed to do the work, and the distribution of the code prepared by him was ordered by act of March 2, 1895, vol. 28, p. 759.

2. And said Commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

#### SECTION 13.

1. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia;

Three-sixty-five bonds limited to \$15,000,000, vol. 21, p. 286.

2. And any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

#### SECTION 14.

1. That the term "school houses" in the act of June seventeenth, eighteen hundred and seventy, chapter thirty, was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain. (See Exemptions of real property, p. 147.)

2. And that all taxes heretofore imposed upon such establishments, in the District of Columbia, since the date of said act are hereby remitted, and where the same or any part thereof has been paid, the sum so paid shall be refunded. (Ib.)

3. But if any portion of any said building, house, or grounds in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed. (Ib.)

#### SECTION 15.

That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved June 11, 1878.

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#### APPENDIX 20.

AN ACT for laying out and erecting a Town on Potomac River, above the [mouth of Rock Creek, in Frederick County. Passed 8th June, 1751.]

Whereas several inhabitants of Frederick County, by their humble petition to this General Assembly, have set forth, that there is a convenient place for a town on Potomac River, above the mouth of Rock

Creek, adjacent to the inspection-house in the County aforesaid, and prayed, that sixty acres of land may be there laid out and erected into a town:

2. *Be it therefore enacted, by the right honorable the Lord Prietary, by and with the advice and consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same,* That Captain Henry Wright Crabb, Master John Needham, Master John Clagett, Master James Perrie, Master Samuel Magruder the Third, Master Josias Bealle, and Master David Lynn, shall be, and are hereby, appointed commissioners for Frederick County aforesaid, and are hereby authorized and empowered, as well to buy and purchase sixty acres, part of the tracts of land belonging to Messrs. George Gordon and George Bell, at the place aforesaid, where it shall appear to them, or the major part of them, to be most convenient as to survey and lay out, or cause the same to be surveyed and laid out, in the best and most convenient manner, into eighty lots, to be erected into a town.

3. *And be it further enacted, by the authority, advice, and consent aforesaid,* That the commissioners aforesaid before nominated and appointed, or the major part of them, are hereby empowered and required, at some time by them, or the major part of them, to be appointed, before the first day of October next, to meet together on the land aforesaid, or at some other place near and convenient thereto, and then and there treat and agree (if the same can be done on reasonable terms,) with the owner or owners, and person or persons interested in the same sixty acres of land, for the purchase thereof; and if it shall happen that the said owner or owners, person or persons, will not agree with the said commissioners for such rate or price as they the said commissioners, or the major part of them, shall think reasonable, or shall refuse to make sale of the same, or that through non-age, coverture, or any other disability or impediment, shall be disabled to make such sale, that then and in any such case the commissioners aforesaid, or the major part of them, shall and are hereby empowered and required, to issue a warrant, under their hands and seals, directed to the sheriff or coroner of Frederick County aforesaid for the time being, commanding him to summon and impanel a jury of seventeen good and lawful men, freeholders of his bailiwick, to be and appear at the day and place in such warrant to be mentioned, which sheriff is hereby required and obliged to execute the same; and that jury, being by the said commissioners charged and sworn, shall, upon their oath, inquire, assess, and return, what damages or recompence they shall think fit to be paid and given to such owner or owners, person or persons, for the sixty acres of land aforesaid, and that whatever sum or sums of money such jury shall so assess and award, shall and is hereby declared to be the value and price to be paid to such owner or owners,

person or persons, interested in the sixty acres of land aforesaid; but if the said jury shall assess and value the said land at a less price than fifty shillings current money for each acre, then in such case the purchaser or purchasers of such land shall pay such further sum, over and above what shall be the valuation of the said jury, as shall make up the full sum of fifty shillings like money as aforesaid for every acre, to be paid to such proprietor or proprietors as aforesaid.

4. *And be it further enacted, by the authority, advice, and consent aforesaid,* That after the agreement and purchase of the commissioners aforesaid, or after the assessment and return of the jury aforesaid, as the case shall happen, the aforesaid commissioners, or the major part of them, shall and are hereby required to cause the same sixty acres of land to be carefully surveyed, divided and laid out, by the surveyor of the county aforesaid, or such other person as they, or the major part of them, shall make choice of and appoint for that purpose, as near as conveniently may be, into eighty equal lots, allowing such sufficient space or quantity thereof for streets, lanes, and alleys, as to them shall seem meet, and the same lots, so laid out, shall number with numbers, one, two, and three, and so to eighty, for distinguishing each lot from the other; and shall cause the streets, lanes, and alleys, to be named and distinguished by certain names, and by good sufficient cedar or locust posts, to be set up as a boundary to each of them.

5. *And be it further enacted, by the authority, advice, and consent aforesaid,* That the commissioners, or the major part of them, shall and are hereby required to assess, set, and ascertain the price to be paid for each of the lots aforesaid, according to the value, conveniency, and situation thereof, so always that the prices of all the said lots, added together, may amount to the sum by them agreed for, or awarded by the jury, for the aforesaid sixty acres of land, and no more; and the aforesaid sixty acres of land being so surveyed, laid out and divided, shall be, and is hereby, erected into a town, and shall be called by the name of Georgetown.

6. *And be it further enacted,* That the owner or owners of the aforesaid land shall and may have his, her, or their choice of any of the two lots aforesaid, to be by him, her, or them, retained for his, her, or their proper use, provided such choice shall be made and declared to the commissioners aforesaid, or the major part of them, within ten days after the survey aforesaid shall be made and completed, and not otherwise; and that after such choice is made, or in case no such choice shall be made within the ten days aforesaid, then after the expiration of the same ten days, all persons whatsoever shall be at liberty to take up and purchase the same lots, paying the owner or owners aforesaid, or others therein interested, the price or value thereof, so as aforesaid set and assessed by the commissioners aforesaid; and that every



person who shall pay as aforesaid the price of the lot by him or her so taken up or chosen, or shall prove to the satisfaction of the said commissioners, or the major part of them, that he or she had tendered or offered to pay the said price to the owner or owners aforesaid, and that such owner had refused to accept or receive the same, and an entry of such payment or tender and refusal being made according to the directions hereafter mentioned, such person shall and is hereby declared to be, by virtue of such payment or tender and refusal, and entry thereof made as aforesaid, and this act, fully and absolutely invested and seized of and in an estate of inheritance in fee simple of and in such lot, to him or her, and his or her heirs and assigns forever, without any deed, conveyance, or other transfer, from such owner or owners for the same. any statute, law, usage, or custom, to the contrary notwithstanding.

7. *Provided always*, That it shall not be lawful for any person to take up, enjoy, have, or possess, more than one of the same lots, within twelve months after the same are divided and laid out as aforesaid; provided, also, that all and every the person and persons aforesaid so taking up the lots aforesaid, or any of them, shall and are hereby obliged and required, within two years after they shall take up their respective lots as aforesaid, and entry thereof made as aforesaid, to erect, build, and finish thereon, one good and substantial house that shall cover four hundred square feet of ground at the least, and that it be made in every respect tenantable, with one good brick or stone chimney thereto; and that all and every of such taker or takers up, who shall neglect to build as aforesaid on their respective lots aforesaid, within the time herein for that purpose limited and appointed, shall lose such, and the estate of such taker up so neglecting as aforesaid, shall from henceforth cease and determine, and such lot or lots so neglected to be built upon shall be subject to be again taken up by any other person whatsoever, which second taker up, paying to the commissioners aforesaid the price thereof so as aforesaid assessed, and entry thereof made as aforesaid, and building thereon as before directed within the time before limited after such second taking up, shall have the like estate in such lot or lots as the first takers up who shall comply with the requisites before mentioned are herein before declared to have, and so, *toties quoties*, until the same lots shall be built on and improved as aforesaid.

8. *And be it further enacted*, That the money aforesaid directed to be paid to the commissioners aforesaid, for the lots not built on and improved by the first or other takers up within the time herein limited, shall and is hereby directed to be applied to such purposes, for the use and benefit of the said town, as to the said commissioners, or the major part of them, shall seem meet.

9. *And be it further enacted, by the authority aforesaid,* That the surveyor of the county aforesaid, or any other person whom the commissioners aforesaid, or the major part of them, shall appoint to survey and lay out the lands aforesaid, as before herein directed, shall make out a fair and exact plot of the town aforesaid, and survey thereof, whereby each lot, street, lane, and alley, may appear to be well distinguished by their respective numbers and names, and the same plot, with a full and plain certificate thereof, shall deliver to the commissioners as aforesaid, or the major part of them, to be entered and repositied as hereafter directed; and that the said surveyor, or other person appointed as aforesaid, shall have and receive for surveying and laying out the town aforesaid, and making the plot aforesaid, the sum of one thousand pounds of tobacco, to be paid and allowed in the county levy, and no more.

10. *And be it further enacted, by the authority aforesaid,* That the commissioners aforesaid, or the major part of them, shall and are hereby required to employ some sufficient person for their clerk, and shall administer an oath to such clerk for the due performance of his office, which clerk shall and is hereby obliged to find and provide a good well bound book, for registering and entering the proceedings of the said commissioners in the premises, and shall duly and faithfully register and enter in such book the certificate of the survey aforesaid, the prices of each respective lot, the name of the owner, and the time of its being taken up and paid for, or of the tender or refusal as aforesaid, and all other the transactions and proceedings of the aforesaid commissioners whatsoever, in and about the town aforesaid; which said register, together with the plot or survey of the same town, shall be carefully examined and inspected by the aforesaid commissioners, or the major part of them, and after the same is completed, shall be lodged with, and delivered to, the clerk of the same county, to be by him kept amongst the records of the same county.

11. *And be it further enacted,* That the said commissioners, or the major part of them, shall limit and ascertain what fees their clerk aforesaid shall have and receive for the several services by him to be done by virtue of this act, to be paid by the several persons taking up the lots aforesaid.

12. And whereas it may be advantageous to the said town to have fairs kept therein, and may prove an encouragement to the back inhabitants, and others, to bring commodities there to sell and vend. *Be it enacted,* That it shall and may be lawful for the commissioners of the said town to appoint two fairs to be held therein annually, the one fair to begin on the second Thursday in April and the other on the first Thursday in October, annually; which said fairs shall be held each for the space of three days, and that during the continuance of such fair or fairs, all persons within the bounds of the said town shall be privileged

and free from arrests, except for felony or breach of the peace, and all persons coming to such fair or fairs, or returning therefrom, shall have the like privilege of one day before the fair, and one day on their return therefrom; and the commissioners for the said town are hereby empowered to make such rules and orders for the holding the said fairs, as may tend to prevent all disorders and inconveniences that may happen in the said town, and such as may tend to the improvement and regulating of the said town in general, so as such rules, except in fair-time, affect none but livers in the said town, or such person or persons as shall have a lot or free-hold therein, any law, statute, usage, or custom, to the contrary notwithstanding; provided, always, that such rules and orders be not inconsistent with the laws of this province, nor the statutes or customs of Great Britain.

13. *And be it further enacted*, That the commissioners for the said town, or the major part of them, from time to time, and at all times, shall have power to remove all nuisances that they shall find in any of the streets or alleys of said town; provided nevertheless, that this act nor any thing herein contained, shall extend, or be construed to extend, to enable or capacitate the said commissioners or inhabitants of the said town to elect or choose delegates or burgesses, to sit in the general assembly of this province as representatives of the said town; *But it is hereby enacted*, That the commissioners or the inhabitants of the said town shall not elect or choose any delegate or delegates, burgess or burgesses, to represent the said town in any general assembly of this province.

14. *And be it further enacted*, That when and as often as any of the commissioners aforesaid shall die, or remove from the county aforesaid, or refuse or neglect to join in the execution of this act, then, and in any such case, the major part of the other commissioners aforesaid shall choose others in the place of such who shall die, refuse, remove, or neglect as aforesaid, and such person or persons so chosen, shall have equal power to act as the other commissioners herein mentioned.

15. *And be it further enacted, by the authority aforesaid*, That all and every person and persons taking up and possessing the lots aforesaid, or any of them, shall be, and are hereby, obliged to pay unto the right honorable the lord proprietary, his heirs or successors, the yearly rent of one penny sterling money for each respective lot by them so taken up and possessed, to be paid in the same manner as his land rents in this province now are, or hereafter shall be paid.

16. Saving unto his most sacred majesty, his heirs and successors, the right honorable the lord proprietary, his heirs and successors, and to all bodies politic and corporate, and all persons not mentioned in this act, their several and respective rights, any thing in this act to the contrary notwithstanding.

## APPENDIX 21.

AN ACT for an addition to Georgetown, in Montgomery County. [Passed 26th December, 1783.]

Whereas Thomas Beall, son of George, of Montgomery county, by his humble petition to this general assembly hath set forth, that he is seized and possessed of part of a tract of land, called and known by the name of the Rock of Dumbarton, adjoining Georgetown, containing sixty-one acres, which he is desirous of annexing to said town, and therefore prayed that a law might pass for that purpose; and it appearing to this general assembly, that to extend and enlarge the limits of said town will greatly contribute to promote the trade and commerce thereof:

2. *Be it enacted by the General Assembly of Maryland*, That Messieurs John Murdock, Richard Thompson, William Deakins, Thomas Richardson, and Charles Beatty, be commissioners of Georgetown, or the major part of them, be authorized and required, at any time before the first day of August next, to cause the aforesaid parcel of land, or such part thereof as they may think necessary, to be surveyed and laid out into lots, streets, lanes, and alleys, at the proper cost and expense of the said Thomas Beall, in such manner as to the said commissioners, or a major part of them, shall appear convenient.

3. *And be it enacted*, That the commissioners aforesaid, or a major part of them, shall, on or before the said first day of August next, cause a correct and accurate survey and plot to be made of the said land, and of all the lots, streets, lanes and alleys, which shall be laid out in virtue of this act; and the said plot shall be recorded amongst the records of the said county, as soon as conveniently may be thereafter, there to remain as evidence of the boundaries, situation, and location of the said lots, and of the streets, lanes, and alleys; which said streets, lanes, and alleys, hereafter to be laid out in pursuance of this act, shall be highways, and be so deemed and taken to all intents and purposes whatsoever; and when the same shall be done, the said land, so surveyed and laid out, shall be, and is hereby declared to be, part of Georgetown, as fully and amply, as if originally included therein, and shall have the same immunities and privileges as the rest of the said town hath, or by former laws ought to have; saving to the state of Maryland, and all bodies politic and corporate, and all persons not mentioned in this act, their several and respective rights.

## APPENDIX 22.

AN ACT for an addition to Georgetown, in Montgomery County. [Passed 22d January, 1785.]

Whereas Robert Peters, William Deakins, junior, Charles Beatty, and John Threlkeld, of Georgetown, by their humble petition to this general assembly have set forth, that they have agreed to lay out, as an

addition to Georgetown, twenty acres and eighteen thirty seconds of an acre of ground, being part of the following tracts of land, to wit: one acre and twenty-six thirty seconds of an acre, part of a tract of land called Frogland, the property of the aforesaid Charles Beatty, two acres and one thirty second of an acre, part of a tract of land called Discovery, the property of the aforesaid Robert Peters, thirteen acres and twenty-nine thirty seconds of an acre, part of a tract of land called Conjuror's Disappointment, the property of the aforesaid William Deakins, junior, and three acres twenty-six thirty seconds of an acre, part of a tract of lands called the Resurvey on Salop, the property of the aforesaid John Threlkeld, into sixty-five lots, and a sufficient number of streets, as appears by the plot of the actual survey thereof, made by the said Francis Deakins on the first day of September, in the year of our Lord one thousand seven hundred and eighty-four; and the said Robert Peters, John Threlkeld, William Deakins, jr. and Charles Beatty, have prayed that an act may pass confirming the same as an addition to Georgetown, and establishing the boundaries thereof as now laid down by the survey and plot aforesaid, and granting to those who shall be proprietors of the lots fronting on the north side of Water-street, the exclusive right to the ground and water on the south side thereof, for the sole purpose of making wharves, without being allowed to erect any buildings thereon, and vesting a power in the commissioners of Georgetown to improve, by wharves for the public good, the land and water fronting Frederick, Fayette, and Gay streets; and it appearing to this general assembly, that extending the limits of the said town will greatly contribute to the promotion of the trade and commerce thereof, and be of general utility: therefore,

2. *Be it enacted by the General Assembly of Maryland,* That the said parts of the tracts of land herein before mentioned and described, and laid out into sixty-five lots and a sufficient number of streets, as delineated on the plot of the survey thereof, made by Francis Deakins on the first day of September, in the year of our Lord one thousand seven hundred and eighty-four, be, and they are hereby declared to be, part of Georgetown aforesaid, and shall have, possess, be entitled to, and enjoy, to all and every intent and purpose, all the immunities, privileges, and advantages, which do or shall appertain to the said town, as fully and amply, in every respect, as if the same had been originally part thereof and included therein; and the said lots and streets, surveyed and laid out in manner herein before set forth, shall be, and they are hereby, established and confirmed, according to the delineation and description of the same on the plot of the survey thereof by Francis Deakins, herein before referred to, and in all disputes and controversies which may or shall hereafter happen or arise respecting the location of the said lots and streets, the said plot, the bounds and lines therein referred to being proved, shall be conclusive

evidence between the parties at whose instance this act is passed, and all claiming under them.

3. *And be it further enacted*, That the proprietors of the lots fronting on the north side of Water-street, shall have and enjoy the exclusive right to the ground and water on the south side of their respective lots, for the sole purpose of making wharves, but they shall not be allowed to erect any buildings on the wharves so to be made by them.

4. *And be it further enacted*, That it shall and may be lawful for the commissioners of Georgetown, or the major part of them, and they are hereby empowered, to make and erect wharves on the ground and water fronting on Frederick, Fayette, and Gay-streets, for the public good, which said wharves shall be for the use and convenience of all vessels trading to the said town, without paying wharfage or any duty or imposition whatever, for using the same.

5. *And be it further enacted*, That for the safe keeping and preservation of the said plot of the said addition to Georgetown, the same shall be deposited with the commissioners of the said town, who are hereby directed to receive the said plot, and take care thereof.

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#### APPENDIX 23.

AN ACT to incorporate Georgetown, in Montgomery County. [Passed 25th December, 1789.]

*Be it enacted by the General Assembly of Maryland*. That Georgetown, in Montgomery county, shall be, and hereby is, erected, constituted, and made, an incorporate town, consisting of a mayor, recorder, six aldermen, and ten other persons to be common councilmen of the said town, which said mayor, recorder, aldermen, and common councilmen, shall be a body incorporate and one community forever, in right and by the name of the Mayor Recorder, Aldermen, and Common Council, of the said town, and shall be able and capable to sue and be sued at law, and to act and execute, do and perform, as a body incorporate, which shall have succession forever, and to that end to have a common seal, and the same to change and alter at their pleasure; and Robert Peter, Esquire, one of the inhabitants of the said town, shall for the present be, and hereby is appointed mayor of the said town for the next year, to commence on the fifth day of January next; and John Mackall Gantt, Esquire, shall be, and hereby is, appointed recorder of the said town; and Brooke Beall, Bernard Oneale, Thomas Beall, of George, James Maccubbin Lingan, John Threlkeld, and John Peter, Esquires, inhabitants of the said town, shall be, and hereby are, appointed aldermen of the said town so long as they shall well behave themselves therein.

2. *And be it enacted*, That all free men above twenty-one years of age, and having visible property within the state above the value of

thirty pounds current money, and having resided in the said town one whole year next before the first day of January next, shall have a right to assemble at such place in the said town as the said mayor, recorder, and aldermen, or any three or more of them, shall appoint, and when assembled, they shall proceed to elect, *viva voce*, ten persons, residents of the said town one whole year next before the said first day of January next, above twenty-one years of age, and having visible property within the state above the value of one hundred pounds current money, to be common council of the said town for so long time as they shall well behave themselves,<sup>a</sup> and the said mayor, recorder and aldermen, or any three or more of them, shall be judges of the said election, and the ten persons who shall have the greatest number of legal votes upon the final casting up of the polls, shall be declared duly elected.

3. And, to perpetuate the succession of the said mayor, recorder, aldermen and common council, in all time to come, *Be it enacted*, That the said mayor, recorder, aldermen and common council, shall assemble at some convenient place in the said town upon the first Monday in January, seventeen hundred and ninety-one, and on the same day for ever thereafter, and shall elect, by the majority of votes of such of them as shall be then present, one other of the aldermen of the said town for the time being, to be mayor of the said town for the ensuing year; and upon the death or removal of the said mayor, or of the recorder or any aldermen of the said town, and within one year after any such event, such of the said persons as shall be alive, or the major part of them, shall assemble at some convenient place in the said town, and elect, by a majority of votes, some other person or persons to be mayor, recorder, alderman or aldermen, of the said town, in the place of such person or persons, so deceased or removed respectively, as the case shall require, so as the said mayor, so to be elected, be at the time of such election actually one of the aldermen of the said town,<sup>b</sup> and so as the said recorder, so to be elected, be a person learned in the law, and so as the said alderman and aldermen, so to be elected, be actually, at the time of such election, of the common council of the said town; and in case of the election of any of the common council to be an alderman, the vacancy shall be filled up by an election, at such time, (not less than five days thereafter,) as the said mayor, recorder, and aldermen, or any three or more of them, shall appoint, by the residents of the said town qualified as hereinbefore directed and required in the first election of the common council then for the said town.

4. *And be it enacted*, That the mayor, recorder, and aldermen, hereby

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<sup>a</sup> By 1797, ch. 56, so much of this section as continues the powers of the common council during good behaviour, is repealed, and they are thereafter to be elected to serve for two years. The elections to be on the first Monday in February.

<sup>b</sup> By 1797, ch. 56, section 5, this restriction is taken off, and any citizen of Georgetown may be chosen Mayor.

appointed, or hereafter to be elected, shall be justices of the peace within the said town and precincts thereof, having first taken the oath appointed by law to be taken by justices of the peace.

5. *And be it enacted*, That the said mayor, recorder, and aldermen, hereby appointed, or hereafter to be elected, or any three or more of them, shall have within the said town, or the precincts thereof, full power to elect a sheriff, and to appoint constables and other necessary officers for the said town.

6. *And be it enacted*, That the said mayor, recorder, aldermen, and common council, of the said town, for the time being, shall have full power and authority to make such by-laws for the regulation and good government of the said town and precincts, and the inhabitants thereof, and to restrain all disorders and disturbances, and to prevent all nuisances, inconveniences, and annoyances, within the said town and its precincts, and other matters, exigencies, and things, within the said town and precincts, as to them, or a major part of them, shall seem meet and consonant to reason, and not contrary to the constitution and laws of this state; and the said by-laws shall be observed, kept, and performed, by all the inhabitants of the said town and its precincts, and all persons trading therein, under such reasonable penalties, fines, and forfeitures, as shall be imposed by the said by-laws, not exceeding seven pounds ten shillings current money, or twenty dollars; the said penalties, fines, or forfeitures, to be levied by distress and sale of the goods, or execution of the person so offending, and applied to the use of the said town.

7. *And*, to defray the expenses of the said corporation, *Be it enacted*, That it shall be lawful for the said mayor, recorder, aldermen, and common council, of the said town, by by-laws made for the purpose, to impose any sum, not exceeding two shillings and six-pence<sup>a</sup> current money in any one year, on every hundred pound of property within the said town.

8. *And be it enacted*, That the mayor, recorder, and aldermen, of the said town, or any five or more of them, be authorized from time to time, as often as they think it necessary, to cause a correct survey of the said town, and the additions thereto, to be made, and to establish and fix permanent boundaries and stones at such places as they think it necessary, with proper marks and devices thereon, to ascertain and perpetuate the true lines of the said town and the additions

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<sup>a</sup> Increased to seven shillings and six-pence by 1797, ch. 56.

By 1799, ch. 85, they may oblige persons licensed as ordinary-keepers or retailers within the corporation, to pay a sum not exceeding five dollars to the corporation. The mayor's court to have the sole power of granting such licences, and to receive the sums due therefor to the state, in addition to those imposed by them, for the payment of which the mayor is to give bond, with security, as the county clerks are directed to do.



thereto; and the said mayor, recorder, and aldermen, or any five or more of them, be authorized from time to time to survey and ascertain the streets, lanes, and alleys, of the said town and the additions thereto, and to declare the same, and to adjudge as nuisances any encroachments thereon; and the said mayor, recorder, and aldermen, or any five or more of them, are also authorized and required, on the application and at the expense of the proprietors, or the guardians of infant proprietors, of any lot in the said town or the additions thereto, to survey, alter, amend, or lay out anew, any of the streets, lanes, and alleys, running through the ground of such proprietors, so as to make the streets, lanes, and alleys, throughout every part of the said town and the additions thereto, to correspond and communicate with each other as near as may be; provided that any street, lane, or alley, when altered, amended, or made anew, shall not run through the ground of any person without his consent."

9. *And be it enacted*, That the mayor, recorder, and aldermen, or any three or more of them, shall hold a court in the said town, to be called the Mayor's Court, and in court they may make proper officers, and settle reasonable fees, not exceeding what are or shall be allowed by law in the county courts of this state.

10. *And be it enacted*, That the mayor, recorder, or any aldermen of the said town, shall have the same jurisdiction as to debts as any justice of the peace of any county of this state now hath, or shall hereafter have by law, and an appeal shall lie in the same manner from their judgment to the mayor's court, as from the decision of any county justice to the county court, and such appeal shall be regulated, prosecuted, and determined, by the said mayor's court, in the same mode as is or shall be directed by law in the case of an appeal from the determination of a single justice to the county court.

11. *And be it enacted*, That the said mayor's court shall have concurrent jurisdiction with the county court of Montgomery county in all criminal cases, except such as affect life or member, if such crimes or offences be committed within the said town, or the precincts thereof, by any inhabitant thereof, or by any person not a citizen of this state; and any fine, penalty, or forfeiture, recovered in the said mayor's court, shall be paid and applied in the same manner as if recovered in the county court of the said county; and the mayor, recorder, and any alderman, shall have jurisdiction touching and concerning any such crime, to arrest and bind over to answer therefor in the said mayor's court.

12. *And be it enacted*, That the said mayor, recorder, aldermen, and common council, or the major part of them, shall have power to

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<sup>a</sup>By 1799, ch. 85, the clerk of Montgomery county is directed to deliver to the order of the mayor the book in his office containing the plan of Georgetown, to be deposited with the clerk of the mayor's court.

appoint an inspector or inspectors of flour for the said town, and to fix his or their allowance; provided that the same shall not exceed three-pence current money per barrel.

13. *And be it enacted*, That all that part of Montgomery county lying within one quarter of a mile of the limits of the said town, and the additions thereto, and all that space of water of Potomac River adjoining the said town on all the shores thereof, and used as the harbour, as far unto the said river as the middle thereof, shall be considered as the precincts of the said town, and within the jurisdiction of the mayor, recorder, aldermen, and common council of the said town, and subject to their by-laws and regulations, and within the jurisdiction of the mayor, recorder, or any alderman of the said town, as before mentioned and limited by this act.

14. *And be it enacted*, That all property belonging to the commissioners or trustees of Georgetown shall be, and the same is hereby, transferred and vested in the mayor, recorder, aldermen, and common council of the said town, and their successors, forever, for the use and benefit of the said town.

Several additional powers are given by 1797, ch. 56.

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#### APPENDIX 24.

#### MR. MADISON'S VIEWS IN THE FEDERALIST AS TO EXCLUSIVE JURISDICTION BY CONGRESS AND AS TO THE SENTIMENT RESPECTING THE EXERCISE OF SUFFRAGE BY THE INHABITANTS OF THE DISTRICT.

[Report on Education in the District of Columbia, published by the House of Representatives January 17, 1870; page 175.]

The indispensable necessity of complete authority at the seat of government carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the General Government on the State comprehending the seat of the government for protection in the exercise of their duty might bring on the national councils an imputation of awe or influence equally dishonorable to the Government and dissatisfactory to the other members of the confederacy. This consideration has the more weight as the gradual accumulation of public improvements at the stationary residence of the government would be both too great a public pledge to be left in the hands of a single State and would create so many obstacles to a removal of the Government as still further to abridge its necessary independence. The extent of this Federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the State ceding it: as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting

it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes derived from their own suffrages will of course be allowed them; and as the authority of the legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated.

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#### THE PRESENT FORM OF GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

The present local government of the District of Columbia is a municipal corporation having jurisdiction coincident with the territory which "was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the Government of the United States" (20 Stats., 102), and which had been subject to the two municipal governments immediately preceding it.

This government is administered by a board of three Commissioners, having in general equal powers and duties. Two of them, who must have been actual residents of the District for three years next before their appointment, and have during that period claimed residence nowhere else, are appointed from civil life by the President of the United States, and confirmed by the Senate of the United States, for a term of three years each, and until their successors are appointed and qualified. Attorney-General Devens rendered an opinion July 7, 1880, that the term of office of any Commissioner appointed from civil life, whose predecessor shall or shall not have served a full term of three years, is three years from the date of his appointment and until his successor shall be appointed and qualified, and not for the unexpired part of such predecessor's term. The other Commissioner is detailed from time to time by the President of the United States from the Engineer Corps of the United States Army, and shall not be required to perform any other duty. (20 Stats., 103.) The act of June 11, 1878, prescribes that the Commissioner so detailed shall have lineal rank above that of captain; but this requirement is qualified by the joint resolution approved December 24, 1890 (26 Stats., 1113), which provides that he—

may, in the discretion of the President of the United States, be detailed from among the captains or officers of higher grade having served at least fifteen years in the Corps of Engineers of the Army of the United States.

Three officers of the same corps, junior to said Commissioner, may be detailed to assist him by the President of the United States. (28 Stats., 246.)

The senior officer of the Corps of Engineers of the Army who shall for the time being be detailed to act as assistant (and in case of his

absence from the District or disability, the junior officer so detailed) shall, in the event of the absence from the District or disability of the Commissioner who shall for the time being be detailed from the Corps of Engineers, perform all the duties imposed by law upon said Commissioner. (26 Stats., 1113.)

It has been the unvarying practice of the Presidents to appoint one of the civil Commissioners from each of the two most prominent national political parties, but there is no statutory provision on the subject.

#### SALARY AND BOND OF COMMISSIONERS.

The salary of each of the Commissioners is \$5,000 per annum. The two Commissioners appointed from civil life give bond to the United States in the sum of \$50,000 each. (20 Stats., 103; 21 Stats., 460.) No bond is required of the Commissioner detailed from the Corps of Engineers.

#### OATH OF OFFICE OF COMMISSIONERS.

Each of said Commissioners shall, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law. (20 Stats., 103.)

#### PRESIDENT OF THE BOARD.

One of said Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur thereafter (20 Stats., 103). (See list of Commissioners and presidents of the board (pp. 210, 211).

#### QUORUM.

Any two of the Commissioners of the District of Columbia, *sitting as a board*, shall constitute a quorum for the transaction of business (26 Stats., 1113).

#### SUBDIVISION OF DUTIES.

For the purpose of facilitating the administration of the various municipal affairs, the Commissioners have arranged their duties in substantially three groups, and have assigned a several one of these groups to the immediate supervision of each Commissioner, whose recommendations on the matters so allotted to him are ultimately acted upon by himself and his colleagues as a board.

#### EX OFFICIO DUTIES OF COMMISSIONERS.

One of the Commissioners is ex officio a member of the board of trustees of the Reform School for Boys (21 Stats., 156), and one an ex officio trustee of the Columbia Hospital for Women and Lying-in Asylum (*ib.*, 157).

## POWER OF APPOINTMENT AND REMOVAL.

The Commissioners are authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointment to any office under them authorized by law.

## GENERAL DUTIES OF COMMISSIONERS.

The Commissioners are in a general way vested with jurisdiction covering all the ordinary features of municipal government.

Although Congress is vested with exclusive legislative authority in the District of Columbia, it has by sundry statutes empowered the Commissioners to make building regulations; plumbing regulations; to make and enforce all such reasonable and usual police regulations as they may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the District, and other regulations of a municipal nature. The Commissioners have from time to time exercised the duty so devolved upon them.

## COMMISSIONERS NOT TO INCUR UNAUTHORIZED OBLIGATIONS.

In the exercise of their duties, power, and authority they must make no contract nor incur any obligation other than such contracts and obligations as shall be approved by Congress (20 Stats., 103).

## ESTIMATES.

The Commissioners are required to submit to the Secretary of the Treasury of the United States, on or before October 15 of each year, an estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year, which the Secretary of the Treasury shall transmit to Congress with a statement as to the extent to which said estimates have his approval. (20 Stats., 104; 23 Stats., 254; 31 Stats., 1009.)

## SOURCES OF REVENUE.

The organic act declares that "To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia." (20 Stats., 104.)

The several specific sources of revenue other than the amount derived from the United States, as its proportionate share of the expenses of the District government, and including special assessments, are substantially as follows:

## METHODS OF TAXATION IN THE DISTRICT OF COLUMBIA.

## ASSESSMENT OFFICIALS.

Assessments of both real and personal property are made by the assessor and a board of five (act of July 1, 1902, and 28 Stat., 282)

assistant assessors, three of said board being designated by the assessor to act as the assessors of real estate and as the excise board, and the two other members of said board designated by the assessor to compose the board of personal-tax appraisers. All five members of said board of assistant assessors, together with the assessor, chairman, constitute the board of equalization and review of real-estate assessments and also the board of personal-tax appeals. The assessor, however, acts as chairman *ex officio* of the several boards aforesaid. The assessor and the members of the board of assistant assessors are appointed by the Commissioners, but may not be removed except for inefficiency, neglect of duty, or malfeasance in office. The members of the board of assistant assessors are required to perform such other official duties as the assessor may from time to time direct. (28 Stat., 282; 32 Stat., pt. 1, 617.)

The salary of the assessor is \$3,500 per annum and that of each of the members of the board of assistant assessors \$3,000 per annum (28 Stat., 282, and act of July 1, 1902). The assessor is required to furnish bond in the sum of \$10,000 (30 Stat., 666), and each member of the board must, before entering upon his duties, take an oath to diligently, faithfully, and impartially perform the duties imposed upon him (28 Stat., 282).

#### ISSUE OF LIQUOR LICENSES.

No place of business shall be licensed for the selling of intoxicating beverages, by wholesale or retail, within four hundred feet of a public school, private school, or house of religious worship, except (as the Commissioners are advised by the corporation counsel) in case of hotels having twenty-five rooms for guests and duly incorporated clubs. A further condition precedent to the issue of a retail dealer's license is that a majority of the owners of and residents on the side of the square where it is proposed to locate such place of business, and of the confronting side of the opposite square, must first consent thereto in writing, and the officer in charge of the police precinct in which the proposed place of business is to be shall have certified that the signatures to such consent are genuine and that a majority of the residents have given their consent.

#### ASSESSMENT OF REAL PROPERTY.

Real estate is assessed triennially (28 Stat., 282) at not less than two-thirds of its true value (32 Stat., pt. 1, 616), by the board of three assistant assessors (28 Stat., 282). This assessment must be completed on or before the first Monday of January in each third year and return of the same made to the assessor, together with all maps, field books, surveys, plats, and all notes and memoranda concerning said assessment. The assessment must be made by said assessors from actual view and from the best sources of information obtainable.

The assessment then passes to the board of equalization and review,

composed of the assessor, chairman, and five (32 Stat., pt. 1, 617, and 28 Stat., 284) assistant assessors. This board convenes on the first Monday of January (28 Stat., 284), and continues in session until review of the assessment is completed, which must be, as nearly as practicable, by the first Monday of June in each third year. Public notice of the time and place of such meeting must be given by publication for two successive days in two daily newspapers in the District of Columbia. The members of the said board are authorized to administer oaths or affirmations, to summon, through the officers of the Metropolitan police force, any person to appear before said board to testify touching matters pertaining to the assessment, such witnesses being allowed the same fees as paid in civil actions before the supreme court of the District of Columbia.

Any person summoned and examined, as aforesaid, and knowingly making false oath or affirmation is considered guilty of perjury, and upon conviction thereof may be punished according to laws for punishment of perjury. (28 Stat., 285.)

Any three members of said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman may be selected. It is the duty of the board of equalization and review to hear appeals from property owners, and to fairly and impartially equalize, as a basis for taxation, the values placed upon real property by the board of assistant assessors. In reaching their determination they may raise the valuations of such tracts or lots as, in their opinion, may have been returned below their value, and reduce the valuations of such as they may believe to have been returned above their value, to such sums as, in their opinion, may be the value thereof. Upon completion of the duties of the board of equalization and review the assessment must be approved by the Commissioners of the District of Columbia, after which approval it becomes the basis of taxation for the ensuing three years. (28 Stat., 284.)

Annually, on or about the 1st of July, the board of assistant assessors is required to make a list of all real property which shall have become subject to taxation, and which is not then on the tax list, and to fix the valuation thereof according to the rules prescribed for assessing real estate. They are also required to make a return of all new structures erected or roofed, and additions to, or improvements of, old structures of over \$500 in value, which shall not have been theretofore assessed, specifying the tract or lot on which each of such structures shall have been erected and the value of such structure, and they shall add such valuation to the assessment made of such tract or lot. When improvements on any tract or lot become damaged or destroyed, the board is required to reduce the assessment on such property to the extent of such damage.

Appeals from these yearly assessments are heard by the board of

equalization and review between the first and third Mondays of July of each year.

If the board of assistant assessors shall ascertain that any real property has been omitted from assessment for any previous year or years, or has been so assessed that the assessment was void, they must at once reassess such property for each year of such omission and report the same, through the assessor, to the collector of taxes, who is required to at once proceed to collect the taxes so in arrears as other taxes are collected. However, no property which has escaped taxation is liable for a period of more than three years prior to assessment, except in the case of property involved in litigation. (28 Stat., 284.)

Whenever a subdivision of any real property is made and recorded with the surveyor of the District the board of assistant assessors must reassess the property so subdivided, and the tax on such reassessment is due and payable at the semiannual payment of taxes next ensuing. (32 Stat., pt. 1, 616.)

#### RATE OF TAXATION.

The rate of annual taxation on real and personal property is uniformly, throughout the District of Columbia,  $1\frac{1}{2}$  per cent. (Ib., 616, 618.)

#### BOOKS OF ASSESSMENT.

The books of assessment are prepared by the assessor before the 1st day of November in each year, and upon completion thereof the assessor is required to make a statement showing the total amount of the assessment of both real and personal property and the total amount of taxes to be collected under said assessments; which statement must be receipted by the collector of taxes, in triplicate, and said collector is held responsible, under his bond, for all such taxes, except such as he may not be able to collect after fully complying with the requirements of law. The original receipt of said assessment and taxes must be forwarded by the assessor to the First Comptroller of the Treasury, the duplicate to the auditor of the District of Columbia, and the triplicate is to be retained by the collector, who shall give newspaper notice that he is ready to receive taxes. (20 Stat., 105; 27 Stat., 13.)

All real property must be assessed in the name of the owner or trustee or trustees of the owner thereof. All undivided real property of a deceased person may be assessed in the name of such deceased person until the same is divided according to law, or otherwise passed into the possession of some other person or persons, and all real property the ownership of which is unknown shall be assessed "Owner unknown." (28 Stat., 282.)

#### TAX BILLS.

All general tax bills must be prepared under the direction of the assessor. (27 Stat., 13.) By order of the Commissioners, all special assessment and water-main tax bills are also prepared under his supervision.



## DATE OF PAYMENT OF TAXES.

Taxes on realty are levied by fiscal years and are payable one-half in November, at the option of the owner, no penalty accruing for failure to pay said half until the whole tax becomes due in the following May. For failure to pay before the 1st of June, 1 per cent per month penalty is charged. (Act of February 14, 1902.)

## PUBLIC INSPECTION OF RECORDS.

The assessor is required to have the records of his office open to the inspection of the public, free of charge, at such time or times as the public interest will permit. (Act of July 1, 1902.)

## EXEMPTIONS OF REAL PROPERTY.

The act of Congress approved March 3, 1877, made the following provisions as to exemptions from taxation:

That the property exempt from taxation under this act shall be the following and no other, namely, first, the Corcoran art building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, almshouses, buildings belonging to institutions of purely public charity conducted without charge to inmates, profit, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemeteries so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds (19 Stat., 399, 402.) (*See also* act of June 17, 1870, 16 Stat., 153.)

This has been modified by the act of July 1, 1902, which provides:

That hereafter property used for educational purposes that is not used for private gain shall be exempt from taxation, and all other property used for educational purposes shall be assessed and taxed as other property is assessed and taxed. (32 Stat., 616.)

And by District appropriation law of March 3, 1903, as follows:

And hereafter no property except that of the United States or the District of Columbia and property owned by foreign governments for legation purposes shall be exempt from assessments for improvements. (32 Stat., pt. 1, 961.)

Orphan asylums, etc., exempt from water tax (30 Stat., 543); C. and O. Canal (4 Stat., 796, 802); Oak Hill Cemetery (9 Stat., 775, sec. 10).

## SALES FOR DELINQUENT TAXES.

The assessor is required to annually prepare a list of taxes on real property in arrears on the 1st day of July. The Commissioners must fix a date of sale and publish the list with notice of sale in a pamphlet, of which not less than 2,000 copies must be printed for distribution to taxpayers applying therefor. The Commissioners must also give notice by advertisement, twice a week for three successive weeks, beginning on the third Monday of February of each year, in three daily newspapers published in the District, that the pamphlet has been printed and that a copy thereof will be given to any taxpayer applying therefor at the office of the collector of taxes. In said pamphlet a description of property sufficient to identify the same is considered a proper description. The expenses of advertising and printing of

pamphlet are paid by a charge of 50 cents for each lot or piece of property advertised.

If the taxes due, together with penalties and costs, shall not have been paid prior to date of sale, the property must be sold by the collector of taxes, under direction of the Commissioners, at public auction in the collector's office, said sale commencing at least three weeks after first publication of said notice and continuing each day (Sundays and holidays excepted) until all said delinquent property is sold.

The collector must require from every purchaser a deposit sufficient, in his judgment, to guarantee a full and final settlement for such purchase. Every purchaser other than the District of Columbia shall pay the full amount of his bid, including surplus, if any, to the collector within five days after last day of sale, and if such payment is not made within time specified, deposit of person so failing to pay shall be forfeited to the District of Columbia, and collector shall issue certificate of sale for such property to the next highest bidder; and if the latter shall not pay the amount of his bid within two days thereafter, the sales upon which the bids were made shall be set aside by the Commissioners, and the property shall be considered as having been bid in in the name of the District of Columbia.

In case no other person bids, or bids are insufficient to cover amount of taxes due, together with penalties and costs, the collector shall bid the amount due, together with penalties and costs, and purchase it for the District; but property so bid in for the District of Columbia is not thereafter exempt from taxation. Failure on the part of the District to enforce the liens thus acquired does not release property from any tax that may be due the District.

Immediately after close of sale, upon payment of purchase money, the collector must issue to all purchasers certificates of sale, and if the property is not redeemed from said sale within two years from last day thereof by payment to the collector for the use of the holder of the certificate the amount for which property was sold, exclusive of surplus, and 12 per cent per annum thereon, a deed must be given by the Commissioners to the holder of the certificate, which deed is admitted to be prima facie evidence of a fee-simple title. No deed, however, can be issued until all taxes and assessments due on the property are paid, including taxes for which the District purchased property at tax sale. Nor must said deeds be executed if it shall be discovered that sales were for any cause invalid and ineffectual to pass title to property sold, in which case the Commissioners must cancel the sale and refund the purchase money with 6 per cent per annum interest, together with the surplus, if any.

If any conveyance made by the Commissioners of property sold for taxes shall be set aside by the court, the party in whose favor the decree is rendered must pay to the party holding the conveyance the amount paid for such taxes and conveyances, with interest at 6 per

cent per annum. When any tax sale is for any reason set aside or canceled, the property embraced in said sale may be readvertised and sold at the tax sale next ensuing.

Minors and other persons under legal disability are allowed one year after attaining age or after removal of such disability to redeem property sold or bid off by the collector of taxes by payment of the amount of purchase money with 8 per cent per annum interest, together with all taxes and assessments that have been paid thereon by the purchaser between the date of sale and date of redemption with 8 per cent per annum interest on the amount of such taxes and assessments.

Property sold as aforesaid is redeemable from said sale at any time within two years after last day of sale by payment to the collector of taxes, for the use of the holder of the certificate, the sum mentioned therein, exclusive of surplus, with interest thereon at 12 per cent per annum after date of such certificate.

#### DISPOSAL OF SURPLUS.

Any surplus remaining after collection of tax, penalty, etc., must be deposited by the collector to the credit of the surplus fund, to be paid to owner or owners of property in the same manner as other payments made by the District, but if any property sold as aforesaid is redeemed from sale within the time allowed, the surplus collected at time of sale must be paid to holder of certificate.

#### LIST OF SALES TO BE FILED WITH RECORDER OF DEEDS.

The collector is required, within twenty days (exclusive of Sundays and holidays) after last day of sale, to file with the recorder of deeds a written report stating property sold other than that sold to the District of Columbia, to whom it was assessed, taxes due, to whom sold, amount paid, date of sale, cost of sale, and surplus, if any.

#### SALE OF PROPERTY BID IN BY THE DISTRICT.

If property bid in for the District of Columbia shall not have been redeemed within two years from last day of sale by payment of taxes, penalties, and costs due at time of sale, and 8 per cent per annum thereon, the Commissioners may sell said property at public or private sale, and issue to the purchaser a deed, which shall have the same force and effect as the deed provided for property sold at regular annual sale.

The collector of taxes may, at any time before expiration of time allowed for redemption of property bid in for District of Columbia, issue certificates of taxes to any person applying therefor, and if property is not redeemed within two years from date of said certificate, by payment of the face of the certificate, exclusive of surplus and 12 per cent per annum thereon, the Commissioners shall issue a deed to the holder of the certificate, which deed shall have the same force and effect as deeds given for property sold at regular annual tax sale. Deeds, however, shall not be issued, either in case of property bid in for

the District which has not been redeemed within two years, or property bid in for the District upon which certificates of sale are issued within redemption period, unless all taxes and assessments due on the property are paid; nor if the sale to the District was for any cause invalid or ineffectual to give title to the property. (Act July 1, 1902.)

LIST OF PROPERTY SOLD FOR TAXES OPEN TO PUBLIC INSPECTION.

The assessor is required to prepare and keep in his office, for public inspection, a list of all real estate sold for nonpayment of general or special taxes or assessments, said list to show the date of sale, for what taxes sold, in whose name assessed at time of sale, amount of sale, when and to whom conveyed, if deeded, or if redeemed from sale, the date of redemption. (27 Stat., 37.)

COLLECTION AND DEPOSIT OF REVENUES.

It is the duty of the collector of taxes for the District of Columbia to collect all revenues of the District and deposit the amount collected daily with the Treasurer of the United States, and he is held responsible under his bond for all taxes except such as he may not be able to collect after fully complying with the requirements of law. (20 Stat., 461; 27 Stat., 13.)

Section 2 of the District appropriation law of March 3, 1883, prescribes—

That hereafter all moneys appropriated for the expenses of the government of the District of Columbia, together with all revenues of the District of Columbia, from taxes or otherwise, shall be deposited in the Treasury of the United States, as required by the provisions of section 4 of an act approved June 11, 1878. (22 Stat., 470.)

The collector of taxes shall at the close of each day's collections, make an aggregate of the amount so collected, and furnish to the auditor a copy thereof. (L. A. 243.)

CERTIFIED STATEMENTS OF TAXES.

The assessor is required to furnish certified statements, over his hand and official seal, of all taxes and assessments, general and special, that may be due and unpaid at the time of making said certificates. For each certificate a fee of 50 cents must be paid to the collector of taxes.

When such certificate is issued, it is a bar to the collection from any subsequent purchaser of any tax or assessment omitted from, and which may be a lien upon the real estate mentioned in, said certificate; but such omission does not affect the liability of the person who owned the property at the time such tax was assessed. (27 Stat., 37.)

REASSESSMENTS.

The Commissioners of the District of Columbia are authorized and directed, in cases where general taxes or assessments for local improvements are quashed, set aside, or declared void by the supreme court of the District of Columbia by reason of imperfect or erroneous description of the property against which same was levied, by reason of such tax or assessment not having been authenticated by proper officer, by reason of a defective return of service of notice, or for any technical

reason other than the right of the public authorities to levy the tax or assessment, to reassess the property in question, with power to collect such reassessment. Said reassessment, however, must be made within ninety days after judgment or decree of court quashing or setting aside such taxes or assessments. Any amount theretofore paid on the assessment which has been declared void shall be credited upon the reassessment. (29 Stat., 98, and 30 Stat., 721.)

## DESIGNATION OF PARCELS OF LAND.

Acts of March 3, 1899 (30 Stat., 1376), and February 23, 1905 (33 Stat., pt. 1, 737), prescribe a system for numbering each lot, part of lot, or parcel of land in the District of Columbia. The object of these acts was to procure uniformity in this respect and for assessment purposes.

## TRANSCRIPTS OF DEEDS, WILLS, ETC.

The Commissioners shall cause an employee of the surveyor's office to make daily transcripts of all deeds of conveyance, wills, condemnations, decrees, and other instruments of proceedings by which boundaries are changed; for which purpose such employee of the surveyor's office shall at all times during business hours have full and free access to all records of the recorder of deeds, register of wills, clerk of the supreme court, marshal, and other officials; and the surveyor shall daily furnish to the assessor a copy of such transcript, from which a duplicate set of taxation and assessment plat books shall be maintained by the said assessor: *Provided*, That the current series of taxation and assessment plat books in the surveyor's office shall be the standard book of reference for all purposes of assessment and taxation by all departments of the government of the District of Columbia.

Provision for transcripts of wills and deeds in relation to change of boundaries in the city of Washington is made in the act of March 3, 1899. (30 Stat., 1377.)

## SPECIAL ASSESSMENTS.

## ASSESSMENT AND PERMIT WORK.

The Commissioners of the District of Columbia are authorized, whenever in their judgment the same is necessary for the public health, safety, or comfort, or when application is made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to improve and repair alleys and sidewalks, and to construct sidewalks of such form and materials as they may determine, and to pay the total cost of said work from appropriations for assessment and permit work. (28 Stat., 247, 248.)

Notice must be given by advertisement, twice a week for two weeks, in some newspaper published in the city of Washington, of any such assessment work proposed to be done, designating the location and

kind of work, specifying the kind of materials to be used, the estimated cost, and fixing a time and place when and where property owners about to be assessed may appear and present objections thereto and for hearing thereof. One-half of the total cost of such improvements, including expenses of assessment, must be charged against and become a lien upon abutting property, and assessment therefor must be levied pro rata according to the linear frontage of such property.

Notices of the levying of such assessments must be served upon each lot owner, if he or she be a resident of the District and his or her residence known; and if he or she be a nonresident of the District, or his or her residence unknown, such notice must be served upon his or her agent or tenant, as the case may be; and if there be no agent or tenant known to the Commissioners, then they shall give notice of such assessment by advertisement, twice a week for two weeks, in some newspaper published in the District. Service of such notice where owner or his or her tenant or agent resides in the District must be either personal or by leaving the same with some person of suitable age, at the residence or place of business of such agent, owner, or tenant, and return of such service must be made in writing and filed in the office of the Commissioners. The costs of publication of notice and service of notices are paid out of the appropriation for assessment and permit work.

One-half of the cost of such work must be paid to the collector of taxes as follows: One-third within sixty days after service of notice of assessment, without interest; one-third within one year, and the remainder within two years from date of service of notice, interest being charged at 8 per cent per annum from date of service of notice on amounts unpaid at expiration of sixty days after service of notice of assessment.

Any property upon which such assessment and accrued interest thereon, or any part thereof, remains unpaid at expiration of two years from date of service of notice of assessment, shall be subject to sale therefor under the same conditions and penalties imposed for non-payment of general taxes. If any property, assessed as heretofore explained, shall become liable to sale for any other assessment or tax whatever, then the assessments levied as hereinbefore explained become immediately due and payable, and the property against which they are levied may be sold therefor, together with the accrued interest thereon and the costs of advertising to date of such sale.

Property owners who request improvements under the permit system must deposit, in advance, with the collector of taxes, an amount equal to one-half the estimated cost of such improvements, and in such cases it is not necessary to give notices, as hereinbefore stated.

All moneys received by the collector of taxes for work done upon request of property owners must be deposited by him in the United States Treasury to the credit of the permit fund.

Upon completion of the work done, as aforesaid, at request of property owners, the Commissioners must repay to the then current appropriation for assessment and permit work, out of the permit fund, a sum equivalent to one-half the cost of the work, and shall return to the depositors from the said fund, when application is made therefor, any surplus that may remain over and above one-half the cost of the work. (28 Stat., 247 and 248.)

OPENING, WIDENING, ETC., OF MINOR STREETS AND ALLEYS.

SEC. 1608. The Commissioners of the District of Columbia are authorized to open, extend, widen, or straighten alleys and minor streets in the District of Columbia under the following conditions: First, upon the petition of the owners of more than one-half of the real estate in the square or block in which such alley or minor street is sought to be opened, extended, widened, or straightened, accompanied by a plat showing the opening, extension, widening, or straightening proposed; second, when the Commissioners deem that the public interests require such opening, extension, widening, or straightening; third, when the health officer of said District certifies to the necessity for the same on the grounds of public health: *Provided*, That a minor street shall be of a width of not less than 40 feet nor more than 60 feet and shall run through a square or block from one street to another. (Code of Law, District of Columbia.)

SEC. 491 n. In case any of the owners of land heretofore or hereafter condemned for public use are under disability or can not be found, or neglect or refuse to receive the money awarded to them; or in case the record is imperfect or the title to the property is in dispute or uncertain, the money due the owners of the property for damages for land taken may be deposited in the registry of the supreme court of the District of Columbia, for the use of the rightful owners without cost or expense to said District; and thereupon the title to the land condemned shall become vested in the District of Columbia. (Approved Dec. 18, 1908.)

NEW CURB AND SIDEWALKS ON STREETS BEING IMPROVED.

When new sidewalks or curbing are hereafter required to be laid on streets being improved, one-half the total cost shall be assessed against abutting property, in like manner and under the law governing in the case of assessment and permit work: *Provided*, That abutting property shall not be liable to such assessment when sidewalk and curbing have been laid by the District authorities in front of the same under the assessment and permit system within two years prior to such assessment. (Act Aug. 7, 1894, 28 Stats., 250.)

## EXTENSION OF STREETS AND AVENUES.

In the case of extensions of streets and avenues provided for by law, the Commissioners are authorized to petition the supreme court of the District of Columbia for the condemnation of land necessary for such extension, said court appointing a jury for that purpose, and the jury making return of benefits and damages to abutting property. Assessments are then levied for benefits to abutting property, such assessments being payable in five equal annual installments, with interest at 4 per cent per annum after sixty days from confirmation of verdict of jury; but in cases of awards for damages only that part of said award is paid by the District as may be in excess of assessment for benefits, and there is credited on assessment for benefits the amount of any award for damages not in excess of said assessment.

“SEC. 491g. That of the amount found to be due and awarded as damages for and in respect of the land to be condemned for said opening, extension, widening, or straightening, plus the costs and expenses of the proceeding, such amount shall be assessed by the jury as benefits, and to the extent of such benefits against the lots, pieces, or parcels of land on each side of the street, avenue, road, or highway to be opened, extended, widened, or straightened, and against any and all other lots, pieces, or parcels of land which the jury may find will be benefited by the opening, extension, widening, or straightening, as the jury may find said lots, pieces, or parcels of land will be benefited; and in determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may severally receive from the opening, extension, widening, or straightening of the street, avenue, road, or highway. And where part of any lot, piece, parcel, or tract of land has been dedicated for the opening, extension, widening, or straightening of the street, avenue, road, or highway, the jury, in determining whether the remainder of said lot, piece, parcel, or tract is to be assessed for benefits, and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of the land so dedicated. If the total amount of the damages awarded by the jury and the costs and expenses of the proceeding be in excess of the total amount of the assessments for benefits, such excess shall be borne and paid by the District of Columbia.”

Approved, February 25, 1907.

## ASSESSMENTS FOR WATER MAINS.

The Commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States relating to the



District of Columbia, excepting such powers and duties as belong to the Chief of Engineers. (21 Stats., 9.)

Water-main taxes and water rents shall be uniform in said District. (Ib.)

#### WATER MAINS AND SERVICE SEWERS.

AN ACT Authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, whenever in their judgment the same may be necessary for the public safety, health, comfort, or convenience, to construct water mains and service sewers in any street, avenue, road, or alley in the District of Columbia; and the assessor of said District shall levy assessments for the same against abutting property in the amount and manner hereinafter prescribed.

SEC. 2. That for laying or constructing water mains in the District of Columbia assessments shall be levied at the rate of one dollar and twenty-five cents per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a water main shall be laid, and that for laying or constructing service sewers in the District of Columbia assessments shall be levied at the rate of one dollar per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a sewer shall be laid: *Provided,* That assessments for water mains and service sewers in the case of lots or parcels of land not more than one hundred feet in depth shall be levied upon the fronts or rears of such lots or parcels of land, and not upon both the fronts and rears of such lots or parcels of land; but lots or parcels of land more than one hundred feet in depth, except corner lots, shall be assessed upon both their fronts and rears when water mains or service sewers are laid abutting the same: *Provided,* That corner lots shall be assessed for water mains and service sewers only on their short fronts with a depth of not exceeding one hundred feet; any excess of the other front over one hundred feet shall be subject to assessment, as hereinbefore provided: *Provided,* That the areas of all lots or parcels of land which have been assessed for water mains by the square foot under any previous act of Congress, or of the late legislative assembly of the District of Columbia, shall not be again assessed for water mains: *Provided,* That assessments for water mains or service sewers shall not be levied under this act against lots or parcels of land not more than one hundred feet in depth which have theretofore been assessed by the linear front feet by authority of any act of Congress or of the late corporation of Georgetown, and in any assessment or reassessment levied under

the provisions of this act credit shall be allowed for any amount which may have been heretofore paid upon any water main or service sewer assessment levied against the same portion of the area of any lot or parcel of land: *Provided further*, That when the Commissioners of the District of Columbia shall deem it advantageous to lay water mains or service sewers on each side of any street, avenue, road, or alley assessments shall be levied at the rate, within the time and in the manner in this section provided for, against the lots abutting the side of the street, avenue, road, or alley in which the water main or service sewer is laid.

SEC. 3. That the assessor of the District of Columbia shall give notices as herein provided of the levying of assessments for water mains and service sewers. Assessments shall be levied within sixty days after the completion of the main or service sewer, and the owner or owners affected by such assessments shall be notified that the same have been levied by a notice which shall be served upon the owner of the lot or parcel of land if he or she be a resident of the District of Columbia, and his or her residence be known. If the owner be a non-resident or his or her residence be unknown, the notice shall be served on his or her agent or tenant. The service of such notice, where the owner or his or her agent or tenant resides in the District of Columbia, shall be personal or by leaving the same with some person of suitable age, either a member of his family or in his employ, at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing under oath and filed in the office of the assessor of the District of Columbia. If there be no agent or tenant known to said assessor, and the owner or owners be not residents of the District of Columbia, or if the owner be a resident of the District of Columbia and can not be found therein, and no person of suitable age as aforesaid can be found at his or her residence or place of business, notice shall be given by advertisement once a week for three successive weeks in some daily newspaper published in said District, and in said publication of said notice each several piece of property shall be described in a separate paragraph, and the cost of such advertisement shall be added to the amount of said assessment and collected in the same manner that said assessment is collected.

SEC. 4. That assessments for water mains and service sewers shall be payable in three equal installments, the first of which shall be due and payable without interest within thirty days from date of service of notice or of the last publication of notice as the case may be, the second within one year, and the third within two years from the date of assessment, and interest at the rate of six per centum per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of service of notice or last

publication as the case may be; but the owner of the property assessed may, at his option, at any time after the levying of such assessment, pay the same in full; and the discount heretofore allowed for payment of assessments for water mains within thirty days from date of service of notice of assessments shall not be allowed hereafter: *Provided*, That if any installment of any assessment for water main or service sewer levied under the provisions of this act shall not be paid when due and payable the property against which said assessment was levied may be sold for said delinquent installment at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general taxes, if said installment shall not have been paid prior to said sale.

SEC. 5. That property in the county of Washington, not subdivided into blocks or lots, or both, shall not be assessed for water mains or service sewers until subdivided: *Provided*, That where houses are built on any unsubdivided land and connection is made with a water main or service sewer, assessment shall be made as herein provided for in the case of subdivided property by assessing a frontage of fifty feet on each side of said connection with a depth of one hundred feet, except that no double assessment shall be levied; said assessment to be levied within sixty days after said connection is made; and if such unsubdivided land is thereafter subdivided into blocks or lots, such lots shall be assessed as herein provided as to subdivided lands, but the fifty feet on each side of said connection, with a depth of one hundred feet, shall not be again assessed: *Provided further*, That hereafter assessments at the rate and in the manner herein provided for shall be levied against each lot or parcel of land abutting any water main or service sewer in all subdivisions of land, within sixty days after the recording of such subdivision in the office of the surveyor of the District of Columbia, except in cases where said lots or parcels of land have been previously assessed for the same main or service sewer.

SEC. 6. That in all cases where water mains have heretofore been laid and assessments therefor against abutting lots or land not levied pending the introduction of water into such lots or land, under the provisions of an act of Congress approved July eighth, eighteen hundred and ninety-eight, such assessments shall be levied under the provisions of this act.

SEC. 7. That the assessor of the District of Columbia is hereby authorized and directed in cases where water-main assessments, or assessments for service sewers, may be quashed, canceled, set aside, or declared void by the supreme court of the District of Columbia, or may otherwise be canceled or set aside, by reason of an imperfect or erroneous description of the lot or parcel of ground against which the same shall have been levied, by reason of such tax or assessment not having been authenticated by the proper officer or by reason of a

defective return of service of notice, or for any technical reason other than the right of the authorities of the District of Columbia to levy assessment or lay the main or service sewer in respect of which assessment was levied, to relevel such assessment at the rate and in the manner provided for in this act: *Provided*, That such reassessment shall be made within sixty days from date of such cancellation.

SEC. 8. That all sums received by the collector of taxes under the provisions of this act on account of assessments levied for the construction of service sewers shall be credited to the appropriation under which the sewer was constructed for the fiscal year in which such sums shall be received.

SEC. 9. That a service sewer within the meaning of the provisions of this act shall be a sewer with which connection may be directly made for the purpose of providing sewerage facilities to abutting property, and such sewers shall be so indicated on the records of the sewer division of the engineer department of the District of Columbia.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, April 22, 1904. (33 Stat., pt. 1, 244.)

Water services are not installed by the municipality. If water-main assessments are quashed or set aside by the court by reason of any technicality, the Commissioners are authorized to reassess the lot or parcel of land against which assessment was levied, but such reassessment must be made within thirty days from date of cancellation. (Act of July 8, 1898, and 29 Stat., 98.)

Outside of the city of Washington assessments against land not subdivided into blocks and lots must be made on a frontage of not exceeding 100 feet for each lot or parcel of land, and shall be considered in any subsequent subdivision as extending to a depth of not exceeding 100 feet from the front of said lot or parcel of land. (30 Stats., 722.)

In any assessment or reassessment levied under provisions of act of July 8, 1898, owner of lot or parcel of land assessed must be credited with any amount which may have been paid prior to date of said act upon any water-main assessment levied against such lot or parcel of land. (30 Stat., 722.)

All moneys received on account of laying of water mains and all other moneys received on account of the water department must be deposited to the credit of the water fund, to be used exclusively for the support of the water department. (L. A., June 23, 1873.)

*No special assessments are levied for the cost of grading or paving carriageways.*

#### ASSESSMENTS FOR REMOVING OR SECURING DANGEROUS STRUCTURES.

The costs of removing or securing, by the District of Columbia, dangerous structures, upon refusal or neglect of owners to perform

such work after due notice, must be assessed against the land upon which structure or structures stand or stood, and unless such assessment is paid within ninety days from service of notice the same shall bear interest at rate of 10 per cent per annum from date of assessment until paid and shall be collected as general taxes are collected. (30 Stat., 123.)

#### ASSESSMENTS FOR INCLOSING DANGEROUS WELLS, ETC.

The cost of fencing or otherwise inclosing, by the District of Columbia, lots upon which exist uncovered wells or other dangerous holes or excavations, after neglect or refusal of owner to perform such work upon due notice, shall be assessed as a tax against the property on which such nuisances exist, the tax so assessed to bear interest at rate of 10 per cent per annum and to be carried on regular tax rolls and collected in manner provided for collection of other taxes. (30 Stat., 924.)

#### ASSESSMENTS FOR REMOVAL OF WEEDS.

The expense of removal, by the District of Columbia, of weeds of 4 inches or more in height from unoccupied land in the city of Washington or its more densely populated suburbs, upon failure or neglect of owner to perform such work, shall be assessed against the property on which such weeds were located, and said assessments shall bear interest at rate of 10 per cent per annum until paid, shall be carried on regular tax rolls of the District, and paid in manner provided for collection of general taxes. (30 Stat., 959.)

#### ASSESSMENTS FOR DRAINING LOTS.

In case owner or owners of lots, after due notice, fail or neglect to connect such lots with water mains and sewers, as required by law, the Commissioners shall cause such connections to be made, the expense to be paid out of the emergency fund, such expense, with necessary costs of advertising, to be assessed as a tax against such lots, which tax shall be carried on regular tax rolls and be collected in manner provided for collection of other taxes. (29 Stat., 126.)

The Commissioners are also authorized to make such connections upon any street or avenue about to be paved or otherwise improved before any such pavement or other permanent works are put down, the costs of such connections to be assessed as explained above. (20 Stat., 107; 28 Stat., 144; 29 Stat., 126.)

#### SPECIAL POLICEMEN AT STREET-RAILWAY CROSSINGS.

The Commissioners are authorized and required to station special policemen at such street-railway crossings and intersections in the city of Washington as they may deem necessary, the expense of such services to be paid pro rata by the respective railway companies. (30 Stat., 489.)

## ASSESSMENTS FOR CLEANING OF OFFENSIVE CESSPOOLS.

For cleaning offensive cesspools, by the District of Columbia, in cases where owners or other responsible parties fail or neglect to perform such work, after due notice, the Commissioners are authorized to assess the cost thereof as a tax against the property benefited, which tax shall be carried on the regular tax roll and collected in the manner provided for collection of other taxes. (30 Stat., 233.)

## LIGHTING TRACKS OF STEAM RAILWAY COMPANIES.

All railway companies using engines propelled by steam must pay the District of Columbia for the lighting of the streets, avenues, lands, and grounds through which their tracks may be laid. In case of default of such payment, actions at law may be maintained by the District of Columbia against said railway companies. (22 Stat., 466.)

## COSTS OF ERECTION OF FIRE ESCAPES.

If the owners, proprietors, lessees, or trustees of buildings used as factories, manufactories, tenement houses, seminaries, colleges, academies, hospitals, or asylums, fail to provide such buildings with fire escapes, standpipes, ladders, lights, and alarm gongs, as required by law, after due notice from the Commissioners, such fire escapes, etc., must be erected by the Commissioners, and the costs thereof assessed as a tax against the building on which they are erected and the ground upon which the same stands, and the Commissioners shall issue tax-lien certificates against such buildings and grounds for the amount of such assessment, bearing interest at rate of 10 per cent per annum, which certificates may be turned over by the Commissioners to the contractor for performing the work. (28 Stat., 810.)

## ASSESSMENTS FOR REMOVING SNOW, ICE, DIRT, ETC.

In case the owner or tenant of any house, lot, building, or land shall neglect to cause to be removed snow, ice, sand, dirt, gravel, etc., from paved sidewalks adjacent to said property, as required by law, the Commissioners shall cause removal of same, the costs of which shall be assessed as a tax against the property to which the sidewalks in question belong, and the said tax so assessed shall be carried on the regular tax roll and collected in manner provided for collection of other taxes. (28 Stat., 809.)

## ASSESSMENTS FOR PAVING STREETS ADJACENT TO STREET-RAILWAY TRACKS.

When any street or avenue through which a street railway runs shall be paved, such railway companies shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads and for a distance of 2 feet from and exterior to such tracks, on each side thereof, and of keeping the same in repair; and when

street railways cross any street or avenue the pavement between the tracks of such railway shall, at the expense of the company owning the tracks, be made to conform to the pavement used upon such street or avenue. If any street-railway company shall neglect or refuse to perform the work required, said pavement shall be laid by the District of Columbia and the costs collected from such company by issuing certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent per annum until paid, and which, until paid, shall remain a lien upon the property on or against which they are issued, together with the franchise of said company; and if such certificates are not paid within one year the Commissioners may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction, to the highest bidder. (20 Stat., 106.)

#### TAXATION OF PERSONAL PROPERTY.

The board of personal tax appraisers consists of the assessor, chairman, and the two members of the board of assistant assessors detailed to that duty as hereinbefore explained. (28 Stat., 282, and 32 Stat., pt. 1, 617.)

The assessor is required to annually cause to be prepared a printed blank schedule of all tangible personal property and of general merchandise, stock in trade, owned or held in trust, or otherwise, subject to taxation, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank, setting forth that the return presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be.

When said schedule is ready for delivery, notice thereof must be given by the assessor by advertisement for three successive secular days in one or more of the daily newspapers published in the District of Columbia, and a copy of said schedule must be delivered to any citizen applying therefor at the office of the assessor. These schedules must be filled out and sworn to, and returned to the office of the assessor within thirty days after the last publication of advertisement. The members of the board of personal tax appraisers are authorized to administer, without charge, oaths for this purpose. For failure to make return within specified time, 20 per cent of assessed valuation of personal property is added.

Upon the filing of these returns the two members of the board of assistant assessors designated by the assessor to assess personal property must, under the direction and supervision of the assessor, assess

personal property. If the board of personal tax appraisers is not satisfied as to the correctness of any return of personal property they may reject the same, and said board, or any one of the members thereof, may, from the best information he or they can procure, by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just, and notice of the rejection of the return shall be given to the party interested by leaving the same at the address given in said return. (32 Stat., pt. 1, 617, 618.)

In all cases, however, there is the right of appeal to the board of personal tax appeals, hereinafter referred to, within fifteen days after delivery of said notice of rejection. Any person making a false affidavit as to taxation of personal property is deemed guilty of perjury, and upon conviction is subject to the penalties provided for that offense. (Ib., 618.)

If the personal-tax appraisers fail to complete any of the duties required by law to be performed by them within the time specified, the taxation based upon the same is not, by reason thereof, invalid, but the appraisers must proceed with all reasonable diligence to complete such duties, and their acts are valid as if performed within the time provided therefor. (Ib., 620.)

If at any time within any current year property subject to taxation shall be discovered to have been omitted from assessment, the board of personal-tax appraisers shall immediately assess the same for the then current year, giving notice in writing to the persons or corporation so assessed, who shall have the right of appeal within ten days from date of said notice. (Ib.)

#### BOARD OF PERSONAL-TAX APPEALS.

The board of five (28 Stat., 282, and 32 Stat., pt. 1, 617) assistant assessors, with the assessor as chairman, compose a board of personal-tax appeals, which must convene in a place provided therefor by the assessor, on the first Monday in February of each year, public notice of the time and place of such meeting having been given by advertisement for two consecutive secular days in two daily newspapers published in the District of Columbia. It is the duty of this board, between the day of convening to and including the second Monday in March of each year (33 Stat., pt. 1, 563), to hear all appeals made by any person or persons against the assessments made by the board of personal-tax appraisers, and to impartially equalize the valuation of said personal property as the basis for assessment.

Any four members of said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman may be chosen. The board is empowered to diminish or increase such assessments as they may believe to have been returned at other than their



true value to such amount as in their opinion may be the value thereof, and the action of the board in such cases is final. (32 Stat., pt. 1, 620.)

## DISTRRAINT AND SALE.

When the taxes on personal property due and payable in each year shall not be paid on or before the 1st of June, the collector of taxes or his deputy may distrain sufficient goods and chattels found within the District of Columbia and belonging to the person charged with such tax to pay the taxes remaining due, together with the penalty thereon, and the costs that may accrue; and for want of such goods and chattels said collector of taxes may levy upon and sell at auction the estate and interest of such person in any parcel of land in said District; and in the case of the levy on any estate or interest in land the proceedings subsequent to sale thereof are the same as provided by law in the case of sales for arrears of taxes against real estate; and in case of distrainment of personal property or the levy upon real estate, as aforesaid, the collector of taxes must immediately proceed to advertise the same by public notice, to be posted in the office of said collector. and by advertisement three times within one week, in one or more of the daily newspapers published in said District, stating the time when and the place where such property will be sold, the last publication to be at least six days before the date of sale, and if the said taxes and penalty thereon, and the costs and expenses which shall have accrued thereon, shall not be paid before the day fixed for such sale, which must not be less than ten days after said levy or taking of said property, the collector must proceed to sell at public auction in his office to the highest bidder such property, or so much thereof as may be needed to pay such taxes, penalties, and accrued costs and expenses of such distrainment and sale. Said collector must report in detail in writing every distrainment and sale of personal property to the Commissioners of the District of Columbia, or their successors in office, and his accounts in respect to every such distrainment or sale must forthwith be submitted to the auditor of the District of Columbia and be audited by him. Any surplus resulting from such sale over and above such taxes, costs, and expenses must be paid into the Treasury, and upon being claimed by the owner or owners of the goods and chattels aforesaid must be paid to him or them upon the certificate of the collector of taxes stating in full the amount of such excess. (Ib., 621.)

## RATE OF TAXATION ON PERSONAL PROPERTY.

On all tangible personal property assessed at a fair cash value (over and above the exemptions provided), including vessels, ships, boats, tools, implements, horses, and other animals, carriages, wagons, and other vehicles, there must be paid  $1\frac{1}{2}$  per cent on the assessed value thereof. (Ib., 618.)

The taxes for private banks and bankers, general brokers, and note brokers date from the 1st day of July in each year and expire on the 30th day of June following. Said taxes date from the first day of the month in which the liability begins, and payment must be made for a proportionate amount. (32 Stat., pt. 1, 621.)

#### EXEMPTIONS OF PERSONAL PROPERTY.

The following personal property is exempt from taxation:

The personal property of all library, benevolent, charitable, and scientific institutions incorporated under the laws of the United States or of the District of Columbia and not conducted for private gain.

Libraries, schoolbooks, wearing apparel, articles of personal adornment, all family portraits, and heirlooms.

Household and other belongings, not held for sale, to the value of \$1,000, owned by the occupant of any dwelling house or other place of abode, in which such household and other belongings may be located. (Ib., 620.) Personal property of foreign legations.

#### PENALTY FOR VIOLATION OF LAW.

Any person violating any of the provisions of the personal-tax law is liable to a penalty of not exceeding \$500 for each offense, such penalty to be imposed upon conviction in the police court of the District as other fines and penalties are imposed, and in default of payment of such penalty the person or persons so convicted shall be imprisoned, in the discretion of the court, not exceeding six months. (Ib., 622.)

#### LICENSES.

All licenses are issued by the assessor, over his hand and official seal. No person is permitted to carry on any business, trade, profession, or calling, for which a license is imposed, without having first obtained such license. Applications for licenses must be made to the assessor, and no license can be granted until payment for the same shall have been made. Each license must specify the name of the person to whom issued, the business, trade, profession, calling, etc., for which it is granted, and the location at which such business is to be carried on. Licenses may be assigned or transferred upon application, under the terms and conditions applicable to the original granting of the same, and the assessor must issue a certificate of such transfer upon payment of a fee of 50 cents. When more than one business, trade, profession, calling, etc., for which a license is prescribed, shall be carried on by the same person, a license must be obtained for each such business, etc. Licenses are good only for the location designated thereon, and no license can be issued for more than one place of business without payment of separate tax for each. All licenses date from

the 1st of November and expire on the 31st of October following, except those specially designated in the following list. Licenses issued at any time after beginning of license year date from first day of month of issue and end the last day of license year, payment being made for proportionate amount of license tax. In cases where license is less than \$5 per annum they terminate one year from first day of month of issue. No one holding a license is permitted to allow any other person charged with a separate license to operate under his license. All licenses must be conspicuously posted on premises of the licensee, and be accessible at all times for inspection by police officers or others authorized in that respect. Licensees having no located place of business must exhibit their licenses when requested to do so by proper authorities.

Applications for licenses for hotels and theaters must have written approval of inspector of buildings and chief of fire department. Any license issued to proprietor of a theater or other public place of amusement may be terminated by the Commissioners whenever it shall appear to them that after due notice the person holding such license shall have failed to comply with such regulations as may be prescribed by the Commissioners for the public decency. (Act of March 1, 1901.)

Proprietors of hotels can not obtain a license for less than \$30 per annum.

An act to prevent fraudulent transactions on the part of commission merchants, approved March 21, 1892, is made applicable to auctioneers, their agents, and employees.

Drivers of licensed passenger vehicles, while transacting such business, must wear upon their breasts a badge numbered to correspond with license of his vehicle, such badge being furnished by District of Columbia upon payment of fee of 50 cents.

In addition to license for proprietors of livery stables, they must obtain licenses for any vehicles owned by them occupying public stands.

The Commissioners must approve applications for licenses for vehicles for transportation of passengers operated over a definite route.

Dealers in general merchandise of every description must pay  $1\frac{1}{2}$  per cent on their average stock in trade for the preceding year.

It is unlawful for any person or persons entering the District of Columbia subsequent to June 30 in each year and establishing a place of business for the sale of goods, wares, or merchandise, either at private sale or at auction, to conduct such business until a sworn statement of the value of said stock has been filed with the assessor of the District of Columbia, who shall thereupon render a bill for the unexpired portion of the fiscal year at the same rate as other personal taxes are levied. The assessor is authorized to reassess said stock whenever

in his judgment it has been undervalued. The goods, wares, and merchandise of any person or persons who shall fail to pay the tax required within three days after beginning business are subject to distraint, and the assessor must place bills therefor in the hands of the collector of taxes, who must seize sufficient of the goods of the delinquent to satisfy said tax. The owner, however, has the right of redemption within thirty days on payment of said tax, to which must be added a penalty of 1 per cent, together with the costs of seizure. The collector must sell such goods as are not redeemed at public auction after advertisement for three days preceding said sale.

Hotel companies and the proprietors of hotels are required to pay  $1\frac{1}{2}$  per cent on the assessed value of their furniture.

Each national bank, as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, and telephone companies, through their proper officers, must make affidavit to the board of personal-tax appraisers on or before the 1st day of August each year as to the amount of its or their gross earnings for the preceding year ending the 30th day of June, and must pay per annum on such gross earnings as follows: Each national bank and all other incorporated banks and trust companies, respectively, 6 per cent; each gas company, 5 per cent; each electric lighting and telephone company, 4 per cent. And in addition thereto the real estate owned by each national or other incorporated bank and each trust, gas, electric lighting, and telephone company in the District of Columbia is taxed as other real estate in said District. Street railroad companies pay 4 per cent per annum on their gross receipts and other taxes. Insurance companies pay  $1\frac{1}{2}$  per cent on premium receipts.

All companies who guaranty the fidelity of any individual or individuals, such as bonding companies, pay  $1\frac{1}{2}$  per cent of their gross receipts in the District of Columbia.

Savings banks having no capital stock and paying interest to their depositors must, through their president or cashier, make affidavit to the board of personal-tax appraisers on or before the 1st day of August in each year as to the amount of their surplus and undivided profits, and pay a sum equal to  $1\frac{1}{2}$  per cent on the amount of their surplus and undivided profits on the 30th day of June preceding.

The capital stock of all corporations other than those herein provided for, organized in the District of Columbia or under the laws of any of the States or Territories of the United States, chiefly for the purpose of, and transacting business within, the District of Columbia, except those exempted by the laws relating to the District of Columbia, is appraised in bulk at its fair cash value by the board of personal-tax appraisers, and the corporation issuing the same is liable for the tax

thereon according to such value, and must pay a sum equal to 1½ per cent on the assessed valuation thereof; but from the assessed valuation of such capital stock is first deducted the value of any and all real estate owned by such corporation in said District, which real estate is separately taxed against said corporation. This does not include newspaper, real estate, and mercantile companies, which by reason of incorporation receive no special franchise or privilege; but all such corporations are rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed.

Building associations pay to the collector of taxes of the District of Columbia 4 per cent per annum on their gross earnings for the preceding year ending June 30.

All taxes levied under the foregoing provisions of this law are due, payable, and collectible in May of each year, and are subject to the same penalties for nonpayment thereof as the general tax on real estate, until distraint or sale.

Private banks or bankers, not incorporated, pay a tax of \$500 per annum. General brokers pay a tax of \$250 per annum. The Washington Stock Exchange pays \$500 per annum in lieu of tax on members thereof for business done on said exchange. Any broker who is a member of a regularly organized stock exchange located outside of the District of Columbia and transacting a brokerage business therein, pays \$100 per annum. If any person or firm shall have paid the tax provided for banks and bankers, such person or firm can not again be taxed as a broker or brokers. Note brokers pay a tax of \$100 per annum. Exceptions are made of cooperative associations whose business is restricted to the members of such association.

For entertainments given in church premises or private residences, where the proceeds are for church or charitable purposes and no rental is charged, no license is required.

Applications for licenses for shooting galleries must be accompanied with certificate from inspector of buildings that suitable precautions have been taken for public safety, and with written authority from majority of occupants and residents on the same side of the square in which proposed gallery is to be located, and also on confronting side of the square fronting opposite to the same. The chief of police is authorized to prescribe the caliber, firearms, and kind of cartridges to be used.

The Commissioners have discretion to refuse licenses for merry-go-rounds, flying horses, etc.

Applications for licenses for massage establishments, mediums, clairvoyants, soothsayers, fortune tellers, and palmists must have the approval of the chief of police.

Hucksters are furnished with badges corresponding to number of license, which must be worn while transacting business, in addition to

a corresponding number which must be attached to their vehicles. Hucksters' licenses need not be procured by persons bringing and selling at the several markets produce of their own raising.

The fire marshal must approve applications for licenses for buildings for storage of inflammable materials.

Persons violating any of the provisions of the license law, upon conviction thereof in the police court of the District of Columbia, are punishable by a fine of not more than \$500 for each offense, and in default of payment, by imprisonment not exceeding thirty days, in the discretion of the court. (32 Stat., pt. 1, 622 to 629.)

PERMIT FEES, LICENSE FEES, AND MISCELLANEOUS CHARGES.

[NOTES.—L. A., legislative assembly; B. R., building regulations; W. D., Webb's Digest of the laws of the former city of Washington. \* Indicates that the fee is not a public revenue.]

Agricultural exhibits, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.

Amusements not otherwise provided for, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.

Apothecaries, November 1, \$6 per annum.

Art exhibits, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.

Athletic grounds, \$20 per week, \$5 per day.

Auctioneers, November 1, \$100 per annum.

Automatic machines. (See Slot machines.)

Automobiles, autovehicles, etc., July 1, \$9 per annum.

Automobile establishments, November 1, \$25 license for ten vehicles or less per annum, \$2 each additional vehicle.

Awning permits, \$1 each awning. (B. R., sec. 31.)

Balls, \$3 per night.

Bankers, private (not incorporated), July 1, \$500 per annum.

Barrooms, November 1, \$800 per annum.

Baseball grounds, \$20 per week, \$5 per day.

Baths, November 1, \$25, Turkish, Russian, or medicated, per annum.

Billposters, November 1, \$20 per annum.

Billiard rooms, November 1, \$12 per annum for each billiard, bagatelle, jenny lind, or pool table, shuffle board, or other legitimate game table.

Boarding houses (public), November 1, \$1 per annum for each room.

Boiler and engine permits, \$1 each plant. (B. R., sec. 31.)

Bowling alleys, \$12 per annum.

Boxing schools, November 1, \$12 per annum.

Brewers, November 1, \$250 per annum.

Brewers' agents, November 1, \$250 per annum.

Brokers, real estate, November 1, \$50 per annum.

Brokers, railroad ticket, November 1, \$25 per annum.

Brokers, general, July 1, \$250 per annum.

Brokers, general (members of stock exchange), July 1, \$100 per annum.

Brokers, note, July 1, \$100 per annum.

Building contractors, November 1, \$25 per annum.

Buildings, new, permit for, \$2 each building. (B. R., sec. 33.)

Building permits, repairs or alterations, \$1 each building. (B. R., sec. 31.)

Carnivals, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.

- Carriages for hire, July 1, \$6, drawn by one animal, per annum; \$9, more than one animal, per annum; \$9 by other motive power, per annum.
- Carriage and wagon making establishments, November 1, \$25 per annum.
- Cattle dealers, November 1, \$15 per annum.
- Cattle exhibits, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.
- Cigar dealers, November 1, \$12 per annum.
- Circuses, \$200 per day.
- Claim agents, November 1, \$25 per annum.
- Clairvoyants, November 1, \$25 per annum.
- Commission merchants, November 1, \$40 per annum.
- Concerts, \$3 per night.
- Confectionery establishments, November 1, \$12 per annum.
- Contractors of all kinds, November 1, \$25 per annum.
- Cook shops, November 1, \$18 per annum.
- Dairy lunches, November 1, \$18 per annum.
- Deadly and dangerous weapons. Dealers in are required to file bonds of \$1,000 each but no fee is charged. (27 Stats., 117.)
- Dealers in markets, November 1, \$5 per annum.
- Death, certificate of, 50 cents each. (29 Stats., 695.)
- Dental examiners, board of; examinations by, \$10; certificates of, \$1. (27 Stats., 43.)
- Distillers or rectifiers, November 1, \$250 per annum.
- Dog licenses, \$2 each dog per annum. (20 Stats., 173.)
- Dogs, release of, from pound, \$2 each dog. (20 Stats., 174.)
- Druggists, November 1, \$6 per annum.
- Eating houses, November 1, \$18 per annum.
- Electromobiles, July 1, \$9 per annum.
- Employment agencies, November 1, \$25 per annum.
- Engineers, steam. (See Steam engineers.)
- Entertainments, \$3 per night.
- Entertainment halls, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.
- Excavations in streets, \$1 each. (B. R., sec. 31.)
- Exhibition halls, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.
- Exhibits—agricultural, art, cattle, floral, food, freaks, industrial, mechanical, museums, poultry, side shows, etc., November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.
- Explosives, \$1 per annum.
- Fairs, November 1, \$100 per annum, \$10 per week, \$5 each subsequent week, \$3 per day.
- Fencing schools, November 1, \$12 per annum.
- Fireworks, \$50 per annum.
- Fish-wharf privilege, annually sold to highest bidder. (W. D., 147.)
- \*Fish-wharf charges: Shad and other large fish at the rate of 20 cents per 100, herring at the rate of 20 cents per 1,000. (W. D., 147-149.)
- Florists, November 1, \$15 per annum.
- \*Flour, inspection of, 1 cent and one drawing per barrel or half barrel; 1 cent per 196 pounds of flour in sacks; \$5 in appeals to commissions of flour inspection. (30 Stats., 766.)
- Flying horses. (See Merry-go-rounds.)
- Football grounds, \$20 per week, \$5 per day.
- Fortune tellers, November 1, \$25 per annum.
- Fuel hucksters, November 1, \$5 per annum.

- Gas meters, inspection of, 50 cents each new meter, 20 cents for each repaired meter. (18 Stats., 279.)
- General brokers, July 1, \$250 per annum.
- General brokers (members of stock exchange), July 1, \$100 per annum.
- Golf grounds, \$20 per week, \$5 per day.
- Gasoline, \$5 per annum.
- Gymnasiums, November 1, \$12 per annum.
- Hacks. (See Carriages.)
- Hand laundries, November 1, \$10 per annum.
- Hay scales, annually, on or about July 10, sold to the highest bidder at public auction. (L. A., 369.)
- Hay, straw, fodder, or oats in the straw, fee of weighmaster for weighing:
  - \* For loads of 500 pounds or less, each, 10 cents. (L. A., 368.)
  - \* For loads between 500 and 2,000 pounds each, 35 cents. (*Ib.*)
  - \* For loads over 2,000 pounds each, 50 cents. (Attorney's Opinions, vol. 4, 309-485.)
  - \* For bundles or packages, each, 2 cents. (L. A., 368.)
- Heating plants, changes in, permits \$1. (B. R., sec. 31.)
- Hotels, November 1, \$1 per annum for each room for the accommodation of guests.
- Hucksters, April 1, \$12 per annum for each vehicle.
- Ice-cream parlors, November 1, \$18 per annum.
- Improvement and land companies. (See Land and improvement companies.)
- Inflammable oils, November 1, \$10 per annum for storing quantity exceeding 5 barrels.
- Insurance:
  - All companies and associations. For filing charter and other qualifying documents, together with issuing license to company, such license authorizing the company to issue only its own policies, \$10.
  - Local and foreign companies. Fee to be paid by the company, \$50. Each insurance company, local or foreign, desiring to act as agent for the purpose of receiving business from another company, or from agents or representatives of any other company, is required to procure a "general insurance license."
  - Foreign companies. Fee to be paid by the agent, \$50. Must be licensed under section 646 before they can in any way do business in the District of Columbia. A foreign company issuing its own policy to a person in the District of Columbia is not required to be represented by a principal or policy-writing agent. If such a company desires, however, to do business in the District by issuing policies there, then its representatives must hold a "general insurance license."
  - Principal or policy-writing agent's license. Fee to be paid by the agent, \$50. This "general insurance license" may be issued to a person, or a firm not exceeding two members, or an association, or to a corporation, or secretary or assistant secretary of either of such bodies having such officers. Under this form of license an unlimited number of companies may be represented by an agent; and power is granted to the licensee to appoint solicitors for each company he represents. A policy-writing agent may also act as broker.
  - Brokers' "general insurance license." Fee to be paid by broker, \$50. This license carries with it all the privileges granted a principal or policy-writing agent, except that the licensee can not issue policies nor appoint solicitors. A broker represents no company, but places the business he controls wherever he elects in companies that are licensed to do business in the District of Columbia.
  - Solicitor's license. Fee to be paid by the solicitor, \$5. A solicitor must be employed in some capacity by a company or its principal agent. License privilege is limited to one company only and the name of such company must be embodied in the license.



- Industrial solicitor's license. Fee to be paid by the solicitor, \$2. Limited to one company, and the name of such company must appear in the license. Licenses for companies, agents, solicitors, and brokers now doing business in the District will bear date as of January 1, 1902, and be in force until April 30, 1902, fees for which must be prepaid. Applications for annual licenses for the same must be applied for and prepaid during the month of March, 1902. Annual licenses take effect May 1, 1902. All licenses are transferable by assignment, fee for each assignment being 25 cents. (Order February 4, 1902.)
- Investment associations, November 1, \$100 per annum.
- Junk dealers, \$40 per annum. (26 Stats., 841.)
- Land and improvement companies, November 1, \$50 per annum.
- Laundries, November 1, \$20, steam or other power, per annum; \$10 per annum, operated by hand.
- Lawn fetes. (See Picnics.)
- Lecture halls, November 1, \$100 per annum; \$10 per week; \$5 each subsequent week; \$3 per day.
- License, transfer of, 50 cents each.
- Livery stables, November 1, \$25 per annum for 10 stalls; \$2 each additional stall.
- Liquor dealers, retail, November 1, \$800 per annum.
- Liquor dealers, wholesale, November 1, \$300 per annum.
- Liquors, brewers or manufacturers of, November 1, \$250 per annum.
- \* Lumber, inspection of, 30 cents per 1,000 feet B. M. (W. D., 462.)
- Market dealers of all kinds, November 1, \$5 per annum.
- Market stalls, schedule of monthly rates fixed by Commissioners, as follows:
- Eastern Market—
- Butcher, bacon, butter, and miscellaneous stands, \$4 each; fish, huckster, and baker stands, \$3 each. (Orders March 14, 1879; April 28, 1894.)
- Western Market—
- All stands except 8 dark stands, \$5 each.
- Eight dark stands, \$2.50 each. (Order December 31, 1906.)
- Georgetown Market—
- All stands, \$5 each. (Orders of December 1, 1894, and October 31, 1894.)
- Massage establishments, November 1, \$25 per annum.
- Maturity associations, November 1, \$100 per annum.
- \* Medical examiners, board of, examination by, \$10. (29 Stats., 199.)
- Medicated baths. (See Baths.)
- Mediums, November 1, \$25 per annum.
- Merry-go-rounds, \$12 per week; \$10 each subsequent week; \$3 per day.
- Note brokers, July 1, \$100 per annum.
- Omnibuses, July 1, \$6 per annum, one animal; \$9 per annum, more than one animal.
- Oyster houses, November 1, \$18 per annum.
- Palmists, November 1, \$25 per annum.
- Passenger transportation lines, November 1, \$6 per annum for each vehicle not exceeding 10 passengers; \$12 exceeding 10 passengers.
- Pawnbrokers, November 1, \$100 per annum.
- Peddlers, April 1, \$25 per annum.
- \* Pharmacy, commissioners of, for registration without examination, \$3; with examination, \$10. (20 Stats., 138.)
- Picnic grounds, November 1, \$100 per annum; \$10 per week; \$5 each subsequent week; \$3 per day.
- Plumbing board, examination and license of each applicant for master plumber's license, \$3. (30 Stats., 477.)
- Polo grounds, \$20 per week; \$5 per day.
- Pool rooms, November 1, \$12 per annum.

- Private banks or bankers (not incorporated), July 1, \$500 per annum.
- Produce dealers, April 1, \$12 per annum for each vehicle.
- Public school tuition of nonresident pupils: High school, \$43.79; eighth grade, \$30.42; seventh grade, \$25.08; sixth grade, \$23.60; fifth grade, \$20.53; fourth grade, \$20; third grade, \$17.27; second grade, \$16.42; first grade, \$15.26. (30 Stats., 1056; order of Commissioners, September 20, 1899.)
- Race tracks, \$20 per week; \$5 per day.
- Real estate brokers. (See Brokers, real estate.)
- Rectifiers. (See Distillers.)
- Restaurants, November 1, \$18 per annum.
- Russian baths. (See Baths.)
- Secondhand dealers of all kinds, November 1, \$40 per annum.
- "Seeing Washington cars." (See Passenger transportation lines.)
- Shed permits, \$1 each shed. (B. R., sec. 31.)
- Shooting galleries, November 1, \$12 per annum.
- Skating rinks, November 1, \$100 per annum; \$10 per week; \$5 each subsequent week; \$3 per day.
- Slot machines, November 1, \$2 per annum, each machine; \$50 per annum, unlimited number.
- Soothsayers, November 1, \$25 per annum.
- Steam engineers' licenses are of three grades—first, second, and third—the fee for each being \$3. Examination before board of engineers is required. Licenses are good until revoked or changed to higher grade. (Act of February 28, 1887.)
- Stock exchange, Washington, July 1, \$500 per annum.
- Surveyor's fees:
- For preparing for record a plat of the proposed subdivision of any recorded lot or part of lot, 50 cents for each lot in the new subdivision.
  - For preparing for record a plat of a proposed subdivision containing one or more squares, not more than \$20 shall be charged for the subdivision of each entire square.
  - For recording the above plats, after approval by the Commissioners of the District of Columbia, \$2.50 for each square and \$1.50 for any lot or part of a square.
  - For furnishing a copy of the plat and record of any square or part of square, \$2.50.
  - For examining any plat and calculating the area of any proposed subplot, 25 cents.
  - For preparing plats showing lines of any proposed minor street or alley to accompany petition for condemnation, \$5 for each plat.
  - For surveying and marking upon the ground the boundaries of any lot within the city of Washington east of Rock Creek, \$3; within the city of Washington west of Rock Creek, \$4; in the District of Columbia outside of the city of Washington in any subdivision recorded since 1888 and the lines of which are duly marked by stones approved by the surveyor of the District of Columbia, \$5. The above shall include a certified plat of the survey for the property owner or applicant.
  - For surveying and marking upon the ground the boundaries of any piece of ground in the county of Washington not contained in a subdivision recorded and marked as stated in the previous paragraph, \$20 per day for each day occupied in the field work and \$10 per day for each day occupied in computing lines, areas, and other office work.
  - For surveying and ascertaining the position of walls of any building with respect to the lines as laid down on plat of record in the surveyor's office or according to the description contained in deed, \$5 if building stands on a single lot; \$7.50 if building stands on two lots, and \$10 if building stands on three or more lots.
  - For examining the location of the walls of any building when the same shall have reached a height of not more than one foot above the footings, \$1.

## Surveyor's fees—Continued.

For any work not specifically described above the actual cost of labor and material will be charged.

No work will be begun by the surveyor for any private parties until the actual estimated cost of the same has been deposited with the collector of taxes and his receipt recorded in the office of the surveyor of the District of Columbia. (Orders of Commissioners, March 23, 1895, and February 7, 1902.)

Tax certificates, 50 cents each. (27 Stats., 37.)

Theaters, November 1, \$100 per annum, \$20 per week, \$10 less than one week.

Ticket brokers, railroad. (See Brokers, ticket.)

Tournaments. (See Race tracks.)

Turkish baths. (See Baths.)

Transfers of licenses, 50 cents each.

Undertakers, November 1, \$25 per annum.

Vaults under streets, \$1 each vault. (B. R., sec. 31.)

Vehicles for hire, July 1, \$6 per annum one animal, \$9 more than one, \$9 horseless or motor.

Victuallers, November 1, \$18 per annum.

Wagon-making establishments. (See Carriage-making establishments.)

Walls, party, measuring, \$5 each. (B. R., sec. 31.)

Washington Stock Exchange, July 1, \$500 per annum.

Water rents, shedule of:

## DOMESTIC RATES.

The rate for domestic purposes shall be charged according to stories and front feet. On all tenements two stories high, with a front width of 16 feet or less, \$4.50 per annum. For each additional front foot or fraction thereof greater than one-half, 30 cents.

NOTE.—In cases where the frontage of a house is greater than the depth the rent will be based upon the less dimension. In the case of houses situated on triangular or irregular lots the rent will be based upon the mean depth, or mean frontage, depending upon which is less.

For each additional story or part thereof, one-third of the charges as computed above.

NOTE.—The word "story" shall be held to include basements, cellars, and attics containing space used or fitted out for use for domestic purposes, unless such space be used exclusively for kitchens, laundries, storage rooms, or bath rooms.

## METER RATES.

The rate to be charged for water supplied through meters shall be 3 cents a hundred cubic feet.

The supply of water shall be determined by meter to all manufacturing establishments, hotels, swimming baths, bottling establishments, gas tanks, railroad yards, steamboats and wharves, brickyards, and other places requiring a large quantity, including all premises using fountains or automatic fixtures and all premises for business purposes on which the water rent, according to the following schedule of rates, is \$25 or more per annum. The listing of certain premises on that schedule does not exempt them from the requirements of the law with regard to the use of meters.

In case of premises required by law to be supplied with water by meter the supply of water to any portion thereof for any purpose shall be determined by meter. A minimum rate of \$4.50 will be charged against all consumers supplied with water by meters.

## SPECIAL BUSINESS AND MISCELLANEOUS RATES.

In every case where dwelling houses or tenements are occupied also for business purposes, or vice versa, the regular charge for domestic purposes according to the above rates shall be made, and in addition thereto the special business rate as hereinafter specified.

NOTE.—In cases where a story is used entirely for business purposes it will not be reckoned in the charge for domestic purposes. Special and miscellaneous business shall be charged at the following rates, viz:

Apartment houses having two or more tenements:

For each and every flat or suite of connecting rooms, having the water facilities of a dwelling house, \$4.50.

Armories, according to fixtures.

Bakeries, from \$1 to the amount requiring meter (\$25).

Barber shops, first chair, \$3; each additional chair, \$1.50.

Bar rooms and restaurants from \$15 to the amount requiring meter (\$25).

Billiard and pool rooms, from \$1 to the amount requiring meter (\$25).

Boarding schools, according to the number of fixtures.

Club houses, according to the number of fixtures.

Club rooms, \$3 per room.

Colleges (law, medical, business, etc.), according to the number of fixtures.

Cows, 25 cents each.

Dye houses, \$1 to the amount requiring meter (\$25).

Eating houses and lunch rooms, from \$1 to the amount requiring meter (\$25).

Fixtures in business establishments, not otherwise listed, \$3 for each fixture.

Florists, \$1 to the amount requiring meter (\$25).

Gas engines, \$4 per horsepower.

Horses, private, \$1.50 each, said sum to include water for washing carriages.

Horses for all other purposes, 75 cents each.

Laundries, \$1 to the amount requiring meter (\$25).

Machinery using water, according to the rate for stationary engines and boilers.

Mills, \$5; machinery extra, according to the rate for stationary engines.

Motor vehicles, other than bicycles or tricycles, 75 cents each.

Office buildings, according to the number of fixtures.

Offices, \$3 each.

Printing houses, from \$1 to \$10; machinery in same using water shall be charged in addition thereto according to the rate for stationary engines.

Photograph galleries, \$1 to amount requiring meter (\$25).

Public baths, \$4 for each tub.

Stationary engines, \$3 per horsepower; boilers without engines, \$1.75 per horsepower.

Stores, shops, confectioneries, dairies, and warehouses, \$1 to the amount requiring meter (\$25).

Street washers, where parties use same and water is not taken in the house, shall be charged at the rate of from \$3 to \$10 per annum; exterior fountains, street washers and other hose connections may be used only between the hours of 5 o'clock and 8 o'clock p. m., and 5 o'clock and 8 o'clock a. m.

Slaughterhouses, from \$5 to the amount requiring meter (\$25).

Stables, domestic purposes over same, \$3.50.

The water registrar is hereby authorized to grant permission to occupants of such premises as have no water supply of their own, upon written permission from an adjacent water taker, to use the water, upon the payment of the water rent as stipulated herein.

*Rebates.*—That hereafter whenever the owner or occupant of any premises shall make request of the water registrar in writing to have the water cut off from such premises, before the beginning of the fiscal year, for the reason that the said premises are to be closed for a certain period, and shall, upon his return, request the water registrar in writing to turn on the water, the water rent against the said premises shall be counted only from the date the water is turned on, instead of from the beginning of the fiscal year.

*Transfers.*—When tenants move from one house to another so much of the water rent paid by the said tenant on the premises vacated as covers the unexpired portion of the fiscal year may, on application to the water office be credited on the water rent due on the new premises: *Provided*, That the application for such transfer be accompanied by the receipted bill for premises vacated.

In charging business establishments for using Potomac water not supplied through meters, no allowance or deduction from the schedule rates shall be made on account of water claimed to be supplied from wells. Reserve boilers and machinery shall be charged for at full schedule rates.

All water required for purposes which are not specified in the foregoing schedule shall be paid for at such rates as may be fixed by the Commissioners.

All annual water rents are due and payable in advance on the 1st day of July in each year.

All charges for specific supplies and for fractional parts of a year are due and payable in advance of the use of the water. In all cases of failure to pay the annual water rent within thirty days after same is due and payable, and charges for specific supplies or fractional parts of the year in advance of the use of the water, the supply shall be cut off, and the flow not again restored until the water rent is paid, as also a penalty of \$2 and the actual expense, if any, incurred by the water department in cutting the street for the purpose of shutting off and restoring the flow of water.

All persons taking water are hereby required to keep their service pipes and fixtures connected with such service pipes in good condition and repair, and protected from frost, at their own expense; to prevent all unnecessary waste of water, and keep the trench in which their service pipe was laid, from the main to the building line, in good order and condition.

The hose shall not be used in the avenues or streets to wash off carriages, omnibuses or other vehicles, or for watering or washing horses. Caps upon the said pavement or street washers must, when the washers are not in use be kept screwed securely down, and not project above the foot pavement.

The Commissioners reserve the right, whenever they may deem it necessary in order to furnish the supply necessary for domestic purposes, to cause the flow of water to be discontinued for all other purposes.

The Commissioners of the District of Columbia are hereby authorized to furnish Potomac water without charge to orphan asylums and charity schools, and such institutions as receive annual appropriations from Congress, to an amount to be fixed in each case by said Commissioners, not to exceed the rate of 100 gallons per average capita of inmates per diem; and for all water used beyond such an amount the institution shall be charged at the prevailing rate for the use of water in the District. They are further authorized to furnish Potomac water without charge to churches to an amount to be fixed in each case by the Commissioners; any amount used in excess to be charged as hereinbefore provided. (33 Stat. pt. 1, 742, Feb. 23, 1905.)

Whenever the owner of any premises shall make request of the water registrar in writing, on or before the beginning of the fiscal year, to have the water cut off from such premises, before the beginning of the said fiscal year, for the reason that the premises are to be

closed for a certain period, and shall upon his return request the water registrar in writing to turn on the water, the water rent against said premises shall be counted only from the date that the water is turned on, instead of from the beginning of the fiscal year. (Order November 1, 1900.)

If any person or persons shall remove the cover from any stopcock box or turn on or off the supply of water by means of said stopcock on the service pipe or otherwise, without the authority of the water registrar, such person or persons shall be liable to a fine of not less than \$10 nor more than \$50 for each offense.

If any occupant of premises into which has been introduced the water shall permit the same to run or waste unnecessarily from any hydrant, cock, jet, street washer, or other fixture, or to flow from his fountain into adjacent premises and there used, or to be taken from or used by any person other than said occupant or a member or visitor of his family, except in case of fire; or if any hydrant, jet, cock, street washer, or other fixture be found leaking, and said occupant, owner, or agent of the premises shall refuse or neglect to have the necessary repairs made without delay; or refuse admission to the water registrar or other authorized agent of the Commissioners into his premises when in the official discharge of his duties, the person so offending shall pay a fine of not less than \$5 nor more than \$30 for each offense, and the supply of water shall be stopped from said premises until satisfactory assurance is given the water registrar that the like case will not occur again.

Weights and measures, for testing and sealing, as follows:

Dry measure, over half bushel.....	\$0.25
Dry measure, half bushel or less:	
1 to 10, inclusive (each).....	.10
1 to 25, inclusive (each).....	.09
1 to 50, inclusive (each).....	.08
1 to 100, inclusive (each).....	.07½
Ice cream measure:	
1 to 50, inclusive (each).....	.10
1 to 100, inclusive (each).....	.08
1 to 200, inclusive (each).....	.07
200 or over (each).....	.06
Liquid measures over 1 gallon (each).....	.25
Liquid measures, 1 gallon or less:	
1 to 10 measures, inclusive (each).....	.10
1 to 25 measures, inclusive (each).....	.09
1 to 50 measures, inclusive (each).....	.08
1 to 100 measures, inclusive (each).....	.07½
Milk can, 1 gallon or more:	
1 to 50 cans, inclusive (each).....	.25
1 to 100 cans, inclusive (each).....	.20
Over 100 cans (each).....	.15

Milk bottles and jars, glass (each 100 bottles).....	\$0. 50
Scales, coal, semiannually.....	2. 00
Scales, counter, semiannually.....	. 25
Scales, counter, platform, over 200 pounds, semiannually.....	1. 00
Scales, counter, platform, under 200 pounds, semiannually.....	. 50
Scales, hay, semiannually.....	2. 00
Scales, platform, semiannually.....	1. 00
Scales, potato, semiannually.....	. 25
Scales, railroad, large, semiannually (first 10 tons).....	2. 00
Scales, railroad, large (each ton over 10).....	. 25
Scales, wagon, semiannually.....	2. 00
Spring balance, semiannually after July 1, 1903.....	. 25
Weights, sealing of (each).....	. 10
Yard measures sealed, annually (each).....	. 10
(28 Stats., 811. Orders of Commissioners, April 23, 1896; August 16, 1897; July 29, 1901.)	
Washington Market Company. Franchise rental per annum, \$7,500.	
Wharf for sale of fish. (See Fish wharf.)	
Wharf property along James Creek Canal, rent of, 8 per cent per annum on estimated value. (Order of Commissioners of November 5, 1890.)	
Wharves on Potomac River, rental of.	
Wood, inspection of, 9 cents per cord. (W. D., 276.)	

#### AUTHORITY TO MAKE PUBLIC VEHICLE RATES.

The Commissioners are directed to prepare and change from time to time, a reasonable scale of charges by cabs, taxicabs, and public vehicles, for the transportation of passengers, and to prescribe penalties for violation thereof. (D. C. appropriation act, March 3, 1909.)

#### EXCISE BOARD.

The excise board determine to whom license to sell intoxicating liquors by wholesale or retail shall be issued. Their action is regulated by law and rules and regulations which they are authorized by law to make. (See p. 144.)

This board consists of the assessor as ex officio chairman, and the three permanent assistant assessors, who are designated by the assessor to assess real property, and compose said board. (Act July 1, 1902.)

For the license fees for selling such liquors see "Methods of taxation" (p. 171).

#### AUDITOR'S OFFICE.

The auditor has general oversight of the financial affairs of the District of Columbia. He passes upon all accounts affecting the general revenues, which are derived from taxes, licenses, fines in the police and criminal courts, fees from justices of the peace, market rentals, and minor miscellaneous sources, together with those relating to the water fund and the various special and trust funds. He is also required by law to audit all disbursements made wholly or in part from District revenues, unless the acts of Congress appropriating

therefor specifically provide otherwise, as in the case of the sinking fund, the expenditures of which are under the control of the Treasurer of the United States, ex officio commissioner of the sinking fund; to prepare and countersign all checks issued by the disbursing officer, to render monthly to the Auditor for the State and other Departments detailed statements, with accompanying vouchers, of all expenditures made by the disbursing officer, duly certified by the Commissioners of the District of Columbia, and to keep account of all obligations against appropriations.

#### DISBURSEMENTS.

All disbursements of District moneys, except where otherwise specifically provided by law, as those for the sinking fund, which are made by the Treasurer of the United States, ex officio commissioner of that fund, are made by the disbursing officer upon claims or accounts audited and approved by the auditor of the District of Columbia.

The disbursing officer is appointed by the Commissioners of the District of Columbia, and gives bond to the United States in the sum of \$50,000, conditioned for the faithful performance of the duties of his office in the disbursing and accounting, according to law, for all moneys of the United States and of the District of Columbia that come into his hands; which bond must be approved by the Commissioners and the Secretary of the Treasury and be filed in the office of the Secretary of the Treasury. Advances in money, for which he must account, are made to him from the United States Treasury on the requisition of the Commissioners, and his checks for disbursements must be countersigned by the auditor.

But in order to further insure accuracy, the organic law requires that the accounts of said Commissioners and the tax collectors and all other officers required to account shall be also settled and adjusted by the accounting officers of the Treasury Department of the United States. (20 Stats., 105.) This auditing falls within the purview of the Auditor for the State and other Departments, subject to review by the Comptroller of the Treasury.

#### FISCAL YEAR.

The fiscal year begins with July 1 and terminates with the 30th of the succeeding June.

#### SINKING FUND.

The management of the funded debt of the District is vested by law in the Treasurer of the United States. The sinking fund of this debt is paid by the United States and the District of Columbia in equal parts.



On December 31, 1908, the funded debt amounted to \$10,117,730.18, all but \$1,080.18 of which was in 3.65 per cent bonds. The amount of these bonds issued to that date was \$14,997,300, or within \$2,700 of the limit fixed by law. (21 Stats., 286.)

#### PROPOSALS FOR MUNICIPAL WORK.

When any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of \$1,000, notice must be given in one newspaper in Washington, and if the total cost shall exceed \$5,000 then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore, also, for one week, for proposals, with full specifications as to material for the whole or any portion of the works proposed to be done. (20 Stats., 105.)

The lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon must in all cases be accepted, but the Commissioners have the right, in their discretion, to reject all such proposals. (Ib.)

The Commissioners also invite proposals for all kinds of work, material, supplies, and other purchases involving any considerable cost, and whenever in their judgment the public interests will be best subserved thereby.

#### CONTRACTS.

Work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than \$1,000 (ib.); nor to less than \$500 (34 Stats., pt. 1, 546).

All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature must be made and entered into only by and with the official unanimous consent of the Commissioners of the District. (Ib., 106.)

The Commissioners may make separate contracts for materials and for labor in executing public works. (22 Stats., 125.)

All contracts shall be copied into a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than \$100 shall be valid until recorded and signed as aforesaid. (20 Stats., 106.)

Pursuant to an order dated August 2, 1878, all contracts are prepared by and recorded by the Engineer Commissioner.

The Comptroller of the Treasury orally advised the Commissioners that books composed of one of each of the original contracts bound

together would meet the requirements of this law as to copying contracts into a book. This secures accuracy and also obviates the labor of transcribing them, which involves the copying of a large amount of printed matter included in the forms.

#### OFFICERS AND CONTRACTORS' BONDS.

Good and sufficient bonds to the United States, in a penal sum *not less than 25 per centum of the estimated cost of work or material*, with sureties to be approved by the Commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners. (20 Stats., 106; 33 Stat., pt. 1, 704.) A bond is not necessary with contracts for not more than \$500. (34 Stat., pt. 1, 546.)

Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District. (Ib., 103.)

#### BIENNIAL EXAMINATION OF OFFICIAL BONDS.

Every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years, and as much oftener as he may deem it necessary. (20 Stats., 807.)

#### RENEWAL OF OFFICIAL BONDS.

Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, or oftener if he deem such action necessary. In his discretion a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service, pending the appointment and qualification of his successor. The nonperformance of any of said requirements on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States, and the liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal; nor shall anything in the foregoing be construed to repeal or modify section 3836 of the Revised Statutes of the United States. (Ib.)

## TERM OF CONTRACTORS' LIABILITY.

Contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts. (20 Stats., 106; 33 Stat., pt. 1, 704.)

## RETENTS FROM CONTRACTORS.

That on all contracts made by the District of Columbia for construction work there shall be held a retent of ten per centum of the cost of such construction work as a guaranty fund to keep the work done under such contracts in repair, and that the terms of such contracts shall be strictly and faithfully performed. On contracts for the construction of asphalt, tar, brick, cement, or stone pavements the retent shall be held for a term of five years from the date of completion of the contract. On contracts for the construction of bridges and sewers the retent shall be held for a term of one year from the date of completion of the contract. On contracts for the construction of buildings, and other contracts for construction work, the retent shall be held until the completion of the work. All retents for one year or more shall be deposited with the Treasurer of the United States as now required by law. (31 Stat., pt. 1, 94.) Extended to cover all contracts for "buildings and other contracts for construction work." (34 Stat., pt. 1, 929.)

## PUBLIC SCHOOLS.

The supreme court of the District of Columbia is authorized to appoint nine persons, bona fide residents of the District of Columbia, and who have been such for five years immediately preceding their appointment, to constitute a board of education, and whose term of office is three years, except that the terms of the persons first appointed terminate as follows: Three for one year, three for two years, and three for three years, to serve without compensation.

The board has complete jurisdiction over all administrative matters connected with the public schools of the District of Columbia, except that all expenditures of public funds for such school purposes are made and accounted for as now provided by law under the direction and control of the Commissioners of the District of Columbia. The board makes all needful rules and regulations which may be proper for the government and control of schools, and makes annual report to the Commissioners of the District of Columbia, who transmit the same to Congress, of the condition and operations of said schools, and the sanitary and structural condition of all buildings in use, as well as those in course of construction, with recommendations as to needed changes.

The board has power to appoint one superintendent for all the public schools of the District of Columbia, two assistant superintendents—one of whom, under the direction of the superintendent, has charge of schools for colored children; and has power to employ and remove all teachers, officers, and other employees connected with the public schools not already specified. Graduates of the normal schools have preference in all cases when appointments of teachers for the grade schools are to be made. The superintendent shall have the direction of and supervision in all matters pertaining to the instruction in all the schools under the board of education.

Twelve medical inspectors of public schools, four of whom shall be of the colored race, at \$500 each, shall be appointed by the Commissioners only after competitive examination, and shall have had at least five years' experience in the practice of medicine in the District of Columbia, and shall perform their duties under the direction of the health officer and according to rules formulated from time to time by him, which shall be subject to the approval of the board of education and the Commissioners.

The board annually sends to the Commissioners of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year, which the Commissioners include in their annual estimate of appropriations for the District of Columbia, with such recommendations as they deem proper. (31 Stats., 564.)

For convenience of administration the schools are classified into divisions, each of which includes a certain number of schools and is under the immediate surveillance of a separate supervising principal; but these divisions have no definite geographical boundaries.

The maximum number of pupils enrolled in the public schools of the District of Columbia for 1908 was 57,013. The white and colored pupils are taught in separate schools.

#### PAY OF OFFICERS.

The pay of officers shall be as follows: The superintendent, \$5,000; the assistant superintendents, \$3,000 each; director of intermediate instruction, supervisor of manual training, and supervising principals, \$2,200 per annum, with an increase of \$100 per year for five years.

Director of intermediate instruction, supervisor of manual training, and supervising principals who may be hereafter appointed shall be appointed at the minimum salary provided unless the said salary is less than that received at the time of his appointment.

When a teacher is on trial or being investigated he or she shall have the right to be attended by counsel and by at least one friend of his or her selection.

## NONRESIDENT PUPILS.

Pupils shall not be admitted to nor taught free of charge in the public schools of the District of Columbia who do not reside in said District, or whose parents do not reside or are not engaged in business or public duties therein: *Provided*, That such pupils may be admitted to and taught in said public schools on payment of such amount, to be fixed by the board of school trustees, with the approval of the Commissioners of the District, as will cover the expense of their tuition and cost of text-books and school supplies used by them; and all payments hereunder shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

## INDUSTRIAL HOME SCHOOLS.

The institution for white children is situated on the east side of the Tennallytown road, a short distance north of the city of Washington.

Its object is to provide for the care and elemental instruction in handicraft, in connection with the ordinary mental studies, of children between the ages of five and fifteen years who, from indigency or neglect, would otherwise be deprived of such care and instruction. (29 Stats., 410.) It is managed by a board of trustees appointed by the Commissioners.

The home school for colored children is at Blue Plains, and managed by a superintendent provided for by annual appropriation.

## PUBLIC LIBRARY.

This institution is located on Mount Vernon Square, which belongs to the United States, but the building was erected at a cost of \$350,000, at the expense of Mr. Andrew Carnegie, whose action in the matter was inspired by a suggestion made to him by Hon. Brainard H. Warner.

It is managed by a board of trustees appointed by the Commissioners.

## BOARD OF CHARITIES.

A Board of Charities, to consist of five members, residents of the District, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, each for a term of three years, but in such manner that the terms of not more than two of them

shall expire in any one or the same year. The members of said board shall serve without compensation. No member shall serve as trustee or other administrative officer of any institution subject to the visitation of the said board. The board shall elect a president and vice-president from among its own members, and shall appoint a secretary and such other officers, inspectors, and clerks as it may deem proper, and fix the number, duties, and compensation thereof subject to appropriations of Congress.

The said Board of Charities shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character which are supported in whole or in part by appropriations of Congress, made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such Board of Charities, except in the case of persons committed by the courts, or abandoned infants needing immediate care. The officers in charge of all institutions subject to the supervision of the Board of Charities shall furnish said board, on request, such information and statistics as may be desired; and to secure accuracy, uniformity, and completeness of such statistics the board may prescribe such forms of report and registration as may be deemed to be essential; and all plans for new institutions shall, before the adoption of the same, be submitted to said board for suggestion and criticism. The Commissioners of the District of Columbia may at any time order an investigation by the board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said board or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the Commissioners. All accounts and expenditures of said board shall be certified as may be required by the Commissioners, and paid as other accounts against the District of Columbia. The said board shall make an annual report to Congress, through the Commissioners of the District of Columbia, giving a full and complete account of all matters placed under the supervision of the board, all expenses in detail, and all officers and agents employed, with a report of the secretary, showing the actual condition of all institutions and agencies under the supervision of the board, the character and economy of administration thereof, and the amount and sources of their public and private income. The said report shall also include recommendations for the

economical and efficient administration of the charities and reformatories of the District of Columbia. The said board shall prepare and include with its annual report such estimates of future appropriations as will, in the judgment of a majority of its members, best promote the effective, harmonious, and economical management of the affairs under its supervision; and such estimates submitted shall be included in the regular annual Book of Estimates. No member or employee of said board shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution which the board is authorized to investigate and supervise (31 Stats., 664).

BOARD OF CHILDREN'S GUARDIANS.

AN ACT to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians.

That there shall be created in and for the District of Columbia a board to be known as the Board of Children's Guardians, composed of nine members who shall serve without compensation, the said board to be a body politic and corporate and to have the powers and to be constituted in the manner hereinafter provided.

SEC. 2. That the members of the Board of Children's Guardians shall be appointed by the judges of the police court and the judge holding the criminal court of the District of Columbia, met together for that purpose, the assent of a majority of such judges being necessary to appointment in each case: *Provided*, That there shall always be at least three representatives of each sex upon the board. Of the nine members first appointed after the passage of this act, three shall be appointed for one year, three for two years, and three for three years. Thereafter all appointments, except such as shall be made for the remainder of unexpired terms, shall be for the term of three years. The judges of the police court and the judge holding the criminal court, or a majority of them, when met together for that purpose, may remove for cause any member of the board: *Provided*, That such member shall be given an opportunity to be heard in his own defense.

SEC. 3. That the board shall elect from its own members a president, vice-president, and secretary, who shall severally discharge the duties usual to such offices, or such as the by-laws of the board may prescribe. The board shall have the power, subject to the approval of the Commissioners, to employ not more than two agents, at an annual compensation not exceeding two thousand four hundred dollars for the two, and prescribe their duties, and to conclude arrangements with persons or institutions for the care of dependent children at such rates as may be agreed upon.

SEC. 4. That said board shall have the care and supervision of the following classes of children: First. All children committed under

section two of the act approved February thirteenth, eighteen hundred and eighty-five, entitled, "An act for the protection of children in the District of Columbia, and for other purposes." Second. All children who are destitute of suitable homes and adequate means of earning an honest living, all children abandoned by their parents or guardians, all children of habitually drunken or vicious or unfit parents, all children habitually begging on the streets or from door to door, all children kept in vicious or immoral associations, all children known by their language or life to be vicious or incorrigible whenever such children may be committed to the care of the board by the police court or the criminal court of the District; and power is hereby given to these courts to commit such children when not over sixteen years of age to said board: *Provided*, That the laws regulating the commitment of children to the reform schools of the District shall not be deemed to be repealed in any part by this act. Third. Such children as the board of trustees of the Reform School for Boys or the Reform School for Girls may, in their discretion, commit to the Board of Children's Guardians, and power is hereby given the board of trustees of the said reform school to commit any inmate of their respective institutions to the said board of guardians, conditionally upon the good behavior of the child so committed. Fourth. Under the rules to be established by the board, children may be received and temporarily cared for pending investigation or judgment of the court.

SEC. 5. That the board shall be the legal guardian of all children committed to it by the courts, and shall have full power to board them in private families, to board them in institutions willing to receive them, to bind them out or apprentice them, or to give them in adoption to foster parents. Children received from the reform schools shall be placed at work, bound out or apprenticed, and at any time before attaining majority may be returned to the school from which they came, if in the judgment of the board of guardians such a course is demanded by the interest of the community or the welfare of the child. All children under the guardianship of the board shall be visited not less than once a year by an agent of the board, and as much oftener as the welfare of the child demands. Children received temporarily may not be kept longer than one week, except by order of the police court or the criminal court.

SEC. 6. That the antecedents, character, and condition of life of each child received by the board shall be investigated as fully as possible, and the facts learned entered in permanent records, in which shall also be noted the subsequent history of each child, so far as it can be ascertained.

SEC. 7. That the Commissioners of the District shall have authority to prescribe the form of records to be kept by the board of guardians,



and the methods to be employed by them in paying bills and auditing accounts; and an annual report of its operations hereunder shall be made by the board to the superintendent of charities. The superintendent of charities shall have full powers of investigation and report regarding all branches of the work of the board, as well as over all institutions in which children are placed by the board; and it shall be his duty to recommend annually the appropriations which in his judgment are necessary to the carrying on of its work.

Approved, July 26, 1892. (27 Stats., 268.)

AN ACT to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the judges of the criminal and police courts of the District of Columbia are hereby authorized and empowered, at their discretion, to commit to the custody and care of the Board of Children's Guardians of the District of Columbia children under seventeen years of age who shall be convicted of petty crimes or misdemeanors which may be punishable with fine or imprisonment; and said Board of Children's Guardians shall place, under contract, such children in such suitable homes, institutions, or training schools for the care of children as it may deem wise and proper.

SEC. 2. That no court shall commit a child under seventeen years of age, charged with or convicted of a petty crime or misdemeanor punishable by a fine or imprisonment, to a jail, workhouse, or police station; but if such child be unable to give bail or pay a fine, it may be committed to the Board of Children's Guardians temporarily or permanently, in the discretion of the court, and said board shall make some suitable provision for said child outside the inclosure of any jail, workhouse, or police station, or said court may commit such child to the reform school under the laws now providing for such commitment.

SEC. 3. That for the purpose of aiding the court in a proper disposition of cases referred to in section one the Board of Children's Guardians is hereby authorized and directed to designate one of its employees as a probation officer, whose duty shall be to make such investigation in cases involving children under seventeen years of age as the court may direct, to be present in court in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take charge of any child before and after trial as may be directed by the court.

SEC. 4. That any person within the District of Columbia, of sufficient financial ability, who shall refuse or neglect to provide for any child under the age of fourteen years, of which he or she shall be the

parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by a fine of not more than one hundred dollars, or by imprisonment in the workhouse of the District of Columbia for not more than three months, or both such fine and imprisonment.

SEC. 5. That whenever petition or information shall have been filed in any court of the District of Columbia authorized to commit children to the care, custody, and guardianship of the Board of Children's Guardians for such commitment of any child, and upon the hearing of the same before said court it shall appear to the satisfaction of the court that such child is entitled to be committed as aforesaid under or by virtue of any of the provisions of the act of Congress approved July twenty-sixth, eighteen hundred and ninety-two, entitled "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," and if said evidence tends to show that such child has a father or a mother, either of whom is able to contribute to the support of such child, either by reason of having means or property or having an income consisting of wages or salary due for personal services or labor or otherwise, but fails or neglects so to do, then the proper prosecuting officer shall file in the police court of the District of Columbia an information charging said father or mother, or both, with such failure or neglect, and upon conviction thereof the said court shall require the father or the mother of such child, or both such father and mother, to contribute by stated payments, to be made to said Board of Children's Guardians, toward the support of such child such sum or sums, monthly, weekly, or otherwise, as in the judgment of said court either or both such father and mother should and may be able to pay; and the courts aforesaid may at any time hear and determine any petition for an order for contribution toward maintenance of any child who has heretofore been or who may hereafter be committed to the guardianship of the Board of Children's Guardians, or for modifying or suspending the operation of any such order previously made.

SEC. 6. That any person against whom an order for contribution toward maintenance may have been made, as provided for in this act, who shall refuse or neglect to make such payments as ordered, shall be deemed guilty of contempt, and upon conviction thereof shall be sentenced to suffer imprisonment in the workhouse of the District of Columbia for not less than three months nor more than one year, and such imprisonment shall not exempt such person from additional imprisonment for further neglect or refusal to make contribution as aforesaid: *Provided, however,* That if, after such conviction, any such parent shall appear before the court before which such conviction

shall have taken place and shall show to the satisfaction of the court that the amount due under such order, up to the time of conviction, has been paid, and further, with good and sufficient surety, to be approved by said court, shall enter into bond to the United States in the penal sum of five hundred dollars, conditioned that he will thereafter pay such sums as may have been ordered or that may thereafter be ordered to be paid by said court until such order shall be revoked, the said court may suspend sentence therein during the continuance of such bond.

SEC. 7. That the disbursing officer of the Board of Children's Guardians shall receive and shall be responsible under his bond for all moneys paid to said board under the provisions of this act, and shall pay the amounts so received by him into the Treasury of the United States within twenty days after the close of each fiscal quarter.

SEC. 8. That all acts and portions of acts inconsistent with the provisions mentioned above are hereby repealed, and the terms of the provisions in the above sections shall become law on and after the date of approval.

Approved March 3, 1901. (31 Stats., 1095.)

When the Board of Children's Guardians place in private families children committed to the guardianship of said board by the courts of the District, such children shall, as far as practicable, be placed only in such families as are of the same religious denomination or belief as the parents or last surviving parent of the child. (31 Stat., 843.)

#### THE NATIONAL TRAINING SCHOOL FOR BOYS AND THE GIRLS' REFORM SCHOOL.

There are two institutions in the District, one for boys (16 Stats., 119) and one for girls (25 Stats., 245), the object of which is the reformation of boys and girls who are not susceptible of parental discipline, or who become liable to punishment by imprisonment for minor infractions of the law. Each of these institutions is managed by a separate board of trustees.

The National Training School for Boys (sundry civil act, May 23, 1908) is situated on the Bladensburg road, about 2 miles north of the city of Washington; the Reform School for Girls is on the Conduit road, near the District line.

The boards of trustees of these institutions are appointed by the President of the United States.

#### INSANE.

Indigent insane persons resident of the District of Columbia are admitted for temporary detention into the Government Hospital for the Insane, at the expense of said District, at the request of the Com-

missioners, and for permanent care and treatment when committed upon the Commissioners' request based upon the finding of a marshal's jury, confirmed by the justice holding the equity court.

Nonresident indigent insane persons found in the District of Columbia are admitted upon the same conditions as the former, but it is the duty of the Commissioners to return them to their homes so soon as their domiciles can be ascertained.

#### WORKHOUSE.

The workhouse is for the confinement of persons convicted of minor offenses against the laws and sentenced to imprisonment for comparatively short terms. Prisoners who are able to work and whom it is deemed prudent to employ outside of the workhouse are required to do various kinds of labor in the various departments of the asylum and on the asylum grounds and the public works.

#### WASHINGTON ASYLUM.

The object of this institution is the public relief and maintenance by the District of poor, infirm, and diseased persons who are in need of such assistance. All of its inmates who are able to work are required to be occupied in some kind of useful employment.

#### JAIL.

When any person is sentenced to imprisonment for a term not exceeding six months, the court may direct that such imprisonment shall be either in the workhouse or in the jail. When any person is sentenced for a term longer than six months and not longer than one year, such imprisonment shall be in the jail, and where the sentence is imprisonment for more than one year it shall be in some penitentiary.

#### INSURANCE DEPARTMENT.

The Commissioners appoint a superintendent of insurance, who, subject to the Commissioners' general directions, has supervision of all matters pertaining to insurance, insurance companies, and beneficial orders and associations.

It is the duty of the superintendent to see that all laws of the United States relating to insurance or insurance companies, benefit orders, and associations doing business in the District are faithfully executed, with the object of preventing loss to insured persons through the mismanagement or insolvency of such companies.

The list of fees exacted of such companies was established by order of February 4, 1902, and is embraced among the items under head of "Methods of taxation."

## METROPOLITAN POLICE DEPARTMENT.

Appointees on the police force of the District of Columbia must be able to read, write, and speak the English language, be a citizen of the United States, and have resided in the District for two years next preceding the appointment, never have been indicted and convicted of crime, be at least 5 feet 8 inches in height, between 22 and 35 years of age, of good health and reputation, and must pass an examination as to his knowledge in the elementary branches of education and as to his knowledge of the principal localities of the District.

The Metropolitan police district of the District of Columbia shall be coextensive with the District of Columbia, and shall be subdivided into such police districts and precincts as the Commissioners of said District may from time to time direct.

The Commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force according to such rules and regulations as said Commissioners in their exclusive jurisdiction and judgment may from time to time make, alter, or amend: *Provided*, That original appointments of privates on said police force at the time this Act takes effect shall be classified as follows: Class one: Privates who have served under their present appointments less than three years shall be included in class one, and at the expiration of three years from the date of said appointment shall be promoted to class two, if the conduct and intelligent attention to duty of such privates shall justify such promotion. Class two: Privates who have served under their present appointments more than three years and less than five years shall be included in class two, and after the expiration of five years from the date of said appointment shall be promoted to class three, if the conduct and intelligent attention to duty of such privates shall justify such promotion. Class three: Privates who have served under their present appointments more than five years shall be included in class three. All original appointments of privates shall be made to class one, and promotions shall be made from class one to class two in order of appointment to the force after three years' service as privates of class one, and from class two to class three after five years' service as privates of class two, in all cases where the conduct and intelligent attention to duty of any private shall justify such promotion.

The said Metropolitan police force shall consist of one major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law, et al. (34 Stat. pt. 1, 221.)

## STREET-RAILWAY CROSSING POLICEMEN.

In addition to the above-mentioned force, the Commissioners are required to station special policemen at such street-railway crossings and intersections in the city of Washington as they deem necessary. The expense of that service is paid pro rata by the respective street-railway companies, according to the number of cars of each company operated over such crossings. The present number of such officers on duty is 37, and their compensation \$75 per month each. They must possess the same qualifications for appointment and are subject to the same rules and discipline as members of the regular force. (30 Stats., 489.)

## PRIVATE DETECTIVES.

Private detectives may be appointed, who shall give bond, satisfactory to the Commissioners, for at least \$10,000, and be subject to all laws which govern the police force in respect to persons, property, and money. (14 Stats., 214.)

## ADDITIONAL AND SPECIAL POLICEMEN.

Additional policemen are appointed by the Commissioners, whose jurisdiction extends over a definite and limited area, practically the immediate vicinity of the property of the persons who apply for their appointment (12 Stats., 322): for instance, the vicinage of a number of business houses and stores.

Special policemen are appointed under the act of March 3, 1899, on the application of corporations or individuals, or in the Commissioners' own discretion, for duty in connection with some specified property, as that of a railroad company or a storehouse. As in case of additional policemen, their compensation is paid by the person or corporation at whose instance they are appointed. They are subject to such general regulations as the Commissioners may prescribe. (30 Stats., 1057.)

The power of special policemen shall only be exercised by them in connection with the property of or under the charge of the corporation or individual upon his application for that appointment. (Order of Commissioners, June 7, 1899.)

## POLICE PRECINCTS.

For facility of administration the police department is divided into 10 precincts, at each of which is a central station, located as hereinafter stated. The substation at Anacostia is in the fifth precinct.

## HOUSE OF DETENTION.

The house of detention is a branch of the police department, where all persons under 17 years of age and women and girls over that age

under arrest or held as witnesses to offenses against the laws are detained pending examination or trial.

The building occupied for this service is No. 505 Eighteenth street NW.

#### POLICE PATROL AND AMBULANCE SYSTEMS.

The police patrol system consists of a number of structures called "patrol boxes," generally distributed throughout the District, which contain apparatus for telephonic communication with the several police stations; and of a number of vehicles to transport persons under arrest without requiring the arresting officer to leave his beat unguarded.

An ambulance system is also under the supervision of the police department, to provide transportation for sick or injured persons in cases of emergency to a place where medical or surgical care and treatment may be promptly provided.

#### SURGEONS OF POLICE AND FIRE DEPARTMENTS.

The members of the police and fire departments and the watchmen at the public parks are entitled to the gratuitous service of the surgeons of the police and fire departments. These surgeons also make preliminary examinations of persons alleged to be insane and examine candidates for positions in the police and fire departments to determine whether they are physically suitable for service in those departments.

#### POLICE FUND.

The police fund is derived from the following sources:

All fines imposed by the Commissioners upon members of the police force by way of discipline, and collectible from pay or salary; all rewards, fees, proceeds of gifts, and any portion of emoluments that may be paid and given for extraordinary service of any member of said force, which he shall not be allowed to retain. (12 Stats., 581.)

All moneys arising from the sale of unclaimed goods in the custody of the property clerk of the police department. (Ib., 325.)

One dollar per month deducted from the pay of each regular policeman. (23 Stats., 316.)

From fines in police court, enough to meet any inadequacy of other sources named. (29 Stats., 404; 31 Stats., 820.)

From receipts for dog licenses, enough to meet any inadequacy of other sources named. (31 Stats., 820.)

The sum so deducted shall be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the Commissioners for expenditures made in pur-

suance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District. (23 Stats., 316.)

And said fund shall be used as follows:

The superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law (February 28, 1901), shall receive not exceeding \$100 per month; and if, in case of the death from injury or disease of any of said officers, he leave children under 16 years of age, or a widow, the same shall be for their relief during the period of widowhood, or until such children reach the age of 16 years: but not exceeding \$50 per month for a widow nor \$25 per month for a child. (Ib., see also act March 1, 1905 (33 Stats., 821); see p. 193.)

For the relief of any policeman who, by injury received or disease contracted in line of duty, or, having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow, or children under sixteen years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of \$50 per month; and a sum not exceeding \$75 may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District. (23 Stats., 316.)

For medical or surgical service or treatment not rendered by a surgeon of the police and fire departments, or any other like extraordinary expense rendered necessary by disability or injury contracted in the line of duty, when in the judgment of the Commissioners such expenditure is proper. (12 Stats., 325.)

The present expenditures from this fund are about \$82,000 a year.

#### POLICE CLOTHING FUND.

This department also has a fund to provide new uniforms or parts thereof to replace any part of such equipment destroyed or materially damaged during the discharge of especially hazardous duty. This fund is derived from moneys received for rewards for arrest of deserters from the Army or Navy, and from voluntary contributions, and miscellaneous sources.

#### FIRE DEPARTMENT.

The fire department of the District of Columbia embraces the entire territory of the District.

Appointees of the fire department must possess the same qualifications as those of the police department, except that they must not weigh less than 150 pounds nor be under 23 years of age nor over 35.

The apparatus of the department also embraces a water tower and a number of combination chemical engines and hose wagons.



## FIRE MARSHAL.

It is the duty of the fire marshal to ascertain as accurately as he can the cause of fires and the amount of loss occasioned thereby; to supervise the storage and use of highly inflammable substances, so as to minimize the risk and extent of damage by their combustion in that state, and to perform such other duties as may be assigned to him to lessen the probability and extent of loss to structures and injury to persons in consequence of fires.

## FIREMEN'S RELIEF FUND.

The firemen's relief fund is derived from deductions of \$1 per month from the pay of each fireman (23 Stats., 317), and deficiency therein is met out of the receipts from fines in the police court (29 Stats., 404) and from dog licenses, in common with the police fund. (31 Stats., 820.) Fines imposed upon the force by way of discipline, and collectible from pay or salary, are also placed in this fund.

The deductions aforesaid shall be invested in United States or District bonds and held in the manner provided by existing law in respect to the police fund.

And said firemen's relief fund shall be used as follows:

"SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and all other officers of said department of and above the rank of captain, the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding one hundred dollars per month; and in case of the death from injury or disease of any member of the police or fire department, if he be unmarried and leave a dependent mother, who is a widow, the same shall be for her relief during the period of widowhood, or if he leave a widow, or children under sixteen years of age, the same shall be for their relief during the period of widowhood, or until such children reach the age of sixteen years: *Provided*, That in no case shall the amount paid to such dependent mother or widow exceed fifty dollars per month, nor shall the amount paid for a child exceed twenty-five dollars per month."

Approved, March 1, 1905. (33 Stats., 821.)

For the relief of any fireman who shall by reason of injuries received or disease contracted in the line of actual fire duty, going to, at, or returning from a fire, or, having served not less than fifteen years

shall become so permanently disabled as to be discharged from service therefor, and in case of the death of such fireman from such injury or disease, leaving a widow or children under 16 years of age, for their relief: *Provided*, That no fireman shall be entitled to any of the benefits of this relief fund who may by reason of his own indiscretion bring on any injury or disease which may incapacitate him from the performance of his duties as a member of the fire department or who shall be retired for such cause or causes: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of \$50 per month, and a sum not exceeding \$75 may be allowed from such fund to defray the funeral expenses of any fireman dying in the service of the District. (29 Stats., 405.)

“SEC. 4 a. That hereafter whenever any member of the fire department of the District of Columbia in the actual discharge of his duty shall become so disabled by injury as to require medical or surgical services or treatment other than such as can be rendered by the board of police and fire surgeons, the expense of such services or treatment may be paid from the firemen's pension fund: *Provided*, That no such expenses shall be paid except upon the recommendation of the chief engineer of the fire department, approved by the Commissioners of said District, and such recommendation must be accompanied by a certificate from a member of the board of fire surgeons setting forth the nature and cause of the sickness or disability which rendered such services or treatment necessary.” Approved, February 27, 1909.

The present expenditures from this fund are about \$37,000 per annum.

#### HEALTH DEPARTMENT.

The Commissioners appoint for such term of office as they deem advisable a health officer, who must be a physician, and who, as such officer, executes and enforces, under the direction of the Commissioners, all laws and regulations designed to protect the public health. (20 Stats., 107.)

Among the health officer's duties are the medical inspection of the public schools; the enforcement of the laws and regulations which relate to the prevention of the sale and use of deleterious articles of food; the isolation of persons ill with contagious diseases, in order to prevent the spread of such diseases, and the prevention of the introduction of such diseases from other localities; the impounding of vicious and unlicensed dogs and of other animals unlawfully kept or at large; the prevention and abatement of nuisances injurious to health; the enforcement of the law for the prevention of the emission of dense black or gray smoke; keeping a record of vital statistics, and furnishing transcripts of such records.

## BOARDS OF MEDICAL EXAMINERS.

The Commissioners of the District of Columbia appoint three boards of medical examiners. One of them is known as the board of medical examiners of the District of Columbia, and is composed of five physicians in good standing who are adherents to the regular system of medical practice. Another is known as the board of homeopathic medical examiners of the District of Columbia, and is composed of five physicians of good standing, adherents to the homeopathic system of medical practice, selected from a list of ten names submitted by a majority vote at some regular meeting of the Washington Homeopathic Medical Society. The other is known as the board of eclectic medical examiners of the District of Columbia, and is composed of five members in good standing, adherents to the eclectic system of medical practice, selected from a list of not less than ten names submitted by a majority vote at some regular meeting of the Eclectic Medical Society of the District of Columbia.

The members of each board serve for a term of three years each, or until their several successors are appointed. They must have been engaged in the practice of medicine and surgery in the District of Columbia for not less than five years at the time of appointment. In case of failure of the two medical societies to submit the lists mentioned, after fifteen days' notice from the Commissioners, the Commissioners may make appointments without such nomination.

It is the duty of these boards to examine and certify to the board of medical supervisors the qualifications of all applicants for authority to practice medicine or surgery in the District of Columbia.

A special board is appointed by the board of medical supervisors to make like certification as to applicants for authority to practice midwifery.

It is the duty of the several boards of medical examiners to examine all applicants for license to practice medicine and surgery in the District of Columbia certified to them respectively by the board of medical supervisors, in accordance with such rules as the board of medical supervisors, with the approval of the Commissioners, shall make. (29 Stats., 198.) For fees see "Methods of taxation."

## BOARD OF MEDICAL SUPERVISORS.

The board of medical supervisors consists of the presidents of the three boards of medical examiners before mentioned and two other persons not physicians, one of whom shall be learned in the law, to be appointed by the Commissioners of the District of Columbia for a term of three years, or until their successors are appointed. Not more than two members of said board shall be adherents of any one

system of medical practice. The two lay members shall be paid such reasonable compensation as the Commissioners shall determine.

The secretary of this board may be elected from others than its own members and be entitled to the same fees for taking testimony that are allowed an examiner in chancery for such service.

This board, or a majority thereof, may issue a license to each applicant for authority to practice medicine, surgery, or midwifery in the District of Columbia who shall be found qualified therefor. No person shall so practice without such license, except surgeons of the U. S. Army, Navy, or Marine-Hospital Service, regularly licensed physicians and surgeons in actual consultation from other States and Territories, or regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia. But said prohibition shall not apply to the treatment of any case of actual emergency, to the practice of massage or the so-called Swedish movement cure, nor to the use of ordinary domestic remedies, without fee, gift, or consideration of any kind.

Any balance of the amount received for license fees remaining after the regular expenses of the board shall be met shall be divided among the three boards of medical examiners. (Ib.)

#### COMMISSIONERS OF PHARMACY.

The Commissioners, biennially, or as often as vacancies occur, appoint three pharmacists and two physicians, all of whom shall have been residents of the District of Columbia for five years and had at least five years practical experience in their respective professions, who shall be styled commissioners of pharmacy, and who serve as such, without compensation, until their successors are appointed and qualified.

It is the duty of the commissioners of pharmacy to register all persons found qualified to practice the business of pharmacists in the District of Columbia, as prescribed by law, and no person not so registered shall conduct a store, pharmacy, or place for retailing, compounding, or dispensing drugs, medicines or chemicals for medicinal use or for compounding or dispensing physicians' prescriptions. The fees received by these commissioners shall be applied in payment of expenses incurred by them in executing the law. (20 Stats., 138.) For rate of fees see under "Methods of taxation."

#### BOARD OF DENTAL EXAMINERS.

The Commissioners appoint, for terms of five years, a board of dental examiners, consisting of five reputable dentists, residents of,

and for three years immediately preceding their appointment actively engaged in the practice of dentistry in, the District.

No person shall commence the practice of dentistry in the District who has not received a certificate from the board of dental examiners that he is qualified to practice dentistry, which has been duly registered with the health officer.

The expenses of the board are paid from the fees received for making examinations of applicants for such certificates. (27 Stats., 42.)

The rate of fees appears under "Methods of taxation."

#### STREET CLEANING.

Many portions of the roadways of the paved streets are swept by horse machines under contract made for a period of five years. Other portions of such streets are cleaned by hand sweeping machines, the operatives of which are employed by the superintendent of the street cleaning department, and uniformed in white to facilitate surveillance by the overseers and to secure neatness in their appearance.

The unpaved streets and alleys are cleaned under two contracts also made for a term of five years.

The daily area cleaned by hand in 1908 was 1,345,000 square yards. The hand sweeping machines are the property of the District.

The machine cleaning is done under contract at 22 $\frac{3}{4}$  cents per 1,000 square yards. During the past year 1,157,000 square yards of paved surface were cleaned daily.

The unimproved streets are cleaned by contract at the contract price of \$73.80 per day. For this sum the contractor furnishes 34 laborers, 11 horses and carts with drivers, and all tools necessary to do the work. The area cleaned during 1908 was 97,000 square yards.

The alley cleaning is done under contract at 40 cents per 1,000 square yards.

During 1908, 47 miles of unimproved streets and avenues were sprinkled daily, the cost of which was \$480,805.

#### COLLECTION AND DISPOSAL OF CITY REFUSE.

The Commissioners enter into contract for periods not exceeding five years each for the removal of ashes and miscellaneous refuse from private residences, and for the collection and disposal of garbage, dead animals, and other noxious refuse wherever found in the District, and prescribe regulations for the government of this branch of the public service.

All garbage collected must be disposed of through a reduction or consumption process in such manner as to entail no damage or claim against the District of Columbia from such disposal, and be subject to the inspection and approval of the Commissioners. All garbage contracts expressly provide that no garbage or other vegetable or animal matter shall be dumped into the Potomac River or any other waters, fed to animals, or exposed to the elements upon land.

The garbage so collected at present is carried by railroad down the west shore of the Potomac about 25 miles, to Cherry Hill, where it is converted into fertilizing material and other valuable by-products.

The contract rate for the collection and disposal of garbage is \$78,400 per annum. The contractors are required to make collections as follows: Daily throughout the year from markets, hotels, restaurants, apartment houses, and such like places; daily, except Sunday, from residences within the fire limits; and triweekly without the fire limits from May 1 to September 30, inclusive; and triweekly and semiweekly in the corresponding territories during the balance of the year.

In 1907, a total of 41,269 tons of garbage was collected and disposed of as against 39,975 tons the previous year, an increase of 1,294 tons.

The contractor for miscellaneous refuse is required to collect weekly throughout the year, both within and without the fire limits, from private residences, apartment houses with not to exceed four families, and boarding houses with not to exceed 25 rooms.

Ashes are collected from private residences, apartment houses with not to exceed four families, and boarding houses with not to exceed 25 rooms as follows: Semiweekly within the fire limits and weekly without the fire limits from November 1 to April 15, inclusive; and weekly, both within and without the fire limits during the balance of the year.

#### ELECTRICAL AND STREET-LIGHTING SERVICE.

The fire-alarm and telephone systems belonging to the District government, the street-lighting service, and the construction and condition of all electrical installations are subject to the surveillance of the District official styled "the electrical engineer."

The street-lighting service consists of gas, electric, and oil lights; the use of the latter is almost entirely confined to the country roads and remote suburbs. The cost of this service is paid out of the public funds, except the expense of lighting streets on which steam railroads are operated, which is paid by the railroad companies to which the railroads so used belong, and the cost of lighting a small number of crossings, where suburban street railways and country roads intersect, which is paid by the street-railway company whose tracks are crossed by such roads.

Both gas and electricity for lighting purposes are furnished by private companies.

## CHILD LABOR.

No child under fourteen years of age shall be permitted to work in any factory, workshop, mercantile establishment, store, business office, telegraph or telephone office, restaurant, hotel, apartment house club, theatre, bowling alley, laundry, bootblack stand, or in the distribution or transmission of merchandise or messages; nor in any work for wages or other compensation, when the public schools are in session, nor before six o'clock a. m. nor after seven p. m., except children employed in the Senate, or under permit of the judge of the juvenile court, who may permit the employment of any child between twelve and fourteen years at any proper occupation necessary for its support, or a disabled, ill, or invalid father or mother, younger brother or sister or widowed mother.

No child under sixteen years of age shall be employed in any of the establishments named unless the employer keeps accessible to the inspectors and truant officers, an age and schooling certificate, and lists of all such children, conspicuously posted near the principal entrance of the building in which such children are employed.

No minor under sixteen years of age shall be suffered to work in any of the establishments named more than eight hours in any one day, or before the hour of six o'clock antemeridian, or after the hour of seven o'clock postmeridian, and in no case shall the number of hours exceed forty-eight in a week.

Every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end.

No male child under ten and no girl under sixteen years of age shall exercise the trade of bootblacking, or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever, upon the streets, roads, or highways, or in any public place; nor shall any male child under sixteen years exercise the trade of bootblacking or so sell or expose or offer for sale any newspapers, magazines, etc., unless a permit and badge shall have been issued to him.

But no child to whom a permit and badge are so issued shall so sell or expose or offer for sale any newspapers, magazines, etc., after ten o'clock in the evening or before six o'clock in the morning.

Nothing in this law shall apply to the employment of any child in a theatrical exhibition, provided the written consent of one of the Commissioners of the District of Columbia is first obtained.

(Act May 28, 1908.)

## EXAMINERS IN VETERINARY MEDICINE.

A board of examiners in veterinary medicine is appointed by the Commissioners of the District of Columbia, consisting of five reputable practitioners of veterinary medicine, who shall have graduated from some college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said District for three years last past before appointment, and each, during said period, shall have been actively engaged in the practice of his profession in said District. The appointments first made shall be one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter appointments shall be for a period of five years, except such as are occasioned by death, resignation, or removal, in which cases the appointments shall be for the remainders of the unexpired terms: *Provided*, That the said Commissioners may, in their judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

The Commissioners of the District of Columbia shall have power to require any or all officers of said board to give bond to the District of Columbia in such form and penalty as they may deem proper. The said board shall in the month of July in each year submit to said Commissioners a full report of its transactions during the twelve months immediately preceding.

(Act of February 1, 1907.)

## STREET RAILWAYS.

All street railways operated in the District of Columbia do so under charters granted by Congress.

## WATER SUPPLY.

The water-supply system is owned and controlled by the Government.

The water supply is obtained from the Potomac River by means of a dam at Great Falls, and thence through an aqueduct, about 17 miles long, and a system of settling and storage reservoirs. This aqueduct has a circular section of 9 feet diameter for the upper 14 miles, and a D-shaped section of the same diameter for the remainder. This part of the water-supply system is under the charge of the Chief of Engineers of the United States Army. A sand filtration plant is an adjunct to this service.

The distribution of the water to private consumers is effected by a system of mains and services laid and controlled under the supervision of the District government.

The cost of laying mains is paid out of the water fund, but private property for whose special benefit minor water mains are laid is specially assessed therefor at a flat rate of \$1.25 per front foot.

The average daily delivery of water by this system is about 65,000,000 gallons.



For charges for use of water and assessments for water main, see under head of "Methods of taxation."

A limited supply of water is derived from a few shallow and 33 deep wells, constructed by the District government and variously distributed.

#### SEWER SYSTEM.

The sewerage system consists of a number of trunk sewers which will intercept and convey to the pumping station at the southern extremity of New Jersey avenue the entire sewage of the city and the storm water of the lower portion of the Tiber Valley. The sewage will be pumped from the pumping station across the Anacostia River in an inverted siphon; thence carried along the left bank of the Potomac River to near the United States naval magazine, where it will be discharged into the river. The pumping station also includes a plan for elevating the storm water of the low area of the city adjacent to Pennsylvania avenue during freshet stages of the Potomac, discharging the same into the Anacostia River.

#### SURVEYOR.

The Commissioners appoint a surveyor of the District of Columbia for a period of four years, at a salary of \$3,000 per annum. (28 Stat., 689.) His principal duty is to measure and mark the boundaries of lots or other subdivisions of land, and furnish certificates of such measurement and the area of the lots, in square feet, to persons applying to him for such services, and to do similar work for the District. The Commissioners fix a schedule of fees to be charged by him for all work done for private persons, to be paid into the Treasury. The surveyor charges no fees for work done by him for the District.

The surveyor also requires applicants for surveys of unsubdivided tracts to provide monuments to be used in connection with such surveys. (Order February 15, 1902.)

For list of fees of this office, see under head "Methods of taxation."

#### HARBOR MASTER.

The laws and regulations to prevent the obstruction or pollution of the harbor and to maintain the public peace in its vicinity are enforced by the harbor master, under the direction of the major and superintendent of police, who also performs many other germane services. His duties are facilitated by a steam vessel, and a crew, and several police officers subject to his direction. He is a lieutenant of police assigned to that duty. (33 Stat., pt. 1, 902.)

#### WHARF PROPERTY AND HARBOR LINES.

The Commissioners of the District of Columbia have exclusive jurisdiction over all wharf property belonging to the United States or the District of Columbia in said District, and the waters adjacent thereto

within the pier lines, except from the north line of the Arsenal grounds to the southern curb of N street south, and 500 linear feet of shore line in the flushing reservoir at the foot of Seventeenth street west and the western curb of said street, including a levee 100 feet wide.

The Commissioners and the Chief of Engineers of the Army are authorized to make all necessary rules and regulations for the proper care of said property, and fix the rate of wharfage; but no lease shall extend beyond the period of ten years.

The Commissioners and the Chief of Engineers of the Army, with the approval of the Secretary of War, have fixed the harbor lines. (L. R. 107740; 30 Stats., 1377.)

#### PUBLIC BATHS.

A free public bathing beach was constructed on the shore of the tidal reservoir under authority of an act of Congress approved September 6, 1890, and was maintained until abandoned on September 1, 1902.

Several ponds formerly used by the Fish Commission for purposes of fish culture have been transferred to the District authorities for public baths, and are in course of adaptation to such use.

The expense of management and maintenance is paid out of the District's revenues, as other general expenses are met. A small fee is charged for the hire of bathing suits to bathers who do not use their own, and this fee is paid into the Treasury, as other revenues of the District are deposited.

#### STEAM ENGINEERS.

It is unlawful for any person (except engineers who have been licensed by the United States Government or the laws of any State) to act as steam engineer in the District of Columbia who shall not have been regularly licensed to do so by the Commissioners thereof, and have been examined by a board of examiners composed of the boiler inspector of the District of Columbia and two practical engineers to be appointed by the District Commissioners, under rules and regulations the Commissioners from time to time provide. For fees see "Methods of taxation."

Steam engineers must be at least 21 years of age and of temperate habits.

The fee for a license as such is \$3 for original examination or promotion.

For intoxication on duty, for the first offense the license shall be suspended for six months; for the second offense, twelve months; and for the third offense shall be revoked and the licensee ineligible for license for five years.

Any owner or lessee of steam boiler or engine (except boilers used for steam heating, where the water returns to the boiler without the use of a pump and injector or inspirator, and which are worked automatically), or the secretary of any corporation, who shall knowingly employ a steam engineer as such who has not been regularly licensed, shall be fined \$50, or in default confined one month in the workhouse. (24 Stats., 427.)

#### PARKS AND PARKING.

The parking and trees along the sidewalks are under the supervision and control of the Commissioners of the District.

There are approximately 85,000 sidewalk trees.

The large parks in the city, such as that around the White House and the Monument, the various parked squares, and the circles and triangular parks formed by the intersection of streets and avenues, are under the control of the officer in charge of public buildings and grounds, who is an officer of the Corps of Engineers of the Army.

Rock Creek Park is under charge of a board of control composed of the Commissioners of the District of Columbia and the Chief of Engineers of the Army. It contains approximately 1,600 acres. (26 Stats., 492; 28 Stats., 252; 31 Stats., 573.)

The Zoological Park contains approximately 175 acres and is under charge of the Secretary of the Smithsonian Institution. (25 Stats., 808; 26 Stats., 78; 31 Stats., 561; 31 Stats., 622.)

The Potomac Park contains 621 acres. It consists of the greater part of the large tract of land south of north B street which has been reclaimed from the Potomac River, and is under the general charge of the Chief of Engineers of the Army. (29 Stats., 624; 31 Stats., 622.)

#### INSPECTION OF BOILERS.

The inspector of boilers is appointed by the Commissioners, and required by law to examine and test once each year every steam boiler used by private persons in the District for developing power to operate machinery, and condemn for use those which he decides to be unsafe. He is entitled to exact a fee of \$5, for each examination from the owner of each boiler he so tests, but receives no salary from the District government for that service. (L. A., 433.)

All boilers and engines shall also be subject to such safety tests as the Commissioners prescribe. (24 Stats., 427.)

#### INSPECTION OF BUILDINGS.

It is unlawful to erect, alter, repair, remove, or demolish any private building in the District without permission of the Inspector of Buildings and in accordance with the building regulations. The inspector is also charged with the duty of causing defective or dangerous structures to be demolished.

## FEES FOR BUILDING PERMITS.

The Commissioners of the District of Columbia are hereby authorized and directed, from time to time, to prescribe a schedule of fees to be paid for permits, certificates, and transcripts of records issued by the inspector of buildings of the District of Columbia, for the erection, alteration, repair, or removal of buildings and their appurtenances, and for the location of certain establishments for which permits are now or hereafter may be required under the building regulations of the District of Columbia, said fees to cover the cost and expense of the issuance of said permits and certificates and of the inspection of the work done under said permits; said schedule shall be printed and conspicuously displayed in the office of said inspector of buildings; said fees shall be paid to the collector of taxes of the District of Columbia and shall be deposited by him in the Treasury of the United States to the credit of the revenues of the District of Columbia. (District of Columbia appropriation act, Mar. 3, 1909.)

## SEALER OF WEIGHTS AND MEASURES.

The principal duty of the sealer of weights and measures is to require that all scales, weights, and measures used by storekeepers and others to determine the weight or quantity of goods they buy or sell conform with the standard weight or size fixed by law and to affix his seal to those that are correct and destroy those that are not. The person by whom the scale or measure is used must pay a small fee for the service thus performed by this official. The fees so collected are paid into the Treasury as part of the District revenues.

For fees see 'Methods of taxation.'

This officer also has immediate supervision of the commissioners of flour, inspectors of wood, lumber, flour, boilers, and gauger of spirituous liquors, who receive the fees established by law for their services in lieu of salaries.

## SUPPLIES.

The property clerk supervises the purchase and distribution of all supplies and stores for the use of the government of the District of Columbia. He gives bond in such sum as the Commissioners require. These supplies are furnished under contracts entered into with the lowest responsible bidders after due newspaper advertisement, except in cases of emergency, when special authority is given to purchase in open market.

## INSPECTION AND MEASUREMENT OF FIREWOOD.

It is contrary to law to sell any firewood brought into the District unless it has been inspected and approved by an inspector and measurer appointed by the Commissioners for that purpose, whose duty it is to determine all questions as to the quality of the wood and as to its measurement, according to law. The compensation of these officials is derived from fees which are paid by the person who sells the wood. (W. D., 275; L. A., 176.)

They get no salary from the District government.

For rate of fees see "Methods of taxation."

## INSPECTION OF FLOUR.

The Commissioners are required to appoint two inspectors of flour, whose duty it is to examine all flour sold within the District of Columbia, to ascertain whether it conforms in weight to the requirements of law and in quality to the standards fixed from time to time by the commissioners of flour inspection. (30 Stats., 765; 31 Stats., 218.)

For the rate of fees see "Methods of taxation."

## COMMISSIONERS OF FLOUR INSPECTION.

The Commissioners appoint three good and competent judges of flour who must be either practical millers, bakers, or flour merchants, as commissioners of flour inspection, to select standards for the guidance of the inspectors of flour. They are entitled to a fee of \$5 each for each inspection on appeal. (30 Stats., 767.)

## INSPECTION OF GAS AND GAS METERS.

The Commissioners appoint an inspector and assistant inspector of gas and meters, who are paid an annual salary as other salaries of the officers of the District government are paid, who must not be a stockholder nor employee in any gas works. Their duty is to test and determine the illuminating power and purity of the gas furnished by any company or person, and to test, prove, and seal all meters used by them.

The assistant inspector must be a gas fitter by trade (18 Stats., 278).

Both give bond in double the amount of their salary.

The fees of the office must be deposited in the Treasury as other revenues.

For the rate of such fees see under "Methods of taxation."

## INSPECTION OF LUMBER.

All boards, plank, joist, scantling, and timber brought to and offered for sale in the District, which have not previously been inspected and measured and not marked with such measurement by an inspector and measurer of lumber duly appointed by the Commissioners, must be

inspected and measured by one of those officials, of whom there are five, who are entitled to receive for such services a fee of 30 cents per 1,000 feet B. M., one-half of which shall be paid by the buyer and the other half by the seller. (W. D., 252, 461; L. A., 176, 258.)

#### INSPECTION OF PLUMBING.

It is the duty of the inspector of plumbing to require all plumbing, drainage, and sewerage work in connection with private premises to be done in accordance with the plumbing regulations. (27 Stats., 21.)

He shall inspect, or cause to be inspected by his assistants, all houses when in course of erection in said District to see that the plumbing, drainage, and ventilation of sewers thereof conform to the regulations. Also, at any time during reasonable hours, on application of the owner or occupant, or the complaint under oath of any respectable citizen, to inspect, or cause to be inspected, any house in said District, and to examine the plumbing, drainage, and ventilation of sewers thereof.

It is also his duty to examine and pass upon all plans and specifications filed in his office for proposed plumbing work and house drainage under the plumbing regulations.

He also examines and considers, in connection with the health office, all plans for sewage disposal by means of broad irrigation or subsoil irrigation.

#### PLUMBING BOARD.

The plumbing board consists of two master plumbers, one journeyman plumber, and two employees of the District of Columbia having a knowledge of plumbing, gasfitting, and sanitary work, all appointed by the Commissioners. A majority of said board is a quorum. (30 Stats., 477.)

It is the duty of the plumbing board to examine all applicants for license as master plumbers or gas fitters and to report the results of examinations to said Commissioners, who issue a license to the applicant if satisfied that he is duly qualified. For fees see "Methods of taxation."

#### HAY SCALES.

Public weighing scales are located at several places in the District where it is convenient for farmers who bring hay to market in wagons to have each load weighed and obtain a certificate from a public weighmaster showing its weight, which must be done before the hay can be sold. (L. A., 367.)

The weighmaster is not appointed like other officers of the District, but is a person who has bought at a public auction sale, which is held each year about the 1st of July, the right to use the public scales for one year and exact from persons whose produce or animals he weighs the fees prescribed by law for his services, for rates of which see schedule of fees under heading "Methods of taxation."

## PUBLIC MARKETS.

Three markets in the District are under the control of the District authorities. One of them, at Seventh and C streets SE., is named the "Eastern Market" (L. A. 141, 375, 495); one at Twenty-first and K streets NW., called the "Western Market" (L. A., 217); and one in Georgetown, called the "Georgetown Market" (Acts of Georgetown, August 8, 1863).

The receipts from these markets during the fiscal year ended June 30, 1908, were \$17,729.57, and the authorized expenditures were \$10,236.30, including \$700.21 for repairs.

## CORONER.

It is the duty of the coroner to hold an inquest over any dead person where the manner and cause of death are not known to be accidental or in the course of nature and to report to the grand jury the facts ascertained at inquests in all cases where the circumstances seem to require judicial investigation. (L. A., 174, 248, 292; 21 Stats., 461.)

His duties in case of absence or disability are performed by a deputy coroner. (28 Stats., 488.)

The total number of deaths investigated by the coroner during the fiscal year 1902 was 865, of which 218 were from accidents and other forms of violence.

## JUDICIARY.

The judiciary of the District of Columbia consists of a court of appeals, a supreme court, a police court, the municipal court, a number of United States commissioners, and a juvenile court.

The court of appeals of the District of Columbia consists of a chief justice and two associate justices. The compensation of the chief justice is \$7,500 per annum and that of the associate justices \$7,000 per annum each.

The members of this court are appointed by the President and confirmed by the Senate, and hold office during good behavior.

The jurisdiction of this court extends to the review of the final orders and judgments of the supreme court of the District, and from such of its interlocutory orders as the court of appeals may allow in the interest of justice. It also has jurisdiction in cases of suits and controversies in law and equity arising under the patent or copyright laws, and damages for the infringement of any patent by action on the case in accordance with sections 4919, 4920, 4921, chapter 1, Title LX, Revised Statutes of the United States. Any party aggrieved by the decision of the Commissioner of Patents in any interference case may appeal therefrom to the court of appeals.

An appeal lies from the final judgment or decree of the court of appeals to the Supreme Court of the United States in all cases in which the matter in dispute exceeds \$5,000, and also without regard to the sum in dispute wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of any statute of or an authority exercised under the United States.

The supreme court of the District of Columbia consists of one chief justice, with five associate justices, whose compensation is \$6,000 per annum each. The members of this court are appointed by the President of the United States and confirmed by the Senate, and hold office during good behavior. This court is a court of general jurisdiction, and it also has the same powers and exercises the same jurisdiction as the circuit courts of the United States. It has cognizance of all crimes and offenses committed within the District, and of all cases in law and equity between parties, both or either of whom shall be resident or be found within the District, and also of all actions or suits of a civil nature at common law or in equity in which the United States shall be plaintiff or complainant, and of all seizures on land or on water, and of all penalties and forfeitures arising or accruing under the laws of the United States. It is invested with jurisdiction to issue writs of mandamus to executive officers of the Federal and municipal governments, it has also appellate jurisdiction over justices of the peace. It has jurisdiction of all applications for divorce, and may entertain petitions for change of name; and it has concurrent jurisdiction with justices of the peace when the amount in controversy exceeds \$50 and is less than \$300. Appeals lie from this court to the court of appeals. It is divided into a circuit court, an equity court, a district court, a criminal court, and a probate court.

The police court consists of two judges, whose compensation is \$3,000 per annum each. They are appointed by the President of the United States for a term of six years. The jurisdiction of the court extends to the disposition of cases involving minor offenses against the criminal laws and the holding of persons brought before it for the action of the grand jury. Appeals lie from this court to the court of appeals.

The judge of the juvenile court is appointed by the President of the United States for a term of six years, and is entitled to a salary of \$3,000. The juvenile court of the District of Columbia has original and exclusive jurisdiction of all crimes and offenses of persons under seventeen years of age hereafter committed against the United States, not capital or otherwise infamous, and not punishable by imprisonment in the penitentiary, committed within the District of Columbia except libel, conspiracy, and violations of the post-office and pension laws of the United States, and also of all offenses of persons under seventeen years of age hereafter committed against the laws, ordi-



nances, and regulations of the District of Columbia, and shall have power to examine and commit or hold to bail all persons under seventeen years of age, either for trial or further examination, in all cases, whether cognizable therein or in the supreme court of the District of Columbia; all the powers and jurisdiction conferred by the Act entitled "An act for the protection of children, and so forth," approved February thirteenth, eighteen hundred and eighty-five, upon the police court of the District of Columbia; of all cases involving the legal punishment of children under the provisions of "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July twenty-sixth, eighteen hundred and ninety-two, and of the acts amendatory thereof; also of all cases under the provisions of "An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes," approved March third, nineteen hundred and one; and concurrently with the criminal court, have and exercise all the powers and jurisdiction conferred by said last-mentioned act upon the police court of the District of Columbia in the case of parents or guardians who shall refuse or neglect to provide food, clothing, and shelter for any child under the age of fourteen years; may impose conditions upon any person found guilty under the said last-mentioned act, and so long as such person shall comply therewith to the satisfaction of the court may suspend sentence, and may impose similar conditions in all cases of dependent or delinquent children cognizable under existing laws in any court of the District of Columbia, except in the cases hereinbefore already excepted. The said juvenile court may also hear, try, and determine all cases of persons less than seventeen years of age charged with habitual truancy from school, and in its discretion to commit them to the Board of Children's Guardians, who are hereby given the care and supervision thereof when so committed. No person under seventeen years of age shall hereafter be placed in any institution supported wholly or in part at the public expense until the fact of delinquency or dependency has been first ascertained and declared by the said juvenile court. All children of the class now liable to be committed to the Reform School for Boys and the Reform School for Girls shall hereafter be committed by the juvenile court to said schools respectively. All other children delinquent, neglected, or dependent (with the exceptions hereinbefore stated) shall hereafter be committed by the juvenile court to the care of the Board of Children's Guardians, either for a limited period on probation or during minority, as circumstances may require, and no child once committed to any public institution by the order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of the said court. March 19, 1906 (34 Stat., part 1, 73). The juvenile court of

the District of Columbia shall have power to issue execution on all forfeited recognizances upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution issued by said court shall be directed to and executed by the marshal of the District of Columbia. And any recognizance taken in the juvenile court, after being forfeited, may be transmitted to the clerk's office of the supreme court of the District of Columbia and therein docketed in the same manner as forfeited recognizances taken in the police court are now docketed, and thereupon shall have the same effect as if taken in said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

Approved, March 4, 1909.

#### THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The inferior court known as "justice of the peace" in the District of Columbia shall remain as now constituted, but shall hereafter be known as "the municipal court of the District of Columbia." It shall consist of the present justices of the peace of said District, who shall serve as the judges of said court for the unexpired terms of their now existing commissions, and who shall not be required to be recommissioned for said unexpired terms. Thereafter, and upon the expiration of the commission of any of said members, his successor shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide citizen and resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have been a judge of said court for at least one year, or shall have been engaged in the actual practice of law before the supreme court of the District of Columbia for a period of at least five years prior to his appointment. Each judge, when appointed, shall take an oath for the faithful and impartial performance of the duties of his office. The judges of said court shall no longer be required to give bond as heretofore, but a bond shall be given by the clerk of said court, who shall receive and account for all fees as hereinafter provided. Said municipal court shall sit for the trial of causes in one building to be designated by the Commissioners of the District of Columbia, to be rented by said District of Columbia at a rental not to exceed one thousand eight hundred dollars per annum: *Provided*, That the first vacancy occurring in the office of judge in the municipal court of the District of Columbia, after the passage of this act shall not be filled, and thereafter the number of said judges shall be five only.

The said court and each member thereof shall exercise the same jurisdiction as was vested in them as justice of the peace immediately before the passage of this act, and no more, and shall be governed by the laws then in force, except as said laws and said jurisdiction are expressly changed or enlarged hereby.

Any member of said court may try any case within its jurisdiction according to law, regardless of the place and residence of the defendant therein. The jurisdiction of said court is hereby increased from three hundred to five hundred dollars in the class of cases over which it had jurisdiction immediately prior to the passage of this act; that said jurisdiction shall be exclusive when the amount claimed for debt or damages or the value of personal property claimed does not exceed one hundred dollars, and concurrent with the supreme court of the District of Columbia when it exceeds one hundred dollars and is not in excess of five hundred dollars, with the same right to remove any case by certiorari, as heretofore, in cases of concurrent jurisdiction.

All pending actions and all actions hereinafter instituted shall be assigned for trial among the members of said court in nearly equal numbers and in such manner as may be agreed upon between them. The judges of said court shall hold separate sessions as heretofore, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the act of said court. Each of said judges is hereby empowered to administer oaths. The judges of said court shall receive the annual salary of two thousand five hundred dollars in lieu of the salary heretofore provided for justices of the peace by section six of the Code of Law for the District of Columbia, to be paid monthly as heretofore, but they shall not receive the allowance heretofore granted for rent, stationery, and other expenses. In case of sickness, absence, disability, expiration of term of service or of death of either of the judges of the police court or of the juvenile court, any one of the justices of the supreme court of the District of Columbia may designate one of the judges of the municipal court to discharge the duties of said judges until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for these judges.

The said court shall have power to appoint a clerk at an annual salary of one thousand five hundred dollars and an assistant clerk at an annual salary of one thousand dollars, payable monthly by the District of Columbia, which clerks shall hold office at the pleasure of the court.

The clerks shall receive and care for all deposits for costs made and fees exacted under the rules governing the fee charges of said court, and shall make a weekly deposit with the collector of taxes for the District of Columbia of all fees earned during the preceding week.

He shall return to suitors making such deposits any proportion of a deposit which shall remain in his hands over and above the earned fees in completed cases, and shall render an itemized statement to the auditor of the District of Columbia of every fee earned, on such forms and in such manner as shall be prescribed by the auditor of the District of Columbia. In case there shall remain in the hands of the said clerk for a term of three years a balance or part of a deposit in any case which shall not have been called for by the party or parties entitled to receive the same, the same shall revert to the District of Columbia, and be paid forthwith to the collector of taxes as part of the revenues of the District of Columbia.

In all suits in said court process shall be signed by the said clerk or assistant clerk in the name of the court. The assistant clerk may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk. In such case the signature shall be "—————, Clerk, by —————, Assistant Clerk."

Both the clerk and assistant clerk are hereby given authority to administer oaths in all cases pending in said court, or about to be filed therein.

The clerk shall perform such other and further duties as may from time to time be prescribed by the municipal court.

He shall give bond to the District of Columbia in the sum of five thousand dollars, with surety or sureties to be approved by the Commissioners of the District of Columbia, for the faithful performance of the duties of his office, and the assistant clerk shall give a like bond in the sum of two thousand dollars: *Provided*, That the expenditures to be incurred under any of the provisions of this act shall not in any case exceed the total amount of revenues and fees of the said municipal court.

The said clerk shall keep a docket similar to the one heretofore provided for justices of the peace.

Approved, February 17, 1909.

The United States commissioners are appointed by the supreme court of the District. They are essentially examining magistrates, who conduct investigations into alleged violation of United States laws and decide whether parties appearing before them shall be brought before the grand jury.

#### STATUTE LIMITATIONS.

The statute limitations are: Regarding judgments, twelve years; notes, three years, and open accounts, three years.

## LEGAL RATE OF INTEREST.

The legal rate of interest in the District is 6 per cent per annum where no rate is specified, but contracts may be made for any rate not exceeding 10 per cent per annum. (Code of Law, D. C., secs. 1178, 1179.) The rate of interest on judgments against the District of Columbia is 4 per centum (32 Stat., pt. 1, 610).

## THE LAW IN FORCE IN THE DISTRICT.

The laws of the District have been derived from many sources. The law of Maryland, when that State gave to the United States the present territory comprising the District, was composed of the common law of England, the acts of the British Parliament found applicable to the condition of the people, and the enactments of the provincial and State legislatures of Maryland. This law was continued in force in the District of Columbia by an act of Congress of February 27, 1801. It has been modified by subsequent laws of Congress, the numerous laws and ordinances of the municipal corporations which have existed in the District; by the orders made by the Commissioners in pursuance of the acts of Congress granting to them the power to make police and other municipal regulations, and recently by a code of law which Congress enacted to simplify and systematically arrange the principal laws and methods of court procedure.

## MILITIA.

The militia of the District is organized under an act of Congress approved March 1, 1899. (25 Stats., 772.) This law requires that every male citizen of the District of Columbia of the age of 18 and under the age of 45 shall be enrolled, except municipal and judicial officers, officers and ex-officers of the United States Army and Navy, officers who have served for five years in the militia of the District or of any State of the United States, ministers of religion, practicing physicians, railroad conductors and engineers, policemen, firemen, idiots, lunatics, drunkards, paupers, and persons convicted of infamous crimes, except as it may be modified by the act of Congress approved January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes." (See also act approved Feb. 18, 1909.)

## RELIGION.

The first amendment to the Constitution of the United States, which provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," precludes legislation on that subject in the District of Columbia, in view of the fact that Congress exercises exclusive legislative authority at the seat of government.

## SEAL.

The seal of the District of Columbia was adopted by the act of the legislative assembly, as follows:

AN ACT adopting a seal for the District of Columbia.

*Be it enacted by the legislative assembly of the District of Columbia,* That the following design be, and the same hereby is, adopted for the seal of the District of Columbia.  
[Here follows design.]

SEC. 2. *And be it further enacted,* That the secretary of the District shall have the official charge and custody of said seal.

SEC. 3. *And be it further enacted,* That the use of said design, as the seal of the District, by the executive department of the District government is hereby approved and legalized.

SEC. 4. *And be it further enacted,* That in view of the emergency arising from the necessity for and use of the seal of the District, this act shall go into effect immediately upon its passage.

Approved, August 3, 1871.

This act was passed in pursuance of the authority granted to said assembly by "an act to provide a government for the District of Columbia," approved February 21, 1871 (16 Stats., 419). The office of the secretary of the District of Columbia, in whose custody the seal was placed by that act, was abolished by the act of June 20, 1874, and the seal has since been used by the secretary to the Board of Commissioners of the District of Columbia as the representative of said board. The legend on the scroll on this seal is "Justitia Omnibus;" the date in the wreath, "1871," and the word on the book on the arm of the female figure is "Constitution," in three lines of four letters each.

List of the principal municipal authorities of the cities of Washington and Georgetown and of the District of Columbia.

Name.	Period.	Name.	Period.
<b>COMMISSIONERS TO LAY OUT THE CITY OF WASHINGTON.</b>		<b>GOVERNORS OF THE DISTRICT AND EX OFFICIO PRESIDENTS OF THE BOARD OF PUBLIC WORKS.</b>	
Thomas Johnson, Maryland.....		Henry D. Cooke.....	Feb. 28, 1871, to Sept. 13, 1873.
Daniel Carroll, Maryland.....		Alexander Robey Shepherd.....	Sept. 13, 1873, to June 20, 1874.
David Stuart, Virginia.....		<b>DELEGATE TO CONGRESS.</b>	
Gustavus Scott, Maryland.....		Norton P. Chipman.....	Apr. 21, 1871, to Mar. 4, 1875.
Wm. Thornton, Pennsylvania.....		<b>SECRETARIES.</b>	
Alexander White, Maryland.....		Norton P. Chipman.....	Mar. 2, 1871, to Apr. 21, 1871.
William Cranch, Maryland.....		Edwin L. Stanton.....	May 19, 1871, to Sept. 22, 1873.
Tristram Dalton, Maryland.....		Richard Harrington.....	Sept. 22, 1873, to June 20, 1874.
<b>MAYORS OF THE CITY OF WASHINGTON.</b>		<b>BOARD OF PUBLIC WORKS.</b>	
Robert Brent.....	June, 1802, to June, 1812.	Henry D. Cooke.....	While governor.
Daniel Rapine.....	June, 1812, to June, 1813.	Alexander Robey Shepherd.....	Mar. 16, 1871, to Sept. 13, 1873, and while governor.
James H. Blake.....	June, 1813, to June, 1817.	S. P. Brown.....	Mar. 16, 1871, to Sept. 13, 1873.
Benjamin G. Orr.....	June, 1817, to June, 1819.	A. B. Mullett.....	Mar. 16, 1871, to June 2, 1873.
Samuel N. Smallwood.....	June, 1819, to June, 1822, and June, 1824, to Sept. 30, 1824.	James A. Magruder.....	Mar. 16, 1871, to June 20, 1874.
Thomas Carberry.....	June, 1822, to June, 1824.	Adolph Cluss.....	Jan. 2, 1873, to June 20, 1874.
Roger C. Weightman.....	Oct. 4, 1824, to July 31, 1827.	Henry A. Willard.....	May 22, 1873, to June 20, 1874.
Joseph Gales, jr.....	July 31, 1827, to June, 1830.	John B. Blake.....	Sept. 13, 1873, to June 20, 1874.
John P. Van Ness.....	June, 1830, to June, 1834.	<b>BOARD OF HEALTH.</b>	
William A. Bradley.....	June, 1834, to June, 1836.	N. S. Lincoln.....	Mar. 15, 1871, to Mar. 22, 1871.
Peter Force.....	June, 1836, to June, 1840.	T. S. Verdi.....	Mar. 15, 1871 to July 1, 1878.
William Winston Seaton.....	June, 1840, to June, 1850.	H. A. Willard.....	Mar. 15, 1871; declined appointment.
Walter Lenox.....	June, 1850, to June, 1852.	John M. Langston.....	Mar. 15, 1871, to Nov. 10, 1877.
John W. Maury.....	June, 1852, to June, 1854.	John Marbury, jr.....	Mar. 15, 1871, to July 1, 1878.
John T. Towers.....	June, 1854, to June, 1856.	D. Willard Bliss.....	May 23, 1872, to July 1, 1878.
William B. Magruder.....	June, 1856, to June, 1858.	Robert B. Warden.....	Nov. 10, 1877, to July 1, 1878.
James G. Berret.....	June, 1858, to Aug. 24, 1861.	Christopher C. Cox.....	Apr. 3, 1871, to July 1, 1878.
Richard Wallach.....	Aug. 26, 1861, to June, 1868.	<b>COMMISSIONERS OF THE DISTRICT OF COLUMBIA.</b>	
Sayles J. Bowen.....	June, 1868, to June, 1870.	<i>Temporary government.</i>	
Matthew Gault Emery.....	June, 1870, to June, 1871.	William Dennison.....	July 1, 1874, to July 1, 1878.
<b>MAYORS OF THE CITY OF GEORGETOWN.</b>		Henry T. Blow.....	July 1, 1874, to Dec. 31, 1874.
Robert Peter.....	1789 to 1798.	John H. Ketcham.....	July 3, 1874, to June 30, 1877.
Lloyd Beall.....	1798 to 1803.	Seth Ledyard Phelps.....	Jan. 18, 1875, to June 30, 1878.
Daniel Rentzel.....	1803 to 1805, and 1806 to 1808.	Thomas B. Bryan, succeeded Ketcham.	Dec. 3, 1877, to July 1, 1878.
Thomas Corcoran.....	1805 to 1806, and 1808 to 1811, and 1812 to 1813, and 1818 to 1819.	Capt. Richard L. Hoxie, engineer to the Board of Commissioners.	July 2, 1874, to July 1, 1878.
David Wiley.....	1811 to 1812.	William Tindall, secretary to the board.	
John Peter.....	1813 to 1818, and 1821 to 1822.	The law made no provision for a president to this board of temporary Commissioners, and none was ever elected, but Commissioner Dennison acted in that capacity at all board sessions when he was present.	
Henry Foxhall.....	1819 to 1821.		
John Cox.....	1822 to 1845.		
Henry Addison.....	1845 to 1857, and 1859 to 1867.		
Richard R. Crawford.....	1857 to 1859.		
Charles B. Welch.....	1867 to 1869.		
Henry M. Sweeney.....	1869 to 1871.		

*List of the principal municipal authorities of the cities of Washington and Georgetown and of the District of Columbia—Continued.*

Name.	Period.	Name.	Period.
COMMISSIONERS OF THE DISTRICT OF COLUMBIA—continued.		ASSISTANTS TO ENGINEER COMMISSIONERS.	
<i>Permanent form of government.</i>		<i>Permanent form of government—Continued.</i>	
Josiah Dent.....	July 1, 1878, to July 17, 1882.	Capt. R. L. Hoxie.....	July 21, 1878, to Aug. 1, 1884.
Seth Ledyard Phelps.....	July 1, 1878, to Nov. 29, 1879.	Capt. F. V. Greene.....	May 2, 1879, to Mar. 3, 1885.
Maj. William Johnson Twining ..	June 29, 1878, to May 5, 1882.	Lieut. C. McD. Townsend.....	Aug. 1, 1884, to Mar. 6, 1886.
Thomas Phillips Morgan.....	Nov. 29, 1879, to Mar. 8, 1883.	Capt. F. A. Mahan.....	Mar. 25, 1885, to May 27, 1886.
Maj. Garrett J. Lydecker.....	May 11, 1882, to Apr. 1, 1886.	Capt. Eugene Griffin.....	May 27, 1886, to Mar. 6, 1888.
Joseph Rodman West.....	July 17, 1882, to July 22, 1885.	Capt. Thos. W. Symons.....	June 5, 1886, to Nov. 1, 1889.
James Barker Edmonds.....	Mar. 3, 1883, to Apr. 1, 1886.	Capt. S. S. Leach.....	Mar. 6, 1888, to June 2, 1888.
William Benning Webb.....	July 22, 1885, to May 21, 1889.	Capt. J. L. Lusk.....	June 2, 1888, to Mar. 1, 1893.
Samuel Edwin Wheatley.....	Apr. 1, 1886, to May 21, 1889.	Capt. Wm. T. Russell.....	Nov. 1, 1889, until detailed as a Commissioner, District of Columbia, Oct. 15, 1891.
Col. William Ludlow.....	April 1, 1886, to Jan. 27, 1888.	Capt. Gustav J. Fiebeger.....	Oct. 31, 1891, to May 27, 1896.
Maj. Charles Walker Raymond.....	Jan. 27, 1888, to Feb. 3, 1890.	Capt. George McC. Derby.....	Mar. 1, 1893, to Oct. 8, 1894.
John Watkinson Douglass.....	May 21, 1889, to Feb. 28, 1893.	Capt. Edward Burr.....	Oct. 9, 1894, to Apr. 28, 1898.
Lieut. Col. Henry Marlyn Robert.....	Feb. 14, 1890, to Oct. 14, 1891.	Capt. Lansing H. Beach.....	Oct. 30, 1894, until detailed as a Commissioner, District of Columbia, June 1, 1898.
John Wesley Ross.....	Oct. 1, 1890, to July 29, 1902.	Capt. William E. Craighill.....	Feb. 28, 1899, to Sept. 15, 1899.
Capt. William Trent Russell.....	Oct. 15, 1891, to May 8, 1893.	Capt. David Du B. Gaillard.....	July 21, 1899, to Mar. 6, 1901.
Myron Melville Parker.....	Feb. 20, 1893, to Mar. 9, 1894.	Capt. H. C. Newcomer.....	Dec. 27, 1899, to Dec. 23, 1903.
Maj. Charles Francis Powell.....	May 8, 1893, to Mar. 1, 1897.	Capt. Chester Harding.....	Apr. 16, 1901, to Oct. 1, 1906.
George Truesdell.....	Mar. 10, 1894, to May 7, 1897.	Capt. Jay J. Morrow.....	Jan. 4, 1904, until sworn as a Commissioner, District of Columbia, May 2, 1907.
Capt. William Murray Black.....	Mar. 2, 1897, to May 31, 1898.	Capt. William Kelly.....	Sept. 29, 1906.
John Brewer Wight.....	May 8, 1897, to May 8, 1900.	Capt. Edward M. Markham.....	Aug. 14, 1907.
Henry Brown Floyd Macfarland.....	May 9, 1900.	SECRETARY TO THE BOARD.	
Capt. Lansing Hoskins Beach.....	June 1, 1898, to Nov. 1, 1901.	William Tindall.....	From July 1, 1878.
Col. John Biddle.....	Nov. 1, 1901, to May 1, 1907.		
Henry Litchfield West.....	Oct. 16, 1902.		
Maj. Jay J. Morrow.....	May 2, 1907, to Dec. 21, 1908.		
Maj. Spencer Cosby.....	Dec. 21, 1908, to Mar. 15, 1909.		
Maj. William V. Judson.....	Mar. 15, 1909.		



## ORGANIZATION OF BOARDS OF COMMISSIONERS UNDER ACT OF JUNE 11, 1878.

*First Board.*—Seth Ledyard Phelps, nonpartisan, president; Josiah Dent, Democrat; Maj. William Johnson Twining. From July 1, 1878, to November 29, 1879.

*Second Board.*—Josiah Dent, president; Thomas Phillips Morgan, Republican; Maj. William Johnson Twining. From November 29, 1879, to May 13, 1882. Major Twining died May 5, 1882.

*Third Board.*—Josiah Dent, president; Thomas Phillips Morgan, Maj. Garret J. (initial only) Lydecker. From May 13, 1882, to July 17, 1882. No reelection of the president of the Board.

*Fourth Board.*—Joseph Rodman West, Republican, president; Thomas Phillips Morgan, Maj. Garret J. Lydecker. From July 17, 1882, to March 8, 1883.

*Fifth Board.*—Joseph Rodman West, president to March 29, 1883; James Barker Edmonds, Democrat; Maj. Garret J. Lydecker. James Barker Edmonds, president from March 29, 1883; Joseph Rodman West, Maj. Garret J. Lydecker. From March 8, 1883, to July 22, 1885. No reelection of president of the Board.

*Sixth Board.*—James Barker Edmonds, president; William Benning Webb, Republican; Maj. Garret J. Lydecker. From July 22, 1885, to April 1, 1886. President of the Board reelected.

*Seventh Board.*—William Benning Webb, president; Samuel Edwin Wheatley, Democrat; Col. William Ludlow. From April 1, 1886, to January 27, 1888.

*Eighth Board.*—William Benning Webb, president; Samuel Edwin Wheatley, Maj. Charles Walker Raymond. January 27, 1888, to May 21, 1889. No reelection of president of the Board.

*Ninth Board.*—John Watkinson Douglass, Republican, president; Lemon Galpin Hine, Democrat; Maj. Charles Walker Raymond. From May 21, 1889, to February 14, 1890.

*Tenth Board.*—John Watkinson Douglass, president; Lemon Galpin Hine, Lieut. Col. Henry Martyn Robert. From February 14, 1890, to October 1, 1890. President reelected.

*Eleventh Board.*—John Watkinson Douglass, president; John Wesley Ross, Democrat; Lieut. Col. Henry Martyn Robert. From October 1, 1890, to October 15, 1891. No reelection of president of the Board.

*Twelfth Board.*—John Watkinson Douglass, president; John Wesley Ross, Capt. William Trent Rossell. From October 15, 1891, to March 1, 1893. President of the Board reelected.

*Thirteenth Board.*—John Wesley Ross, president; Myron Melville Parker, Republican; Capt. William Trent Rossell. From March 1, 1893, to May 8, 1893.

*Fourteenth Board.*—John Wesley Ross, president; Myron Melville Parker, Capt. Charles Francis Powell. From May 8, 1893, to March 10, 1894. No reelection of president of the Board.

*Fifteenth Board.*—John Wesley Ross, president; George Truesdell, Republican; Capt. Charles Francis Powell. From March 10, 1894, to March 2, 1897. President of the Board reelected.

*Sixteenth Board.*—John Wesley Ross, president; George Truesdell, Capt. William Murray Black. From March 2, 1897, to May 8, 1897. No reelection of president of the Board.

*Seventeenth Board.*—John Wesley Ross, president; John Brewer Wight, Republican; Capt. William Murray Black. From May 8, 1897, to June 1, 1898. The last Board meeting at which Commissioner Black was present was held on May 26, 1898. Capt. Lansing H. Beach acted in his stead from that date until June 1, 1898. President of the Board reelected.

*Eighteenth Board.*—John Brewer Wight, president; John Wesley Ross, Capt. Lansing Hoskins Beach. From June 1, 1898, to May 9, 1900.

*Nineteenth Board.*—Henry Brown Floyd Macfarland, Republican, president; John Wesley Ross, Capt. Lansing Hoskins Beach. From May 9, 1900, to October 31, 1901.

*Twentieth Board.*—Henry Brown Floyd Macfarland, president; John Wesley Ross, Maj. John Biddle. From November 1, 1901, to July 29, 1902, on which date Commissioner Ross died. President of the Board reelected.

*Twenty-first Board.*—Henry Brown Floyd Macfarland, president; Henry Litchfield West, Democrat; Col. John Biddle. From October 16, 1902. President of the Board reelected.

*Twenty-second Board.*—Henry Brown Floyd Macfarland, president; Henry Litchfield West, Capt. Jay J. Morrow. From May 2, 1907. President of the Board reelected.

*Twenty-third Board.*—Henry Brown Floyd Macfarland, president of the Board; Henry Litchfield West, Maj. Spencer Cosby. From December 21, 1908.

*Twenty-fourth Board.*—Henry Brown Floyd Macfarland, president of the Board; Henry Litchfield West, Maj. William V. Judson. From March 15, 1909. President of the Board reelected.

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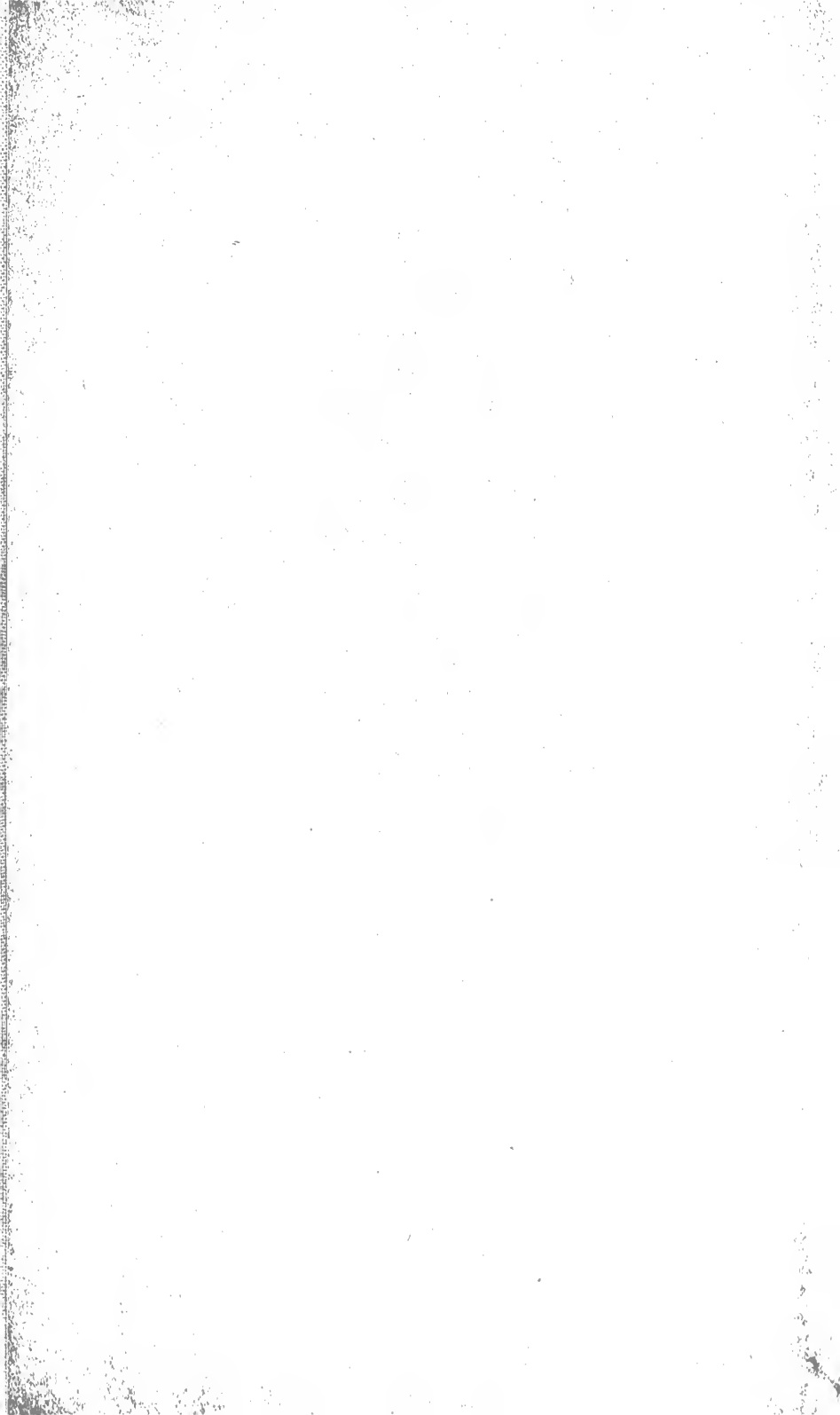


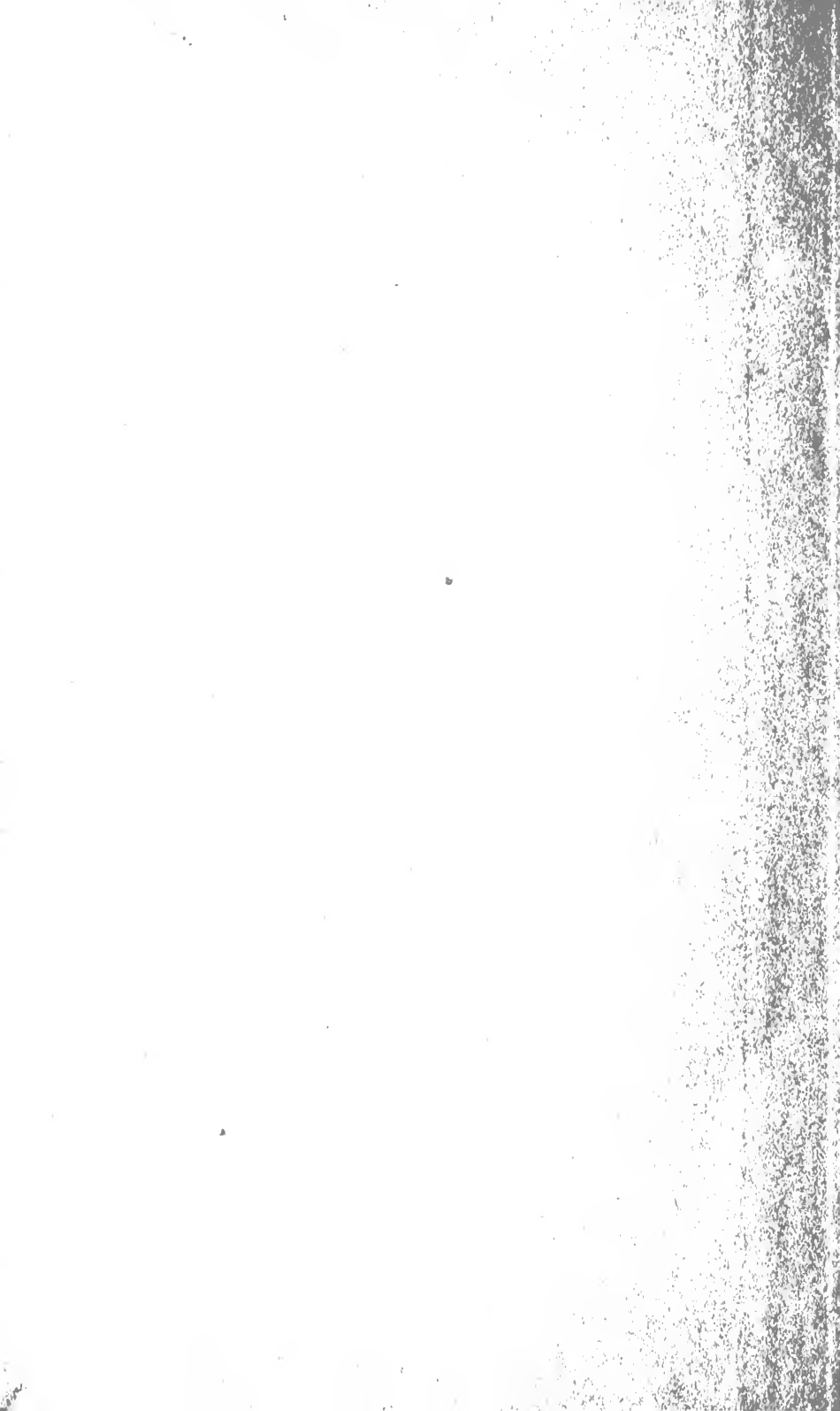
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