

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 16.
PARTICULAR ACTIONS, PROCEEDINGS
AND MATTERS.

CHAPTER 35.
QUO WARRANTO.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 35. QUO WARRANTO.

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CHAPTER 35. QUO WARRANTO.

SUBCHAPTER I. ACTIONS AGAINST OFFICERS OF THE UNITED STATES.

§ 16-3501. PERSONS AGAINST WHOM ISSUED; CIVIL ACTION.

A quo warranto may be issued from the United States District Court for the District of Columbia in the name of the United States against a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the United States, civil or military. The proceedings shall be deemed a civil action.

(Dec. 23, 1963, 77 Stat. 602, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 562, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3501.

1973 Ed., § 16-3501.

§ 16-3502. PARTIES WHO MAY INSTITUTE; EX REL. PROCEEDINGS.

The Attorney General of the United States or the United States attorney may institute a proceeding pursuant to this subchapter on his own motion or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

(Dec. 23, 1963, 77 Stat. 602, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 562, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3502.

1973 Ed., § 16-3502.

§ 16-3503. REFUSAL OF ATTORNEY GENERAL OR UNITED STATES ATTORNEY TO ACT; PROCEDURE.

If the Attorney General or United States attorney refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of the interested person on his compliance with the condition prescribed by section 16-3502 as to security for costs.

(Dec. 23, 1963, 77 Stat. 602, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 562, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3503.

1973 Ed., § 16-3503.

SUBCHAPTER II. ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA.

§ 16-3521. PERSONS AGAINST WHOM ISSUED; CIVIL ACTION.

A quo warranto may be issued from the Superior Court of the District of Columbia in the name of the District of Columbia against --

(1) a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the District of Columbia, a public office of the District of Columbia, civil or military, or an office in a domestic corporation; or

(2) one or more persons who act as a corporation within the District of Columbia without being duly authorized, or exercise within the District of Columbia corporate rights, privileges, or franchises not granted them by law in force in the District of Columbia.

The proceedings shall be deemed a civil action.

(July 29, 1970, 84 Stat. 562, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3521.

1973 Ed., § 16-3521.

§ 16-3522. PARTIES WHO MAY INSTITUTE; EX REL. PROCEEDINGS.

The United States attorney or the Corporation Counsel may institute a proceeding pursuant to this subchapter on his own motion, or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

(July 29, 1970, 84 Stat. 562, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3522.

1973 Ed., § 16-3522.

§ 16-3523. REFUSAL OF UNITED STATES ATTORNEY OR CORPORATION COUNSEL TO ACT; PROCEDURES.

If the United States attorney or Corporation Counsel refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the District of Columbia, on the relation of the interested person, on his compliance with the conditions prescribed by section 16-3522 as to security for costs.

(July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3523.

1973 Ed., § 16-3523.

SUBCHAPTER III. PROCEDURES AND JUDGMENTS.

§ 16-3541. ALLEGATIONS IN PETITION OF RELATOR CLAIMING OFFICE.

When a quo warranto proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

(Dec. 23, 1963, 77 Stat. 602, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3541.

1973 Ed., § 16-3541.

§ 16-3542. NOTICE TO DEFENDANT.

On the issuing of a writ of quo warranto the court may fix a time within which the defendant may appear and answer the writ. When the defendant cannot be found in the District of Columbia, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant does not appear, judgment may be rendered as if he had been personally served.

(Dec. 23, 1963, 77 Stat. 602, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3542.

1973 Ed., § 16-3542.

§ 16-3543. PROCEEDINGS ON DEFAULT.

If the defendant does not appear as required by a writ of quo warranto, after being served, the court may proceed to hear proof in support of the writ and render judgment accordingly.

(Dec. 23, 1963, 77 Stat. 603, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3543.

1973 Ed., § 16-3543.

§ 16-3544. PLEADING; JURY TRIAL.

In a quo warranto proceeding, the defendant may demur, plead specially, or plead "not guilty" as the general issue, and the United States or the District of Columbia, as the case may be, may reply as in other actions of a civil character. Issues of fact shall be tried by a jury if either party requests it. Otherwise they shall be determined by the court.

(Dec. 23, 1963, 77 Stat. 603, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3544.

1973 Ed., § 16-3544.

§ 16-3545. VERDICT AND JUDGMENT.

Where a defendant in a quo warranto proceeding is found by the jury to have usurped, intruded into, or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

(Dec. 23, 1963, 77 Stat. 603, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3545.

1973 Ed., § 16-3545.

§ 16-3546. USURPING CORPORATE FRANCHISE; JUDGMENT.

Where a quo warranto proceeding is against persons acting as a corporation without being legally incorporated, the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

(Dec. 23, 1963, 77 Stat. 603, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 563, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3546.

1973 Ed., § 16-3546.

§ 16-3547. PROCEEDINGS AGAINST CORPORATE DIRECTORS AND TRUSTEES; JUDGMENT AND ORDER; ENFORCEMENT.

Where a quo warranto proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected, or both, sufficient to change the result if the error is corrected, the court may render judgment that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office, and the court may issue an order to the proper parties, being officers or members of the corporation, to admit him to the office. The judgment may require the defendant to deliver to the relator all books, papers, and other things in his custody or control pertaining to the office, and obedience to judgment may be enforced by attachment.

(Dec. 23, 1963, 77 Stat. 603, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3547.

1973 Ed., § 16-3547.

§ 16-3548. RECOVERY OF DAMAGES FROM USURPER; LIMITATION.

At any time within a year from a judgment in a quo warranto proceeding, the relator may bring an action against the party ousted and recover the damages sustained by the relator by reason of the ousted party's usurpation of the office to which the relator was entitled.

(Dec. 23, 1963, 77 Stat. 603, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(n).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-3548.

1973 Ed., § 16-3548.