

CHAPTER THIRTY-SIX.

CRIMES AND OFFENSES.

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SEC. 1144. Every person convicted in any court in the District of any of the following offenses, to wit: manslaughter, assault with intent to kill, arson, rape, assault with intent to commit a rape, burglary, robbery, horse-stealing, mayhem, bigamy, perjury, or subornation of perjury, larceny, if the property stolen is of the value of thirty-five dollars or upward, forgery, obtaining by false pretenses any goods or chattels, money, bank-note, promissory note, or any other instrument in writing for the payment or delivery of money or other valuable thing, or keeping a faro-bank or other common gaming-table, or petty larceny upon a second conviction, shall be sentenced to suffer punishment by imprisonment and labor in the penitentiary for the periods respectively prescribed in this chapter.

SEC. 1145. All capital felonies and crimes not specially provided for in this chapter, except murder, treason, and piracy, shall be punished by imprisonment and labor in the penitentiary for a period not less than seven nor more than twenty years. [See R. S. U. S., Title "Crimes."]

SEC. 1146. Every other felony, misdemeanor, or offense not provided for by this title, shall be punished as provided by laws in force in the District.

SEC. 1147. Where, by any law in force prior to March second, eighteen hundred and thirty-one, whipping was made a part or the whole of the punishment, the court shall substitute therefor imprisonment in the District jail for a period not exceeding six months. [See R. S. U. S., § 5327.]

SEC. 1148. No person in the District shall be fined or imprisoned for disorderly conduct, unless personally and individually guilty of acts disorderly in themselves.

SEC. 1149. The necessary expenses incurred in the execution of criminal processes within the District shall be chargeable to the United States, as provided in this title.

Penitentiary offenses.

2 March, 1831, c. 37, s. 1, v. 4, p. 448.
22 Feb., 1867, c. 63, s. 1, v. 14, p. 406.
13 Jan., 1865, c. 13, v. 13, p. 421.

Capital crimes not specially provided for.

2 March, 1831, c. 37, s. 14, v. 4, p. 450.
Cranch, C. C., 414.

Other offenses.

Ibid., s. 15.
United States vs. Smithers, 2 Cranch, C. C., 38.

Substitution of imprisonment for whipping.

Ibid.

Punishment for disorderly conduct.

22 Feb., 1867, c. 63, s. 5, v. 14, p. 402.

Expenses of criminal process.

6 Aug., 1861, c. 62, s. 18, v. 12, p. 324.

**Manslaughter,
&c.**

2 March, 1831, c.
37, s. 2, v. 4, p. 448.
13 Jan., 1866, c.
13, v. 13, p. 421.

United States *vs.* Norris, 1 Cranch, C. C., 411; United States *vs.* McLaughlin, 1 Cranch, C. C., 444; United States *vs.* Craig, 2 Cranch, C. C., 36; United States *vs.* Williams, 2 Cranch, C. C., 438; United States *vs.* Anderson, 3 Cranch, C. C., 205.

Arson.

2 March, 1831, c.
37, s. 3, v. 4, p. 448.
3 July, 1852, c.
55, v. 10, p. 13.

United States *vs.*
White, 5 Cranch,
C. C., 73.

SEC. 1150. Every person convicted of manslaughter, or of any assault with intent to kill, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than two nor more than eight years, and for the second offense for a period not less than six nor more than fifteen years.

SEC. 1151. Every person convicted of the crime of maliciously, willfully, or fraudulently burning any dwelling-house, or any other house, barn, or stable adjoining thereto, or any store, barn, or out-house having goods, tobacco, hay, or grain therein, although the same shall not be adjoining to any dwelling-house; or of maliciously, willfully, or fraudulently, and with intent to injure or defraud any other person or persons, or body politic or corporate, burning or setting on fire with intent to burn, or attempting to set on fire or burn, any house or out-house in the District, whether the same be finished or in process of erection, though such house or out-house shall not, at the time of such burning or setting on fire, or attempting to set on fire or burn, have any goods, tobacco, hay, or grain therein, nor be adjoining to any dwelling-house, nor be occupied or used for any purpose whatever; or of maliciously and willfully burning any of the public buildings in the District, belonging to the United States or to the District, or any church, meeting-house, or other building for public worship, belonging to any voluntary society or body corporate, or any college, academy, school-house, or library, or any ship or vessel afloat or building, or as being accessory thereto, shall be sentenced to suffer imprisonment and labor for a period of not less than one nor more than ten years for the first offense, and not less than five nor more than twenty years for the second offense.

Rape.

2 March, 1831, c.
37, s. 4, v. 4, p. 448.

SEC. 1152. Every person convicted of rape, or as being accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than ten nor more than thirty years, and for the second offense for and during the period of his natural life.

Assault with intent to commit rape.

Ibid., s. 5.

SEC. 1153. Every person convicted of an assault with intent to commit a rape, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one nor more than five years, and for the second offense for a period not less than five nor more than fifteen years.

Burglary.

Ibid., s. 6.
United States *vs.*
Dixon, 1 Cranch, C.
C., 414; United
States *vs.* Johnson,
2 Cranch, C. C., 21;
United States *vs.* J.

SEC. 1154. Every person convicted of burglary, or as being accessory thereto before the fact, or of robbery, or as being accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than three nor more than seven years, and for the second offense for a period not less than five nor more than fifteen years.

A. Bowen, 4 Cranch, C. C., 604.

Horse-stealing, mayhem, bigamy.

Ibid., s. 7, pp.
448, 449.

United States *vs.*
Maxwell, 1 Cranch,
C. C., 605; United
Cranch, C. C., 252;

SEC. 1155. Every person convicted of horse-stealing, mayhem, bigamy, or as being accessory to any of said crimes before the fact, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than two nor more than seven years, and for the second offense for a period not less than five nor more than twelve years.

United States *vs.* Toms, 1 Cranch, C. C., 607; United States *vs.* Krouse, 2 United States *vs.* Black, 2 Cranch, C. C., 195.

Perjury and subornation of perjury.

Ibid., s. 8, p. 449.
United States *vs.*
Thomas, 3 Cranch, C. C., 293.

SEC. 1156. Every person convicted of perjury, or subornation of perjury, shall be sentenced to suffer imprisonment and labor, for the first offense for a period of not less than two nor more than ten years, and for the second offense for a period of not less than five nor more than fifteen years.

SEC. 1157. Every person convicted of having falsely forged and counterfeited any gold or silver coin, passing or in circulation within the District; or having falsely uttered, paid, or tendered in payment, any such counterfeit or forged coin, knowing the same to be forged and counterfeit; or of having aided, abetted, or commanded the perpetration of either of said offenses; or of having falsely made, altered, forged, or counterfeited, or caused or procured to be falsely made, altered, forged, or counterfeited, or having willingly aided or assisted in falsely making, altering, forging, or counterfeiting, any paper writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, with intent to defraud such person, body politic or corporate, or voluntary association, or of having passed, uttered, or published, or attempted to pass, utter, or publish, as true, any such falsely made, altered, forged or counterfeited paper writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to defraud such person, body politic or corporate, or voluntary association, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one year nor more than seven years, and for the second offense for a period not less than three nor more than ten years.

SEC. 1158. Every person convicted of feloniously stealing, taking, and carrying away any goods or chattels, or other personal property, of the value of thirty-five dollars or upward, or any bank-note, promissory note, or any other instrument of writing, for the payment or delivery of money or other valuable thing, to the amount of thirty-five dollars or upward, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one nor more than three years, and for the second offense for a period not less than three nor more than ten years.

vs. McPherson, 1 Cranch, C. C., 517; *United States vs. Betty Read*, 2 Cranch, C. C., 159; *United States vs. Holland*, 3 Cranch, C. C., 254; *United States vs. H. Thompson*, 4 Cranch, C. C., 335; *United States vs. Robertson*, 5 Cranch, C. C., 38; *Weston vs. United States*, 5 Cranch, C. C., 492.

SEC. 1159. If any person shall steal, or maliciously and feloniously destroy, any bank-bill, promissory note or notes, bill of exchange, order, receipt, warrant, draft, check, or bond, given for the payment of money, or receipt acknowledging the receipt of money or other property, or any Government bonds or other securities, or stamps, United States Treasury notes, or any public stocks of the value of thirty-five dollars or upward, knowing the same to be such, any such person shall be deemed guilty of a misdemeanor, and on conviction, shall be sentenced to suffer imprisonment and labor not more than three years nor less than one year.

SEC. 1160. If any person shall receive or buy any goods or chattels, or bank bill or bills, or promissory note or notes, bill of exchange, order, receipt, draft, warrant, check, or bond, given for the payment of money, or any Government bond, United States Treasury note or notes, or other securities, or Government stamps or stocks, of the value of thirty-five dollars or upward, which have been stolen, knowing the same to be stolen, with intent to defraud the owners thereof, every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to suffer imprisonment and labor, not more than three years nor less than one year.

SEC. 1161. Every person, upon a second conviction of larceny, where the property stolen is under the value of thirty-five dollars, or upon a second conviction of receiving stolen goods, knowing them to be stolen, where the property stolen is under the value of thirty-five dollars, shall be sentenced to suffer imprisonment and labor for a period not less than one year nor more than three years. [See § 1173.]

SEC. 1162. Every person convicted of obtaining by false pretenses any goods or chattels, money, bank-note, promissory note, or any other

Forgery, counterfeiting, &c.

2 March, 1831, c. 37, s. 11, v. 4, p. 449.

United States vs. Book, 2 Cranch, C. C., 294; *United States vs. McCarthy*, 4 Cranch, C. C., 304.

Grand larceny.

Ibid., s. 9, p. 449. 22 Feb., 1867, c. 65, s. 1, v. 14, p. 406.

United States vs. Clancey, 1 Cranch, C. C., 13; *United States vs. Walker*, 1 Cranch, C. C., 402; *United States vs. Clancey*, 1 Cranch, C. C., 159;

Larceny with destruction.

22 Feb., 1867, c. 65, s. 2, v. 14, p. 406.

Receiving stolen property.

Ibid., s. 3.

Petty larceny and receiving, second conviction.

Ibid., s. 4. 2 March, 1831, c. 37, s. 13, v. 4, pp. 449, 450.

Obtaining by false pretenses;

keeping a faro or instrument in writing, for the payment or delivery of money or other valuable thing, or of keeping a faro-bank or gaming-table, shall be sentenced to suffer imprisonment and labor for a period not less than one year nor more than five years.

2 March, 1831, c. 37, s. 12, v. 4, p. 449.
 United States *vs.* Porter, 2 Cranch, C. C., 60; United States *vs.* Watkins, 3 Cranch, C. C., 441; United States *vs.* Hale, 4 Cranch, C. C., 83; United States *vs.* Robertson, 5 Cranch, C. C., 38; United States *vs.* Ringgold, 5 Cranch, C. C., 378; United States *vs.* Milburn, 5 Cranch, C. C., 390.

Accessory after the fact.

Ibid., s. 10, p. 440.
 United States *vs.* Williams, 1 Cranch, C. C., 174.

Challenging to fight a duel.

20 Feb., 1850, c. 20, s. 1, v. 5, p. 318.
 United States *vs.* Shackelford, 3 Cranch, C. C., 178.

Sending challenge.

Ibid., s. 2, pp. 318, 319.

Assaulting, &c., for refusal to accept challenge.

Ibid., s. 3, p. 319.

Going out of the District to evade the law.

Ibid., s. 4.

Bar to proceedings, in what case.

Ibid., s. 5.

SEC. 1163. Every person convicted of being an accessory after the fact in any felony, shall be sentenced to suffer imprisonment and labor, for the first offense for a period not less than one nor more than five years, and for the second offense for a period not less than two nor more than ten years.

SEC. 1164. If any person shall, in the District, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the District, and such duel shall be fought in or out of the District, and either of the parties thereto shall be slain or mortally wounded in such duel, the surviving party, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message, and all others aiding or abetting, shall be deemed guilty of felony, and upon conviction, shall be punished by imprisonment and confinement to hard labor in the penitentiary for a term not exceeding ten years, in the discretion of the court.

SEC. 1165. If any person shall give or send, or cause to be given or sent, to any person in the District, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in the District shall accept any challenge to fight a duel or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every person so giving or sending, or causing to be given or sent, or accepting such challenge or being the bearer thereof, and every person aiding or abetting in giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding five years, in the discretion of the court.

SEC. 1166. If any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or publish, any writing charging any such person so declining or refusing to accept any such challenge, to be a coward or using any other opprobrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof, shall be punished by confinement to hard labor in the penitentiary for a term not exceeding three years, in the discretion of the court. [See § 340.]

SEC. 1167. If any person or persons, for the purpose of evading the provisions of the three preceding sections, shall leave the District, by previous arrangement or concert within the same, with intent to give or receive any such challenge without the District, and shall give or receive any such challenge accordingly, the person or persons so offending shall be deemed guilty of a misdemeanor, and be subject to the same penalties as if such challenge had been given and received within the District.

SEC. 1168. Every offender may plead a former conviction or acquittal for the same offense in any State or country; and the same being established, shall be a bar to any further proceedings against such person under the preceding section.

SEC. 1169. If any clerk, or servant of any private person or any copartnership, (except persons within the age of sixteen years,) or any officer, agent, clerk, or servant of any incorporated company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, without the assent of his master or employers, any money, goods, rights of action, Government bonds, United States Treasury notes, or Government stamps, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession or under his care by virtue of such employment or office, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or property so embezzled, taken, or secreted, or of the value of any sum of money payable or due upon any right in action so embezzled.

Embezzlement
by clerks, agents,
&c.

22 Feb., 1867, c.
65, s. 5, v. 14, p. 407.

SEC. 1170. Every embezzlement of any evidence of debt, negotiable by delivery only, and actually executed by the master or employer of any such clerk, agent, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offense within the meaning of the preceding section.

Evidences of
debt executed but
not delivered.

Ibid., s. 6.

SEC. 1171. Every person who shall buy, or in any way receive, any money, goods, rights in action, Government bonds, United States Treasury notes, or other valuable security or effects whatever, or Government stamps, knowing the same to have been embezzled, taken, or secreted, contrary to the provisions of the two preceding sections, shall, upon conviction, be punished in the same manner and to the same extent as therein prescribed upon a conviction of a servant, clerk, or agent for such embezzlement.

Buying or re-
ceiving.

Ibid., s. 7.

SEC. 1172. If any carrier or other person to whom any goods, money, right in action, or any valuable personal property or effects shall have been delivered to be transported or carried, for hire, or any person employed in such transportation or carrying, shall, without the assent of his employer, take, embezzle or convert to his own use, such goods, money, right in action, property or effects, or any part of them, and before delivery of such article at the place or to the person entitled to receive them, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article so taken, embezzled, converted, or secreted.

Embezzlement
by carrier, &c.

Ibid., s. 8.

SEC. 1173. If any person shall steal any money, or other goods and chattels of any kind whatever, of less value than thirty-five dollars, the property of another, or shall steal or maliciously destroy any bank-bill, promissory note, bill of exchange, order, warrant, draft, check, or bond, or any accountable receipt for money, given for the payment or acknowledgment of any sum under thirty-five dollars, or any United States Treasury note or Government stamps of less value than thirty-five dollars, the property of another, or shall receive or buy the same, knowing the same to be stolen, for the purpose of defrauding the owner thereof, every such person so offending, on conviction thereof, shall make restitution to the party injured in twofold the value of the property stolen or destroyed, and be fined in any sum not exceeding two hundred dollars, or shall be imprisoned in the jail of the District for any time not exceeding six months, or both, at the discretion of the court.

Petty larceny;
receiving; penalty.

Ibid., s. 4, pp.
406, 407.

United States vs.
Hankey, 2 Cranch,
C. C., 65; United
States vs. Negro
Henry Bowen, 2
Cranch, C. C., 133;
United States vs.
Rigsby, 2 Cranch,
C. C., 364.

SEC. 1174. It shall not be lawful to keep within the District any office or place of business for the sale of lottery-tickets, or of any share or interest in lottery-tickets, nor shall it be lawful to sell or offer for sale within the District any lottery-ticket or any share or interest in any lottery-ticket; and every person who shall be duly convicted of offending against the provisions of this section shall be punished by imprisonment in the District jail for a period not less than one nor more than six months, and shall forfeit and pay a fine of not less than one hundred nor exceeding one thousand dollars, one-half of which shall go to the informer and the other half to the District. [See §§ 402, 403.]

Sale of lottery-
tickets.

31 Aug., 1842, c.
282, s. 1, v. 5, p. 578.

Contract of sale void.

31 Aug., 1842, c. 282, s. 3, v. 5, p. 578.

Certain act of legislative assembly repealed.

17 Feb., 1873, c. 148, v. 17, p. 464.

Penalty for engaging in gift-enterprise business.

Ibid.

Appeal and final judgment.

Ibid.

Procuring enlistment of criminals; penalty.

3 March, 1865, c. 83, s. 1, v. 13, pp. 498, 499.

Penalty of officers of jail.

Ibid., s. 2, p. 499.

Selling intoxicating drinks to soldiers; penalty.

5 Aug., 1861, c. 44, v. 12, pp. 291, 292.

14 July, 1862, c. 168, s. 1, v. 12, p. 571.

United States vs. Burch, 1 Cranch, C. C., 36.

SEC. 1175. The contract of sale for such lottery-tickets, or share or interest in such lottery-tickets, shall be absolutely void, and any person paying therefor shall have a right to recover back the money paid as money paid on a void consideration.

SEC. 1176. So much of the act of the legislative assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August twenty-third, eighteen hundred and seventy-one, as authorizes gift-enterprises therein, and licenses to be issued therefor, is disapproved and repealed, and hereafter it shall be unlawful for any person or persons to engage in said business in any manner as defined in said act or otherwise.

SEC. 1177. Every person who shall in any manner engage in any gift-enterprise business in the District shall, on conviction thereof in the police court, on information filed for and on behalf of the District, pay a fine not exceeding one thousand dollars, or be imprisoned in the District jail not less than one nor more than six months, or both, in the discretion of the court.

SEC. 1178. In such cases, any party deeming himself aggrieved by judgment of the police court may appeal therefrom to the supreme court of the District in the usual manner, and the judgment of said court shall be final.

SEC. 1179. It shall be unlawful for any person, with knowledge of the fact, to present or offer to any recruiting agent or officer, or any muster-in officer in the United States military or naval service, either as a volunteer or as a substitute for any person, any person charged with the commission of any criminal offense, and confined or held on bail for the trial of such offense within the District; and it shall in like manner be unlawful for any person, in any way or manner, to abet, aid, or assist in procuring the offer or acceptance of any person so charged or held for trial, or released on bail and awaiting trial, either as a volunteer or as a substitute for any person drafted, or liable to draft, in the military or naval service of the United States, whether the person so drafted, or liable to draft, shall be a resident of the District, or shall reside elsewhere. And any person who shall knowingly offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars, and by imprisonment in the District jail for a term not less than six months nor more than one year.

SEC. 1180. Any officer of the District jail, or any guard thereof, or any attaché or employé connected therewith, who shall demand, or directly or indirectly receive, any compensation, fee, reward, or gratuity for any information given in respect to any prisoner confined therein, or awaiting trial upon bail, or for any service, assistance, or influence rendered, given, or exerted, with any view, intent, or purpose of having such person thus charged or held for trial, or held on bail to await trial, taken, offered, or used, either as a volunteer or as a substitute, for any other in the military or naval service, or who shall corruptly receive, for any act done by virtue of his office or employment, any fee, compensation, reward, or gratuity, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, and by imprisonment in the District jail for a term not less than three months nor more than one year.

SEC. 1181. It shall not be lawful for any person in the District to sell, give, or administer, to any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, any spirituous liquor or intoxicating drink; and any person offending against the provisions of this section shall, on conviction thereof, pay a fine of twenty dollars, or, in default of such payment, be committed to the District jail for thirty days.

SEC. 1182. Any person licensed to sell spirituous liquors or intoxicating drink within the District, who shall suffer or permit any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, to drink any spirituous liquor or intoxicating drink upon his premises, shall be deemed guilty of the same offense mentioned in the preceding section, and, upon conviction, shall be punished accordingly.

Penalty of persons licensed, permitting, &c.

14 July, 1862, c. 168, s. 2, v. 12, p. 571.

SEC. 1183. Any person convicted under the provisions of the two preceding sections shall forfeit his license to sell spirituous liquor and intoxicating drink.

Forfeiture of license.

Ibid., s. 3.

PROTECTION OF GARDENS, GROUNDS, ETC.

SEC. 1184. Every person who, in the District, shall willfully and maliciously, or wantonly, and without cause, cut down or destroy, or by girdling, lopping, or otherwise, injure any fruit or other tree, not his own, standing or growing for shade, ornament, or other useful purpose, or shall maliciously destroy, mutilate, or otherwise injure any statuary, monument, or other work of art, standing or being on land not his own, or shall maliciously break down or injure any fence inclosing or belonging to another's land, or shall maliciously sever from the freehold of another any product thereof, or anything attached thereto, shall be punished by imprisonment in the District jail not more than three months, or by a fine not exceeding one hundred dollars.

Injury to trees, works of art, &c.

22 June, 1860, c. 190 s. 1, v. 12, pp. 88, 89.

United States vs. Wagner, 1 Cranch, C. C., 314.

SEC. 1185. Every person who, in the District, without color of right, shall willfully commit any trespass by cutting down or destroying any timber or wood standing on the land of another, or by carrying away any kind of timber or wood cut down or lying on such land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf, or mold from such land, or any roots, fruit, or plant there being, or by cutting down or carrying away any grass, hay, grain, or corn, standing or being on such land, shall be punished by imprisonment in the District jail not more than sixty days, or by a fine not exceeding sixty dollars.

Carrying away timber, soil, &c.

Ibid., s. 2, p. 89.

SEC. 1186. Every person who, in the District, without color of right, shall willfully commit any trespass by entering upon the garden, orchard, or other improved land of another, with intent to cut, take, carry away, destroy, or injure the trees, grain, grass, hay, fruit, or vegetables there growing or being, shall be punished by imprisonment in the District jail not more than forty days, or by a fine not exceeding fifty dollars.

Trespass upon gardens, &c.

Ibid., s. 3.

SEC. 1187. If any person shall willfully or maliciously cut down, break down, level, demolish, or otherwise destroy, or injure, or damage any railing, fence, or inclosure around or upon any land conveyed to any cemetery association, or to the District, under the provisions of sections five hundred and ninety-five and six hundred and four, as a burial-place for the interment of the dead, or any gate or post thereon, or shall remove, break, injure, or deface any tomb, or other stone, plank, or board, or any inscription thereon, or shall cut down, destroy, injure, or remove any tree or shrub standing or growing upon such land, he shall be liable to indictment, and, upon conviction, be fined not less than ten dollars nor more than one hundred dollars. [See §§ 595, 604.]

Penalty for injury to cemeteries.

5 May, 1870, c. 80, s. 5, v. 16, p. 107.

MISCELLANEOUS REGULATIONS.

SEC. 1188. All manufacturers and venders of mineral waters and other beverages allowed by law to be sold in bottles, upon which their names or marks shall be respectively impressed, may file with the clerk of the supreme court of the District a description of such bottles and of the name or marks thereon, and shall cause the same to be published for not less than two weeks, successively, in a daily or weekly newspaper, published in the District.

Manufacturers of mineral waters may file description of marks upon their bottles.

28 July, 1866, c. 307, s. 1, v. 14, p. 343.

Penalty for using
or dealing in
marked bottles.

28 July, 1866, c.
307, s. 2, v. 14, p.
343.

Regulations for
sale of hay and
straw.

27 July, 1868, c. 251, v. 15, p. 225.
Regulation of
travel over Ben-
ning's bridge.

18 Aug., 1856, c.
165, s. 2, v. 11, p.
120.

SEC. 1189. It shall be unlawful for any person, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, for sale, or to traffic in any such bottles so marked, and not bought by him of such owner, and every person so offending shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the first offense; and of five dollars for every subsequent offense, to be recovered as other fines are recovered in the District.

SEC. 1190. All hay and straw, which may be sold by weight in the District, shall be sold by the net hundred, and every twenty hundred pounds net weight shall be a ton.

SEC. 1191. It shall not be lawful for any person to ride, drive, or lead any horse, mule, or other animal over the wooden part of the upper Eastern Branch or Benning's bridge at a faster gait than a walk; or to discharge any gun or other fire-arm on or under said bridge, or from the causeway leading thereto; and all persons violating either of the provisions of this section shall forfeit and pay, for every offense, a penalty of not more than ten nor less than five dollars, the money when collected to be handed over to the authorities of the District, and by them applied to such repairs and improvements of the road leading to the bridge as from time to time may be required.

CHAPTER THIRTY-SEVEN.

MILITIA.

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- 1192. When the President may organize the militia.
- 1193. Oath of officers.
- 1194. By whom administered.
- 1195. Volunteer companies.
- 1196. To what orders subject.
- 1197. Uniforms.
- 1198. No excuse from duty, unless.
- 1199. Penalty for withdrawal.
- 1200. Attachment to battalions, &c.
- 1201. Militia districts.
- 1202. Company divisions.
- 1203. New enrollments.
- 1204. Removal from one district to another.
- 1205. Failing to produce certificate.
- 1206. Refusal to grant certificate; penalty.
- 1207. Who to be enrolled.
- 1208. Age to be proven, when.
- 1209. Additional enrollments.
- 1210. Brigade inspector.
- 1211. Duties.
- 1212. Annual returns.
- 1213. Legionary staff.
- 1214. Duty of adjutant.
- 1215. Compensation of inspector and adjutant.
- 1216. Communication of orders.
- 1217. Non-commissioned officers.
- 1218. Their liabilities.
- 1219. When may be reduced to ranks.
- 1220. Officers to appear in uniform.
- 1221. Uniforms of non-commissioned officers and privates.
- 1222. Penalty for not wearing uniform.
- 1223. Orders to be obeyed.
- 1224. Officers to meet for training.
- 1225. Training to continue three days.
- 1226. Eldest officer present to call the roll.

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- 1227. Penalty for non-attendance.
- 1228. Misconduct of officers.
- 1229. Of non-commissioned officers and privates.
- 1230. By-standers or spectators, when liable to punishment.
- 1231. Parade limits.
- 1232. Apprentices to learn military music.
- 1233. Father to be exempt from military duty.
- 1234. Clothing, maintenance, and instruction.
- 1235. Yearly meeting of musicians for instruction.
- 1236. Compensation of instructors and musicians.
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- 1241. Notice of musters to legionary commanders.
- 1242. Communication of notice.
- 1243. How notices given.
- 1244. Sergeant failing to give notice; penalty.
- 1245. What notice deemed legal.
- 1246. Appearance at musters.
- 1247. Company inspection.
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- 1249. Returns of company officers.
- 1250. Returns of commanding officers of legions and battalions.
- 1251. Courts-martial for trial of general officers.
- 1252. Arrest of field and staff officers, when.
- 1253. Courts-martial for trial of field and staff officers.