

now allowed by law, authorized to sell property on certain other days.

Proviso.

days of each term of the district court; and that he may, at the written request of the defendant, change the sale of property to the place where the United States court for his district is holden: *Provided*, in the opinion of the Marshal, the interest of the plaintiff would not be compromised thereby.

APPROVED, February 16, 1839.

STATUTE III.

Feb. 16, 1839.

[Obsolete.]

Appropriations.

CHAP. XXVIII.—*An Act making an appropriation for the support of the penitentiary in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of appropriations of eighteen hundred and thirty-seven, now subject to the order of the inspectors, there shall be, and hereby is, appropriated, for the support of the penitentiary for the District of Columbia, for the year eighteen hundred and thirty-eight, and for the payment of claims not settled, as follows: For pay of officers and agents; for repairs to buildings; for purchase of raw materials; for rations, clothing, beds, and bedding of prisoners; for purchase of fuel; for purchase of hospital stores and medicines; for purchase of books and stationery; for purchase of horse food; for allowance to discharged convicts; for pay of the inspectors for the years eighteen hundred and twenty-nine and eighteen hundred and thirty; for compensation to the secretary to the board of inspectors, from the date of his appointment, at two hundred dollars per annum, for keeping the books, records, and papers of the inspectors, as required by law; and for other contingent expenses of the institution, the sum of eight thousand six hundred and eighty-nine dollars, and forty cents; to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the board of inspectors.

APPROVED, February 16, 1839.

STATUTE III.

Feb. 20, 1839.

Any person challenging another, &c.

CHAP. XXX.—*An Act to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall, in the District of Columbia, 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 said District, and such duel shall be fought in or out of the said District, and either of the parties thereto shall be slain or mortally wounded in such duel, the surviving party to such duel, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message as aforesaid, and all others aiding or abetting therein, shall be deemed guilty of felony, and upon conviction thereof, in any court competent to the trial thereof, in the said District, 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.

Any person giving, or sending, or causing a challenge to be given or sent, &c.

SEC. 2. *And be it further enacted*, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, 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 said 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 the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof in any court competent to try the same in the said District, 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. 3. *And be it further enacted*, That if any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District of Columbia, 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 published, 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, in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary, for a term not exceeding three years, in the discretion of the court.

Any person assaulting, striking, beating, or wounding another, &c.

SEC. 4. *And be it further enacted*, That, if any person or persons, for the purpose of evading the provisions of this act, shall leave the District of Columbia, by previous arrangement or concert within the same, with intent to give or receive any such challenge without said 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 said district.

Any person giving or receiving a challenge after having left the District by previous arrangement, &c.

SEC. 5. *And be it further enacted*, That every offender may plead a former conviction or acquittal for the same offence in any State or country; and the same, being established, shall be a bar to any further proceedings against such person under the next preceding section of this act.

Bar to further proceedings, by pleading a former conviction.

SEC. 6. *And be it further enacted*, That any person offending against the provisions of this act may be a competent witness against any other person offending in the same transaction, and may, at the discretion of the court, be compelled to give evidence before any grand jury, or on any trial in court; but the person so testifying shall not thereafter be liable to prosecution for the same matter, nor shall the testimony so given be used against him in any case whatsoever.

Evidence, &c.

SEC. 7. *And be it further enacted*, That, in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentment make of all offences against this act.

Grand jury to be sworn, &c.

APPROVED, February 20, 1839.

STATUTE III.

CHAP. XXXI.—*An Act to amend an act entitled "An act to establish a criminal court in the District of Columbia."*

Feb. 20, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the judge of the said criminal court, from sickness, or any other legal cause, shall be unable to hold the said court, he shall give notice thereof to the chief judge of the circuit court of the District of Columbia, who, if not prevented by sickness or other legal cause, on receiving such notice, shall hold the said court during the temporary inability of the judge of the said court; and if the chief judge of the said circuit

Act of July 7, 1838, ch. 192.

In case of inability of the judge of the criminal court, from sickness, &c.