

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.

All writs, &c.
to be tested in
the name of the
judge.

Powers of the
judge.

The judge to
take an oath of
office, &c.

In order to pre-
vent delay, &c.

Writs of error
to be returned,
&c.

Such part of
sec. 5th of the
former act as is
inconsistent
with this, re-
pealed.

Days on which
the criminal
court for Wash-
ington county
shall be held.

Process in
Washington
county.

Adjournment
of the court, &c.

Cases wherein

court shall not be able to hold the said criminal court, then the senior assistant judge of the said circuit court shall hold the same.

SEC. 2. *And be it further enacted*, That all writs and process which shall issue from the said court, shall be tested in the name of the judge of the said court.

SEC. 3. *And be it further enacted*, That the judge of the said court shall, out of court, in all criminal matters, and breaches of the peace and good behavior, have and exercise all the powers by law vested in the circuit court of the United States, and the judges thereof, and which were vested by the acts establishing the circuit court of the District of Columbia, and judges of the same.

SEC. 4. *And be it further enacted*, That the judge of the said criminal court shall take the oath of office, provided by law to be taken by the judges of the circuit court of the District of Columbia; and shall have power to make all needful rules of practice for the orderly and speedy administration of the business of the same, as he shall deem expedient, not inconsistent with the laws and Constitution of the United States; and the said court is hereby authorized to provide a seal for the same; and he shall have the same power and authority as is exercised by the judges of the circuit court of the District of Columbia, to require bail in all cases when by law bail may be required.

SEC. 5. *And be it further enacted*, In order to prevent the delay and long confinement in the jails of said district, of prisoners sentenced to be executed, or to the penitentiary, when the party claims the right to have the sentence suspended, to give an opportunity of applying for a writ of error: *Be it enacted*, That all writs of error which may be granted to the judgment of the criminal court of either county, shall be returned to the circuit court which may be in session, or to the next circuit court which may be held at the stated times fixed by law for the meeting of the same; and that so much of the fifth section of the act establishing the criminal court as requires the writ of error to be returned to the circuit court of the county in which said judgment may be rendered, be, and the same is hereby repealed. The judgment of the circuit court shall be certified to the clerk of the criminal court, and preserved among the original papers in the case.

SEC. 6. *And be it further enacted*, That the said criminal court for Washington county, in said District, shall hereafter commence and be held on the last Monday in December and on the second Monday in March and the fourth Monday of October, instead of the first Monday in December and the first Monday in March and the first Monday of September, the days now fixed by law for holding three of the terms of said court. All process whatsoever now issued, or which may be issued in the county of Washington, in said District, returnable to the days now fixed by law for said county, shall be returnable and returned on the days prescribed by this statute.

SEC. 7. *And be it further enacted*, That if, after the said court shall have commenced its session, the judge should be taken sick, so as not to be able to continue the session of the court from day to day until the business of the term is disposed of, it shall be lawful for him, or in his absence for the clerk of the said court to adjourn the same from day to day or week to week until such time as he shall be able to attend to the business of the said court, when the same shall be resumed as if the session had not been interrupted. But if the sickness of the said judge shall continue longer than the space of one month, then the chief judge of the circuit court of the District of Columbia shall hold the said court and continue the session; and if the said chief judge shall be unable from sickness or other disability to hold the said court, then the senior assistant judge of the said circuit court shall hold the same.

SEC. 8. *And be it further enacted*, That in any case wherein the

parties or any of them may be related to the said judge of the criminal court, then such case and the record thereof may be sent to the next circuit court of the District of Columbia for the county in which the said case shall have arisen, to be there tried and determined, and sentence passed and executed, as if this act and the act to which this is supplemental had never been passed.

any of the parties are related to the judge.

SEC. 9. *And be it further enacted*, That all causes, indictments, writs, process, and proceedings which were pending in the criminal court of the District of Columbia for the county of Washington, at the time appointed by law for holding a session thereof, on the first Monday of December last past, or which were returnable to the session of said court which ought to have been holden on said first Monday of December, shall be, and the same are hereby, revived, reinstated, and continued over to the next stated session of said court for said county, to be holden on the second Monday of March next, in the same manner and condition, and the same further proceedings may be had therein as if a session of the said court had been held, according to law, on the said first Monday of December, and as if a regular continuance of all said causes, indictments, writs, process, and proceedings, had been duly entered upon the records of the said court.

All cases, &c. which were pending in Washington co. revived, &c.

APPROVED, February 20, 1839.

CHAP. XXXIII.—*An Act to prevent the abatement of suits and actions now pending, in which the Bank of Columbia, in Georgetown, may be a party.*

STATUTE III.

Feb. 28, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no suit, action, judgment, or decree, now pending and unsatisfied, in which the Bank of Columbia, in Georgetown, is party, plaintiff or defendant, shall abate, or be discontinued or dismissed by reason of the expiration of the term for which the said bank is chartered, but all such suits, actions, judgments, and decrees shall be allowed to proceed to final judgment, execution, satisfaction, and settlement; and for that purpose it shall be lawful to use the corporate name, style and capacity, notwithstanding the expiration of the term of its incorporation.

No suit, &c. now pending, shall abate, &c.

APPROVED, February 28, 1839.

CHAP. XXXV.—*An Act to abolish imprisonment for debt in certain cases. (a)*

STATUTE III.

Feb. 28, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be imprisoned for debt in any State, on process issuing out of a court of the United States, where by the laws of such State, imprisonment for debt has been abolished; and where by the laws of a State, imprisonment for debt shall be allowed, under certain conditions and restrictions, the same conditions and restrictions shall be applicable to the process issuing out of the courts of the United States; and the same proceedings shall be had therein, as are adopted in the courts of such State.

Imprisonment for debt abolished. Act of Jan. 14, 1841, ch. 2.

APPROVED, February 28, 1839.

CHAP. XXXVI.—*An Act in amendment of the acts respecting the Judicial System of the United States. (b)*

STATUTE III.

Feb. 28, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, in any suit at law or in equity, commenced in any court of the United States, there shall be several defendants, any one or more of whom shall not be inhabitants

The court may entertain jurisdiction in certain cases.

(a) See notes of acts relating to imprisonment for debt, vol. 1, 265.

(b) An act concerning the Supreme Court of the United States, June 17, 1844, chap. 96.