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that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than $500 or imprisoned not more than two years, or both.

Theft; depredation against public property.

"(C) And whoever shall take and carry away or take for his use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States, shall be punished as follows: If the value of such property exceeds the sum of $50, by a fine of not more than $10,000 or imprisonment for not more than ten years, or both; if the value of such property does not exceed the sum of $50, by a fine of not more than $1,000 or by imprisonment in a jail for not more than one year, or both. Value, as used in this section, shall mean market value or cost price, either wholesale or retail, whichever shall be the greater."

Property under contract for War or Navy Departments.

Penalty.

Value construed.

Approved, April 4, 1938.

[CHAPTER 72]

AN ACT

April 5, 1938
[S. 711]
[Public, No. 466]

To amend an Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, and particularly sections 863, 911, and 914 of the said code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, and the Acts amendatory thereof and supplementary thereto, constituting a Code of Law for the District of Columbia, be, and the same hereby are, amended as follows:

District of Columbia Code, amendments.
Offenses against public policy.
31 Stat. 1330.
6 D. C. Code § 151.

Section 863 of such Act is hereby amended to read as follows:

"SEC. 863. If any person shall within the District keep, set up, or promote, or be concerned as owner, agent, or clerk, or in any other manner, in managing, carrying on, promoting, or advertising, directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any chance, right, or interest, tangible or intangible, in any policy lottery, or any lottery or shall sell or transfer any ticket, certificate, bill, token, or other device, purporting or intended to guarantee or assure to any person or entitle him to a chance of drawing or obtaining a prize, to be drawn in any lottery, or in a game or device commonly known as policy lottery or policy or shall, for himself or another person, sell or transfer, or have in his possession for the purpose of sale or transfer, a chance or ticket in or share of a ticket in any lottery or any such bill, certificate, token, or other device, he shall be fined upon conviction of each said offense not more than $1,000 or be imprisoned not more than three years, or both. The possession of any copy or record of any such chance, right, or interest, or of any such ticket, certificate, bill, token, or other device shall be prima-facie evidence that the possessor of such copy or record did, at the time and place of such possession, keep, set up, or promote, or was at such time and place concerned as owner, agent, or clerk, or otherwise in managing, carrying on, promoting, or advertising a policy lottery, policy shop, or lottery."

Managing, etc., policy lotteries, policy shops, or lotteries.

Lottery chances; sale, transfer, etc.

Penalty.

Copy or record of such chance, etc., prima facie evidence.

SEC. 2. There is hereby added to said Act a new section to be known as section 863 (a), to read as follows:

"SEC. 863. (a) If any person shall within the District have in his possession, knowingly, any ticket, certificate, bill, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for the purpose of playing, carrying on, or conducting any lottery, or the game or device commonly known as policy lottery or policy, he shall be fined upon conviction of each said offense not more than $500 or be imprisoned for not more than six months, or both."

Possession of lottery ticket, slip, etc.

Penalty.

SEC. 3. Section 911 of such Act is hereby amended to read as follows:

31 Stat. 1337.
6 D. C. Code § 357.

"SEC. 911. Upon complaint, under oath, before the police court, or a United States commissioner, setting forth that the affiant believes and has good cause to believe that there are concealed in any house or place articles stolen, taken by robbers, embezzled, or obtained by false pretenses, forged or counterfeited coins, stamps, labels, bank bills, or other instruments, or dies, plates, stamps, or brands for making the same, books or printed papers, drawings, engravings, photographs, or pictures of an indecent or obscene character, or instruments for immoral use, or any gaming table, device, or apparatus kept for the purpose of unlawful gaming, or any lottery tickets or lottery policies, or any book, paper, memorandum, or device for or used in recording any bet or deposit of money or thing or consideration of value received for any share, ticket, certificate, writing, bill, slip, or token in any pool or lottery or as a wager on or in connection with any race, game, contest, election, or other gambling transaction or device of an unlawful nature as defined in sections 863, 864, 865, 866, 868, and 869, of the Act of March 3, 1901, as amended and supplemented, particularly describing the house or place to be searched, the things to be seized, substantially alleging the offense in relation thereto, and describing the person to be seized, the said court or United States commissioner may issue a warrant either to the marshal or any officer of the Metropolitan Police commanding him to search such house or place for the property or other things, and, if found, to bring the same, together with the person to be seized, before the police court or United States commissioner issuing said warrant, as the case may be.

Searches.

Stolen, etc., articles.

Counterfeits, forgeries, etc.

Unlawful gaming devices, etc.

Books for recording bets, etc.

31 Stat. 1330, 1331.
6 D. C. Code §§ 151–154, 156, 157.

Description of place to be searched, things and person to be seized.

Warrant.

"The said warrant shall have annexed to it, or inserted therein, a copy of the affidavit upon which it is issued, and may be substantially in the form following:

Affidavit to be annexed.

Form.

"'Whereas there has been filed before ———— an affidavit, of which the following is a copy [here insert]. These are therefore to command you to enter [here describe the place] and there diligently search for the said articles, goods, or chattels in the said affidavit described, and that you bring the same, or any part thereof, found on said search and also the body of ———— before the police court, or United States commissioner, as the case may be, to be dealt with and disposed of according to law.'"

SEC. 4. Section 914 of such Act is hereby amended by adding a new paragraph thereto, the same to read as follows:

31 Stat. 1338.

"If the property seized be articles, games, devices, or contrivances maintained, kept, set up, or used in violation of sections 863, 863 (a), 864, 865, 866, 867, 868, or 869 of this code, they may be ordered destroyed, under direction of court, irrespective of any trial or the outcome thereof."

Disposition of seized property.

SEC. 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Saving clause.

Approved, April 5, 1938.