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LAWS
OF THE
CANAL ZONE
Isthmus of Panama
ENACTED BY THE
Isthmian Canal Commission

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Mr. Frank J. Hecker.
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THE JUDICIARY.

ACT NO. 1.

An Act to provide for the organization of a judiciary and the exercise of judicial powers in the Canal Zone, Isthmus of Panama, and for other purposes.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. (Constitution of Judiciary.)—The judicial power of the Government of the Canal Zone, Isthmus of Panama, shall be vested in a Supreme Court, Circuit Courts and Municipal Courts, together with such special jurisdictions and other special tribunals as now are, or hereafter may be authorized by law. The Supreme Court and the Circuit Courts shall be courts of record.

SEC. 2. (Supreme Court.)—The Supreme Court shall consist of one Chief Justice and two Associate Justices, who shall be magistrates throughout the territory of the Canal Zone, any two of whom, when convened, shall form a quorum, and shall transact any business of the court; and in the absence of a quorum the judge present may adjourn the court from time to time with the same effect as if they were present. The concurrence of at least two members of the court shall be necessary to pronounce a judgment.

SEC. 3. (Appointment of Justices.)—The Chief Justice and Associate Justices of the Supreme Court shall be appointed by the Commission. The first Chief Justice shall be appointed for a period terminating the first Monday in January, 1909; of the two Associate Justices, one shall be appointed for a period terminating the first Monday in January, 1911, and one for a period terminating the first Monday in January, 1913; thereafter the members of the court shall be appointed for terms of six years each. In case of vacancy an appointment shall be made for the unexpired term. The seniority of the Associate Justices of the court shall be determined by the dates of their respective commissions.

SEC. 4. (Salaries of the Members of the Supreme Court.)—The annual salary of each Associate Justice of the Supreme Court shall be six thousand dollars ($6,000.00), payable monthly. The annual salary of the Chief Justice shall be six thousand five hundred dollars ($6,500.00), payable monthly.

SEC. 5. The Supreme Court shall sit in banc as a body composed of all its members, and the Chief Justice shall be the presiding officer.
thereof. In case of his absence at a session of the court, the Associate Justice next in seniority to the Chief Justice shall preside.

Sec. 6. (Sessions of the Supreme Court.)—The Supreme Court shall always be open, legal holidays and non-judicial days excepted, for the transaction of business. It shall hold regular terms for the hearing of causes at the seat of Government for the Canal Zone, commencing on the second Monday of January and July of each year, and special sessions at such other times as may be prescribed by the justices thereof.

Sec. 7. (Decisions to be in Writing.)—In the determination of causes, all decisions of the Supreme Court shall be given in writing, signed by the justices concurring in the decision, and the grounds of the decisions shall be stated as briefly as may be consistent with clearness of expression.

Sec. 8. (Jurisdiction of the Supreme Court.)—The jurisdiction of the Supreme Court shall be of two kinds:

1. Original; and,

2. Appellate.

Sec. 9. (Its Original Jurisdiction.)—The Supreme Court shall have original jurisdiction to issue writs of Mandamus, Certiorari, Prohibition, Habeas Corpus, Quo Warranto, in cases warranted by the principles and usages of law, and to hear and determine controversies thus brought before it, and in other cases provided by law. Said writs may be granted by any justice of the Supreme Court in all cases where they might be granted by the Supreme Court.

Sec. 10. (Its Appellate Jurisdiction.)—The Supreme Court shall have appellate jurisdiction of all actions and special proceedings properly brought to it from the Circuit Courts and from all other tribunals from whose judgment the law shall specially provide an appeal to the Supreme Court.

Sec. 11. (Power to Issue All Necessary Auxiliary Writs.)—The Supreme Court shall have power to issue writs of certiorari and all other auxiliary writs and process necessary to the complete exercise of its original or appellate jurisdiction.

Sec. 12. (Leaves of Absence.)—All leaves of absence of the Justices of the Supreme Court shall be granted by the Governor of the Canal Zone. Leaves of absence of clerks and other subordinates, officials or employees of the Supreme Court shall be granted by the Chief Justice, and of the Circuit Courts by the presiding judge, pursuant to law.

Sec. 13. (Transportation of Judges and Salaries While Traveling.)—A person residing in the United States who is appointed Chief Justice, or Associate Justice, of the Supreme Court, shall be paid his traveling expenses from his place of residence to the Canal Zone, if
he shall come by steamer and route designated by the Commission. He shall be allowed his salary from the date of leaving home to come to the Canal Zone, provided he proceeds directly to the Zone, unless otherwise provided in the appointment; otherwise he shall be allowed salary for such time only as is ordinarily required to perform the journey from his place of residence to the Zone. During his term of office he shall be furnished a dwelling house or apartment, or in lieu thereof a sum of money equal to eight per cent. (8 per cent.) of his annual salary, at the option of the Commission.

SEC. 14. (Official Oath of Judicial Officers.)—The judges of the several courts shall, before they proceed to execute the duties of their respective offices, take and subscribe to the following oath or affirmation, to-wit:

"I, ———, solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——— according to the best of my ability and understanding, agreeably to the laws of the Canal Zone, Isthmus of Panama. That I recognize and accept the supreme authority of the United States in said Zone, and will maintain true faith and allegiance thereto. That I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; so help me God." (The last four words to be stricken out in case of affirmation.)

"(Signature) ———

"Subscribed and sworn to (or affirmed) before me this ——— day of ———, 1900."

The oath may be administered by any officer qualified to perform that service, and shall be filed with the clerk of the court in which the official taking the oath presides, and be by him recorded in the records of the court.

SEC. 15. (The Clerk and His Assistants.)—The Commission shall appoint a clerk of the Supreme Court, who shall be the reporter, the recording officer, interpreter and translator of the Court, and perform such other duties as are prescribed by law. He shall receive a salary at the rate of three thousand dollars ($3,000.00) per year, and all fees charged by him for his own services or those of his assistants shall belong to the Government. He may be removed at any time by the Justices of the Supreme Court or by the action of the Commission. He may employ such deputies and assistants as the majority of the Justices of the Supreme Court may decide to be necessary, and at salaries to be fixed by them, all with the approval of the Governor of the Canal Zone. During his term of office he shall be furnished a dwelling house or apartment, or in lieu thereof a sum of money equal to eight per
cent. (8 per cent.) of his annual salary, at the option of the Commis-

Sec. 16. (Clerk’s Bond.)—Before entering upon the performance of his duties the clerk of the Supreme Court shall execute a bond to the Government of the Canal Zone, Isthmus of Panama, in the penal sum of ten thousand dollars ($10,000.00), with sufficient surety, to be approved by the Governor of the Canal Zone, conditioned for the faithful performance of his duties and for the payment to those entitled thereto of all sums of money that shall come into his hands or into those of his deputies and assistants by virtue of his office. The bond shall be delivered to and retained by the Governor of the Canal Zone, and shall be available for any party in interest. The clerk may require of his deputies and assistants a sufficient bond to indemnify him against the misfeasance, malfeasance and nonfeasance of such deputies or assistants.

Sec. 17. The Commission shall appoint a Marshal of the Supreme Court, who shall serve its process and enforce good order in and about the court room. He shall receive a salary at the rate of eighteen hundred dollars ($1,800.00) per year, and all fees charged by him for his own services or those of his assistants shall belong to the Government. He may be removed at any time by the Justices of the Supreme Court, and his successor appointed by the Commission. He may employ such deputies and assistants as the majority of the Justices of the Supreme Court may decide to be necessary, and at salaries to be fixed by them, all with the approval of the Governor of the Canal Zone. During his term of office he shall be furnished a dwelling house or apartment, or in lieu thereof a sum of money equal to eight per cent. (8 per cent.) of his annual salary, at the option of the Commission.

Sec. 18. The Marshal of the Supreme Court shall, before being qualified to perform the duties of an officer of said court, execute a bond with sufficient surety to the Government of the Canal Zone, Isthmus of Panama, in the penal sum of ten thousand dollars ($10,000.00), to be approved by the Governor of the Canal Zone, conditioned for the faithful performance of the duties of himself and his deputies as officers of the court, and the payment of all sums of money that shall come into his hands or their hands officially, to the persons entitled thereto. The bond shall be delivered to and retained by the Governor of the Canal Zone, and shall be available as security for the benefit of any person in interest. The Marshal may require each of his deputies to execute to him a sufficient indemnity for his protection against misfeasance, malfeasance and nonfeasance of such deputy.

Sec. 19. (Fees.)—The Justices of the Supreme Court shall prescribe and adopt a fee bill for services to be rendered by the officers of
the courts of the Canal Zone, which said bill shall be in accordance with
the fee bill provided by the Codes in force in said Zone.

SEC. 20. (Rules.) — The Justices of the Supreme Court shall make
the necessary rules for the orderly procedure of the Supreme Court
and Circuit Courts and Municipal Courts, and for the admission of
lawyers to the practice of the law before such courts, in accordance
with the provisions of the laws in force in the Canal Zone, which rules
shall be uniform for all courts of the same grade, and binding upon
the several courts; but the Justices of the Supreme Court may at any
time alter or amend such rules.

Circuit Courts.

SEC. 21. (When Such Courts are Open.) — Circuit Courts shall al-
ways be open (legal holidays and non-judicial days excepted), and
shall hold their sessions at a time and place to be fixed by the Justices
of the Supreme Court. The Chief Justice and Associate Justices
of the Supreme Court shall be the judges of the Circuit Courts, and
shall be assigned to the respective circuits as the circuit judge
thereof. Prior to January 1, 1905, such assignment shall be
made by the Governor of the Canal Zone, and thereafter by
the Chief Justice of the Supreme Court. In the absence or
disability of the Justice of the Supreme Court assigned to a judicial
circuit as Circuit Judge, or in case of vacancy in said office of Circuit
Judge, the Chief Justice of the Supreme Court shall designate one of
the other justices of the Supreme Court to act as judge of said circuit,
during such absence, disability or vacancy. The judges of the Circuit
Courts may hold court for and in each others stead in the several judi-
cial circuits.

SEC. 22. (Judicial Circuits, as Provided in Act No. 17.) — The Canal
Zone, Isthmus of Panama, shall be divided into three Judicial Circuits.

The First Judicial Circuit shall be composed of the Municipality
of Ancon.

The Second Judicial Circuit shall consist of the municipalities of
Emperor and Gorgona.

The Third Judicial Circuit shall consist of the municipalities of
Buenavista and Cristobal.

SEC. 23. (Jurisdiction of Circuit Courts.) — The jurisdiction of Cir-
cuit Courts shall be of two kinds:
1. Original; and,
2. Appellate.

SEC. 24. (Its Original Jurisdiction.) — Circuit Courts shall have
original jurisdiction;
1. In all civil actions in which the subject of litigation is not capable
of pecuniary estimation;
2. In all civil actions which involve the title to or possession of real property, or any interest therein, or the legality of any tax, impost or assessment, except actions of forcible entry into, and unlawful detainer of lands or buildings, original jurisdiction of which is by this act conferred upon municipal courts;

3. In all cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one hundred dollars or more;

4. In all actions in admiralty and maritime jurisdiction, irrespective of the value of the property in controversy or the amount of the demand;

5. In all matters of probate, both of testate and intestate estates, appointment of guardians, trustees, and receivers, and in all actions for annulment of marriage, and in all such special cases and proceedings as are not otherwise provided for;

6. In all cases involving the exercise of eminent domain;

7. In all criminal cases in which a penalty of more than thirty days' imprisonment or a fine exceeding twenty-five dollars ($25.00) may be imposed;

8. Said courts and their judges, or any of them, shall have power to issue writs of injunction, mandamus, certiorari, prohibition, quo warranto, and habeas corpus in their respective circuits and districts in the manner provided by law; and fix, approve and accept bail in criminal cases.

Sec. 25. (Its Appellate Jurisdiction.)—The Circuit Courts shall have appellate jurisdiction over all cases arising in the municipal and inferior courts in their respective circuits.

Sec. 26. (The Clerk of the Circuit Court.)—The Judge of each Circuit Court shall appoint a clerk for the Circuit Court of his judicial circuit, subject to the approval of the Commission, who shall hold office during the pleasure of the Judge, and may be removed by the judge with the approval of the Governor of the Canal Zone. The clerk shall receive a salary at a rate of two thousand dollars ($2,000.00) per year, payable monthly, and all fees charged by him shall belong to the Government. He may employ such assistants as a majority of the Justices of the Supreme Court may decide to be necessary, and at salaries to be fixed by them, after approval thereof by the Governor of the Canal Zone. During his term of office he shall be furnished a dwelling house or apartment, or in lieu thereof a sum of money equal to eight per cent. (8 per cent.) of his annual salary, at the option of the Commission.

Sec. 27. (The Clerk's Bond.)—Before entering upon the performance of his duties, the clerk of the Circuit Court shall execute a bond
to the Government of the Canal Zone, Isthmus of Panama, in the penal sum of five thousand dollars ($5,000.00), with sufficient surety, to be approved by the Governor of the Canal Zone, conditioned for the faithful performance of his duties, and for the payment to those entitled thereto of all sums of money that shall come into his hands or into those of his deputies, by virtue of his office. The bond shall be delivered to and retained by the Governor of the Canal Zone, and shall be available for any party in interest.

SEC. 28. (Marshal of the Court.)—The Commission shall appoint a Marshal for each Circuit Court, whose duty it shall be to serve the process of the court and enforce good order in and about the court room. The salary of the Marshal shall be fifteen hundred dollars ($1,500.00) per annum, payable monthly. Any sum collected by the Marshal for fees for official services shall belong to the Government and shall be paid over by the Marshal to the Governor of the Canal Zone, to be dealt with as public funds. During his term of office he shall be furnished a dwelling house or apartment, or in lieu thereof a sum of money equal to eight per cent. (8 per cent.) of his annual salary, at the option of the Commission.

MUNICIPAL COURTS.

SEC. 29. (Municipal Courts for Each Municipality.)—There shall be established a Municipal Court in each municipality of the Canal Zone, which is now organized and conducted as a municipality, or which may be hereafter organized under the municipal law.

SEC. 30. (Appointment of Municipal Judges.)—Municipal Judges shall be appointed by the Governor of the Canal Zone, and shall hold office during the pleasure of the Governor.

SEC. 31. (Jurisdiction.)—A Municipal Judge shall have original jurisdiction for the trial of misdemeanors and offenses arising within the municipality of which he is a judge, in all cases where the sentence might not by law exceed thirty days’ imprisonment or a fine of twenty-five dollars, and for the trial of all civil actions properly triable within his municipality and over which exclusive jurisdiction has not herein been given to the Circuit Courts, in all cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to less than one hundred dollars.

A municipal judge shall also have jurisdiction over actions for forcible entry into, and unlawful detainer of real estate, irrespective of the amount in controversy.

The jurisdiction of the municipal judge in civil actions triable within his municipality, in cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to twenty dollars or more, shall be concurrent with that of the Circuit Court; pro-
vided that the jurisdiction of the municipal judge shall not extend to civil actions in which the subject of litigation is not capable of pecuniary estimation, or to those which involve the title to or possession of real estate, or an interest therein, or the legality of any tax, impost, or assessment, or to actions in admiralty, or maritime jurisdiction, or to matters of probate, the appointment of guardians, trustees, and receivers, or actions for the annulment of marriage, or eminent domain; but this proviso shall not apply to actions of forcible entry into and unlawful detainer of lands or buildings, original jurisdiction of which is hereby conferred upon municipal courts.

If a felony be committed in the Canal Zone, it shall be the duty of the municipal judge of the municipality in which the offense was committed to investigate the same and cause the arrest of the offender, and to act as an examining magistrate in a preliminary examination; if it shall appear that a felony has been committed and probable cause exists for presuming the accused guilty thereof, the municipal judge shall forthwith remand the accused to the custody of the Marshal, and the papers in the case and the names of the witnesses shall be transmitted to the prosecuting attorney of the Canal Zone for such further action as the due administration of justice may require.

A municipal judge may fix the amount of bail, approve the sureties and form of the undertaking, receive and file the same in any criminal proceeding in his court, and release the prisoner thereon, pursuant to the forms and established usages of law.

SEC. 32. (Clerks and employees.)—Each municipal judge may act as his own clerk, or he may appoint a clerk, and if necessary, other clerical assistants and bailiffs, all at his own expense.

SEC. 33. (Salary, Fees, Fines and Costs, as Provided by Act No. 17.)—The salary of the Municipal Judge of each municipality shall be fixed by the Governor of the Canal Zone and stated in the appointment; provided, that such salary shall not exceed $1,200 per annum. The salary of the Municipal Judge shall be payable monthly out of the treasury of the municipality. The Municipal Judge shall receive no other compensation or allowance than said salary so fixed, and all fees, fines, and costs imposed and collected by the Municipal Judge shall be paid into the municipal treasury, and shall be available for expenditure in the conduct of the municipal government. The Municipal Judge shall charge and collect the fees prescribed for said courts by law. All fees, fines, and costs imposed by a Municipal Judge shall be paid into the municipal treasury on the first day of the month succeeding the date of the collection. On the first day of each month the Municipal Judge shall present to the Municipal Treasurer a detailed statement of the fees, fines, and costs collected by him since his last previous report. His account shall be forthwith audited by the Mayor and Treas-
urcr. For the purpose of the auditing herein provided the auditors shall examine the records of the Municipal Judge and any other papers or persons deemed necessary. The Municipal Judge shall in all cases execute a receipt in duplicate for the money paid to him for fees, fines, or costs, one copy of which he shall retain, and the other shall be delivered to the person making the payment. The copies retained by him shall be produced before the auditors. If the auditors are of the opinion that needless prosecutions have been instituted for the purpose of enhancing fees, they shall report the fact to the Governor of the Canal Zone.

Sec. 34. (Fees.)—No municipal judge, clerk or amanuensis of the municipal court shall collect or receive any fees except such as are prescribed by law.

Sec. 35. (Bonds of Municipal Judges.)—Each municipal judge, before entering upon the performance of his duties, shall execute a bond to the Government of the Canal Zone, Isthmus of Panama, with sufficient surety, to be approved by the Governor of the Canal Zone, in the penal sum of one thousand dollars ($1,000.00), conditioned for the faithful discharge of the duties of his office, and the payment of all sums of money which shall come into his hands by virtue of his office. The bond shall be filed with the Governor of the Canal Zone and remain in his custody, and a breach may be prosecuted in the name of the Government of the Canal Zone for the benefit of any party in interest.

Sec. 36. (Officers of the Municipal Court.)—Any deputy of the Marshal of the Circuit Court is authorized to act as an officer of a municipal court in the judicial circuit, and to serve any process issuing from such municipal court. Process of a municipal court, other than executions, may also be served by any bailiff appointed by the municipal judge for that purpose, or by any policeman or constable of the municipality.

Sec. 37. (Annual Reports.)—The clerk of the Supreme Court and of every Circuit Court, and every municipal judge shall, on or before the first of each year, make a full report concerning the business done in his court for the year previous, to the Governor of the Canal Zone upon the forms to be prescribed by him. Such reports shall show the suits brought in each court respectively, the suits dismissed by the plaintiff, and the suits decided during the previous calendar year, together with the suits pending at the close of the year, and the nature of the suits as to being civil or criminal. Each clerk and municipal judge shall state in said report the amount of costs received by him during the year. The Governor of the Canal Zone shall compile and analyze the reports thus made and transmit them to the Commission.

Sec. 38. The Commission shall appoint a General Counsel, who shall act as the legal adviser of the Commission in matters subject to
their jurisdiction; he shall submit his opinions in writing when requested by the Commission, the Chairman of the Commission or the Governor of the Zone; he shall have general supervision and control of the prosecution or defense of litigation in which the Commission shall be involved or interested; his salary shall be seven thousand five hundred dollars ($7,500.00) per annum, payable monthly.

Sec. 39. The Commission shall appoint a prosecuting attorney for the Canal Zone, who shall be stationed at the seat of Government on the Canal Zone, and shall act as legal adviser for the Governor of the Canal Zone; he shall have charge of the interests of the Commission and the Government of the Canal Zone in all litigation in the courts of the Canal Zone or the Republic of Panama; he shall act as prosecuting attorney in all criminal cases in the courts of the Canal Zone; and shall perform such other services consistent with his employment as may be required of him by the Governor of the Canal Zone or by the Commission. He shall hold said office during the pleasure of the Governor of the Canal Zone. His salary shall be three thousand six hundred dollars ($3,600.00) per annum, payable monthly. During his term of office he shall be furnished a dwelling house or apartment, or in lieu thereof a sum of money equal to eight per cent. (8 per cent.) of his annual salary, at the option of the Commission.

Sec. 40. The prosecuting attorney of the Canal Zone shall have authority, subject to the approval of the Governor of the Canal Zone, to appoint deputy prosecutors, not to exceed one for each judicial circuit of the Canal Zone. The salary of a deputy prosecutor shall not exceed twelve hundred dollars ($1,200.00) per annum, payable monthly, and they shall hold their office during the pleasure of the Governor of the Canal Zone.

Sec. 41. The Supreme, Circuit and Municipal Courts within their respective jurisdictions shall have the power to hear and determine all cases heretofore arising in the territory of the Canal Zone and now pending in the courts which possessed jurisdiction in and over such territory at the time said suit was instituted and prior to the 26th day of February, 1904: Provided jurisdiction over said cases is surrendered and the cases transferred to the courts of the Canal Zone by the courts in which the cases are now pending.

Sec. 42. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Whereas an emergency exists, this act shall be in force and effect from and after its passage.

Enacted August 16, 1904.

J. G. WALKEK, Chairman Isthmian Canal Commission.
NOTARIES PUBLIC.

Act No. 2.

An Act authorizing the appointment of notaries public, defining their duties, fixing their term of office, prescribing their fees, and for other purposes.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. The Governor of the Canal Zone is hereby authorized to appoint and commission such number of persons to the office of Notary Public as the public good requires, and shall appoint at least one Notary Public for each organized municipality within said Canal Zone, to hold their office for three years from the date of their appointment, and whose jurisdiction shall extend throughout the judicial circuit in which their municipality is situated, but not elsewhere.

Notaries Public may be removed from office by and at the pleasure of the Governor.

* Sec. 2. The appointment of a Notary Public shall be in writing, signed by the Governor, and shall be substantially in the following form:

"CANAL ZONE, Isthmus of Panama.

--- Judicial Circuit.

This is to certify that——of the municipality of——, in said judicial circuit, was on the——day of—— A. D., 190——, appointed by me a Notary Public, within and for said judicial circuit, for the term ending on the——day of—— A. D., 190——.

Governor of the Canal Zone."

Sec. 3. Every Notary Public before entering upon his duties shall take and subscribe the following oath or affirmation:

"I,——, solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties of the office of Notary Public within and for the——judicial circuit of the Canal Zone, Isthmus of Panama, according to the best of my ability and understanding, agreeably to the laws in force in said Zone; and that I recognize and accept the supreme authority of the United States in said Zone, and will maintain true faith and allegiance thereto; and that I impose upon myself this obligation voluntarily without mental reservation or purpose of evasion; so help me God. (The last four words to be stricken out in case of affirmation.)

(Signature)——

"Subscribed and sworn to (or affirmed) before me this——day of——, 190——."

*Amended by Executive Order

Date 11-18-19 P. 131
The oath may be administered by a justice of the Supreme Court or judge of a Circuit Court or any municipal judge of said Zone, and shall, together with the commission, be recorded in the office of the clerk of the court of the circuit in which the notary is appointed.

Sec. 4. Each Notary Public shall have a seal of office, which shall be affixed to all papers officially signed by him. The seal shall be procured by the notary at his own expense, and shall have the name of the judicial circuit and the words “Canal Zone” and his own name on the margin thereof, and the words “Notary Public” across the center.

Sec. 5. Every Notary Public shall keep a register of all his official acts, and shall give a certified copy of his record, or any part thereof, to any person applying for it and paying the legal fees therefor.

Sec. 6. Every Notary Public shall have power, within the judicial circuit for which he is appointed, to administer all oaths and affirmations provided for by law in all matters incident to his notarial office, and in executions, affidavits, depositions, and other documents requiring an oath, and to receive the proof or acknowledgment of all writings relating to commerce and navigation, such as bills of sale, bottomries, mortgages, and hypothecations of ships, vessels, or boats, charter parties or affreightments, letters of attorney, deeds, mortgages, transfers, and assignments of lands or buildings, or an interest therein, and such other writings as are commonly proved or acknowledged before notaries; to act as magistrates in writing affidavits or depositions, to demand acceptance or payment of any foreign, inland, or domestic bill of exchange, promissory note, or other obligation in writing, and to protest the same for non-acceptance or non-payment, as the case may be, and give notice to endorsers, makers, drawers, or acceptors of such demand, non-acceptance or non-payments; and to exercise and perform such other powers and duties, as by the law of nations and according to commercial uses may be exercised and performed by notaries public, and to make declarations and attest the truth thereof under his seal of office concerning all matters done by him by virtue of his office.

Sec. 7. When a Notary Public shall protest any draft, bill of exchange, or promissory note, he shall make a full and true record in his register or book kept for that purpose, and all his proceedings in relation thereto, and shall note therein whether the demand for the sum of money mentioned therein was made, of whom, when, and where; whether he presented such draft, bill, or note; whether notices were given, to whom, and in what manner; where the same was made, and when, and to whom, and where directed, and of every other fact touching the same.

Sec. 8. A Notary Public shall affix to all acknowledgments taken and certified by him according to law, the date on which his commission expires, provided such date of expiration is not engraved on the seal.

Sec. 9. Any Notary Public who shall wilfully affix his signature
and seal as Notary Public to an instrument after the expiration of his commission, shall be guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars ($500.00) or imprisoned not exceeding one year, or both, in the discretion of the court.

Sec. 10. If any person shall be damaged or injured by any unlawful acts, negligences or misconduct of any Notary Public in his official capacity, the person damaged or injured may maintain a civil action therefor against such Notary Public.

Sec. 11. The fees for the services of Notaries Public shall be as follows: For each protest, one dollar; for recording the same, fifty cents; for each notice of protest, twenty-five cents; for taking affidavit and affixing seal, twenty-five cents; for administering oath or affirmation, ten cents; for taking depositions, each ten words, two cents; for each certificate and seal, twenty-five cents; for taking acknowledgment of deed or other instrument, fifty cents; for each mile traveled in serving notice, ten cents.

Sec. 12. If any Notary Public shall take greater fees than are hereinbefore limited and expressed, such officer shall forfeit and pay to the party injured fifty dollars ($50.00), to be recovered as a debt of the same amount is recoverable by law.

Sec. 13. The Clerk of the Supreme Court and the Clerks of the Circuit Courts of the Canal Zone are hereby authorized to exercise the powers and perform the functions of Notaries Public, subject to the liabilities and entitled to the compensation prescribed by law for Notaries Public.

Whereas an emergency exists, this act shall be in force and effect on and after its passage.

Enacted August 17, 1904.

J. G. WALKER, Chairman Isthmian Canal Commission.

SUPPRESSION OF LOTTERIES.

Act No. 3.

An Act reciting an executive order of the President of the United States and to provide for the suppression of lotteries and similar enterprises in the Canal Zone, Isthmus of Panama, and for other purposes.

 Whereas, the executive order of the President of the United States, dated May 9th, 1904, defining the jurisdiction and functions of the Isthmian Canal Commission, directs as follows:

"If there be now in force within the Canal Zone any franchise granting to any person or persons a privilege to maintain lotteries or hold
lottery drawings or other gambling methods or devices of a character forbidden by the laws of the United States, or if the grantee of any such privilege has now the right to sell lottery tickets or similar devices to facilitate the business of the concessionaire, the Commission shall enact laws annulling the privileges or concessions and punishing future exercise of the same by imprisonment or fine, or both."

Now, therefore, by authority of the President of the United States, be it enacted by the Isthmian Canal Commission, that:

SECTION 1. Lotteries and similar enterprises offering prizes dependent upon lot or chance are repugnant to the laws of the United States and the general policy of the government as established by the enactments of the legislative branches of the National and State Governments exercising jurisdiction in the territory subject to the sovereignty of the United States, it is hereby declared that each and every franchise or concession granting to any person or persons, association or corporation, a privilege to maintain lotteries or hold lottery drawings or other gambling methods or devices, in the territory now included in the Canal Zone, Isthmus of Panama, or to sell lottery tickets or similar devices to promote or facilitate any lottery or similar enterprise, in said Zone or elsewhere, became null and void upon acquisition by the United States, in perpetuity, of the use, occupation and control of the territory included in the Canal Zone, and the rights, power and authority granted by the treaty signed at Washington, November 18, 1903.

SEC. 2. The establishment, maintenance, promotion or drawing of any lottery, policy-lottery or similar enterprise in the Canal Zone is unlawful, and cannot be authorized by a municipality or other political subdivision within said Canal Zone or any public officer or officers thereof.

SEC. 3. If any person or persons shall establish, set on foot, carry on, promote, make or draw, publicly or privately, within said Canal Zone, Isthmus of Panama, any lottery, policy-lottery, gift concert, or similar enterprise of any description, by whatever name, style, or title the same may be designated or known; or if any person or persons shall by such ways and means expose, set aside or offer for sale any house or houses, lands or real estate, or any goods or chattels, cash, or written evidences of debt, or certificates of claims, or any thing or things of value or tokens thereof whatever; every person so offending shall be fined in any sum not exceeding one thousand dollars or imprisoned not to exceed five years, or both, for the first offense; and for the second or subsequent offense by both fine and imprisonment.

SEC. 4. If any person or persons within said Canal Zone, Isthmus of Panama, shall vend, sell, barter, or dispose of any lottery ticket, or tickets, order or orders, device or devices, of any kind, for, or representing any number of shares, or any interest in any lottery, or scheme
of chance, or shall be concerned in any wise in any lottery or scheme of chance, by acting as owner or agent in said Canal Zone, Isthmus of Panama, for or on behalf of any lottery or scheme of chance, to be drawn, paid or carried on, either outside of or within said Canal Zone, every such person shall be fined in any sum not exceeding five hundred dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court, and for the second or subsequent offense by both fine and imprisonment.

Sec. 5. Whoever shall by printing, writing or in any other way publish an account of any lottery, or scheme of chance of any kind or description to be carried on, held, or drawn, either outside of or within the said Canal Zone, stating when or where any lottery or scheme of chance by whatever name, style or title the same may be denominated or known, is to be drawn, for the prizes therein, or any of them, or any information in relation to said drawing or prizes, or any of them, of the price of the ticket, show, or chance therein, or where any ticket may be obtained, or in any aiding or assisting in the same, or in any wise giving publicity to such lottery or scheme of chance, shall be fined in any sum not exceeding five hundred dollars, or be imprisoned not exceeding two years, or both, at the discretion of the court.

Sec. 6. Whoever shall cause to be brought within the said Canal Zone, from abroad, for the purpose of disposing of the same, or depositing the same therein, for the purpose of having them disposed of within said Canal Zone, any papers, certificates, or instruments purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, policy-lottery, gift concert, or other enterprise offering prizes dependent upon lot or chance; or shall cause any advertisement of any such lottery, policy-lottery, gift concert, or other enterprise offering prizes dependent upon lot or chance, to be brought within the said Canal Zone, or deposited in or circulated in said Canal Zone, shall be punished for the first offense by a fine of not more than five hundred dollars, or by imprisonment of not more than two years, or both, in the discretion of the court; and for the second or subsequent offenses, by both fine and imprisonment.

Sec. 7. No letter, postal card, or circular concerning any lottery, policy-lottery, gift concert, or other enterprise offering prizes dependent upon lot or chance, and no list of the drawings at any lottery or similar scheme, and no lottery ticket or part thereof, and no check, draft, bill, money, or money order for the purchase of any ticket, tickets, or part thereof, or of any share or any chance in any such lottery, policy-lottery, gift concert, or similar enterprise shall be carried in the mail or delivered at or through any post-office or branch thereof, or by any letter carrier; nor shall any newspaper, circular, pamphlet,
or publication of any kind containing any advertisement of any lottery, policy-lottery, gift concert, or similar enterprise of any kind offering prizes dependent upon lot or chance, or containing any list of prizes awarded at the drawings of any such lottery or similar enterprise, whether said list is of any part or all of the drawings, be carried in the mail or delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of this section, or shall knowingly cause to be delivered by mail anything forbidden to be carried by mail, shall be punished by a fine of not more than five hundred dollars, or be imprisoned for not more than two years, or both such fine and imprisonment.

Sec. 8. No postmaster or other persons employed in or otherwise connected with any branch of the Department of Posts shall act as agent for any lottery, policy-lottery, gift concert, or similar enterprise or otherwise vend lottery tickets; nor shall he knowingly receive or send any written or printed advertisement, circular or ticket of any lottery or similar enterprise. Whoever shall violate the provisions of this section shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than two years, or both such fine and imprisonment.

Sec. 9. The Circuit Courts of the Canal Zone shall have jurisdiction to try and determine charges or violations of this Act, and to render judgment and impose sentence according to the provisions of this Act. Criminal proceedings against persons charged with any violation of this Act shall be conducted in the name of the Government of the Canal Zone, and follow, as far as applicable, the existing Code of Criminal Procedure in force in said Canal Zone.

Sec. 10. Bazaars, church fairs and charitable entertainments, conducted by religious or charitable organizations, may be authorized to conduct raffles and gift enterprises by securing a permit therefor, which said permits are to be issued by the Governor whenever, after proper investigation, it shall appear that the gross proceeds of said enterprise are to be used for charitable purposes, and that the articles to be given as prizes in furtherance of said enterprise were acquired by donation and not by purchase.

Sec. 11. All laws or parts thereof which are in conflict with this Act are hereby repealed.

Sec. 12. This Act shall take effect on its passage.

Enacted August 22, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.
PROHIBITION OF GAMBLING.

Act No. 4.

An Act to prohibit gambling in the Canal Zone, Isthmus of Panama, and to provide for the punishment of violations thereof, and for other purposes.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. (Parties Engaged in Gambling.)—Every person who, within the limits of the Canal Zone, Isthmus of Panama, shall play at any game whatever for any sum of money or other property of value, or shall bet any money or property upon any gaming table, bank, or device, or at or upon any other gambling device, or who shall bet upon any game played at or by means of any such gaming table or gambling device, shall, upon conviction, be fined in any sum not exceeding five hundred dollars ($500.00), or be imprisoned not more than one year, or both, at the discretion of the court, and upon a second or any subsequent conviction shall be fined in any sum not less than one hundred dollars ($100.00) and not exceeding one thousand dollars ($1,000.00), or be imprisoned not more than two years, or both, at the discretion of the court.

SEC. 2. (The Proprietor of Gambling Devices.)—Every person who, within the Canal Zone, Isthmus of Panama, shall set up or keep any gaming table, faro bank, keno, or any kind of gambling table or gambling device, or gambling machine of any kind or description, under any denomination or name whatever, adapted, devised, and designed for the purpose of playing any game of chance for money or property, except billiard tables, or who shall keep any billiard table for the purpose of betting or gambling, or shall allow the same to be used for such purpose, shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) and not exceeding five hundred dollars ($500.00), or be imprisoned not exceeding one year, or both, at the discretion of the court.

SEC. 3. (Proprietor or Occupant of Private Premises on Which Gambling is Permitted.)—If any person or persons, within the Canal Zone, Isthmus of Panama, shall suffer any game or games whatsoever to be played for gain upon or by means of any gaming device or machine of any denomination or name in his or their house, or any out-house, booth, arbor, or erection of which he, she or they are the owners, or have the care or possession, the person or persons so offending shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or im-
prisonment not to exceed two years, or both, at the discretion of the court.

SEC. 4. (The Proprietor or Occupant of Public Houses.)—If any keeper or keepers within the Canal Zone, Isthmus of Panama, of any tavern, boarding house, ordinary, or other house of public resort, shall suffer any game or games whatever to be played for money or other property or token of value at or within such tavern, boarding house, ordinary, or other house of public resort, or in any out-house, building, or erection appending thereto, every such keeper or keepers shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or be imprisoned not to exceed two years, or both, at the discretion of the court.

SEC. 5. (The Keepers of Gambling Rooms.)—If any person within the Canal Zone, Isthmus of Panama, shall keep a room, building, arbor, booth, shed, or tenement, canal boat, or other water craft to be used or occupied for gambling, or if any person being the owner of any room, building, arbor, booth, shed, or tenement, canal boat, or other water craft, shall rent the same to be used or occupied for gambling, the person so offending shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), for the first offense, and upon a second or any subsequent conviction shall be fined in any sum not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or be imprisoned not less than one year nor more than two years, or both, at the discretion of the court. And if the owner of any room, building, arbor, booth, shed, or tenement, canal boat, or other water craft shall know that any gaming table, gambling apparatus, or establishment is kept or used in such room, building, arbor, booth, shed, or tenement, canal boat, or other water craft, for gambling, winning, betting, or gaining money or other property, and shall not forthwith cause complaint to be made against the person so keeping any such room, building, arbor, booth, shed, or tenement, canal boat or other water craft, he shall be taken, held and considered to have knowingly permitted the same to be used and occupied for gambling.

SEC. 6. (Common Gambler.)—If any person within the Canal Zone, Isthmus of Panama, shall keep or exhibit any gaming table, establishment, device, or apparatus, to win or gain money or other property of value, or shall aid, or assist, or permit others to do the same, or if any person shall engage in gambling for a livelihood, or shall be without any fixed residence, and in the habit or practice of gambling, he shall be deemed and taken to be a common gambler, and shall be imprisoned not less than one nor more than six months and be fined in any sum not exceeding one thousand dollars ($1,000.00).

SEC. 7. The court shall have authority to commit the party or
parties found guilty of violating any provision or provisions of this act in default of payment of any fine or costs imposed therefor, and any person so committed shall be allowed a credit on said fine or costs of one dollar ($1.00) for each day of actual imprisonment inflicted on him; provided that in the event of a sentence to imprisonment in addition to a fine, the time allowance herein provided shall not commence or be counted until the expiration of the time of imprisonment fixed and inflicted as a punishment for the offense.

Sec. 8. (Recovery of Property or Value.)—Any person or persons who shall lose any property or money in a gambling house or other place at either cards or by means of any other gambling device, or game or device of any kind, such person, the wife or guardian of such person, his heirs, legal representatives or creditors, shall have the right to recover the money or amount thereof, or the property or the value thereof, in a civil action, and may sue each or all persons participating in the game, and may join the keeper of the gambling establishment in the same action, who shall be jointly and severally liable for any money or property lost in any game or through any gambling device of any kind, and no title shall pass to said property or money by reason of its being lost in any such game or gambling device, and in an action to recover the same no evidence shall be required as to the specific kind or denomination of money, but only as to the amount so lost.

Sec. 9. Whereas an emergency exists, this act shall be in force and effect on and after its passage.

Enacted August 22, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

TEMPORARY AUTHORITY OF ALCALDES.

ACT NO. 5.

An Act to authorize the alcaldes of the several municipalities of the Canal Zone, Isthmus of Panama, temporarily to continue to exercise the judicial powers and jurisdiction heretofore exercised by them.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

Section 1. Until the Municipal Courts provided for by Act No. 1 of the Isthmian Canal Commission, enacted August 16, 1904, entitled "An Act to provide for the organization of a judiciary and the exercise of judicial powers in the Canal Zone, Isthmus of Panama, and for
other purposes," shall be duly and fully organized, by the appointment and qualification of the municipal judges, and notice thereof being given by the Governor of the Canal Zone, the Alcaldes of the several municipalities of the Canal Zone shall continue to exercise the judicial powers and jurisdiction which they were authorized to exercise prior to the passage of said Act No. 1, on August 16, 1904.

Sec. 2. Upon public notice by the Governor of the Canal Zone, that the Municipal Court prescribed by said Act No. 1, enacted August 16, 1904, is fully and duly organized, in and for any of the several municipalities of the Canal Zone, the Alcalde Courts of said municipality shall be abolished.

Whereas an emergency exists, this Act shall be in force and effect on and after its passage.

Enacted August 22, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

THE RIGHT OF EXPROPRIATION.

Act No. 6.

An Act authorizing the exercise of the right of expropriation within the Canal Zone, Isthmus of Panama, as to real estate and immovable property, and as to personal property and property that is partly personal and partly real, and providing the method of procedure for exercising that right.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. Property in the Canal Zone, Isthmus of Panama, shall not be taken or damaged, in whole or in part, for public use, without just compensation to the owner or owners thereof. The exercise of the power and right of eminent domain shall not be construed or abridged to prevent the taking by the United States, or the Government of the Canal Zone, or the passage of a law authorizing the taking by the several municipalities of the Canal Zone, of the property and franchises within said Canal Zone of incorporated companies already organized or hereafter to be organized, and subjecting said property to the public necessity the same as of individuals.

Sec 2. The United States, the Government of the Canal Zone, Isthmus of Panama, and, upon authority granted by an Act of the Isthmian Canal Commission, and Municipality of the Canal Zone, Isthmus of
Panama, or any person, association, or public or private corporation, shall exercise the right to condemn for public use, private property, both real and personal, or partly real and partly personal.

SEC. 3. The following are the works of public utility or use, for the construction, assistance, maintenance, improvement or operation of which the right of eminent domain may be exercised:

1. The construction, improvement, maintenance or operation of the Panama Canal, and all works or improvements auxiliary or appurtenant thereto.

2. The construction, extension, maintenance or operation on railroads, electric roads, street car lines or tramways, including right of way, switch tracks, depot, storage and terminal facilities.

3. The opening, widening, change or improvement of roads, highways or similar means of communication, whether land or water, including streets, alleys and plazas or towns and municipalities, bridges, culverts, viaducts and all easements and works necessary for their construction, improvement and maintenance.

4. The construction, improvement, operation and maintenance of hospitals, houses of isolation or succor, insane asylums, orphanages, and other institutions of like character intended to promote the public health.

5. The construction, improvement, operation and maintenance of gas works, electric light and power works, water works and systems of water supply, reservoirs, aqueducts and fountains; sewers and sewer systems, drains and ditches intended for irrigation, sanitation or to drain swamps or remove known causes of disease or public inconvenience or discomfort.

6. The acquisition, erection or improvement of public school houses, libraries, and museums; public structures for the Government of the Canal Zone or a municipality; prisons, jails and houses of detention, parks, cemeteries, garbage consumers and other improvements or works of public utility.

7. The construction of works, the purpose of which is to protect a town, hamlet or public work from inundation or other calamity.

8. The acquisition, construction and improvement of light houses, wharves, docks, warehouses, yards, landing places and other necessities of trade and commerce in sea, river and canal ports.

9. The acquisition, construction, improvement or maintenance of buildings for public offices or official residences and appurtenant structures for the Government of the Canal Zone or a Municipality, or for the enlargement, change or improvement of those already in existence.

10. The establishment, extension and maintenance of telegraph lines and telephone systems, or other means of rapid communication,
and also the offices and buildings necessary for the operation of said systems and the conduct of such business.

II. The acquisition, construction, extension or improvement of barracks or quarters for military forces, police, peace or health officers and organizations; and the construction of fortifications or other works for the defense of the rights of the United States or the interests entitled to the protection of the United States or for the preservation of public peace and order.

SEC. 4. The property of the United States, or the Government of the Canal Zone, Isthmus of Panama, is not subject to expropriation; and the property of a municipality is not subject to expropriation excepting by the United States or the Government of the Canal Zone, unless authority for the condemnation of municipal property be affirmatively conferred by special act of the Isthmian Canal Commission upon the party in interest seeking to exercise said right.

SEC. 5. The United States; the Government of the Canal Zone; any Municipality of the Canal Zone; any person, association, or public or private corporation having by law the right in the Canal Zone to condemn private property for public uses, shall exercise that right in the manner hereinafter prescribed.

SEC. 6. An action shall be instituted against the owner or owners of the property, in the Circuit Court for the judicial circuit in which the property, or any portion thereof sought to be condemned is situated, by filing a complaint in condemnation proceedings. The complaint shall state with certainty the purpose of the exercise of the right of condemnation and describe the property sought to be condemned, and set forth the interest of each defendant separately.

SEC. 7. Notice of said suit shall be served on each of the defendants, either by personal service or written notice thereof, stating the character and purpose of the proceeding, the court in which such proceeding is instituted and calling upon said defendant to answer said complaint within ten days from the date of the service of notice, or by leaving a copy of such notice at his usual place of abode; or, in lieu of such service, by posting a copy of said notice on the property sought to be condemned, for a period of ten days, and publishing the notice in not less than three issues, during said period of ten days, in some paper published in the Canal Zone, Isthmus of Panama, or the Republic of Panama, and of general circulation in the Canal Zone.

If notice of the pendency of the proceedings in condemnation is served on a defendant by delivering a copy of the notice to him personally or by leaving a copy of said notice at his usual place of abode, such defendant shall have ten days from the date of such service in which to file his answer or objections, which must be in writing; if service of notice is secured by publication and posting of notice, the
defendant shall have fifteen days from the date of the first publication in the newspaper in which to file his answer or objections.

Sec. 8. If the plaintiff or party seeking the condemnation is the United States, the Government of the Canal Zone, Isthmus of Panama, or a Municipality of said Canal Zone, the defendant shall not be permitted to question the authority of the plaintiff to exercise the right of eminent domain, nor the fact that the proposed work is not one of public utility or use, nor that the property sought to be condemned is necessary for said public work. If the plaintiff is a person, association, private corporation, or a public corporation other than the governmental organizations hereinbefore mentioned, the defendant shall have the right to challenge the authority of the plaintiff to exercise the right of eminent domain, and to plead that the proposed work is not of public utility and use, or that the property sought to be condemned is not necessary for the proposed public work. The burden of proof as to such objections rests upon the defendant, and either side may submit testimony. The testimony must be submitted and the objections determined by the court in not to exceed five days from the date the answer or objections are filed, unless for good and sufficient reasons, to be stated in the record, the court shall extend the time.

Sec. 9. If the defendant concede that the right of condemnation exists on the part of the plaintiff for the purpose set forth in the complaint, or if, upon trial, the court finds that such right exists, the court shall appoint three judicious and disinterested residents of the Canal Zone, Isthmus of Panama, or of the Republic of Panama, to be commissioners to hear the parties and view the premises, and assess damages to be paid for the condemnation, and to report their proceedings in full to the court, and shall issue a commission, signed by the judge of the circuit, to the commissioners authorizing the performance by them of the duties herein prescribed.

Sec. 10. Before entering upon the performance of their duties, the commissioners shall take and subscribe an oath before the Circuit Judge, or any municipal judge for the judicial circuit, that they will faithfully perform their duties as commissioners, which oath shall be filed in court with the other proceedings in the case. Evidence under oath may be introduced by either party before the commissioners upon reasonable notice to the opposite party, who are hereby authorized to administer oaths on hearings before them, and to compel the attendance of witnesses, and the commissioners shall, unless the parties consent to the contrary, go to the premises together and view the property sought to be condemned, and its surroundings, and may examine and measure the same, after which either party may, by himself or counsel, or both, argue the cause. The commissioners shall assess the value
of the property taken and used, and shall also assess the consequential damages to the property not taken, and deduct from such consequential damages the consequential benefits to be derived by the owners from the public use of the land taken, or from the operation of its franchise by the corporation making the condemnation, or by the carrying on of the business of the corporation, person, or association taking the property: Provided, the consequential benefits assessed shall in no case exceed the consequential damages assessed; provided further, that nothing in this section shall be construed as to deprive the owner of the actual value of the property taken or used.

Sec. 11. The commissioners shall forthwith make full and accurate report to the court, in writing, of all their proceedings under said commission; but none of their proceedings shall be effectual to bind the property of the parties until the court shall have accepted their report and rendered judgment in accordance with its recommendations.

Sec. 12. Upon the filing of such report in court, the court shall, upon hearing, at a time and place to be fixed by the court, accept the same and render judgment in accordance therewith; or for cause shown, the court may recommit the report to the commissioners for further report of facts; or it may accept the report in part and reject or recommit in part, and may make such final order and judgment as shall secure to the plaintiff the property essential to the exercise of his or its rights under the law, and to the defendant just compensation for the land so taken or damaged, and the judgment shall require payment to the defendant or defendants, or into court, before the plaintiff can enter upon the property and appropriate it to the public use.

Final judgment in condemnation proceedings may be entered at any stage of the proceedings, after complaint is filed, upon written stipulation of parties filed in court.

In cases where the United States, the Government of the Canal Zone, or a municipality is plaintiff, the stipulation for judgment must be approved by the Governor of the Canal Zone.

Sec. 13. Upon payment by the plaintiff to the defendant or defendants, or deposit in court, of the amount of compensation as fixed by the judgment, and payment of the costs of the proceedings, the plaintiff shall have the right to enter in and upon, and to take possession of, the land or property so condemned, and appropriate the same to the public use defined in the judgment. In case the compensation is deposited in court, the payment shall be made to the clerk of the court, and shall be retained by him subject to the order of the parties entitled thereto, and the clerk of the court shall be responsible on his bond therefor, and shall be compelled to receive such deposit.

Sec. 14. If judgment of condemnation shall be given as to land or property subject to a mortgage, annuity or other lawful lien, the
amount of compensation shall not be delivered to the defendant, but shall be apportioned between the owners and the lien holders as the court shall determine their several interests require.

Sec. 15. If the plaintiff shall fail to pay the amount of compensation fixed by the judgment, into court, within sixty days from the time the judgment is entered, he shall be held to have abandoned the proceedings, unless the plaintiff shall, within ten days from the date of the rendition of judgment, file notice of appeal to the Supreme Court, and thereafter complete his appeal within thirty days from the rendition of such judgment. If the plaintiff shall pay the compensation for the condemnation adjudged by the court to the defendants or deposit such compensation in court, he shall be held to have waived his right of appeal.

Sec. 16. Either the plaintiff or the defendant in condemnation proceedings may appeal from the final judgment of the Circuit Court in said proceedings to the Supreme Court, provided he file notice of appeal in writing in the court wherein the judgment was rendered within ten days from the date of the rendition of such judgment, and thereafter complete his appeal within thirty days from the rendition of said judgment. Interlocutory appeals in condemnation proceedings shall not be granted.

Sec. 17. The appeal from judgment in condemnation shall be as of right, and the Circuit Judge rendering the judgment is authorized to grant such appeal and to settle and allow a bill of exceptions therefor. The allowance of a bill of exceptions in condemnation proceedings and the appeal to the Supreme Court shall not operate as supersedeas, nor shall the right of the plaintiff to enter upon the land and appropriate the property to public use be delayed by appeal to the Supreme Court. But if the Supreme Court shall determine that no right of appropriation on the part of the plaintiff existed, the case shall be remanded to the Circuit Court, with mandate that the defendant be replaced in possession of the property, and that he recover the damages sustained by reason of the possession taken by the plaintiff.

Sec. 18. The costs in all cases of condemnation under this Act shall be paid by the plaintiff; but in case the action is appealed to the Supreme Court by the defendant or defendants, the costs in the Supreme Court shall be paid by the owner, if the judgment is affirmed.

Sec. 19. The commissioners appointed to conduct the proceedings to condemn property for public uses, in accordance with the preceding section, shall receive a compensation of five dollars per day and actual necessary expenses for the time actually and necessarily employed in the performance of their duties and in making their report to the court, which fee shall be taxed as a part of the costs of the proceedings and paid as hereinbefore provided.
SEC. 20. The record of the final judgment in condemnation proceedings shall state definitely, by metes and bounds and adequate description, the particular land or interest in land condemned to the public use, and the nature of the public use, and its effect shall be vested in the plaintiff, for the public use stated, the land, property and estate so described.

SEC. 21. If any person named as a defendant in condemnation proceedings is a minor or person of unsound mind, the court shall appoint therefor a guardian ad litem, and services of notice of the proceedings shall be upon such guardian for and on behalf of his ward, and said guardian ad litem may, on behalf of his ward, by approval of the court, do and perform any act, matter or thing respecting the condemnation for public uses of the land or property belonging to such minor or person of unsound mind, which such minor or person of unsound mind could do in such proceedings if he were of age or of sound mind.

SEC. 22. Nothing contained in this act shall be construed so as to injure, prejudice, defeat or destroy the estate, right or title of any person claiming land, property or any part thereof, or any interest therein, who was not made a party defendant to the condemnation proceedings and did not have actual or constructive notice of the proceedings in such manner as the law requires.

SEC. 23. Upon the judgment in condemnation proceedings instituted by the Government of the Canal Zone becoming final and absolute, the court shall issue and deliver to the prosecuting attorney of the Canal Zone a certificate stating in separate items the amount of the judgment and costs. The prosecuting attorney of the Canal Zone shall examine the record, and if the amounts so certified are correct, he shall endorse said certificate to that effect and transmit the same to the Governor of the Canal Zone, who is hereby authorized to draw a warrant upon the Treasurer of the Canal Zone in the name of the clerk of the court in which the judgment was entered or his successor in office; the certificate of the court hereinbefore referred to shall be attached to said warrant, and upon presentation with said certificate attached, the Treasurer of the Canal Zone is hereby authorized to honor and pay the same. The clerk of the court shall receive the money paid on said warrant, subject to the provision and requirements of section thirteen (13) of this act.

SEC. 24. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Whereas an emergency exists, this act shall be in force and effect on and after its passage.

Enacted August 27, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.
MUNICIPAL GOVERNMENTS.

Act No. 7.

An Act to provide for the organization of Municipal Governments in the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

Municipalities.

Section 1. (Names and Boundaries. See Act No. 18.)—The Canal Zone, Isthmus of Panama, as limited and described in an agreement entered into on the 15th day of June, 1904, by and between General George W. Davis, Governor of the Canal Zone, on behalf of the United States, and Senor Don Tomas Arias, Secretary of State, Republic of Panama, and Senor Don Ramon Valdez Lopez, Attorney General of the Republic of Panama, jointly acting for and on behalf of the Government of the said Republic of Panama, is hereby segregated and apportioned into five Municipal Districts.

In all cases the Northeastern and Southwestern limits of said Municipal Districts march with the Zone limits, where the same are lines of Division between the property of the Republic of Panama and that subject to the jurisdiction of the United States.

The Municipal Districts of the Isthmian Canal Zone shall be recognized as Municipal Corporations with the boundaries, de jure and de facto, described as follows, as shown by the official map on file in the office of the Governor of the Canal Zone:

Municipal District of Cristobal.

This Municipal District is bounded on the North in part by the City of Colon, Republic of Panama, and in part by the Caribbean Sea, and on the South by the Municipal District of Buenavista. It includes all that part of the Canal Zone described in the delimitation agreement, referred to in Section 1 of this Act, that lies on both sides of the Canal axis from the Caribbean Sea and the City of Colon, Republic of Panama, to the boundary of the Municipal District of Buenavista, which is a straight line extending from the Northeastern to the Southwestern Zone limits, and crossing the center line or axis of the Interocceanic Canal location at a line normal to the same as it exists at Kilometer 11.
of said Canal axis. The barrios of Cristobal are: Terre Plein, Mount Hope, Mindi, Playa de Flor and Gatun.

**Municipal District of Buenavista.**

This Municipal District adjoins the Municipal District of Cristobal on the North and the Municipal District of Gorgona on the Southeast. It includes all that part of the Canal Zone as described in the delimitation agreement cited in Section 1 of this Act that lies on both sides of the Canal axis from Cristobal at Kilometer 11 to Kilometer 34 of the center line of the Canal. The Eastern boundary of the District of Buenavista being a straight line, extending from the Northern to the Southern limits of the Canal Zone and crossing the center line or axis of the Canal at a line normal to the same, as it now exists at Kilometer 34 of said Canal axis. The barrios of Buenavista are Lion Hill, Agua Clara, Bohio, Frijoles, Buenavista and Tavernilla.

**Municipal District of Gorgona.**

This Municipal District adjoins the Municipal District of Buenavista on the West and the Municipal District of Emperador on the Southeast. It includes all that part of the Canal Zone as described in the delimitation agreement, which is cited in Section 1 of this Act, that lies on both sides of the Canal axis from Buenavista at Kilometer 34 to Kilometer 48. The Southeastern boundary of the District of Gorgona being a straight line, extending from the Northeastern to the Southwestern Zone limit and crossing the center line or axis of the Canal at a line normal to the same, as it now exists at Kilometer 48 of said Canal axis. The barrios of the municipality of Gorgona are San Pablo, Mamei, Gorgona, Matachin, Bas Obispo and Cruces.

**Municipal District of Emperador.**

This Municipal District adjoins the Municipal District of Gorgona on the Northwest. It includes all that part of the Canal Zone described in the delimitation agreement, which is cited in Section 1 of this Act, that lies on both sides of the Canal axis from Gorgona to Kilometer 48 to Kilometer 58-500. The Southeastern boundary of the District of Emperador is a straight line extending from the Northeastern to the Southwestern Zone limits, and crossing the center line or axis of the Canal at a line normal to the same as it now exists at Kilometer 58-500 of said center line. The barrios of Emperador are Las Cascades, Emperador, Culebra and Paraiso.
Municipal District of Ancon.

This Municipal District adjoins the Municipal District of Emperador on the Northwest, and is bounded by the City of Panama, Republic of Panama, in part, and the Bay of Panama, in part, on the Southeast. It includes all that part of the Canal Zone described in the delimitation agreement referred to in Section 1 of this Act, that lies on both sides of the Canal axis from Emperador, at Kilometer 58-500, to the City of Panama, Republic of Panama, and to the Bay of Panama. The District of Ancon also includes within its boundaries all that part of the Municipal District of Arajpan, in the Republic of Panama, which is included within the limits of the Canal Zone, also the islands of Naos, Culebra, Perico, and Flamenco, situated in the Bay of Panama, which are a part of the Canal Zone. The barrios of Ancon are La Boca, Ancon, Corozal, Miraflores, Pedro Miguel and Farfan.

Sec. 2. (Powers and Rights.)—Under the names as stated in the preceding section, the Municipal Districts respectively may sue and be sued, contract and be contracted with, acquire, hold and convey real and personal, fixed and movable property, and exercise any and all powers conferred upon and possessed by them.

Sec. 3. (Vested Rights of Property.)—All property and property rights and rights of action possessed by any municipal district or subdivision thereof under its former organization, shall continue to be vested in the municipality or subdivision thereof after its incorporation under this Act. The properties owned by municipalities shall enjoy the same guarantees as the property of individuals, and shall not be liable to taxation.

Sec. 4. (Officers.)—The government of each municipality established under this act shall be administered by a Mayor, a Municipal Council of five members, Municipal Secretary and Municipal Treasurer, each and all of whom shall be appointed and their salaries fixed by the Governor of the Canal Zone, subject to approval by the Commission. The term of office of the Mayor, Secretary and Treasurer, first appointed under this Act shall be for the period of time between the date of their appointment and the first Monday in January A. D., 1906; thereafter the term of office of said municipal officers shall be two years or until their successors are appointed and qualified. Of the members of the Municipal Council first appointed under this Act two shall be appointed for the term expiring the first Monday in January A. D., 1906, and three for a term expiring the first Monday in January A. D., 1907; thereafter the term of office of the members of the Municipal Council shall be for two years, or until their successors are elected and qualified. Any officer of a municipality or a member of a Municipal Council may be removed
from office by the Governor of the Zone. Appointments to fill vacancies shall be for the unexpired term.

Sec. 5. (Qualifications of Officers.)—A municipal officer shall have the following qualifications: He shall be twenty-five or more years of age, and shall have a legal residence in the municipality. He shall be able to intelligently speak, read and write the Spanish or English language.

Sec. 6. (Persons Disqualified.)—In no case shall there be appointed to a municipal office, an ecclesiastic, a soldier or marine in active service, a person engaged in remunerative employment by the Government of the Canal Zone or by the Isthmian Canal Commission, or a contractor for public works for the municipality, or any person who has been convicted of a felony in the courts of the Canal Zone or the Republic of Panama.

Sec. 7. (Oath of Municipal Officers.)—Every person appointed to a municipal office under the provisions of this Act, shall, before entering upon the duties of his office, take and subscribe the following oath and file the same in the office of the Municipal Secretary:

**OATH OF OFFICE.**

"I, ______, having been appointed as ______ of the Municipality of ______, do solemnly swear (or affirm) that I have the prescribed qualifications to hold office in said municipality; that I recognize and accept the supreme authority of the United States therein and thereover, and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, rules and regulations promulgated by its duly constituted authorities; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter, so help me God." (Last four words to be stricken out in case of affirmation.)

"(Signature) ______ ______

"Subscribed and sworn to (or affirmed) before me this —— day of ______, 190—."

"______ ______."

Sec. 8. (Official Bonds.)—Every municipal officer charged with the custody of municipal funds shall execute a bond to the Municipality with two or more sureties, the amount of which bond and the sufficiency of the sureties shall be approved by the Mayor by written endorsement thereon and by the Municipal Council by vote duly recorded. Any Surety Company approved by the Isthmian Canal Commission may be accepted in lieu of the two or more sureties above required. A copy of the bond and approval shall be spread upon the record of the proceedings of the Municipal Council. The bond shall be fixed at a
penal sum not less than one-half of the amount of the aggregate sum of the revenues which will probably come into the hands of the official during any one year of his incumbency, and shall be conditioned upon the faithful performance of the duties of the office and the payment and accounting as required by law of all moneys received by such officer for and in behalf of the Municipality. The bond shall be filed in the office of the Municipal Secretary, who shall carefully preserve the same. And should suit be brought on said bond, it shall not be a defense to the signers and sureties on said bond that the above requirements for approval were not complied with, if in fact, by virtue of said bond, the municipal officer entered upon the discharge of the duties of his office.

THE MAYOR.

Sec. 9. (Mayor, Duties of.)—The Mayor shall be the Chief Executive of the Municipality.

1. He shall cause the laws in force throughout the Canal Zone, Isthmus of Panama, the decrees, orders, rules and regulations adopted and promulgated by competent authority and the ordinances of the Municipality to be executed.

2. He shall supervise the performance of official duties by all subordinates and inspect and examine the books, records, and papers of each officer of the Municipality or agent employed by it.

3. He shall draw and sign the orders upon the Municipal Treasurer for the legitimate disbursements authorized by the Council.

4. He shall preside at the meetings of the Municipal Council and shall sign its journal; but he shall not be entitled to vote except in the case of a tie, when he shall give the deciding vote.

5. He shall approve ordinances adopted by the Municipal Council, unless he shall consider them prejudicial to the public welfare or repugnant to superior law, in which event he shall veto them; but the Council may pass said ordinance over the veto of the Mayor by an affirmative vote of four of its members, in which case it shall be valid without the signature of the Mayor. If the Mayor shall not either approve or veto an ordinance within five days of its adoption it shall become a law.

6. He shall recommend to the Municipal Council such measures connected with the public health, cleanliness or ornamentation of the Municipality, or the improvement of its finances, as he shall deem expedient.

7. He shall issue orders respecting the public peace and safety, and for the purpose of avoiding damage from conflagrations, floods, and the effects of storms and other public calamities.
8. He shall, in the month of December of each year, prepare and make out in duplicate an annual report, setting forth the important events which have occurred in the municipality during the current year. One copy of the said report shall be filed in the office of the Municipal Secretary, and the other shall be submitted to the Municipal Council, and thereafter forwarded to the Governor of the Canal Zone, Isthmus of Panama, on or before the fifteenth day of the following January.

9. He shall take care that the Municipal Council meets at the proper time and place and complies with the duties required of it; and shall call special sessions of the Council when rendered necessary by some grave and urgent occurrence.

10. He shall give to the Municipal Council the reports and data required by it for the proper performance of its duties.

11. He shall present to the Municipal Council the drafts of resolutions which that body may consider necessary for the proper administration of the Municipality, and especially the drafts of budgets of revenues and expenses at the proper times.

12. He shall regulate the expenses and expenditures of the Municipality in accordance with the budget and accounting regulations.

13. He shall take care that the archives and offices of the municipal officers are kept in proper order, condition and arrangement.

SEC. 10. The office of the Mayor shall be located at the seat of Government of the Municipality.

SEC. 11. The salary of the Mayor of each Municipality shall be fixed by the Governor of the Canal Zone, and stated in the appointment. Such salary shall be payable monthly.

THE MUNICIPAL SECRETARY.

SEC. 12. (Municipal Secretary, Duties of.)—The Municipal Secretary shall be the clerk of the Municipal Council.

1. He shall attend the meetings of the Council, keep a journal of its proceedings and prepare and preserve the record of all acts of the Municipality.

2. He shall countersign and certify to the correctness of all accounts ordered by the Council to be paid by the Municipal Treasurer.

3. He shall keep his office in the building where the Municipal Council meets, or at some place of convenient access thereto, as the Council shall direct.

4. He shall keep a civil register for the Municipality and record therein all births, marriages and deaths, with their respective dates. In case of marriages he shall further record the previous residence
of the contracting parties, the name of the person solemnizing the marriage and the names of the witnesses. In case of deaths, the cause of death, when known, shall be recorded. Physicians and midwives residing or practicing their professions within the limits of the municipality shall forthwith forward to the Municipal Secretary notification of every birth or death that occurs under his or her professional observation, together with the necessary information for making the proper entry in the civil register. Every person who is authorized by law to celebrate marriages shall forthwith forward to the Municipal Secretary notification of every marriage which he celebrates within the municipality, together with the necessary data for properly recording said marriage in the civil register. All entries in the civil register shall be made by the Municipal Secretary free of charge.

5. He shall issue, upon demand of any person, a certified copy of any record under his control, and shall be authorized to charge and receive a fee which shall not exceed, for both the writing and certificate, ten cents per one hundred words. The records shall, during usual business hours, be open to inspection, free of charge, by all residents of the Canal Zone and officers of the Government of the Canal Zone.

6. He shall perform such other duties appurtenant to his office as the Municipal Council may provide by ordinance, or the Government of the Canal Zone may order or direct.

Sec. 13. The salary of the Secretary of each Municipality shall be fixed by the Governor of the Canal Zone, and stated in the appointment. Such salary shall be payable monthly.

THE MUNICIPAL TREASURER.

Sec. 14. (Duties of.)—The Municipal Treasurer shall receive, safeguard, disburse and account for all money paid to the municipality from any source.

1. He shall give to every person paying money to the municipal treasury a receipt therefor, specifying the amount, date of payment and upon what account the payment is made.

2. He shall keep a detailed account of all moneys received and shall pay out the same only under authority of an order or resolution of the Council, and upon an order, signed by the Mayor and countersigned by the Municipal Secretary.

3. He shall, on or before the third day of each month, make out in triplicate a full and complete statement of the receipts and expenditures of the preceding month, together with a statement of the cash actually on hand in the municipal treasury. He shall deliver two
copies to the Mayor, who shall verify them and certify upon the face of each to the correctness thereof, and shall then immediately cause one copy to be posted at the main entrance to the municipal building and send the other to the Governor of the Canal Zone.

4. He shall pay all lawful orders in the order in which they are presented, and he shall note on the back of each the date of such presentation and keep a record thereof, and, when payment is made, the date of such payment; Provided, that he shall not pay any order when there is not in the treasury a sufficient amount to meet orders previously presented and not paid for want of funds.

5. He shall have his office in the municipal building, and shall keep in the municipal safe or strong box, which it shall be the duty of the Municipal Council to provide, all moneys belonging to the municipality; which said moneys shall be kept separate and distinct from the personal and private moneys of the Treasurer. He shall not be permitted to make profit out of the public money, nor to lend or otherwise use it, nor to use said money in any way or method not authorized by law. A Municipal Treasurer violating the foregoing restriction shall be dismissed from office, if such violation shall be established to the satisfaction of the Governor of the Canal Zone. Such violation shall be considered a malversation of funds and punished accordingly. The Municipal Treasurer may, to prevent the accumulation of too large an amount of money in the safe of the municipality, when especially authorized by resolution of the Municipal Council, deposit for safekeeping with the Treasurer of the Canal Zone such sums of money as he will not be obliged to use in the immediate future, taking a receipt therefor from the Treasurer of the Canal Zone. He shall exhibit this receipt to the Municipal Council at its first meeting subsequent to the date of deposit, and the Municipal Secretary shall record the fact of such exhibition and the date and amount of the receipt.

6. He shall be the custodian of all municipal property and shall keep a record thereof in a book suitable for that purpose.

7. The salary of the Treasurer of each municipality shall be fixed by the Governor of the Canal Zone, and stated in the appointment. Such salary shall be payable monthly.

Sec. 15. (Incapacity.)—Should any duly appointed municipal officer become permanently incapacitated for the proper discharge of his duties during his term of office, through accident, disease or removal of residence, the fact of such incapacity and reason thereof shall be declared by the vote of a majority of the Municipal Council and certified by the Mayor and Municipal Secretary to the Governor of the Canal Zone, who shall thereupon declare said office vacant and appoint an incumbent for the unexpired term.
SEC. 16. (Property, Turning Over.)—Every officer of the municipality shall, at the expiration of his term, deliver to his successor in office, who shall receive for the same in duplicate, all money, property, books, and effects of every description in his possession belonging to the municipality or pertaining to his office. One copy of the receipt shall be delivered to the retiring officer and the other shall be filed with the Municipal Treasurer. Upon the refusal of the retiring officer to comply with this provision, he shall be liable for all damages caused thereby and such penalty as may be provided by law.

SEC. 17. (Interest in Contract Forbidden.)—No municipal officer shall be directly or indirectly interested in any contract, work, or business of the municipality, or in the purchase of any real estate or other property sold by the municipality. Any officer violating the provisions of this section shall be removed from office; and upon trial and conviction in a court of competent jurisdiction, shall be imprisoned not less than six months and not longer than two years.

THE MUNICIPAL COUNCIL.

SEC. 18. The Municipal Council shall prescribe the time and place of holding its meetings. Regular meetings shall be held once in every two weeks and special meetings as often as the necessities of public business may require. Any meeting, regular or special, in case the amount of business shall justify, may be adjourned from day to day until the business is completed. The Mayor, or any two members of the Council, may call a special meeting by giving written notice of such meeting to each member of the Council, which notice shall be served personally or left at his usual place of abode.

SEC. 19. (Quorum.)—Three members of the Municipal Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees.

SEC. 20. (Council Meetings.)—The regular sessions or meetings of the Council shall be public, and the person presiding has authority to exact from all present due respect and proper deportment, to prevent disturbances and disorder, and to order the room cleared of any and all persons who may, by improper conduct, give reason for such action.


SEC. 22. (Journal.)—The Municipal Council shall keep a journal of its proceedings. The ayes and nayes shall be taken upon the passage of all ordinances, upon all propositions to create any contract with or liability against the municipality, and upon all resolutions or orders
having the force and effect of law, and upon the request of any member, and the vote shall be entered in the journal. The affirmative vote of the majority of all the members shall be necessary for the passage of any ordinance or of any proposition creating or contemplating any indebtedness or liability on the part of the municipality.

Sec. 23. (Ordinances and Resolutions.)—Every ordinance or resolution, upon being adopted by the Municipal Council and approved by the Mayor, or passed over his veto, shall be forwarded by the Mayor to the Governor of the Canal Zone for his approval, and until approved by the Governor shall be without force and effect. Upon approval by the Governor the ordinance or resolution shall be returned to the Mayor of the municipality, who shall cause a correct copy of the same to be posted at the entrance of the municipal building, and said ordinance or resolution shall take effect on the tenth day after being approved by the Governor. The fact of such posting shall be certified to by the Municipal Secretary, who shall spread his certificate upon the minutes of the Council, but failure to post the ordinance or resolution shall not invalidate the same.

Sec. 24. (Powers and Authority.)—The Municipal Council may, in the absence of provisions therefor by general law in force in the Canal Zone, or by the superior authority of the Government of the Canal Zone:

1. Prepare the budget of receipts and expenditures for the municipality as hereinafter provided.
2. Impose taxes within the limits prescribed by law and make regulations for their collection and disbursement.
3. Make appropriations for lawful and needful municipal expenditures.
4. Manage the property of the municipality.
5. Construct, repair and maintain the bridges, sidewalks, streets, highways and parks, remove and prevent obstacles and encroachments thereon, and regulate the use of same, and provide for fire protection and water supply.
6. Declare and abate nuisances.
7. Prohibit the burial of the dead within the centers of population and provide for their burial in proper places and manner.
8. Establish or authorize the establishment of slaughter houses and markets, and inspect and regulate the use of same.
9. Provide for the inspection of weights and measures used by vendors and purchasers.
10. Establish and maintain schools and erect school houses.
11. Establish, maintain and regulate municipal prisons.
12. Purchase, receive, hold, lease, sell, convey and dispose of property, real and personal, movable and immovable, for the benefit of the
municipality: Provided, that the express authorization of the Governor of the Canal Zone shall be necessary before commencing proceedings to alienate or create a lien on any real or immovable property belonging to the municipality.

13. Employ a lawyer or lawyers when necessary to defend the interests of the municipality; but ordinary legal questions shall be submitted to the Prosecuting Attorney of the Canal Zone or the Deputy Prosecuting Attorney for the judicial circuit in which the municipality is situated, who shall answer the same in writing without charge.

14. Erect all buildings needful for the use of the municipality, and establish municipal cemeteries.

15. Provide for and regulate the inspection of meat, fruits, poultry, fish, milk, vegetables and all other articles of food.

16. Provide against the evils of gambling houses and disorderly houses of whatever sort.

17. Provide for the closing of opium joints and prohibit and punish the keeping or visiting of any place where opium is smoked or sold for the purpose of smoking.

18. Provide for the punishment of mendicants, common prostitutes or habitual disturbers of the peace.

19. Prohibit and punish intoxication, fighting and all disorderly conduct.

20. Provide for the arrest, trial, fining and putting to work on the streets or elsewhere of vagrants or persons found within the limits of the municipality without legitimate business or visible means of support.

21. Restrain riots, disturbances or disorderly assemblages.

22. Regulate or prohibit the running at large of domestic animals; and prohibit cruelty to animals and provide punishment therefor.

23. Fix the penalties for violation of ordinances, but no single penalty shall exceed a fine of twenty-five dollars or imprisonment for thirty days, or both; imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each dollar of the fine. An appeal shall lie to the Circuit Court next to be held within the judicial circuit wherein the municipality is situated from a judgment imposing a fine exceeding three dollars or an imprisonment exceeding three days; and it shall be the duty of the Prosecuting Attorney of the Canal Zone, by himself or deputy, to appear and prosecute cases so appealed. Pending the decision on appeal the defendant shall remain in custody unless released upon sufficient bail.

24. Provide by ordinance for the levy of taxes for municipal purposes, and for the license and regulation of the selling, giving away or disposing in any way of intoxicating, malt, spirituous, vinous, mixed or fermented liquor, at retail, in quantities of not more than five gal-
ions, and determine the amount to be paid for such license, and the length of time they are to run, subject to such limitations of general law as now exist or may hereafter be enacted.

25. Provide by ordinance for the license, tax, regulation or prohibition of the keeping of dogs and to authorize the killing of dogs when at large contrary to the municipal ordinances; also provide by ordinance for the license, tax, or prohibition of cock fighting and the keeping or training of fighting cocks, and license, tax, or close cock-pits; also provide by ordinance for the license or tax of public carriages, cabs, carts, drays, stages, hearses and conveyances kept for hire, cafes, restaurants, cantinas, hotels, inns and lodging houses, peddlers, hucksters, auctioneers and auction sales, billiard tables, nine-pin alleys, horse races, public dances and dance houses, theatrical and like amusements tendered the public for which an admission fee is charged, merry-go-rounds, and mechanical contrivances of like character, hand organs, street pianos, and hurdy gurdies.

26. Adopt such ordinances and regulations, not repugnant to the rights of the inhabitants and the laws, regulations, orders, and decrees of the superior government of the Canal Zone as may be necessary to carry into effect and discharge the powers and duties conferred by this Act, and such as shall seem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the municipality and the inhabitants thereof, and for the protection of personal property and property rights therein; and enforce obedience thereto by such lawful fines and penalties as the Municipal Council may prescribe under the provisions of this act.

 Sec. 25. Questions which may arise relative to the organization or attributes of the municipal government shall be submitted to the prosecuting attorney of the Canal Zone for his opinion and advice.

 Sec. 26. The municipal judge shall have jurisdiction to issue warrants for the arrest of persons charged with violating a municipal ordinance or other law of the municipality and to hear and determine criminal actions based upon violations of municipal ordinances, regulations and rules, and to impose the penalty prescribed by law and to fix the amount of bail, approve the sureties and receive and file the undertaking thereof; and to do and perform such other matters as are essential to the due administration of justice.

TAXES.

 Sec. 27. Taxation shall be just and in each municipality uniform.

 Sec. 28. The revenues of the municipality shall be devoted exclusively to local public purposes. They shall be derived from the following sources:
First. An *ad valorem* tax on all lands, buildings, and improvements in the municipality, except lands or buildings owned by the United States of America, the Government of the Canal Zone, Isthmus of Panama, the Isthmian Canal Commission, the Panama Railroad Company, or by the municipality, to be levied against the owner or owners thereof, or in case of doubt, or dispute as to ownership, against the parties in possession thereof, by ordinance duly adopted by the Council; which tax shall not be less than one-fourth of one per centum and not more than one per centum of the value of said lands, buildings or improvements as assessed in accordance with law.

There shall also be exempt from taxation burying grounds, churches and their adjacent parsonages or conventos and lands and buildings used exclusively for religious, charitable, scientific or educational purposes, and not for private profit; but such exemption shall not extend to lands or buildings held as an investment, though the income therefrom be devoted to religious, charitable, scientific or educational purposes.

One-half of the amount realized from the taxes levied on land and improvements shall be devoted exclusively to the maintenance and support of free public schools and the providing or erection of suitable school buildings. The Municipal Council shall have discretion to expend the remainder of the amounts so realized for any lawful municipal purpose herein provided.

Second. Rents and profits from all property belonging to the municipality and fees received from municipal markets, slaughter houses, stables, public bath houses and cemeteries belonging to the municipality, and fees for the privilege of establishing and maintaining the same.

Third. Amounts received for licenses, for the selling, giving away or disposing in any way of intoxicating, malt, spirituous, vinous, mixed or fermented liquors at retail; for the keeping of dogs, for cock-pits, cock-fighting, or the keeping or training of fighting cocks; for public carriages, cabs, carts, drays, stages, hearses and conveyances kept for hire; and for boats or canoes over eighteen feet long, for cafes, restaurants, cantinas, hotels, inns and lodging houses; and for billiard tables, public entertainments charging an admission fee, horse races, merry-go-rounds and like amusements tendered the public for which a fee is charged.

Fourth. Municipal fines.

SEC. 29. (*Taxes Prohibited.*)—It shall not be in the power of the Municipal Council to impose a tax in any form whatever upon goods and merchandise brought into the municipality or carried out of same, and any attempt to impose an import or export tax upon goods in the
guise of charge for wharfage, use of bridges, streets, highways or otherwise, shall be void.

SEC. 30. (Fixing and Charging Taxes.)—All taxes, licenses and fees imposed by the Council shall be fixed by ordinance, and may be changed from year to year, as the Council may deem proper.

SEC. 31. (Statement by Treasurer.)—The Municipal Treasurer, during the first fifteen days of January of each year, shall prepare in duplicate itemized statements of the incomes and disbursements of the preceding calendar year, one copy of which shall be transmitted to the Governor of the Canal Zone and the other to the Municipal Council. He shall exhibit to the Council his books and receipts, together with the stubs of the receipts issued by him. The Council shall carefully audit these accounts, comparing the statement of income with the duplicate receipts and the statement of the disbursements with the vouchers and receipts. If the amounts are found to be correct, they shall be attested by the members of the Council, and should any member not be in favor of approving them or any item thereof, he will endorse his disapproval in writing thereon, specifying the items objected to and the reasons for his objection. A certified copy of the statement, with the signatures thereto, and the endorsements thereon, shall be forthwith forwarded to the Governor of the Canal Zone, who, if he thinks that judicial proceedings should be begun against either the Municipal Treasurer or the Council or any member thereof, or other officer of the municipality for the unlawful expenditure of money belonging to the municipality, shall, on behalf of the municipality, through the Prosecuting Attorney of the Canal Zone, institute proceedings to recover the amount so unlawfully expended.

SEC. 32. (Report by Council.)—During the month of January of each year the Council shall prepare in duplicate a report giving:

1. An inventory of all buildings, lands, and other property, real and personal, movable and immovable, belonging to the municipality.
2. An itemized estimate of the revenues of the municipality from all sources during the current year, with the statement opposite each item of the amount realized from that source during the last preceding year.
3. An itemized estimate of the ordinary expenses of the municipality for the current year, with the statement opposite each item of the corresponding expenses for the last preceding year. The estimated ordinary expenses shall not exceed the estimated resources. This estimate shall include a statement of all outstanding indebtedness, if such exists.
4. An estimate of such extraordinary expenditures, if any, as may be required through unusual necessity or to make permanent improve-
ments. Such estimate shall state the approximate total expenditures by reason of such necessity or improvement, the amount of which it is expected to expend during the first year and the source or sources from which it is proposed to secure the necessary funds; also an itemized statement of extraordinary expenditures for the last preceding calendar year.

5. Such report, when completed and approved by the Council, shall be attested by its Mayor, Municipal Secretary and Municipal Treasurer, and shall be forwarded in duplicate to the Governor of the Canal Zone for his action. If the Governor shall, upon examination and consideration, find that the taxes levied will produce the estimated revenues, and that the actual expenditures provided for in the report will not exceed in the aggregate the estimates thereof, and shall approve of said taxes and expenditures, he shall endorse such approval on said report and forward one copy of the report so endorsed to the Mayor of the municipality, who shall deliver it without delay to the Municipal Treasurer. If after the Municipal Treasurer shall have begun the collection of taxes, he finds that the amount to be actually collected falls short of the estimate, he shall certify this fact to the Council and to the Governor of the Canal Zone, with a statement of the probable shortage, and it shall be the duty of the Council to reduce its subsequent expenditures so as to bring the aggregate within the available income as reported by the Treasurer.

6. Expenses not provided in the annual estimate can only be incurred and paid upon authorization by the Governor of the Canal Zone at the request of the Municipal Council.

SEC. 33. (Farming Out of Taxes Prohibited.)—Taxes, imposts, license fees and all other revenues of the municipality shall not be sold, leased or farmed out by the Municipal Council, but shall be collected by the Municipal Treasurer.

ASSessment.

SEC. 34. (Real Estate.)—The real estate of the municipality shall be valued and assessed for taxation by a board, to consist of the Mayor, the Municipal Treasurer, and a third party designated by the Governor of the Canal Zone, which Board shall be known as the Municipal Board of Assessors. The Mayor shall be president of the Board and the Municipal Secretary shall be its secretary. The place of meeting of the Board, except when in viewing land to be valued, shall be the office of the Municipal Secretary. All questions presented to the Board for its consideration shall be decided by a majority vote.

SEC. 35. (Oath.)—Before entering upon their duties, and the or-
ganization of the Board, the members shall take and subscribe to an oath before the municipal judge in the following words:

"I, ———, do solemnly swear (or affirm) that I will appraise all the real property subject to taxation in the municipality of ———, so far as required by law, at its true value in money, and will set the same in the tax list of said municipality at its true value in money, and will faithfully discharge all the duties imposed upon me by law, so help me God." (The last four words to be omitted in case of affirmation.)

"(Signature of assessor.)"

"Subscribed and sworn to before me, this ——— day of ———, 190—.

"(Signature of municipal judge.)"

Such oath, when subscribed, shall be filed with the Municipal Secretary, who shall inscribe the entire oath and certificate upon the records of the Board.

Sec. 36. (Lists Prepared by Owners.)—It shall be the duty of every owner of real estate in the municipality to prepare, or cause to be prepared, on blanks furnished him, a statement of the amount of land and improvements thereon which he owns within the municipality, and a description sufficient in detail, to enable the Board of Assessors to identify the same upon examination. He shall subscribe to the statement and verify the same on oath before the Municipal Secretary, who is hereby authorized to administer such oaths. The statement shall be filed with the Secretary of the Board of Assessors within fourteen days after the organization of the Board.

Sec. 37. (Meetings of Board of Assessors.)—On the first day of November, 1904, and in subsequent years on the first day of September, the Board of Assessors shall meet, take the oath of office and organize, and shall proceed to make a list of all the taxable real estate in the municipality. The names of the owners of such real estate shall be arranged alphabetically, with a brief description opposite their names of the property owned by them. In making this list the Board of Assessors shall take into consideration the sworn statements by the owners of the property hereinbefore required to be filed, but shall not be prevented thereby from considering other evidence as to value and extent. For the purpose of completing this list, the Board is authorized to summon witnesses, administer oaths to them and subject them to examination concerning the ownership, amount and value of real estate subject to taxation. The oath shall be administered to such witnesses by the Municipal Secretary.

Sec. 38. (Unknown Owners.)—If the Board of Assessors shall find parcels of land within the municipality subject to taxation, the owner
or owners of which cannot be discovered after a reasonable investigation, it shall be the duty of the Board to list said parcels of land for taxation, charging the taxes as against an unknown owner, and describing the premises with sufficient accuracy to identify the same.

Sec. 39. (Assessing.)—After having completed the list, the Board shall proceed to assess the value of each separate parcel of real estate, and the improvements thereon, if any, at their true value in money; and, where it shall appear that there are separate owners of the land and of the improvements, a separate assessment of the property of each shall be made. The value so fixed shall be placed upon the tax list opposite the names of the owners and the description of the property taxed.

Sec. 40. (Property Not Listed.)—If it shall be discovered by the Board or brought to their attention, or to the attention of any member thereof, that any taxable real estate within the municipality has not been listed, it shall be the duty of the Board at once to reassemble and to list and value the same and charge against the owners thereof the taxes due for the current year and for all other years since the original assessment under this Act was made by the Board, and the taxes thus assessed shall be legal and collectable by all the remedies therein provided, and penalties and interest shall be added to the back taxes as if the same had been assessed at the time when they should have been assessed.

Sec. 41. (Completion of Listing.)—The Board of Assessors shall complete their listing and valuation of real property situated within the municipality on or before December 31st, and, when completed, shall authenticate the same by signing the following certificate at the foot of the list:

“We hereby certify that the foregoing list contains a true statement of the aggregate amount and value of the taxable real estate belonging to each person named in the list, according to the best of our knowledge and belief.”

Sec. 42. (Filing Lists.)—When the list shall be completed, in accordance with the foregoing section, it shall be filed in the office of the Secretary of the Board, and the Board of Assessment shall, by notice posted at the main entrance of the municipal building and by notice posted in not less than five public and conspicuous places in said municipality, inform the public that the list has been completed and is on file in the office of the Secretary of the Board, and may be examined by any person interested therein, and that, upon a day, at least ten days after the posting of said notice, the Board will be in session for the purpose of hearing complaints as to the accuracy of the listing of the property and the proper valuation thereof. After such notices have been posted, the secretary shall certify to the fact of post-
ing upon the record, which shall be deemed *prima facie* evidence of the fact. At the day fixed in the posted notice the Board shall meet and hear all complaints then or theretofore filed by persons against whom taxes have been assessed as owners of the real estate, and shall make a decision on such complaint and enter such decisions on its minutes; and if the Board shall determine that injustice has been done or errors have been committed, it shall amend the list in accordance with its findings.

**Sec. 43. (Appeal.)**—In case any complainant before the Board of Assessors shall feel aggrieved by its decision, he may, within ten days after the entry of the decision of the Board upon the minutes, appeal to a Board of Tax Appeals hereinafter provided for. He shall perfect his appeal by filing a written notice of the same with the Board of Assessors, and it shall be the duty of the Secretary of said Board forthwith to transmit the appeal to the Board of Tax Appeals, with all written documentary evidence in the possession of the Board relating to said assessment and valuation.

**Sec. 44. (Board of Tax Appeals.)**—The Board of Tax Appeals shall consist of the mayors of the several municipalities of the Canal Zone, and shall assemble upon call by the Governor of the Canal Zone, and at a time and place to be fixed by him, they shall elect one of their number chairman of the Board and one secretary of the Board, who shall keep the record of the proceedings.

**Sec. 45. (Oath.)**—After the election of a Chairman and Secretary, and before proceeding with further business, the members of the Board of Tax Appeals shall take the following oath before any officer authorized to administer an oath:

> “I, ———, solemnly swear (or affirm) that I will well and truly hear and determine all matters in issue between the property owners and the Municipal Board of Assessors submitted for my decision, so help me God. (In case of affirmation the last four words are to be stricken out.)”

> “(Signature of the member of board.)”

> “Subscribed and sworn to (or affirmed) before me this ——— day of ———, 190—.”

> “(Signature of officer administering oath.)”

The oath of each member shall be recorded by the Secretary of the Board in the minutes of its proceedings.

**Sec. 46. (Hearing Appeals.)**—The Board of Tax Appeals shall hear and determine all appeals duly submitted to them. They shall have authority to cause to be amended the listing and valuation of the property in respect to which the complaint is made, by order signed by the board, or a majority thereof, and transmitted to the Municipal
Board of Assessors, which shall amend the tax list in conformity with said order.

Sec. 47. (Quorum.)—Attendance upon the meetings of the Board of Tax Appeals shall be compulsory upon the members, unless excused therefrom by the Governor of the Canal Zone. In the event of the absence of one or more of the members, the Governor shall designate a person to sit in place of and discharge the duties of such absentee, so that the Board shall at all times be composed of not less than six members. In case of a tie vote on any appeal, the question shall be decided in favor of those voting contrary to the vote cast by the Mayor of the municipality from which the appeal came.

Sec. 48. (Salaries.)—The members of the Board of Appeals shall receive as compensation for their services on such Board the sum of five dollars per day and actual and necessary traveling expenses, to be paid out of the municipal treasury of the municipality to which the member is accredited.

Sec. 49. (Prepayment of Privilege Taxes.)—All licenses and privilege taxes shall be paid before the licensee or tax-payer shall begin the business or enjoyment of the privilege for which the license or tax is imposed.

All licenses and privilege taxes shall terminate on the thirtieth day of June of each year, and any one beginning a business or exercising a privilege upon which an annual tax is levied by the Council after the thirtieth of June shall be required, before beginning such business or exercising such privilege, to pay the license or tax for the part of the year which remains, to and including the thirtieth day of June following.

In addition to the tax or license, penalty shall be imposed, amounting to twenty per centum of the original tax or license to be collected and accounted for by the Municipal Treasurer in the same manner as the original tax or license, for a failure to pay tax or license when due.

Sec. 50. (Record of Tax-Payers Published.)—It shall be the duty of the Municipal Treasurer to keep a record, open to public inspection, of the names of all persons paying licenses or privilege taxes, arranged alphabetically.

Sec. 51. (List of Tax-Payers to Municipal Treasurer.)—Within ten days after the passage of an ordinance by the Council, requiring the payment of licenses or privilege taxes, the Mayor and Municipal Treasurer shall prepare a list of the names of the persons whose business, if continued, would render them liable to the payment of a license fee or tax, and they shall transmit such list at once to the Municipal Treasurer.

Sec. 52. (Conducting Business Without License.)—The Council shall provide, by ordinance, that any person conducting a business or
enjoying a privilege without paying the tax or license fee required by law, shall be punished by fine and imprisonment, or both, upon trial and conviction by a court of competent jurisdiction.

Sec. 53. (Payment of Taxes.)—Annual taxes due the municipality shall be due and payable at the office of the Municipal Treasurer on the first day of June of each year. The Municipal Treasurer shall be in his office prepared to receive and receipt for said taxes on every day except Sundays and legal holidays during the usual business hours during the month of June of each year. A failure to pay the taxes due within the period thus specified shall subject the delinquent taxpayer to the penalty of an additional tax of ten per centum of the amount of the original tax. The penalty shall be accounted for by the Municipal Treasurer in the same manner as the tax.

Sec. 54. (Delinquents.)—Taxes shall become delinquent at the close of business hours of the 30th day of June of each year; fifteen days after the tax has become delinquent, the Municipal Treasurer shall prepare and sign a certified copy of the records of his office, showing the persons delinquent in the payment of their taxes, and the amount of tax and penalty respectively due from them. He shall proceed at once to seize the personal property of each delinquent, and unless redeemed as hereinbefore provided, to sell at public auction, either at the main entrance of the municipal building or at the place where such property is seized, as the Municipal Treasurer shall determine, so much of the property so seized as shall satisfy the tax, penalty and costs of seizure and sale, to the highest bidder for cash, after due advertisement by notice posted for ten days at the main entrance of the municipal building and at five public and conspicuous places in the municipality, stating the time, place and cause of sale, and a description of the property to be offered for sale. The certified copy of the Municipal Treasurer's record of delinquents, attested by the Mayor and the Municipal Secretary, shall be his warrant for his proceedings, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within three days after the sale, the Municipal Treasurer or his deputy shall make return of his proceedings in said matter and spread it upon his records, which shall also be attested by the Municipal Secretary. Any surplus resulting from the sale, over and above the tax, penalty and costs, shall be returned to the tax-payer on account of whose delinquency the sale has been made.

Sec. 55. (Redemption.)—The owner of the personal property seized may redeem the same from the Municipal Treasurer at any time after seizure and before sale by tendering him the amount of the tax, the penalty and the costs incurred up to the time of the tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending
the sale, and no charge shall be imposed for the services of the collecting officer.

SEC. 56. (Lien for Taxes.)—Taxes and penalties assessed against real estate and immovable property shall constitute a lien thereon, which lien shall be superior to all other liens, mortgages or incumbrances of any kind whatsoever; shall be enforceable against the property, whether in the possession of the delinquent or any subsequent owner, and can be removed only by the payment of the tax and penalty, with interest on both at the rate of six per cent. per annum from the date of delinquency.

SEC. 57. (Insufficient Personal Property.)—In the event that the Municipal Treasurer shall be unable to find sufficient personal property of the delinquent out of which to collect all the taxes assessed against the delinquent, upon his real estate or immovable property, due to the municipality, or, if the delinquent be unknown, the Municipal Treasurer shall, upon the warrants of the certified record provided for hereinbefore and within twenty days after the delinquency, advertise the real estate of the delinquent against which said tax is levied for sale, or so much thereof as may be necessary to satisfy all public taxes against said property and costs of sale, which said advertisement shall continue for a period of thirty days. The advertisement shall be by posting a notice of such sale at the main entrance of the municipal building and in five other and conspicuous places in the municipality wherein the real estate or immovable property is situated and by publication once a week for three weeks in a newspaper of general circulation in said municipality, if any there be. The advertisement and notice shall contain a statement of taxes and penalties due on said property and the time and place of sale, the name of the tax payer against whom the taxes are levied and a short description of the land to be sold. At any time before the day fixed for the sale the tax payer may discontinue all proceedings by paying the tax, penalties, interest and costs incurred after the time of payment to the Municipal Treasurer. If he does not do so, this sale shall proceed, and shall be held either at the main entrance of the municipal building or on the premises to be sold, as the Municipal Treasurer may determine and set forth in said notice of sale. Within five days after the sale the Municipal Treasurer shall make return of the proceedings and spread it on his record, which shall be attested by the Municipal Secretary. The purchaser at the sale shall receive a certificate from the Municipal Treasurer showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties and interest for which the property was sold.

SEC. 58. (Redemption from Sale.)—Within one year from the date of sale the delinquent tax payer, or anyone for him, shall have the right
of paying to the Municipal Treasurer the amount of the public taxes, penalties and interest thereon, from the date of delinquency to the date of sale, together with interest on said purchase price at the rate of fifteen per centum per annum from the date of the sale to the date of redemption; and such payment shall entitle the person making same to the certificate issued to the purchaser at said sale and the certificate from the Municipal Treasurer that said real estate and immovable property has been redeemed, and the Municipal Treasurer shall forthwith pay over to the purchaser at said sale the amount of money paid for such redemption, and the real estate and immovable property thereafter shall be free from the lien of such taxes and penalties.

Sec. 59. (Non-redemption.)—In case the tax payer shall not redeem the land sold as above provided within one year from the date of sale, the Municipal Treasurer shall as grantor execute a deed in form and effect sufficient under the laws in force in the Canal Zone, Isthmus of Panama, to convey to the purchaser so much of the real estate and immovable property against which the taxes have been assessed as has been sold, free from all liens of any kind whatsoever, and the deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

Sec. 60. (Forfeiture of Property.)—In case there is no bidder at the public sale of such real estate and immovable property who offers a sum sufficient to pay the taxes, penalties and costs, the Municipal Treasurer shall declare the land forfeited to the municipality, and shall make, within three days thereafter, a return of his proceedings and the forfeiture, which shall be spread upon the records of his office and attested by the Municipal Secretary.

* Sec. 61. (Forfeiture—Absolute.)—Within one year from the date of such offer for sale and forfeiture thus declared, the tax payer, or any one for him, may redeem said land as hereinafore provided in cases where the land is sold. But if the land is not thus redeemed within one year, the forfeiture shall become absolute, and the Municipal Treasurer shall execute a deed similar in form and having the same effect as a deed required to be made by him in case of the sale, conveying the land to the municipality, and shall enter the property so conveyed upon his record of the property belonging to the municipality.

Sec. 62. (Enforcing Collection.)—The assessment of a tax shall constitute a lawful indebtedness from the tax payer to the municipality, which may be enforced by civil action in the Circuit Court of the judicial circuit in which the municipality is situated, and this remedy shall be in addition to all the other remedies provided by this Act.

Sec. 63. (Restrictions on Courts.)—No court shall entertain any suit assailing the validity of a tax assessed under this Act until the tax payer shall have paid under protest the taxes assessed against
him, nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes, or of a failure to perform their duties within the time therein specified for their performance, unless such irregularities, informalities or failures shall have impaired the substantial rights of the tax payer; nor shall any court declare any tax assessed under the provisions of this Act invalid except upon condition that the tax payer shall pay the just amount of his tax, as determined by the court in the pending proceedings.

Sec. 64. (Assailing Validity of Sale.)—No court shall entertain any suit assailing the validity of a tax sale of real estate or immovable property under this Act until the tax payer shall have paid into court the amount for which the real estate or immovable property was sold, together with interest at the rate of fifteen per centum per annum upon that sum from the date of the sale to the time of instituting the suit. The money so paid into court shall belong to the purchaser at the tax sale, if the deed is declared invalid, and shall be returned to the depositor should he fail in his action.

Sec. 65. (Effect of Irregularities.)—No court shall declare any such sale invalid by reason of any irregularity or informality in the proceedings of the officer charged with the duty of making the sale or by reason of failure by him to perform his duties within the time therein specified for their performance, unless such irregularities or informalities or failures shall have impaired the substantial rights of the tax payer.

Sec. 66. (Willful Omission of Property.)—Any officer charged with the duty of assessing real estate or immovable property who shall willfully omit from the tax list real estate or immovable property which he knows to be lawfully taxable, shall be guilty of a misdemeanor and punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding two years, or both, at the discretion of the court. The Circuit Court of the judicial circuit in which the municipality is situated shall have power and jurisdiction to hear and determine cases arising by reason of violation of the provisions of this section and to inflict the penalty therein provided.

Sec. 67. (License, etc., Omissions.)—Any officer charged with the duty of listing or collecting any license or privilege taxes, who shall willfully omit to list or collect the same, or any part thereof, shall be guilty of a misdemeanor and subject to the penalties provided in the preceding section. The Circuit Court of the judicial circuit in which the municipality is situated shall have power and jurisdiction to hear and determine cases arising by reason of violations of the provisions of this section and to inflict the penalty herein provided.

Sec. 68. (Bribes, Acceptance of.)—Any officer charged with any
duty in connection with the assessment or collection of taxes, who shall accept a bribe to influence his official action therein shall be guilty of a misdemeanor and subject to the penalties provided in Section 66 of this Act. Any person offering a bribe to an officer charged with any duty in connection with assessing or collecting taxes, for the purpose of influencing his official action, shall be guilty of a misdemeanor and subject to the penalties provided in Section 66. The Circuit Court of the judicial circuit in which the municipality is situated, shall have power and jurisdiction to hear and determine cases arising by reason of violation of the provisions of this section and to inflict the penalty therein provided.

Sec. 69. (Blank Books and Forms.)—In order to secure uniformity in all records, accounts, bonds, dockets, warrants, receipts, licenses and certificates provided for in this Act, the Municipal Treasurer shall purchase the necessary blanks, blank books, bonds, dockets, warrants, receipts, certificates and licenses from the Treasurer of the Canal Zone, who shall furnish the same at cost.

Sec. 70. (Repealing Clause.)—All laws and parts thereof inconsistent with this Act are hereby repealed.

This Act shall take effect on and after the first day of November, 1904.

Enacted September 1, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

EXECUTIVE BRANCH, CANAL ZONE GOVERNMENT.

ACT No. 8.

An Act to provide for the organization of the executive branch of the government of the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. The powers of the executive branch of the Government of the Canal Zone, Isthmus of Panama, shall be distributed among and vested in the following offices, departments, services and governmental organizations:

Governor, Executive Secretary, Treasurer, Auditor, Department of Public Health, Department of Revenues, Department of Police and Prisons, Department of Justice, Bureau of Education, and such other
governmental entities as hereafter may be created and established by legislative act of the Isthmian Canal Commission or other competent authority.

SEC. 2. The powers and authority appertaining to the several offices and subdivisions of the executive branch of the government shall be exercised by the incumbents thereof in manner and form and to the extent prescribed by this Act or provided by the laws of the United States applicable to the Canal Zone, the enactments, rules and regulations of the Isthmian Canal Commission, or the executive orders of the President of the United States.

SEC. 3. The incumbents of the several offices of the executive branch of government shall be selected, appointed and installed as follows:

**Governor.**

The Governor of the Canal Zone is to be selected, appointed and installed by the President of the United States pursuant to the rule established by the President in Executive Order, dated May 9, 1904, and having the force and effect of law.

The incumbents of the other offices provided for by Section 1 of this Act, except the Department of Health, shall be appointed by the Governor of the Canal Zone, subject to the approval of the Isthmian Canal Commission.

SEC. 4. The powers and duties of the Governor of the Canal Zone are as declared and set forth in the Executive Order, dated May 9, 1904, as follows:

"Major General George W. Davis, U. S. Army (retired), a member of the Canal Commission, is hereby appointed Governor of the Isthmian Canal Zone. He will proceed at once to the Isthmus of Panama. He will in my name, as the chief executive in the Canal Zone, for and on behalf of the United States, see that the laws are faithfully executed, and will maintain possession of said territory, including the public lands therein and the property, real and movable, on the Isthmus of Panama, except that of the Panama railroad that has recently been acquired from the Republic of Panama. He is hereby vested with the power to grant reprieves and pardons for offenses against the rules, regulations and laws in force by virtue of action of the Commission or by virtue of the clause hereof continuing in force the laws of Panama. In case of his disability or absence from the Canal Zone at any time, the Isthmian Canal Commission is empowered to designate the person or persons to act as Governor during such absence or disability. Except as herein prescribed, the duties of the Governor shall be fixed by legislation of the Canal Commission."

SEC. 5. In addition to the powers and duties conferred and enjoined by the order of the President, the Governor of the Canal Zone
shall be the executive head of the several departments, bureaus and services of the executive branch of the Government of the Canal Zone, unless otherwise provided in the Act creating the same, and shall have general charge and supervision over the administration of the affairs of all the offices, departments, bureaus and services of said executive branch. He shall see that the incumbents thereof exercise their powers and discharge their duties with fidelity, promptness and discretion, and pursuant to the requirements of law.

He shall recommend to the Commission, through the chairman thereof, such legislation as is required for the proper administration of the Government of the Canal Zone.

He shall report to the Commission, through the chairman thereof, respecting current affairs and administrative questions as they arise as often as occasion may require or the Commission request.

He shall make and submit to the Commission, on or before the first day of September of each year, an annual report respecting the administration of the affairs of the Government of the Zone, and the several branches thereof.

He shall supervise and direct the construction, erection, equipment and installation of all public works of the Government of the Canal Zone, including roads, bridges, culverts, government quarters for officers and employes of the Zone Government, store houses, sewer systems, water works and water supply, reclamation of land, drainage or fills to remove causes of disease, municipal electric lighting or power plants, hospitals, and other buildings or structures erected by the Government of the Zone, and improvements thereon or additions thereto, equipment of hospitals, asylums, jails, post offices, school houses, and other public institutions of said Government, and propositions submitted or work entered upon by the Chief Sanitary Officer for the sanitation of the Canal Zone. Said supervision and direction shall be for the purpose and to the end that the plans adopted and regulations prescribed by the Commission are adhered to, and the expense involved shall not exceed the limits fixed or allowances made by the Commission.

He shall cause to be instituted and conducted to final judgment, pursuant to law, all proceedings for the exercise of the right of eminent domain by the Government of the Canal Zone, both in the courts of the Zone and of the Republic of Panama.

He is authorized to sign or approve requisitions for materials or supplies for the executive branch of the Government of the Canal Zone or any department or office thereof, without reference to higher authority; and all requisitions by the officials of the several branches of the Government shall be acted on by him.
He shall make the assignment of buildings, or parts of buildings, to the several departments, bureaus and services of the Zone Government, and order such repairs and changes to be made on the buildings occupied by the Government of the Canal Zone as may be necessary to fit them for occupancy and to adapt them to the purposes to which they are devoted. The expense so occasioned shall be paid from the funds of the Government of the Zone, upon approval of the Governor.

He is authorized to employ, at the expense of the Government, a private secretary, who shall be a stenographer and typewriter, at an annual salary not exceeding $1,800.00, payable monthly, and such number of clerks, messengers and other minor employees whose compensation is less than $150.00 per month as may be necessary for the prompt and efficient administration of the affairs of the executive branch of the Government of the Canal Zone.

During his term of office and service on the Zone he is entitled to a residence for himself and family; he is to be supplied at the cost of the Government with a carriage, necessary horses and harnesses, and a coachman.

The Governor of the Canal Zone is hereby authorized to exercise the powers and perform the duties of any office of the executive branch of the Government of the Canal Zone, Isthmus of Panama, or to fill such office by temporary appointment in the event that an existing office has not been filled or the incumbent, by reason of absence, illness, or other disability, is incapable of exercising the powers or performing the duties of said office, or in case a vacancy exists, reporting any temporary appointment to the Canal Commission.

**Executive Secretary.**

**SEC. 6.** The office of the Executive Secretary shall be under the direct charge and supervision of the Governor of the Canal Zone.

The Executive Secretary shall have charge of the official correspondence of the Governor's office. He shall arrange, receive and brief letters and reports and written communications addressed to the Governor relating to the administration of the affairs of the Government of the Zone, for submission to and consideration by the Governor, and thereafter file and preserve the same. He shall prepare for the signature of the Governor such answers to official communications as the Governor shall direct or approve.

He shall prepare such proclamations, orders, letters, telegrams and other correspondence as the Governor shall direct, and make, file and preserve copies thereof, and shall be the custodian of all records and documents of the Governor's office.

*Amended by Executive Order*

Date May 24, 1910 P. 90
He shall be the custodian of the seal of the Government of the Canal Zone, and shall attest such acts of the Governor as are required by law to be done and performed under said seal.

He shall upon demand, approved by the Governor, furnish certified copies of public documents on file or of record in his office, and is authorized to charge therefor at the rate of ten cents per one hundred words, including the certificate. The money so realized is to be paid over to the Treasurer of the Canal Zone and otherwise dealt with as the funds of the Government of the Canal Zone.

He shall promulgate the laws of the United States in force in the territory of the Canal Zone or adjacent waters, the laws enacted and the rules and regulations adopted by the Isthmian Canal Commission respecting the Government of the Canal Zone, and all orders or proclamations issued by the Governor of the Canal Zone.

Sec. 7. The Executive Secretary shall hold the office during the pleasure of the Commission. He shall receive a salary at the rate of $2,500.00 per annum, payable monthly. During his term of office in the Canal Zone he shall be entitled to quarters.

Sec. 8. The clerical force of the office of the Executive Secretary shall be as follows:

One chief clerk at an annual salary of $1,800.00; one Spanish-English translator at an annual salary of $1,800.00; one record clerk at an annual salary of $1,800.00; one assistant record clerk at an annual salary of $1,200.00; one stenographer and typewriter at an annual salary of $1,500.00; two clerks each at an annual salary of $1,000.00; one messenger at an annual salary of $600.00, and such other and additional assistants, clerks and employees as hereafter may be authorized by the Commission. Salaries shall be payable monthly.

Treasurer.

Sec. 9. There is hereby created and established the office of Treasurer of the Canal Zone. He shall, before entering upon the duties of his office, give a bond with sufficient surety or sureties, to be approved by the Governor of the Canal Zone, in the penal sum of twenty-five thousand dollars, payable to the Government of the Canal Zone, Isthmus of Panama, conditioned for the faithful performance by him of the duties of his office and the fidelity of his deputies, clerks and employees in his said office, which bond shall be delivered to and retained by the Governor of the Canal Zone.

He shall receive, safely keep and duly account for all moneys belonging to the Government of the Canal Zone, from whatever source derived. He shall take proper receipts for all moneys paid or dis-
bursed and give proper receipts for all moneys received by him by virtue of his office.

He shall open and keep a set of books, wherein shall be set forth and recorded the transactions of his office. He shall render his accounts to the Auditor of the Government of the Canal Zone quarterly, or oftener if required, and shall transmit a copy of said accounts, when settled, to the Treasurer of the Isthmian Canal Commission.

The books, records, papers, documents, accounts, vouchers, orders and cash on hand in the office of the Treasurer shall be at all times subject to inspection, examination and verification by the Auditor of the Government of the Canal Zone, the Auditor and the Treasurer of the Isthmian Canal Commission, or the Governor of the Canal Zone.

The Treasurer shall receive an annual salary of $2,500.00, payable monthly. During his term of office and service in the Canal Zone he shall be entitled to quarters.

He shall be entitled to one deputy, at an annual salary not to exceed fifteen hundred dollars, payable monthly, and such additional assistants as the public service may require and the Commission authorize.

The Governor is hereby authorized to appoint such deputy temporarily, which said appointment shall be reported to the Commission.

Until such time as the Treasurer of the Canal Zone is duly appointed and qualified, the duties of said office shall be performed and the powers of said office exercised by the Disbursing Officer of the Isthmian Canal Commission stationed in the Canal Zone.

**Auditor.**

Sec. 10. (As Provided by Act No. 20.)—There is hereby created and established the office of Auditor of the Government of the Canal Zone. The Auditor of the Isthmian Canal Commission shall be the Auditor for the Government of the Canal Zone. He shall receive, examine and settle all accounts pertaining to the revenues of the Canal Zone and expenditures therefrom. He shall keep full and accurate books of accounts showing transactions of his office in the audit of the accounts of the Government of the Canal Zone. The duties of the office of the Auditor of the Canal Zone, and the powers thereof, may be performed and exercised by any deputy or assistant of the Auditor of the Isthmian Canal Commission designated by the Isthmian Canal Commission to perform such service. A deputy or assistant, so designated, shall discharge the duties and perform the services required by such designation without compensation additional to his salary, as an employee of the Isthmian Canal Commission.
SEC. 11. A Department of Health of the Government of the Canal Zone, Isthmus of Panama, is hereby created and established.

SEC. 12. It shall be the duty of the Department of Health to adopt all measures necessary for the protection and promotion of the public health and for the care of the sick in the Canal Zone, and for the enforcement of sanitary and quarantine rules and regulations adopted or enacted by the Isthmian Canal Commission for the Canal Zone and adjacent waters, and also of the sanitary and quarantine rules and regulations adopted or enacted by said Commission pursuant to the provisions of the Convention between the United States and the Republic of Panama, signed at Washington, November 18, 1903, or other competent authority, for the Cities of Panama and Colon, in the Republic of Panama.

SEC. 13. A Board of Health is hereby created and established for the Canal Zone, Isthmus of Panama, which said Board of Health shall administer the affairs of the Department of Health.

SEC. 14. The Board of Health hereby established shall consist of the following officials heretofore appointed by the Commission: Chief Sanitary Officer, Director of Hospitals, Chief Quarantine Officer and the Chief Sanitary Inspector.

The Chief Sanitary Officer shall be the Chairman of the Board of Health and preside at its meetings. The Board is hereby authorized to select one of its members to act as Secretary or to detail an officer or employee of the Department of Health to act as Secretary of the Board, who shall render the required service without additional compensation. Three members of the Board shall constitute a quorum for the transaction of business, and in the event of a tie vote, the presiding officer shall cast the deciding vote. The Board shall fix the times for its regular meetings, but the Chief Sanitary Officer is hereby authorized to call a meeting of the Board at his pleasure. Reasonable notice of the meetings of the Board shall be given each member.

SEC. 15. The Board of Health shall draft and recommend to the Isthmian Canal Commission suitable sanitary laws for the Canal Zone, including the laws regulating the hospital service and quarantine service maintained by the Government of the Canal Zone, and the laws respecting the sanitation of the cities of Panama and Colon, in the Republic of Panama, to abate nuisances endangering the public health; to remove the cause of any special disease or mortality; and shall cause to be prosecuted all violations of sanitary laws. It shall have power and authority, by and with the approval of the Governor of the Canal Zone, to make and enforce rules and regulations for preventing and
suppressing contagious or epidemic diseases of human beings or animals, should an emergency arise.

It shall make investigations into the causes, pathology, and means of preventing diseases, especially epidemic diseases, including the causes of mortality and the effects of localities, employments, conditions, habits, foods, beverages and medicines on the health of the inhabitants of the Isthmus of Panama; and shall disseminate useful information upon these and other kindred subjects among the people.

It shall have power to require reports and information concerning any matter with respect to which it may need information for the proper discharge of its duties from all physicians, midwives, nurses, clergymen, undertakers, police and other public officers, public dispensers, drug stores, asylums, hospitals, infirmaries, prisons, penitentiaries, schools, and from the managers, principals or officers thereof, and from all other public institutions, their officers or managers, and from the proprietors, managers, lessees and occupants of all hotels, lodging houses and places of public resort or from common carriers.

It shall select and recommend to the Governor of the Canal Zone suitable locations for the erection of hospitals, quarantine stations and other structures or public works necessary for the proper discharge of the duties of the Department of Health.

When authorized by the competent authorities of the Republic of Panama, or upon requirement by the Isthmian Canal Commission, it shall serve as a local board of health for either or both of the cities of Panama and Colon, Republic of Panama.

It shall make no contracts and incur no liabilities in excess of authority conferred upon it by the action of the Isthmian Canal Commission; but in case of emergency, created by threatened or imminent danger to the public health, extraordinary expenditures by the Board may be authorized by the Governor of the Canal Zone.

Sec. 16. The Chief Sanitary Officer shall be the Chief Executive Officer of the Board of Health, and shall exercise general supervision and control over the several branches of the Department of Health.

Subject to the sanitary laws of the Canal Zone and the regulations prescribed by the Board of Health, he shall have direct supervision and control over the measures and means adopted for the prevention and suppression of contagious or infectious diseases. He shall provide for the detention of persons suffering from such diseases and for their isolation until danger of their spreading disease is passed. He shall exercise supervision and control over all hospitals for contagious or infectious diseases, and have immediate direction of the work of suppressing epidemic diseases, should the occasion arise.

He shall have supervision and control over the hospital service, the
maritime quarantine service and the sanitary service of the Canal Zone and the Health Office of the City of Panama and the Health Office of the City of Colon.

He shall make a written report to the Governor of the Canal Zone on or before July 31st of each year. This report shall cover the general sanitary and health conditions of the Canal Zone and of the cities of Panama and Colon, in the Republic of Panama, and the work of the Board of Health and of its officers and agents, during the preceding fiscal year. It shall also include a statement of all moneys received and of all disbursements made during the same period. He shall also submit to the Governor of the Canal Zone or to the Isthmian Canal Commission such special reports as occasion may demand or as the Governor or the Isthmian Canal Commission may require.

He shall, from time to time, furnish the Isthmian Canal Commission lists of the employees necessary properly to carry on the work of the Board of Health and the Department of Health of the Canal Zone.

He shall prepare semi-annual estimates showing the probable expense of properly conducting the work of the Department of Health for the ensuing six months, and shall submit such estimates to the Governor of the Canal Zone for transmittal to the Isthmian Canal Commission.

* Sec. 17. The Director of Hospitals shall have charge, general supervision and management of all hospitals and dispensaries established by the Isthmian Canal Commission on the Canal Zone or within the Republic of Panama.

Sec. 18. The following hospitals are hereby established, and shall be suitably equipped: Ancon Hospital, in its present location in the municipality of Ancon, Canal Zone; Colon Hospital, as at present situated in the City of Colon; and emergency hospitals at such points as may hereafter be designated and authorized by resolution of the Isthmian Canal Commission.

Sec. 19. The Chief Quarantine Officer shall have direct charge of the maritime quarantine service of the Canal Zone and its ports. It shall be his duty, under such laws and regulations as may be in force in the Canal Zone, and over the waters adjacent thereto, to take measures to prevent the introduction through the ports of the Canal Zone and the ports of Panama and Colon, in the Republic of Panama, of any contagious or infectious diseases. He shall be charged with the duty of securing the enforcement of quarantine regulations and requirements at these ports.

He shall also have direct charge of the sanitation of the harbor and vessels lying therein, and shall see that such measures are enforced as are necessary for the proper hygiene of each vessel, her cargo and
personnel, whether in port or en route, and to prevent her being a source of danger to other vessels or to the port, and he is authorized to fumigate or otherwise disinfect outgoing vessels, on request by the proper authorities, and to charge a reasonable fee therefor; and to certify bill of health to vessels clearing from the port under his jurisdiction, setting forth the condition of the port, vessel, cargo, passengers and crew.

He shall prevent the entry into the Canal Zone of any person whose presence would be a menace to the public health or welfare, or who would be liable to become a charge upon the public.

Sec. 20. The Chief Sanitary Inspector shall have direct charge, management and control of all work performed or entered upon within the Canal Zone for the prevention or suppression of diseases. He shall be charged with the duty of securing the enforcement of all sanitary regulations and perform such other duties appertaining to his position as may be required of him by the Chief Sanitary Officer, the Governor of the Canal Zone, or the Isthmian Canal Commission.

Sec. 21. Authority is hereby given for the establishment and maintenance, at the expense of the Government of the Canal Zone, of a Health Office of the City of Panama, Republic of Panama, which office shall be a branch of the Department of Health of the Government of the Canal Zone. Said office shall be in charge of and under the direct management of an officer to be known as Health Officer of the City of Panama. Under the supervision and control of the Chief Sanitary Officer of the Canal Zone, he shall enforce the sanitary rules and regulations in force in said city, and shall perform such duties as may be prescribed by law or by resolution of the Isthmian Canal Commission, and also such other service appertaining to his office as may be required of him by the Chief Sanitary Officer or by the Governor of the Canal Zone.

Sec. 22. Authority is hereby given for the establishment and maintenance, at the expense of the Government of the Canal Zone, of a Health office for the City of Colon, Republic of Panama, which office shall be a branch of the Department of Health of the Government of the Canal Zone. Said office shall be in charge of and under the direct management of an officer to be known as Health Officer of the City of Colon. Under the supervision and control of the Chief Sanitary Officer of the Canal Zone, he shall enforce the sanitary rules and regulations in force in said city, and shall perform such duties as may be prescribed by law or by resolution of the Isthmian Canal Commission, and also such other service appertaining to his office as may be required of him by the Chief Sanitary Officer or by the Governor of the Canal Zone. His territorial jurisdiction shall extend to and include
that part of the municipality of Cristobal in the Canal Zone north of Folks River.

Sec. 23. For the proper administration of the Department of Health of the Canal Zone and its several branches and services, there shall be appointed from time to time, by the Isthmian Canal Commission, or by its authority, such officers, physicians and other employees as necessity shall require and conditions justify.

Sec. 24. The administration of the Department of Health of the Canal Zone and its several branches and services shall be conducted pursuant to such laws and resolutions, rules and regulations, as now are or may be hereafter enacted, adopted, or authorized by the Isthmian Canal Commission.

Sec. 25. For services rendered by the Department of Health of the Government of the Canal Zone and its several branches and services, such charges are to be made and collected as may be authorized by law or by resolution of the Isthmian Canal Commission.

Sec. 26. All money collected for the United States by the Department of Health or any of its several branches or services, or by any officer or employee thereof, shall be turned over to the Government of the Canal Zone as soon as practicable after the date of its receipt.

Sec. 27. The Chief Sanitary Officer shall receive a salary of seven thousand five hundred dollars per annum; the Director of Hospitals shall receive a salary of seven thousand dollars per annum; the Chief Quarantine Officer shall receive a salary of six thousand dollars per annum; the Superintendent of Ancon Hospital shall receive a salary of six thousand dollars per annum; the Superintendent of Colon Hospital shall receive a salary of four thousand dollars per annum; the Health Officer of the Panama Health Office shall receive a salary of three thousand dollars per annum; the Health Officer of the Colon Health Office shall receive a salary of twenty-four hundred dollars per annum; each resident physician in charge of an Emergency Hospital along the line of the Canal shall receive a salary of twenty-four hundred dollars per annum; the Chief Sanitary Inspector shall receive a salary of three thousand dollars per annum. In addition to such salaries, each of said officials during his term of office shall be furnished quarters.

Department of Revenues.

Sec. 28. There is hereby created a Department of Revenues for the Canal Zone, Isthmus of Panama, which shall consist of the following services: Customs Service; Internal Revenue Service; Postal Service.
Sec. 29. There is hereby created the office of Collector of Revenues for the Canal Zone, Isthmus of Panama. The Collector of Revenues shall be charged, subject to the supervision of the Governor of the Zone, with the conduct and control, pursuant to law, of the affairs of the Department of Revenues. He shall be, ex-officio, the Collector of Customs, the Collector of Internal Revenue, and Director of Posts, and shall enjoy the incumbency and perform the duties of said several offices subject to the conditions and obligations of his bond as Collector of Revenues.

Sec. 30. The salary of the Collector of Revenues shall be two thousand five hundred dollars per annum, payable monthly. During his term of office in the Zone he shall be entitled to quarters.

Sec. 31. Before entering upon the duties of his office the Collector of Revenues shall execute and file a bond in the penal sum of ten thousand dollars, with sufficient surety or sureties to be approved by the Governor of the Canal Zone, payable to the Government of the Canal Zone, Isthmus of Panama, conditioned for the faithful performance of the duties of his office, which bond shall be delivered to the Governor and filed in his office.

Sec. 32. There shall be two deputy collectors of revenues, one for the district of Ancon and one for the district of Cristobal. Each of whom shall be, ex-officio, a deputy collector of customs, and a deputy collector of internal revenue, and shall enjoy the incumbency and perform the duties of said several offices subject to the conditions and obligations of his bond as deputy collector of revenues. The annual salary of a deputy collector of revenues shall be fifteen hundred dollars, payable monthly.

Sec. 33. Before entering upon the duties of his office, a deputy collector of revenues shall execute and file a bond in the penal sum of five thousand dollars, with sufficient surety or sureties, to be approved by the Governor of the Canal Zone, payable to the Government of the Canal Zone, Isthmus of Panama, conditioned for the faithful performance of the duties of his office, which bond shall be delivered to the Governor and filed in his office.

Sec. 34. There shall be a chief clerk of the Department of Revenues whose salary shall be sixteen hundred dollars per annum, payable monthly.

Sec. 35. The Executive Order dated June 24, 1904, having declared the territory of the Canal Zone, Isthmus of Panama, open to the commerce of friendly nations; divided said territory into two customs districts, to be known as the Ancon district and the Cristobal district; and established a port of entry, to be known as Ancon, and a port of entry, to be known as Cristobal, and directed that a Customs Service be organized in and for the Canal Zone, it is hereby further enacted:

That the Customs District of Ancon shall consist of the territory
included within the limits of the municipalities of Ancon and adjacent islands, Emperador and Gorgona. That the Customs District of Cristobal shall consist of the territory included within the limits of the municipalities of Cristobal, Gatun and Buenavista.

Sec. 36. There is hereby created and established a Customs Service for the Canal Zone, Isthmus of Panama. It shall be the duty of the Customs Service to administer the affairs of the Customs District of Ancon and Cristobal, pursuant to the customs laws, rules and regulations of the United States, not inapplicable to the Canal Zone, and the enactments, rules and regulations of the Government of the Canal Zone now in force or hereafter adopted.

Sec. 37. The Customs Service shall consist of a Collector of Customs, two Deputy Collectors of Customs, two clerks, and not to exceed three Inspectors.

The Collector of Customs is charged with the direct conduct and control of the operations of the Customs Service, including the documenting of vessels of the United States in proof of nationality and ownership; the maintenance of the laws and treaties concerning commercial intercourse; the securing of the lawful revenues from importation of foreign merchandise; the suppression and prevention of smuggling and other frauds on the customs service; the collection and deposit of the customs duties, fees and penalties prescribed by existing law or put in force in the Canal Zone by the Congress of the United States, the Isthmian Canal Commission or other competent authority.

All moneys received by the Collector of Customs or the Customs Service as duties, fees, penalties or otherwise by virtue of his office shall be deposited forthwith with the Treasurer of the Canal Zone, and a receipt in duplicate therefor issued by the Treasurer to the Collector of Customs, who shall attach the original thereof to his monthly account.

Between the first and fifth day of each calendar month the Collector of Customs shall forward the accounts of the Customs Service to the Auditor of the Canal Zone for audit.

Sec. 38. The salary of one clerk, who shall be a stenographer, shall be fourteen hundred dollars per annum, and one clerk at a salary of twelve hundred dollars per annum, payable monthly.

The salary of each interpreter shall be twelve hundred dollars per annum, payable monthly.

Sec. 39. The territory of the Canal Zone, Isthmus of Panama, is hereby divided into two Internal Revenue Districts, to be known as Ancon District and Cristobal District. The Ancon District shall include the municipalities of Ancon and adjacent islands, Emperador and Gorgona; the Cristobal District shall include the municipalities of Cristobal, Gatun and Buenavista. There shall be imposed and col-
lected in the Canal Zone, for the purpose of securing internal revenues, such taxes, imposts, dues, fees, fines and penalties as shall be authorized and required by the laws of the United States applicable to the Canal Zone, and by the enactments of the Isthmian Canal Commission.

SEC. 40. There is hereby created and established an Internal Revenue Service for the Canal Zone, Isthmus of Panama. In all matters not specifically provided for by laws, rules and regulations enacted or adopted by the Isthmian Canal Commission, the administration of the affairs of the Internal Revenue Service of the Canal Zone, and the conduct and services of all persons connected therewith, shall be regulated and controlled in like manner and extent as is prescribed by the laws, rules and regulations for the Internal Revenue Service in the United States, not inapplicable to the conditions of law and fact existing in the Canal Zone.

SEC. 41. There is hereby created and established the office of Collector of Internal Revenue for the Canal Zone, Isthmus of Panama.

The Collector of Internal Revenue is charged with the direct conduct and control of the affairs of the Internal Revenue Service; the suppression and prevention of frauds against the internal revenue laws; the collection and deposit of the taxes, imposts, dues, fees, fines and penalties authorized and required by the Internal Revenue laws in force in the Canal Zone. All moneys collected or received by the Collector of Internal Revenue by virtue of his office shall be deposited forthwith with the Treasurer of the Canal Zone, and a receipt in duplicate therefor issued by the Treasurer to the Collector of Internal Revenue, who shall attach the original thereof to his monthly account.

Between the first and fifth day of each calendar month the Collector of Internal Revenue shall forward the accounts of the Internal Revenue Service to the Auditor of the Canal Zone for audit.

SEC. 42. By Executive Order dated June 24, 1904, provision was made as follows:

"That a post office be established in each of the following named towns of the Canal Zone, to-wit: Cristobal, Gatun, Bohio, Gorgona, Bas Obispo, Empire, Culebra, La Boca and Ancon. The post offices at Cristobal and Ancon shall be money-order offices."

The post office at Bas Obispo is discontinued, and post offices are hereby established at San Pablo and Matachin.

There is hereby created and established a postal service for the Canal Zone, Isthmus of Panama.

It shall be the duty of the Postal Service to administer the affairs of the post offices and the postal affairs of the Zone.

The Postal Service of the Canal Zone shall be conducted, regulated and controlled by such of the laws, rules and regulations of the
postal service of the United States as are not inapplicable to the conditions of law and fact existing in the Canal Zone, and the laws enacted and the rules and regulations adopted by the Isthmian Canal Commission.

The postmasters of the Canal Zone shall be appointed by the Governor, and shall give bond for the faithful performance of the duties of their office in such sum and with such surety or sureties as shall be approved by the Governor.

The Governor of the Zone is hereby authorized to establish new post offices or discontinue those already established at such places and at such times as, in his judgment, the public service requires.

The annual salaries of the postmasters, payable monthly, shall be as follows: San Pablo, ninety dollars; Gatun, ninety dollars; La Boca, one hundred and twenty dollars; Culebra, one hundred and twenty dollars; Empire, one hundred and twenty dollars; Matachin, one hundred and twenty dollars; Bohio, one hundred and twenty dollars; Gorgona, ninety dollars; Cristobal, twelve hundred dollars, and Ancon, nine hundred dollars.

Sec. 43. There is hereby created and established the office of Director of Posts of the Canal Zone, Isthmus of Panama.

The Director of Posts is charged with direct conduct and control of the affairs of the Postal Service, inspection of post offices and accounts of postmasters, the approval of requisitions for supplies for post offices and postmasters and the distribution of such supplies.

Postage stamps for the payment of postage in the Canal Zone shall be the postage stamps of the United States, surcharged with the words "Canal Zone—Panama." Requisitions for said stamps shall be drawn by the Director of Posts, approved by the Governor of the Zone and delivered to the Treasurer of the Zone, who shall forward the same to the Treasurer of the Isthmian Canal Commission; the stamps, when received, shall be deposited with the Treasurer of the Canal Zone for distribution to the postmasters of the Zone, who shall make requisition therefor as required by the necessities of their offices and forward such requisitions to the Director of Posts for his approval, and upon approval by him, the Treasurer of the Zone is authorized to honor the same.

Sec. 44. All moneys collected or received by the Director of Posts by virtue of his office shall be deposited forthwith with the Treasurer of the Canal Zone, and a receipt in duplicate thereof issued by the Treasurer to the Director of Posts, who shall attach the original thereof to his monthly account.

Between the first and fifth day of each calendar month the Director of Posts shall forward his accounts and the accounts of the Postal Service to the Auditor of the Canal Zone for audit.
SEC. 45. There is hereby created the Department of Justice for the Canal Zone, Isthmus of Panama, which department shall be charged with protecting the interests of the Government of the Canal Zone in all litigation before the courts or special tribunals in the Canal Zone or the Republic of Panama, and with advising and informing the Governor and the Commission respecting questions of law arising in the administration of affairs subject to their jurisdiction.

SEC. 46. There shall be in the Department of Justice a prosecuting attorney and three deputy prosecuting attorneys, who shall perform the duties and be appointed and paid as provided in Act No. 1, of the enactments of the Isthmian Canal Commission, entitled "An Act to provide for the organization of a Judiciary and the exercise of judicial powers in the Canal Zone, Isthmus of Panama, and for other purposes."

SEC. 47. The Prosecuting Attorney is authorized to issue instructions to the Chief of Police and other members of the police force respecting the proceedings instituted or to be instituted against persons suspected of or charged with criminal offenses; and to require the Chief of Police or other members of the police force to report to him in respect of persons arrested or in custody for offenses against the laws in force in the Canal Zone.

DEPARTMENT OF POLICE AND PRISONS.

SEC. 48. There is hereby created and established the Department of Police and Prisons for the Canal Zone, Isthmus of Panama.

The Department of Police and Prisons is charged with the duty of policing the Canal Zone and maintaining peace, order and due observance of the law therein and with maintaining proper conduct, discipline, sanitation, safeguarding and inspection of the prisons in the Canal Zone.

SEC. 49. The Governor of the Canal Zone is the executive head of the Department of Police and Prisons.

The police force shall consist of a captain, three clerks, two lieutenants, five sergeants, three corporals, two lance corporals and sixty-nine privates.

SEC. 50. The police organization and the members thereof shall be governed by and in accordance with the police rules and regulations of the Canal Zone, Isthmus of Panama, heretofore adopted by the Governor of the Canal Zone, and said rules and regulations are hereby ratified and confirmed.

SEC. 51. The Governor of the Canal Zone is hereby authorized to alter, amend, or annul the police rules and regulations of the Canal
Zone, Isthmus of Panama, and to increase or decrease the police force, or to alter or amend the organization thereof, at such times and in such manner as he shall determine the exigencies of the public service may require. He shall report all exercises of power under this authorization to the Isthmian Canal Commission for its approval.

EDUCATION.

SEC. 52. It shall be the duty of the Governor of the Canal Zone to formulate a plan for a practical, efficient, and comprehensive system of public schools adapted to the conditions and necessities of the inhabitants of the Canal Zone, and to report said plan to the Chairman of the Isthmian Canal Commission for such action as the discretion of the Commission shall approve.

The Governor shall establish and maintain not less than two common schools for free instruction in each municipality of the Canal Zone wherein two or more public schools are not now established and open for instruction for at least four months of each year.

He is authorized to secure adequate and proper quarters, employ teachers and purchase equipment for said schools, and to direct the expenditure for such purposes of such sum or sums of money as, in his judgment, may require. He shall report his action, the amount of money expended or liability incurred under this authorization to the Commission, and cause the account of such expenditures to be submitted to the Auditor of the Canal Zone for audit.

SEC. 53. The employees in the service of the Government of the Canal Zone stationed on the Isthmus whose salaries are $1,000.00 or more per year shall be entitled to quarters, or in lieu thereof in each case to a sum equal to 8 per cent. of the annual salary, at the option of the Commission.

SEC. 54. All laws or parts thereof inconsistent with the provisions of this Act are hereby repealed.

Whereas an emergency exists, this Act is to take effect and be in force on and after the date of its passage.

Enacted this 2nd day of September, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.
SANITARY RULES AND REGULATIONS.

Act No. 9.

An Act to provide sanitary rules and regulations for the Canal Zone, Isthmus of Panama, and for the enforcement thereof.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. (Powers of Chief Sanitary Inspector.)—The Department of Health is charged with the duty to secure the enforcement of the sanitary rules and regulations prescribed by this Act. The Chief Sanitary Inspector of the Canal Zone, under the direction of the Chief Sanitary Officer, shall be charged with the immediate duty of securing the enforcement of said rules and regulations. The Chief Sanitary Inspector shall have authority to make such charges for his work in cleaning premises, in covering water barrels, cisterns and other water containers; in covering open ponds or pools of water with oil, and for other preventive measures; in abating nuisances, or in doing any other work necessary for the protection of public health, as may be authorized and fixed by the Board of Health. He shall be aided in said work by the Sanitary Inspectors serving under him, who shall have the powers of deputies in such districts as the Board of Health may indicate.

Sec. 2. (Nuisances.)—Whatever is dangerous to human life or health, whatever building, or part or cellar thereof, is overcrowded or not provided with adequate means of ingress and egress, or is not sufficiently ventilated, drained, lighted, or cleaned, and whatever renders soil, air, water, or food impure or unwholesome are declared to be nuisances and to be illegal. Every person having aided in creating or contributing to the same, or who may support, continue, or retain any of them, shall be deemed guilty of a violation of these rules and regulations, and shall also be liable for the cost and expense of the abatement or remedy required therefor.

Sec. 3. (Privies, Cesspools, etc.)—No privy, pool, cesspool, or reservoir into which any privy, watercistern, stable, sink or other receptacle of refuse or sewage is drained, shall be so constructed or maintained that, through leakage or overflow of its contents, it may cause pollution of the soil or water near or about habitations, nor shall the overflow from any such reservoir or receptacle be permitted to discharge into any public place, or in such a way as to cause danger to health; and such pits, reservoirs or receptacles shall be cleaned, and the contents thereof removed, at such times and under such precautions
as are prescribed by the Board of Health. Whenever, by reason of the construction of sewers or otherwise, such pit, reservoir or receptacle becomes unnecessary, it shall be closed, filled, or otherwise done away with in such manner as the Board of Health may direct.

Sec. 4. (Sewers, Drains, etc.)—All house sewers or drains for the conveyance of deleterious or offensive matter shall be water-tight. Where public sewers are, or shall be, constructed in front of or near any premises, the Board of Health may order house connections to be made therewith. In such event, the house sewer must be properly trapped and vented, in order to prevent a backflow of gas from the sewer into the house.

Sec. 5. (House Refuse, Garbage, etc.)—No house refuse, offal, garbage, dead animals, decaying vegetable matter or organic waste substance of any kind shall be thrown upon any street or public place, and no decaying vegetable or putrid matter shall be kept in any house, adjoining cellar or outhouse for more than twenty-four hours.

Sec. 6. (Cons for Garbage.)—All house refuse, offal, garbage, decaying vegetable matter or organic waste substance of any kind shall be placed in covered cans or other receptacles approved by the Board of Health, and such cans or other receptacles shall, at such hour of the evening as shall be directed by the Sanitary Inspector, be put in a place of convenient access for the collector of garbage.

Sec. 7. (Cleaning of Premises.)—All private premises are to be kept in a clean and sanitary condition; all decaying vegetable and animal matter, and all filth accumulations of whatever source, must be removed; all water containers must be covered so as to make the access of mosquitoes to the water surface impossible; ponds and pools of water within 200 yards of any dwelling must be drained or filled, or the surface of the water kept covered with oil. Whenever any property owner or tenant fails to comply with the instructions of the Sanitary Inspector to put his premises in proper sanitary condition, within forty-eight hours after receiving notice so to do, it shall be the duty of the Sanitary Inspector to do all things that may be necessary to clean the premises and put them in proper sanitary condition, and for this work he shall make such charge as may be fixed and authorized by the Board of Health.

Sec. 8. (Unwholesome Food.)—No meat, fish, bird, fruit, vegetables, milk, or anything for human food or drink, not fresh nor properly preserved, wholesome and safe for such use, nor any flesh of any animal which died by disease or which was, at the time of its death, in sickly or unwholesome condition, shall be offered or held for sale as food.

Sec. 9. (Slaughter Houses, Markets, etc.)—The keeping and slaughtering of all cattle, sheep, swine, or other animals to be killed
for food, shall be in the manner best adapted to secure and continue their wholesomeness as food. Every butcher or other person owning, leasing or keeping any slaughterhouse where cattle, sheep, swine, or other animals are killed or dressed shall cause such place to be kept thoroughly cleaned and purified, and all offal, blood, fat, refuse, and unwholesome and offensive matter of all kinds must be removed therefrom at least once in twenty-four hours during and after the use thereof for any of the purposes herein mentioned. Any person being the owner, lessee, or occupant of any market, or of a stall or place in any market, store, building, or other place, or of any stalls wherein animals are kept, shall cause such place, room, building, stable, stall or market to be thoroughly cleaned and purified, and all offal, fat, garbage, refuse, and unwholesome and offensive matter must be removed therefrom at least once in twenty-four hours during and after the use thereof. Such person shall also keep all woodwork clean and painted or whitewashed, except floors and the tops of counters or tables. The floors of such buildings, places or premises shall be so constructed as to prevent blood or offal or foul liquids or washings from reaching and settling into the earth beneath.

Sec. 10. (Contagious Diseases.)—Every physician, druggist, schoolteacher, clergyman, midwife, nurse, and every head of a family having knowledge of any of the following named diseases shall immediately report the same to the Sanitary Inspector, or to the Board of Health: Asiatic cholera, yellow fever, typhus fever, small-pox, chicken pox, plague, dysentery, diphtheria, and membraneous croup.

Sec. 11. (Smallpox.)—Whenever a case of small-pox is reported to a Sanitary Inspector, he shall report the same to the Board of Health, and the physician in charge of the hospital or emergency hospital to which the locality in which the case occurs has been assigned shall remove the same to the hospital, or other building, designated for his district and for this purpose by the Board of Health. The Board of Health shall cause to be thoroughly fumigated and disinfected all rooms, clothing, bedding and other articles of whatever nature which may have been exposed to the contagion, or make such other disposition of portable articles as may be necessary to protect the public health.

Sec. 12. (Yellow Fever.)—Whenever a case of yellow fever is reported, it shall be the duty of the Sanitary Inspector to report the same to the Board of Health and to the physician in charge of the hospital, or emergency hospital, to which the locality in which the case occurs has been assigned, and said physician shall cause the case to be removed to the hospital, or other building, provided for such cases.

The following rules are to be observed in caring for yellow-fever patients:

1. Those in care of the sick shall see that at all times, both day

*Amended by Executive Order

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and night, the bed occupied by the sick person is completely enclosed by mosquito netting, so as to make it mosquito proof. The windows and doors of rooms occupied by the sick must be screened with mosquito netting.

2. The Sanitary Inspector shall cause to be screened such other rooms in the house as he may consider necessary for protection against mosquitoes. Any person removing, breaking, or otherwise injuring these screens, so as to disable them from keeping out mosquitoes, shall be deemed guilty of a violation of these rules and regulations.

3. The Sanitary Inspector shall see that all places in the house, yard, outhouses, or places connected with the house, where mosquitoes may breed, are rendered proof against the mosquito, and all persons living in the house must use such care and watchfulness that in the part, or parts, of the house occupied by them no water in jars, bottles, cans, hollow places in floors or yards, or any other place or article in which water might collect is allowed to remain.

4. On the termination of the case, or after its removal to the hospital, the Board of Health shall cause to be made a thorough and careful fumigation of all rooms in the house where the case occurred, and if, in their judgment, it is necessary to protect the public health, neighboring houses shall also be fumigated.

Sec. 13. (Cholera.)—Whenever a case of cholera is reported, the Board of Health shall take such precautions as may be necessary to prevent the spread of the disease, publishing and enforcing such special rules and regulations as may be necessary for the guidance of all who may be in any way exposed to the disease.

Sec. 14. (Typhus Fever, Diphtheria, Membranous Croup.)—Whenever cases of typhus fever, diphtheria, or membranous crop are reported, the Board of Health shall take such precautions as will protect the public health, adopting and publishing such special rules and regulations as may be necessary for the guidance of those who may be exposed to the disease, or will aid in preventing its spread.

Sec. 15. (Plague.)—Whenever a case of plague is reported, the Board of Health shall cause the house where the case is to be visited by a physician, who shall have the case removed to the hospital. The Board shall cause the house from which the case was removed to be thoroughly disinfected, as also all other buildings which have been exposed to the contagion. It shall also prepare and publish special rules and regulations for the protection of public health.

Sec. 16. (Physicians and Clergymen Visiting Contagious Cases.)—The Board of Health shall adopt such rules as may be necessary relating to the visiting of any cases of the above named diseases, except chicken pox, by physicians and clergymen. Copies of these rules, in duplicate, shall be mailed to each physician practicing, and each clergymen.
man in orders in the Canal Zone and in the cities of Panama and Colon. One of these copies is to be signed by the physician or clergyman and filed in the Health Office. No clergyman desiring to minister to a person suffering from any of the above named diseases, except chicken-pox, shall visit the patient without first notifying the Sanitary Inspector.

SEC. 17. (Consultation.)—In all doubtful cases of contagious diseases the Sanitary Inspectors of the Canal Zone shall notify the Board of Health, and such Board shall at once take steps to examine and decide the character and nature of any case thus laid before it.

SEC. 18. (Importation of Infected Persons and Things.)—No person or article liable to propagate a dangerous disease shall be brought within the limits of the Canal Zone without special permission from the Sanitary Inspector, and anyone having knowledge that such person or article has been brought within such limits shall immediately notify the Board of Health.

SEC. 19. (Exposure of Infected Persons or Things.)—No person shall, within the limits of the Canal Zone, carry or remove from one building to another any patient affected with any contagious disease mentioned in Section 10 without a permit in writing from the Sanitary Inspector, nor shall any person, by any exposure of any individual so affected, or of the body of such individual, or of any article capable of conveying contagion or infection, or by any negligent act connected with the custody thereof, or by needless exposure of himself or herself, cause or contribute to the spread of contagious diseases from any such individual or dead body.

SEC. 20. (Funerals.)—After death from a contagious disease there shall not be a public or church funeral of any person who has died of Asiatic cholera, small-pox, typhus fever, diphtheria, yellow fever, or membraneous croup. The family of the deceased shall, in all such cases, limit the attendance to as few persons as possible and take all precautions possible to prevent the exposure of other persons to contagion or infection.

SEC. 21. (Filled in or Made Land.)—No low ground or sunken places shall be filled with any materials containing putrefacible animal or vegetable matter.

SEC. 22. (Obnoxious Trades.)—No person or company shall erect or maintain any factory or place of business dangerous to life or detrimental to health or where unwholesome, offensive or deleterious odors, gas, smoke, deposit, or exhalations are generated, unless permit to erect or maintain the same shall have been obtained from the Board of Health, and all such establishments must be kept clean and wholesome, so as not to be offensive or prejudicial to public health. No offensive or deleterious waste substance, refuse, or injurious matter shall be allowed to accumulate upon the premises or be thrown or allowed
to run into any street or public place. Every person or company conducting such a factory or business shall use the most approved and all reasonable means to prevent the escape of smoke, gases, odors, and to protect the health and safety of all operators employed therein.

Sec. 23. (Use of Public Water.)—Where water from the public water supply may be introduced, the Sanitary Inspector shall require the necessary pipes to be laid by the owner or owners of the premises whose occupants require water, and whenever pipes have been laid to any premises the Sanitary Inspector shall cause to be closed and removed, or otherwise done away with, all receptacles of whatever nature and kind for the storage of water, except such barrels, tubs, basins, or other receptacles as are used for the washing of clothes or other similar articles or the watering of animals, and all receptacles so used shall not have the water allowed to stand in them any longer than forty-eight hours. Should any water be found upon any premises in which there are wrigglers or the larvæ of mosquitoes, their existence shall be considered a violation of these rules and regulations.

Sec. 24. (Closing of Wells.)— Upon the introduction of the public water supply into any premises, the occupants of which had before obtained their water from a well, the Sanitary Officer shall cause said well to be closed.

Sec. 25. (Reports of Marriages and Births.)—Every clergyman or magistrate performing a marriage, and every physician or midwife attending at the birth of a child, must report the same to the Board of Health upon blank forms furnished for such reports, within three days after the performance of such marriage or the birth of said child.

Sec. 26. (Certificate of Death, Burial Permits, etc.)—Every undertaker, or other person, who may have charge of the funeral of any dead person, shall procure a properly filled out certificate of death and its probable cause, upon the form provided for such purpose. Such certificate is to be duly signed by the physician who last attended the deceased, and must be presented to the Board of Health and a burial permit obtained before the body of the deceased person is removed for burial. The physician last in attendance upon any person dying within the limits of the Canal Zone must write out and sign, without delay, the professional certificate of death, and leave it with the family of the deceased or give it to the undertaker in charge of the remains. When a body is to be removed outside the limits of the Canal Zone, a transit burial permit will be issued by the Board of Health to the undertaker or other person in charge of the remains, upon the presentation of a properly filled out certificate of death.

Sec. 27. (Leprosy, Elephantiasis, Beri-Beri.)—Any person having knowledge of a case of leprosy, elephantiasis or beri-beri must report the same at once to a Sanitary Inspector or to the Board of Health.
SEC. 28. (Typhoid Fever.)—Anyone having knowledge of any case of typhoid fever must at once report the same to a Sanitary Inspector or to the Board of Health. All urine and feces of typhoid patients must be disinfected before disposal.

SEC. 29. (Sale of Poisonous Drugs.)—No strychnine, opium, arsenic, nor other poisons shall be sold, except on prescription or requisitions signed by a physician, except that carbolic acid, sulphate of copper and similar materials may be sold for use as disinfectants without such certificate.

SEC. 30. (Venereal Diseases.)—Venereal diseases of prostitutes must be reported to a Sanitary Inspector or the Board of Health by anyone having knowledge of the same, and such prostitutes are to be isolated and subjected to medical treatment by the Board of Health.

SEC. 31. (Duties of Sanitary Inspectors.)—The Chief Sanitary Inspector and his assistants may enter upon or within any premises where conditions dangerous to public health are known or believed to exist, and shall examine into the nature of complaints made by any inhabitant concerning sources of danger or injury to health. He must preserve accurate records of his official actions, and report the same to the Board of Health monthly and at such other times as may be directed by said Board. Whenever, in his judgment, danger shall arise to the public health in special cases not covered by the regulations of general application, he shall at once report the same to the Board of Health, which shall order such measures to be taken as may be necessary and proper in such special cases.

SEC. 32. (Building Permits.)—The plans of all buildings, public and private, excepting those erected by the Isthmian Canal Commission or any of its departments or sub-departments, shall be submitted to the Board of Health for its approval as to ventilation, plumbing and drainage, and no building permit for any such building shall be issued by the municipal authorities without the approval of such Board.

SEC. 33. (Penalties.)—A violation of any of the provisions of the foregoing rules and regulations is hereby declared to be a misdemeanor, and any person, corporation, or association, upon conviction of such violation, shall be fined in any sum not exceeding twenty-five dollars, or imprisonment not to exceed thirty days, or both, at the discretion of the court.

SEC. 34. (Courts for Offenses.)—Any court of the Canal Zone having jurisdiction to hear and determine cases of misdemeanor under the penal code of the Zone shall have jurisdiction to hear and determine cases arising upon violations of these rules and regulations and to impose the fines and penalties herein provided and to enforce the same.

SEC. 35. (Charges for Work Done.)—Forty-eight hours after notice has been served by a Sanitary Inspector upon the owner or tenant of
any premises, either by delivery to such owner or tenant of a written notice or by the posting of said notice in a conspicuous place upon said premises, and no steps have been taken to abate the nuisance, to clean the premises, to cover water containers, to screen door and window openings or to do such other things as required in said notice, or in case that due diligence is not exercised in doing the work directed to be done in said notice, the Sanitary Inspector shall have the right to enter upon said premises and perform such work, charging therefor at rates fixed by the Board of Health. The Sanitary Inspector shall report the amount so charged, together with the name of the person who, as tenant or owner of the premises, is responsible for the conditions to be remedied, to the Collector of Revenues, who shall proceed to collect the same, and in case any tenant fails to pay the amount so charged, the collection is to be made from the owner of the premises. Should any such amount so charged remain unpaid thirty days after the owner has been notified in writing by the Collector of Revenues, or thirty days after the posting of a copy of a bill for the work in a conspicuous place on the premises, the amount so charged shall be reported by the Collector of Revenues to the Treasurer of the municipality in which the whole or greater portion of the premises is situated, and said amount charged, with ten per cent. added, shall become a lien upon the real estate and be collected in the same manner and at same time as municipal taxes.

Enacted September 2, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

QUARANTINE REGULATIONS.

Act No. 10.

An Act to provide maritime quarantine regulations for the ports and harbors of the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. The Maritime Quarantine Regulations for the Ports and Harbors of the Canal Zone, Isthmus of Panama, shall be as follows:

SEC. 2. Vessels entering the port or harbor at Ancon or Cristobal from any foreign port where there is a United States Consular Officer must present to the Quarantine Officer of the port and to the Customs
Officer of the port, or his authorized deputy, each a bill of health of the same character and form as is required of vessels entering the ports of the United States from said foreign ports.

Vessels entering the port or harbor at Ancon or Cristobal from any port of the United States must present to the Quarantine Officer and to the Customs Officer of the port, or his authorized deputy, each a bill of health, signed by the Customs Officer of said port of the United States from which the said vessel sailed.

Sec. 3. Such vessels having entered or called at intermediate ports must also present to each of the port officers named in Section 2 a supplemental bill of health of the same character and form as is required of vessels entering the ports of the United States from foreign ports.

Sec. 4. Any such vessel entering the port or harbor of Ancon or Cristobal without such bill of health or supplemental bill shall forfeit to the Government of the Canal Zone not more than five hundred ($500.00) dollars, the amount to be determined by the court, which shall be a lien on said vessel, to be recovered by proceedings in the proper court of the Canal Zone.

Sec. 5. Vessels arriving at any of the ports herein named, under the following conditions, shall be inspected by the Quarantine Officer of the port prior to entry:

(a) All vessels from foreign ports; (b) all vessels with sickness aboard; (c) vessels from domestic ports where any quarantinable disease prevails; (d) vessels from domestic ports carrying passengers or articles suspected by the Quarantine Officer as being capable of conveying the infection of a transmissible disease.

Sec. 6. The limits of anchorage of vessels awaiting inspection and for vessels undergoing quarantine shall be fixed from time to time for each port by the Chief Quarantine Officer, and this may be different for vessels of different sanitary conditions, or for vessels from ports of different sanitary conditions.

Sec. 7. Every vessel subject to quarantine inspection shall be considered in quarantine until granted free pratique, and such vessels shall fly a yellow flag from the foremast head from sunrise to sunset, and shall observe all the other requirements of vessels actually quarantined.

Sec. 8. The captain or master of a vessel in quarantine shall allow no communication with his vessel, except as provided for in these regulations, under penalty of the law; nor shall any watercraft approach such vessel within two hundred (200) meters under penalty of the law.

Sec. 9. No person or thing shall be allowed to leave a vessel in quarantine without written permission from the Quarantine Officer.

Sec. 10. Towboats, or any vessel or boat having had communication with a vessel in quarantine, shall, with their personnel, be sub-
mitted to such measures of sanitation as the Quarantine Officer may judge to be necessary.

SEC. 11. No person, except such officers of the port as are required to do so by the nature of their duties, and the agent of the vessel, if he has the consent of the Quarantine Officer, shall go aboard any vessel subject to quarantine until she has been granted free pratique. Any person going aboard prior to the issuance of free pratique shall be subject to the same restrictions as the personnel of the vessel if, in the opinion of the Quarantine Officer, this is necessary for the protection of the public health.

SEC. 12. The Quarantine Officer, after the inspection of a vessel and her documents, shall decide whether said vessel is liable to convey through herself, her personnel, or any articles aboard, any of the following diseases, to-wit: Plague, Yellow Fever, Cholera, Small-Pox, Typhus Fever, Beri-Beri, or Leprosy, and if so, she shall be placed in quarantine and forbidden entry until free from such liability; and he shall determine what sanitary measures, whether with regard to the vessel, her cargo, or her personnel, are required to enable him to do so. In making these decisions he will be guided by the regulations of the United States in so far as they may be applicable to the conditions at his port and as modified from time to time by the regulations of the Isthmian Canal Commission.

SEC. 13. Passengers aboard vessels subject to inspection will be required, at the discretion of the Quarantine Officer, and on notice given, to present personal certificates from a designated officer at the port of embarkation, certifying to their sanitary history and conditions.

SEC. 14. Every case of sickness aboard any vessel in the harbor shall be immediately reported to the Quarantine Officer, who shall direct the sanitary measures to be taken therewith.

SEC. 15. The Chief Quarantine Officer shall also have direct charge of the sanitation of the harbors and vessels lying therein, and shall see that such measures are enforced as are necessary for the proper hygiene of vessels, their cargoes, and their personnel, whether in port or en route, and to prevent the vessels from being a source of danger to other vessels or to the port, and he is authorized to certify bills of health to vessels clearing for ports under his jurisdiction, setting forth in each place the conditions of the port, vessel, cargo, passengers and crew; and he is authorized, at the request of any vessel, to disinfect said vessel and otherwise place her in such sanitary condition that she may leave the port in free pratique and be able to make entry at her port of destination without further disinfection or detention in quarantine.

SEC. 16. The Quarantine Officer shall make such charges for the disinfection of vessels and their cargos, and for the transportation and
subsistence of passengers as may be fixed by the Board of Health of the Government of the Canal Zone.

Sec. 17. The Chief Quarantine Officer must report all cases of infectious or contagious diseases found by him at once to the Chief Sanitary Officer of the Isthmian Canal Commission.

Sec. 18. The certificate of the Quarantine Officer that the vessel has complied with all the Quarantine Regulations of the Isthmian Canal Commission shall be required of every vessel requiring inspection as a prerequisite for customs entry.

Sec. 19. Any violations of the above regulations, for which penalty has not otherwise been provided, shall be a misdemeanor, and any person or persons guilty of such violation shall, when convicted thereof, be fined in any sum not exceeding twenty-five dollars ($25), or imprisonment not exceeding thirty days, or both, at the discretion of the court.

Sec. 20. Any court of the Canal Zone having jurisdiction in cases of misdemeanor under laws of the Canal Zone shall have jurisdiction of cases of misdemeanor arising under this Act.

Enacted September 2, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

LEGAL HOLIDAYS.

ACT NO. II.

An Act designating the days which shall be observed as public holidays in the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

Section 1. The first day of each week, commonly called Sunday, the first day of January, the twenty-second day of February, Thursday and Friday of the week, commonly called "Holy Week," the fourth day of July, the third day of November, the day proclaimed by the President of the United States as "Thanksgiving Day," and the twenty-fifth day of December, shall be public holidays, and shall not be legally recognized as days for presenting for payment or acceptance, for the maturity and protest and for giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, or other commer-
cial or negotiable paper; and all notes, drafts, checks or other commercial or negotiable paper falling due or maturing on any of said public holidays shall be deemed as having matured on the day previous: Provided, that in case of notes, drafts, checks or other commercial or negotiable paper falling due or maturing on any public holiday, when the preceding day is also a public holiday, the same shall be deemed as having matured on the last preceding day which is not a public holiday.

Sec. 2. Whenever any day, except Sunday, designated by this act as a legal holiday shall fall on the first day of the week, commonly called Sunday, then and in such event the day next succeeding shall be a public holiday in the Canal Zone, and shall not be legally recognized as a day for presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes or other commercial or negotiable paper; and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on such public holiday shall be deemed as having matured on the previous Saturday.

Sec. 3. All laws or parts of laws hitherto in force in the Canal Zone making public holidays other days than those designated as such in this Act are hereby repealed.

This act shall be in force on and after the seventh day of September, 1904.

Enacted this 2d day of September, 1904.

J. G. WALKER,  
Chairman Isthmian Canal Commission.

PENITENTIÁRÝ.

Act No. 12.

An Act creating a penitentiary for the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

Section 1. The prison situated in the municipality of Gorgona is hereby created and declared to be a penitentiary of and for the Canal Zone, Isthmus of Panama.
SEC. 2. The warden or keeper of said penitentiary, to-wit: The prison at Gorgona shall receive, imprison and detain all persons who have been sentenced to imprisonment in said penitentiary by the Circuit Courts of the Canal Zone, or by other courts possessing the requisite jurisdiction or by other competent authority.

Whereas an emergency exists, this Act shall take effect on and after its passage.

Enacted September 2, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

TEMPORARY MARSHALS AND CLERKS FOR SUPREME AND CIRCUIT COURTS.

Act No. 13.

An Act to provide for the temporary performance of the duties of the marshal of the Supreme Court, marshals of the Circuit courts, clerk of the Supreme Court and clerks of the Circuit courts of the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. Until the Marshal of the Supreme Court shall have been appointed and qualified under the provisions of Act Number i of the Enactments of the Isthmian Canal Commission, entitled “An Act to provide for the organization of a Judiciary and the Exercise of Judicial powers in the Canal Zone, Isthmus of Panama, and for other purposes,” the Captain of Police of and for the Canal Zone shall exercise the powers and discharge the duties of the Marshal of the Supreme Court.

SEC. 2. Until the Marshal of the First, the Second or the Third Judicial Circuit of the Canal Zone shall have been appointed and qualified under the provisions of Act Number i of the enactments of the Isthmian Canal Commission, entitled as heretofore set forth, the Captain of Police of and for the Canal Zone shall exercise the powers and discharge the duties of the Marshal of each of said circuits; Provided, that upon the appointment and qualification, under said Act Number i, of a Marshal for one of said Judicial Circuits the au-
authority conferred upon said Captain of Police as to that circuit shall cease and determine.

Sec. 3. In exercising the authority conferred by this Act the Captain of Police shall sign and subscribe official writs, documents and papers, and shall be designated as "Captain of Police and Acting Marshal of the Supreme Court," or in proper cases as "Captain of Police and Acting Marshal of the ——— Judicial Circuit of the Canal Zone," as the facts require. The Captain of Police shall act as Marshal for any and all said courts without additional compensation, but shall collect the fees prescribed by law for the services of Marshals and pay over and account therefor in manner and form required of the Marshals of said courts.

Sec. 4. The Captain of Police for the Canal Zone is authorized to detail one or more members of the police force of the Zone to serve as bailiffs for the Supreme Court or any Circuit Court of the Canal Zone. The member or members of the police force so detailed shall attend upon the meetings of the court to which he or they are assigned, enforce the orders of the court and serve such process of the court, other than executions, as the court may direct. The members of the police force so detailed shall perform service thereunder without additional compensation, but the fees prescribed by law for the rendition of the services by a Marshal or other officer of the court shall be charged, collected and accounted for, in like manner when such service is performed by a member of the police force acting under such detail.

Sec. 5. Any Justice of the Supreme Court of the Canal Zone, duly appointed and qualified, sitting or acting as a judge of any of the Circuit Courts of the Canal Zone, is authorized to exercise the power and perform the duties of the Clerks of the Circuit Courts. The Justice or Judge shall perform the service authorized by this section without additional compensation; but the fees prescribed by law for such service, when performed by the Clerk of the Court, shall be charged, collected and accounted for in like manner when performed by the Justice or Judge.

Whereas an emergency exists, this Act shall be in force on and after its passage.

Enacted September 3, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.
PENAL CODE.

ACT No. 14.

An Act to establish a penal code for the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

TITLE OF THE ACT.

SECTION 1. That this Act shall be known as the "Penal Code of the Canal Zone, Isthmus of Panama."

TITLE I.

General Provisions.

Sec. 2. None of the provisions of this Code are retroactive, unless expressly so declared.

Sec. 3. All provisions and sections of this Code are to be construed according to the fair construction of their terms, with a view to effect its object and to promote justice.

Sec. 4. This Act, whenever cited, enumerated, referred to or amended, may be designated as the Penal Code, adding, when necessary, the number of the section.

Sec. 5. No person shall be arrested for any crime or offense unless such crime or offense is expressly declared in this Code, except for crimes and offenses against the laws of the United States applicable to the Canal Zone, Isthmus of Panama, and the enactments, laws and resolutions of the Isthmian Canal Commission and laws enacted by the Congress of the United States for said Canal Zone.

Sec. 6. Nothing in this Act affects any of the statutes, laws, orders or parts thereof enacted by the Congress of the United States or the Isthmian Canal Commission, except so far as they have been repealed or affected by subsequent laws.

Sec. 7. This Code does not affect any power conferred by law upon any court martial, or military authority or other officer, to impose or inflict punishment upon offenders; nor any power conferred by law upon any public body, tribunal, or officer, to impose or inflict punishment upon offenders.

Sec. 8. The word "State" as used in this Code, when applied to the different parts of the United States, includes the District of Co-
lumbia and territories. The words “United States” include the District of Columbia and the territories.

Sec. 9. Whenever in this Code the character or grade of an offense or its punishment is made to depend upon the value of the property, such value shall be estimated exclusively in United States gold coin.

**TITLE II.**

**Of Crimes and Penalties.**

Sec. 10. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it and to which is annexed, upon conviction, any of the following punishments:

First. Death.
Second. Imprisonment.
Third. Fine.

Fourth. Removal from office; or,
Fifth. Disqualification to hold and enjoy any office of honor, trust or profit.

Sec. 11. In every crime or public offense there must exist a union or joint operation of act and intent or criminal negligence.

Sec. 12. The intent or intention is manifested by the circumstances connected with the offense and the sound mind and discretion of the accused. All persons are of sound mind who are neither idiots, nor lunatics, nor affected with insanity. A malicious and guilty intention is presumed from the manner and deliberation with which an unlawful act is intended or committed for the purpose of injuring another.

Sec. 13. Crimes are divided into: First, felonies; and second, misdemeanors.

Sec. 14. A felony is a crime which is punishable with death, or by imprisonment in the penitentiary. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the penitentiary is also punishable by fine or imprisonment in jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the penitentiary.

Sec. 15. Except in cases where a different punishment is prescribed by law, every offense declared to be a felony is punishable by imprisonment in the penitentiary not exceeding five years.

Sec. 16. Except in cases where a different punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in jail not exceeding thirty days or by a fine not exceeding twenty-five dollars, or by both.

Sec. 17. When an act or omission is declared by a statute to be
a public offense, and no penalty for the offense is prescribed in any statute, the act or omission is punishable as a misdemeanor.

Sec. 18. Except in cases where a different punishment is prescribed, an accessory to a felony is punishable in the same manner and extent as the principal.

Aiding in a misdemeanor is a misdemeanor.

Sec. 19. The omission to specify or affirm in this Code any ground of forfeiture of a public office, or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, does not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition, or suspension.

Sec. 20. In addition to the penalty affixed by express terms, to every neglect or violation of official duty on the part of public officers of the Government of the Canal Zone, or of any municipality, city, village or other civil division, where it is not so expressly provided, they may, in the discretion of the court, be removed from office.

Sec. 21. The omission to specify or affirm in this Code any liability to damages, penalty, forfeiture, or other remedy imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

Sec. 22. No conviction of any person for crime works any forfeiture of any property, except in cases in which a forfeiture is expressly imposed by law.

Sec. 23. The several sections of this Code which declare certain crimes to be punishable as therein mentioned, devolve a duty upon the court authorized to pass sentence, to determine and impose the punishment prescribed.

Sec. 24. Whenever in this Code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case must be determined by the court authorized to pass sentence, within such limits as may be prescribed by this Code.

Sec. 25. Whenever, by any of the provisions of this Code, an intent to defraud is required in order to constitute any offense, it is sufficient if an intent appears to defraud any person, association, or body politic, or corporate, whatever.

Sec. 26. The sentence of imprisonment, when imposed, shall be to confinement in the jail of the municipality in which the offense was committed, unless otherwise ordered by the court.

Sec. 27. When any person is convicted of two or more crimes, the imprisonment to which he is sentenced upon the second or other subsequent conviction must commence at the termination of the first term
of imprisonment to which he shall be sentenced, or at the termination of the second or other subsequent term of imprisonment, as the case may be.

Sec. 28. The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant at the place of the imprisonment; and if, thereafter, during such term, the defendant by any legal means is temporarily released from such imprisonment and subsequently returned thereto, the time during which he was at large must not be computed as part of such term.

Sec. 29. Whenever any person is declared punishable for a crime by imprisonment in the penitentiary and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may sentence such offender to imprisonment for such number of years as the discretion of the court shall approve.

Sec. 30. The person of a convict sentenced to imprisonment in the penitentiary is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he were not convicted or sentenced.

Title III.

Of Parties to Crime.

Section 31. The parties to crimes are classified as:
1. Principals; and,
2. Accessaries.

Sec. 32. All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid or abet in its commission, or, not being present, have advised and encouraged its commission, and all persons counselling, advising, or encouraging children under the age of fourteen years, lunatics or idiots, to commit any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, are principals in any crime so committed.

Sec. 33. All persons who, with knowledge that a felony has been committed, conceal it from the proper authorities, or harbor and protect the person charged with or convicted thereof, are accessories.

Sec. 34. The following persons are liable to prosecution and punishment:
1. All persons who commit, in whole or in part, any crime within the jurisdiction of the courts.
2. All who commit larceny or robbery beyond the jurisdiction of
the courts, and bring or are found with the stolen property within this jurisdiction.

3. All who, being beyond the jurisdiction of the courts, cause or aid, advise or encourage another person to commit a crime within the territory of the Canal Zone, Isthmus of Panama, and are afterwards found therein.

Sec. 35. All persons are capable of committing crimes except those belonging to the following classes:

1. All children under the age of seven years.
2. Children over the age of seven years but under the age of fourteen years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.
3. Idiots.
4. Lunatics and insane persons; but a morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor.
5. Persons who committed the act or made the omission charged through ignorance or mistake of fact, which disproved criminal intent.
6. Persons who committed the act charged without being conscious thereof.
7. Persons who committed the act or made the omission charged through misfortune or by accident, when it appears that there was no evil design, intention or culpable negligence.
8. If the act committed were intended to be against a person other than the one actually injured, the person committing the offense is answerable as though it was committed against the person intended.
9. Married women (except for felonies) acting under the threats, command, or coercion of their husbands. In cases of felonies, however, the wife is not excused from punishment by reason of her subjection to the power of her husband, unless the facts proved show a case of duress.
10. Persons (unless the crime be punishable with death) who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to, and did believe their lives would be endangered if they refused.

Sec. 36. No person is punishable for an omission to perform an act where such act has been performed by another person acting in his behalf and competent by law to perform it.

Sec. 37. No act committed by a person while in a state of voluntary intoxication is less criminal by reason of his having been in such condition. But, whenever the actual existence of any particular purpose, motive, or intent is a necessary element to constitute any particular species or degree of crime, the court may take into consideration the
fact that the accused was intoxicated at the time, in determining the purpose, motive, or intent with which he committed the act.

Sec. 38. The various sections of this Code which declare that evidence obtained upon the examination of a person as a witness cannot be received against him in any criminal proceeding, do not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed in such examination.

Sec. 39. An act or omission which is made punishable in different ways by different provisions of this Code may be punished under either of such provisions, but in no case can it be punished under more than one; an acquittal or conviction and sentence under either one bars a prosecution for the same act or omission under any other provision.

Sec. 40. A criminal act is not less punishable as a crime because it is also declared to be punishable as a contempt of court.

Sec. 41. When it appears, at the time of passing sentence upon a person convicted upon information, that such person has already paid a fine or suffered an imprisonment for the act of which he stands convicted, under an order adjudging it a contempt, the court authorized to pass sentence may mitigate the punishment to be imposed in its discretion.

Sec. 42. Whenever an act is declared a misdemeanor and no punishment for counselling or aiding in the commission of such act is expressly prescribed by law, every person who counsels or aids another in the commission of such act is guilty of a misdemeanor.

Sec. 43. In the various cases in which the sending of a letter is made criminal by this Code, the offense is deemed complete from the time when such letter is deposited in any post-office or any other place, or delivered to any person with intent that it shall be forwarded or delivered.

Sec. 44. Any person may be tried and convicted of an intent to commit a crime, although it appears at the trial that the crime was actually committed as intended or attempted, unless the court, in its discretion, dismisses the charges and directs such person to be tried for such crime.

Sec. 45. Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1. If the offense so attempted is punishable by imprisonment for five years, or more, the person guilty of such attempt is punishable by imprisonment for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction of the offense so attempted.

2. If the offense so attempted is punishable by imprisonment for any term less than five years, the person guilty of such attempt is punishable by imprisonment for not more than one year.
3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and one-half the largest fine which may be imposed upon a conviction for the offense so attempted.

Attempts included in Sections 171, 172, 177 and 179 are not included in this section.

Sec. 46. The last two sections do not protect a person who, attempting unsuccessfully to commit a crime, accomplishes the commission of another, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

Sec. 47. Resistance sufficient to prevent the offense may be made by the party about to be injured:

1. To prevent an illegal attempt by force to take or injure property in his lawful possession.

2. To prevent an offense against his person or his family or some member thereof.

Sec. 48. Any other person, in aid or defense of a person about to be injured, may make resistance sufficient to prevent the offense.

Sec. 49. The right of self-defense in no case extends to the infliction of more harm than is necessary for the purpose of defense. To justify a homicide on the ground of self-defense there must be not only the belief, but also reasonable ground for believing that at the time of killing the deceased the party killing was in imminent or immediate danger of his life or great bodily harm. The circumstances must be such as to induce the mind of a reasonably prudent person to entertain the belief that the defendant was in peril of his life or great bodily harm.

Title IV.

Of Subsequent Offenses.

Sec. 50. Every person who, having been convicted of an offense punishable by imprisonment in the penitentiary, commits any crime after such conviction, is punishable therefore as follows:

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the penitentiary, for any term exceeding five years, such person is punishable by imprisonment in the penitentiary not less than ten years.
2. If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the penitentiary for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary not exceeding ten years.

3. If the subsequent conviction is for petit larceny, or any attempt to commit an offense which, if committed, would be punishable by imprisonment in the penitentiary not exceeding five years, then the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary not exceeding five years.

Sec. 51. Every person who, having been convicted of petit larceny, or of an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the penitentiary, commits any crime after such conviction, is punishable as follows:

1. If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the penitentiary for life at the discretion of the court, such person is punishable by imprisonment in the penitentiary during life.

2. If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the penitentiary for any term less than for life, such person is punishable by imprisonment in such prison for the longest term prescribed, upon a conviction for such first offense.

3. If the subsequent conviction is for petit larceny, or for an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the penitentiary, then such person is punishable by imprisonment in the penitentiary not exceeding five years.

Sec. 52. Every person who has been convicted in any State, government, or country, of an offense which, if committed within the Canal Zone, would be punishable by the laws of the Canal Zone by imprisonment in the penitentiary, is punishable for any subsequent crime committed within the Canal Zone in the manner prescribed in the last two sections, and to the same extent as if such first conviction had taken place in a court of the Canal Zone.

Sec. 53. Whoever has been twice convicted of felony, sentenced and committed to the penitentiary in the Canal Zone for terms of not less than five years each, shall, upon conviction of a felony committed in the Canal Zone after the enactment of this Code, be deemed to be an habitual criminal, and shall be punished by imprisonment in the penitentiary for fifteen years, unless the person so convicted shall show to the satisfaction of the court, before which such conviction was had, that he was released from imprisonment upon either of said sentences upon the ground that he was innocent of the offense charged.

Sec. 54. Whenever it shall appear to the Governor, upon the recom-
mendment of the Prosecuting Attorney, that any person sentenced to
the penitentiary as an habitual criminal has reformed, the Governor
may issue to him a permit to be at liberty, and may revoke such permit
at any time. The violation by the holder of a permit, granted as afore-
said, of any of the terms or conditions of such permit, or the violation
of any of the laws of the Canal Zone, shall of itself make void said
permit.

Sec. 55. When any permit granted under the provisions of the pre-
ceding section has been revoked, or has become void as aforesaid, the
Governor shall direct the arrest of the holder of said permit and his
return to said penitentiary. Said warrant may be served by any officer
authorized to serve criminal process in any judicial circuit. The
holder of said permit, when returned to the penitentiary as aforesaid,
shall be detained therein according to the terms of his original sen-
tence; and in computing the period of his confinement the time between
his release upon said permit and his return to the penitentiary shall
not be taken to be any part of the term of sentence.

Title V.

Conspiracy.

Sec. 56. If two or more persons conspire:
1. To commit any crime.
2. Falsely and maliciously to present another for any crime, or to
procure another to be charged or arrested for any crime.
3. Falsely to move or maintain any suit, action or proceeding.
4. To cheat and defraud any person of any property by means
which are in themselves criminal, or to obtain money by false pre-
tenses; or,
5. To commit any act injurious to the public health, the public
morals, or for the perversion or obstruction of justice or due adminis-
tration of the laws; they are punishable by imprisonment in a peni-
tentiary not exceeding one year or by fine not exceeding one thousand
dollars, or both.

Sec. 57. No agreement, except to commit a felony upon the person
of another, or to commit arson, or burglary, amounts to conspiracy, un-
less some act, beside such agreement, be done to effect the object
thereof by one or more of the parties to such agreement.

Title VI.

Security to Keep the Peace.

Sec. 58. A complaint may be laid before any magistrate of the
Canal Zone that a person has threatened to commit an offense against
the person or property of another.
SEC. 59. When the complaint is laid before such magistrate, he must examine on oath the informer and any witness he may produce, and all other proofs that may be presented, must take their depositions in writing and cause them to be subscribed by the parties making them.

SEC. 60. If it appears that there is just reason to fear the commission of the offense threatened by the person so informed against, the magistrate must issue a warrant, directed to any marshal or policeman, reciting the substance of the complaint, and commanding the officer forthwith to arrest the person informed of and bring him before the court.

SEC. 61. When the person informed against is brought before the court, if the charge be controverted, the court must take testimony in relation thereto. The evidence must be reduced to writing and subscribed by the witnesses.

SEC. 62. If it appears that there is no just reason to fear the commission of the offense alleged to have been threatened, the person complained of must be discharged, and the complaining witness shall pay the costs.

SEC. 63. If, however, there is just reason to fear the commission of the offense, the person complained of may be required to enter into an undertaking in such sum, not exceeding one thousand dollars, as the court may direct, with one or more sufficient sureties, to keep the peace toward the Government of the Canal Zone, and particularly toward the informer. The undertaking shall be valid and binding for six months, and may, upon the renewal of the complaint, be extended for a longer period, or a new undertaking may be required.

SEC. 64. If the undertaking required by the last section is given, the party informed against must be discharged; if he does not give it, the court shall commit him to jail, specifying in the warrant the requirement to give security, the amount thereof, and the omission to give the same.

SEC. 65. If the person complained of is committed for not giving the undertaking required, he may be discharged upon giving the same.

SEC. 66. The undertaking must be approved by the court, and must be filed in the office of the clerk of the court.

SEC. 67. A person who, in the presence of a court, assaults or threatens to assault another, or to commit an offense against his person or property, may be ordered by the court to give security, as in this Title provided, and if he refuse to do so, may be committed as provided in Section 64 of this Code.

SEC. 68. Upon the conviction of the person informed against of a breach of the peace the undertaking is broken.

SEC. 69. Upon the prosecuting attorney’s producing evidence of
such conviction to the Circuit Court, the court shall order the undertaking to be prosecuted and the prosecuting attorney must thereupon commence an action upon it in the name of the Government of the Canal Zone, Isthmus of Panama.

Sec. 70. Security to keep the peace or to be of good behavior cannot be required except as prescribed in this Title.

TITLE VII.

Of the Time of Commencing Criminal Actions.

Sec. 71. There is no limitation of time within which a prosecution for murder, the embezzlement of public moneys and the falsification of public records must be commenced.

Sec. 72. The prosecution for any felony other than murder, the embezzlement of public money, or the falsification of public records, must be commenced within three years after its commission.

Sec. 73. The prosecution for any misdemeanor must be commenced within one year after its commission.

Sec. 74. If, when the offense is committed, the defendant is out of the Canal Zone, the information may be filed within the term herein limited, after his coming within the Canal Zone, and no time during which the defendant is not an inhabitant of, or usually resident within, the Canal Zone, shall be a part of the limitation.

TITLE VIII.

Of Crimes By and Against the Executive Power.

Sec. 75. Any person who exercises any function of a public office without the authority or without complying with the requirements of law, is punishable by imprisonment in jail for not less than thirty days.

Sec. 76. Every person who gives or offers any bribe to any executive officer, with intent to influence him in respect to any act, decision, vote, opinion, or other proceeding as such officer, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years, and is forever disqualified from holding any office in the Government of the Canal Zone.

Sec. 77. Every executive officer, or person selected or appointed to an executive office, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his vote, opinion, or action upon any matter then pending or which may be brought before him in his official capacity, shall be influenced thereby, is punishable
by imprisonment in the penitentiary not less than one nor more than fourteen years; and, in addition thereto, forfeits his office, and is forever disqualified from holding any office in the Government of the Canal Zone.

Sec. 78. Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists by the use of force or violence such officer, in the performance of his duty, is punishable by fine not exceeding five thousand dollars, and imprisonment in the penitentiary not exceeding five years.

Sec. 79. Every executive or ministerial officer who knowingly asks or receives any emolument, gratuity or reward, or any promise thereof, excepting such as may be authorized by law, for doing any official act, is guilty of a misdemeanor.

Sec. 80. Every officer who, in violation of the law, shall become interested in contracts, or becomes a vendor or purchaser at sales, or shall purchase scrip, or other evidences of indebtedness, is punishable by a fine of not more than one thousand dollars, or by imprisonment in the penitentiary not more than five years, and is forever disqualified from holding any office in the Government of the Canal Zone.

Sec. 81. Every person who, with intent to defraud, presents for allowance or for payment to any disbursing officer, or other officer, or to any person or officer authorized to allow or pay the same, genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of felony.

Sec. 82. Every person who gives or offers any gratuity or reward, in consideration that he or any other person shall be appointed to any public office, or shall be permitted to exercise or discharge the duties thereof, is guilty of misdemeanor.

Every person shall be disqualified from holding any office of profit who shall have been convicted of having given or offered a bribe to procure his selection or appointment.

Sec. 83. Every public officer who, for any gratuity, or reward, appoints another person to a public office, or permits another person to exercise or discharge any of the duties of his office, is punishable by a fine not exceeding five thousand dollars, and, in addition thereto, forfeits his office, and is forever disqualified from holding any office in the Government of the Canal Zone.

Sec. 84. Every person who wilfully and knowingly intrudes himself into any public office to which he has not been selected or appointed, and every person who, having been an executive officer, wilfully exercises any of the functions of his office after his term has expired, and a successor has been selected or appointed and has qualified, is guilty of a misdemeanor.

Sec. 85. Every officer whose office is abolished by law, or who, after
the expiration of the time for which he may be appointed or selected, or after he has resigned or been legally removed from office, wilfully and unlawfully withholds or detains from his successor, or other person entitled thereto, the records, papers, documents, or other writing appertaining or belonging to his office, or mutilates, destroys, or takes away the same, is guilty of felony, and upon conviction thereof is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 86. Every wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

Sec. 87. Every person holding a public office, who wilfully refuses or neglects to perform the duties thereof, or who violates any provision of law relating to his duties or the duties of his office, for which some other punishment is not prescribed, is punishable by fine not exceeding five thousand ($5,000) dollars, or by imprisonment not exceeding one year, or both.

Sec. 88. The various provisions of this title apply also to municipal administrative and ministerial officers, in the same manner as if they were mentioned therein.

Title IX.

Of Crimes Against the Legislative Power.

Sec. 89. Every person who fraudulently alters the enrolled copy of any act or resolution which has been passed or adopted by the Isthmian Canal Commission, with intent to procure it to be approved by the Chairman, or certified by the Secretary, or officially printed or published in language different in that which it was enacted or adopted by the Isthmian Canal Commission, is guilty of felony, and shall be dealt with accordingly.

Sec. 90. Every person who gives or offers to give a bribe to any member of the Isthmian Canal Commission, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means, to influence a member in giving or withholding his vote, on any legislative matter, or to corruptly influence his official action, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 91. Every person who, being summoned to attend as witness before the Isthmian Canal Commission, refuses or neglects, without lawful excuse, to attend pursuant to such summons; and every person who, being present before said Commission, wilfully refuses to be
sworn, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers or documents in his possession or under his control, is guilty of a misdemeanor.

Sec. 92. Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim, or representation that he can or will properly influence in any manner the action of any member of a legislative body of the Government of the Canal Zone, Isthmus of Panama, in regard to any vote or legislative matter, is guilty of a felony.

Sec. 93. Every person who gives or offers a bribe to a member of any municipal council, or to a member of any other council, board, corporation, committee, or other official with intent to corruptly influence such member or other official in his action on any matter or subject pending before the body of which he is a member, and any member of either of the bodies mentioned in this section or other official who receives or offers to receive any such bribe, is punishable by imprisonment in the penitentiary for a term not less than one nor more than ten years, and is disqualified from holding any public office in the Canal Zone, Isthmus of Panama.

Title X.

Of Crimes Against Public Justice.

Chapter I.

Bribery and Corruption.

Sec. 94. Every person who gives or offers to give a bribe to any judicial officer, referee, arbitrator, or to any person who may be authorized by law to hear and determine any question or controversy, with intent to influence his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 95. Every judicial officer, referee, arbitrator, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, shall be influenced thereby, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 96. Every judicial officer who asks or receives any emolument,
gratuity, or reward, or any promise thereof, except such as may be authorized by law, for doing an official act, is guilty of a misdemeanor.

Sec. 97. Every judicial officer who shall ask or receive the whole or any part of the fees allowed by law to any stenographer or reporter appointed by him or any other person to record the proceedings of any court or investigation held by him, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. Any stenographer or reporter, appointed by any judicial officer, who shall pay or offer to pay the whole or any part of the fees allowed him by law, for his appointment or retention in office, shall be guilty of a misdemeanor, and upon conviction thereof shall be forever disqualified from holding any similar office in the courts of the Government of the Canal Zone.

Sec. 98. Every person who corruptly attempts to influence any person chosen as an arbitrator, or appointed as a referee, in respect to his verdict in or decision of any cause or proceeding, pending or about to be brought before him, either:

1. By means of any communication, oral or written, had with him except in the regular course of proceedings;
2. By means of any book, paper, or instrument exhibited, otherwise than in the regular course of proceedings;
3. By means of any threat, intimidation, persuasion or entreaty; or,
4. By means of any promise, or assurance of any pecuniary or other advantage;

Is punishable by fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years.

Sec. 99. Every person chosen arbitrator, or appointed referee, who either:

1. Makes any promise or agreement to give a verdict or decision for or against any party; or,
2. Wilfully and corruptly permits any communication to be made to him or receives any book, paper, instrument or information relating to any cause or matter pending before him, except according to the regular course of proceedings;

Is punishable by fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years.

Sec. 100. Every municipal judge or employe of the municipal court, or any policeman within the jurisdiction in which the said municipal judge acts, who purchases or is interested in the purchase of any judgment or part thereof on the docket of, or on the docket in possession of, such municipal judge, is guilty of a misdemeanor.
Chapter II.

Forging, Stealing, Mutilating and Falsifying Judicial and Public Records and Documents.

Sec. 101. Every officer having the custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, wilfully destroying, mutilating, defacing, altering or falsifying, removing or secreting, the whole or any part of such record, map, book, paper or proceeding, or who permits any other person so to do, is punishable by imprisonment in the penitentiary not less than one nor more than ten years, and by fine not to exceed five thousand ($5,000) dollars.

Sec. 102. Every person, not an officer referred to in the preceding section, who is guilty of any of the acts specified in that section, is punishable by imprisonment either in the penitentiary not exceeding five years, or in jail not exceeding one year, or by a fine not exceeding one thousand ($1,000) dollars, or both.

Sec. 103. Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within the Canal Zone, which instrument, if genuine, might be filed, or registered, or recorded under the laws of the Canal Zone, or under the laws of the United States applicable to the Canal Zone, is guilty of felony.

Chapter III.

Perjury.

Sec. 104. Every person who, having taken an oath that he will testify, declare, depose or certify truly before any competent tribunal, officer, or person in any of the cases in which such an oath may by law be administered, wilfully and contrary to such oath, states as true any material matter which he knows to be false, is guilty of perjury. It is no defense to a prosecution for perjury that the oath was administered or taken in an irregular manner.

Sec. 105. The term “oath,” as used in the preceding section, includes an affirmation and every other mode authorized by law of attesting the truth of that which is stated.

Sec. 106. It is no defense to a prosecution for perjury that the accused was not competent to give the testimony, deposition, or certificate of which falsehood is alleged. It is sufficient that he did give such testimony or make such deposition or certificate.
SEC. 107. It is no defense to a prosecution for perjury that the accused did not know the materiality of the false statement made by him; or that it did not, in fact, affect the proceeding in or for which it was made. It is sufficient that it was material, and might have been used to affect such proceeding.

SEC. 108. The making of a deposition or certificate is deemed to be complete, within the provisions of this Chapter, from the time it is delivered by the accused to any other person, with the intent that it be used, uttered or published as true.

SEC. 109. An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false.

SEC. 110. Perjury is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

SEC. 111. Every person who wilfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured.

CHAPTER IV.

Falsifying Evidence.

SEC. 112. Every person who, upon any trial, proceeding, inquiry, or investigation whatever, authorized or permitted by law, offers in evidence as genuine or true, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged, or fraudulently altered or antedated, is guilty of felony.

SEC. 113. Every person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any witness, or person about to be called as a witness upon any trial, proceeding, inquiry, or investigation whatever, authorized by law, with intent to affect the testimony of such witness, is guilty of a misdemeanor.

SEC. 114. Every person guilty of preparing any false or antedated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever authorized by law, is guilty of felony.

SEC. 115. Every person who, knowing that any book, paper, record, instrument in writing or other matter or thing, is about to be produced in evidence upon any trial, inquiry, or investigation whatever authorized by law, wilfully destroys or conceals the same, with intent thereby to prevent it from being produced, is guilty of a misdemeanor.
SEC. 116. Every person who wilfully prevents or dissuades any person who is or may become a witness from attending upon any trial, proceeding or inquiry, authorized by law, is guilty of a misdemeanor.

SEC. 117. Every person who gives, offers, or promises to give to any witness or person about to be called as a witness, any bribe, upon any understanding or agreement that the testimony of such witness shall be thereby influenced, or who attempts by any other means fraudulently to induce any person to give false or withhold true testimony, is guilty of a felony.

SEC. 118. Every person who is a witness, or is about to be called as such, who receives or offers to receive any bribe, upon any understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial or proceeding upon which his testimony is required, is guilty of a felony.

CHAPTER V.

Other Offenses Against Public Justice.

SEC. 119. Every marshal, deputy-marshall, policeman, or other peace officer who wilfully refuses to execute a duly issued warrant for the arrest of any person charged with a criminal offense, is punishable by a fine not exceeding five thousand ($5,000) dollars and imprisonment in the penitentiary not exceeding three years.

SEC. 120. Every public officer or other person having arrested any person upon a criminal charge, who wilfully delays to take such person before a municipal judge or other officer having jurisdiction to take his examination, is guilty of a misdemeanor.

SEC. 121. Every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, arrests any person or detains him against his will, or seizes or levies upon any property, or dispossesses any one of any lands or property without a regular process or other lawful authority therefor, is guilty of a misdemeanor.

SEC. 122. Every officer, warden or jailer, or guard who is guilty of wilful inhumanity toward any prisoner under his care or in his custody, is punishable by fine not exceeding two thousand ($2,000) dollars, and by removal from office.

SEC. 123. Every person who wilfully resists, delays, or obstructs any public officer in the discharge, or attempt to discharge any duty of his office, when no other punishment is prescribed, is punishable by fine not exceeding five thousand ($5,000) dollars, and imprisonment not exceeding one year.
SEC. 124. Every public officer who, under color of authority, without lawful necessity, assaults, wrongs, oppresses or beats any person, is punishable by fine not exceeding five thousand ($5,000) dollars, and imprisonment not exceeding five years.

SEC. 125. Every male person above eighteen years of age, who neglects or refuses to aid and assist in taking or arresting any person against whom there may be issued any process, or by neglecting to aid and assist in retaking any person who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any marshal, policeman or other officer concerned in the administration of justice, is punishable by fine of not less than fifty ($50) nor more than one thousand ($1,000) dollars.

SEC. 126. Every person who, having knowledge of the actual commission of a crime, takes money or property of another, or any gratuity or reward, or any engagement or promise thereof, upon any agreement or understanding to compound or conceal such crime or to abstain from any prosecution thereof, or to withhold any evidence thereof, except in the cases provided for by law in which crimes may be compromised by leave of court, is punishable as follows:

1. By imprisonment in the penitentiary not exceeding five years, where the crime was punishable by death.

2. By imprisonment in the penitentiary not exceeding three years, where the crime was a felony, punishable by imprisonment in the penitentiary.

3. By imprisonment in jail not exceeding thirty days, or by fine not exceeding twenty-five dollars, or both, where the crime was a misdemeanor.

SEC. 127. Every debtor who fraudulently removes his property or effects beyond the jurisdiction of the courts, or fraudulently sells, conveys, assigns, or conceals his property, with intent to defraud, hinder, or delay his creditors of their rights, claims or demands, is punishable by imprisonment not exceeding one year, or by a fine not exceeding five thousand ($5,000) dollars, or by both.

SEC. 128. Every person against whom an action is pending or against whom a judgment has been rendered for the recovery of any personal property, who fraudulently conceals, sells, or disposes of such property with intent to hinder, delay or defraud the person bringing such action or recovering such judgment, or with such intent removes such property beyond the jurisdiction of the courts in which it may be at the time of the commencement of such action or the rendering of such judgment, is punishable as provided in the preceding section.
SEC. 129. Every person who fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit, with intent to intercept the inheritance, is punishable by imprisonment in the penitentiary not exceeding ten years.

SEC. 130. Every person to whom an infant has been confided for nursing, education, or any other purpose, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in place of the one so confided, is punishable by imprisonment in the penitentiary not exceeding seven years.

SEC. 131. Every person guilty of any contempt of court of either of the following kinds is guilty of a misdemeanor:

1. Disorderly, contemptuous, or insolent behavior committed during the sitting of any court of justice, in immediate view and presence of the court, and directly tending to interrupt its proceedings or to impair the respect due to its authority.

2. Behavior of the like character committed in the presence of any referee, while actually engaged in any trial or hearing, pursuant to the order of any court having authority to make such order, or upon any inquest or other proceedings authorized by law.

3. Any breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of any court.

4. Wilful disobedience of any process or order lawfully issued by any court.

5. Resistance wilfully offered by any person to the lawful order or process of any court.

6. The disobedient and unlawful refusal of any person to be sworn as a witness; or, when so sworn, the like refusal to answer any material and proper question.

7. The publication of a false and grossly inaccurate report of the proceedings of any court.

8. Presenting to any court having power to pass sentence upon any prisoner under conviction or to any member of such court, any affidavit, or testimony, or representation of any kind, verbal or written, in aggravation or mitigation of the punishment to be imposed upon such prisoner, except as provided in this Code.

An act which, besides being a contempt may also be a crime, is punishable as a contempt and as a crime.

SEC. 132. Every public officer authorized by law to make or give any certificate or other writing, who makes and delivers as true any such certificate or writing containing statements which he knows to be false, is guilty of a misdemeanor.
SEC. 133. Every prosecuting attorney, clerk, judge, or other officer who, except by issuing or in executing a warrant of arrest, wilfully discloses the facts of a presentment or information having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor.

SEC. 134. Every person who maliciously and without probable cause procures a search warrant or warrant of arrest to be issued and executed, is guilty of a misdemeanor.

SEC. 135. Every captain, master of a vessel, or other person, who wilfully imports, brings, or sends, or causes or procures to be brought or sent into the Canal Zone, any person who is a foreign convict of any crime which, if committed within the Canal Zone, would be punishable, or who is delivered or sent to him from any prison or place of confinement in any place without the Canal Zone, is guilty of a misdemeanor, and every person so landing shall also be guilty of a misdemeanor.

SEC. 136. Every person who rescues or attempts to rescue, or aids another person in rescuing or attempting to rescue, any prisoner from the penitentiary or any jail, or from any officer or person having him in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a conviction of felony punishable by death, by imprisonment in the penitentiary not less than one nor more than fourteen years.

2. If such prisoner was in custody upon a conviction of any other felony, by imprisonment in the penitentiary not less than six months nor more than five years.

3. If such prisoner was in custody upon a charge of felony, by a fine not exceeding one thousand dollars, and imprisonment not exceeding two years.

4. If such prisoner was in custody otherwise than upon a conviction or charge of felony, by fine not exceeding five hundred dollars and imprisonment in jail not exceeding six months.

SEC. 137. Every person who wilfully injures or destroys, or takes or attempts to take, or assists any person in taking or attempting to take, from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor.

SEC. 138. Every person who shall escape from prison while serving his sentence, shall be punishable by summary order of the competent court, by imprisonment for an additional term of not less than one-twentith or more than one-fifth of the term of the original sentence.

SEC. 139. Every keeper of a jail or penitentiary, assistant jailer, or person employed as a guard or otherwise, who fraudulently contrives, procures, aids, connives at, or voluntarily permitting the escape of any prisoner in custody, is punishable by imprisonment in the peni-
tentiary not exceeding ten years and a fine not exceeding five thousand ($5,000) dollars.

Sec. 140. Every person who wilfully assists any prisoner confined in any jail or penitentiary, or in the lawful custody of any officer or person, to escape, or in any attempt to escape from such penitentiary or custody, is punishable as provided in Section 139 of this Code.

Sec. 141. Every person who carries or sends into a jail or penitentiary any thing useful to aid a prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as provided in Section 139 of this Code.

Sec. 142. Every officer or person to whom a writ of habeas corpus may be directed, who, after service thereof, neglects or refuses to obey the command thereof, is guilty of a misdemeanor.

Sec. 143. Every person who, either solely or as a member of a court, knowingly and unlawfully recommits, imprisons, or restrains of his liberty, for the same cause, any person who has been discharged upon a writ of habeas corpus, is guilty of a misdemeanor.

Sec. 144. Every person having in his custody, or under his restraint or power, any person for whose relief a writ of habeas corpus has been issued, who, with intent to elude the service of such writ, or to avoid the effect thereof, transfers such person to the custody of another, or places him under the power or control of another, or conceals or changes the place of confinement or restraint, or removes him without the jurisdiction of the court or judge issuing the writ, is guilty of a misdemeanor.

Sec. 145. Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor.

Title XI.

Of Crimes Against the Person.

Chapter I.

Homicide.

Sec. 146. Murder is the unlawful killing of a human being, with malice aforethought.

Sec. 147. Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied when no considerable provo-
cation appears, or when the circumstances attending the killing show an abandoned or malignant heart.

SEC. 148. Murder which is perpetrated by means of poison, lying in wait, torture, or by any other wilful, deliberate, or premeditated act or acts, or which is committed in the perpetration or attempt to perpetrate arson, rape, robbery, burglary or mayhem, is murder of the first degree, and all or other kinds of murders are of the second degree.

SEC. 149. Every person guilty of murder in the first degree shall suffer death, or if there be extenuating circumstances, or upon a plea of guilty, confinement in the penitentiary for life; and every person guilty of murder in the second degree is punishable by imprisonment in the penitentiary not less than ten years.

SEC. 150. Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

1. Voluntary—upon a sudden quarrel or heat of passion.
2. Involuntary—in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might produce death, in an unlawful manner or without due caution and circumspection.

SEC. 151. Manslaughter is punishable by imprisonment in the penitentiary not exceeding ten years.

SEC. 152. To make the killing either murder or manslaughter, it is requisite that the party die within a year and a day after the injury is received or the cause of death administered; in the computation of which the whole of the day on which the act was done shall be reckoned the first.

SEC. 153. No person can be convicted of murder or manslaughter unless the death of the person alleged to have been killed, and the fact of the killing by the defendant as alleged, are established as independent acts; the former by direct proof and the latter beyond a reasonable doubt.

SEC. 154. Homicide is excusable in the following cases:

1. When committed by accident and misfortune, or in doing any lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent.

SEC. 155. Homicide is justifiable when committed by public officers, and those acting by their command in their aid and assistance, either:

1. In obedience to any judgment of a competent court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting
persons charged with felony, and who are fleeing from justice or resisting such arrest.

Sec. 156. Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,

2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3. When committed in the lawful defence of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony, or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mortal combat, must really and in good faith have endeavored to avoid or escape any further struggle before the homicide was committed; or,

4. When necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Sec. 157. A bare fear of the commission of any of the offenses mentioned in subdivisions two and three of the preceding sections, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

Sec. 158. The homicide appearing to be justifiable or excusable, the person charged must, upon his trial, be acquitted and discharged.

Chapter II.

Mayhem.

Sec. 159. Every person who unlawfully and maliciously deprives a human being of a member of his body, or disables, disfigures, or renders it useless, or cuts or disables the tongue, or puts out an eye, or slits the nose, ear or lip, is guilty of mayhem.

Sec. 160. Mayhem is punishable by imprisonment in the penitentiary not exceeding fifteen years.
CHAPTER III.

Kidnapping and Child Stealing.

Sec. 161. Every person who forcibly steals, takes or arrests any person in the Canal Zone and carries him into another country, State or Territory of the United States, or who forcibly takes or arrests any person with a design to take him out of the Canal Zone without having established a claim, according to the laws of the Canal Zone, or of the United States applicable in the Canal Zone, or who hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any person to go out of the Canal Zone, or to be taken or removed therefrom for the purpose and with the intent to sell such person into slavery or involuntary servitude, or otherwise to employ him for his own use, or to the use of another, without the free will and consent of such persuaded person, or to unlawfully deprive such person of his liberty, is guilty of kidnapping.

Sec. 162. Kidnapping is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 163. Every person who maliciously, forcibly or fraudulently takes or entices away any child under the age of twelve years, with intent to detain and conceal such child from its parent, guardian or other person having the lawful charge of such child, is punishable by imprisonment in the penitentiary not exceeding ten years, or by imprisonment in jail not exceeding one year and a fine not exceeding five hundred dollars.

CHAPTER IV.

Attempts to Kill.

Sec. 164. Every person who, with intent to kill, administers, or causes or procures to be administered to another, any poison or other noxious or destructive substance or liquid, but by which death is not caused, is punishable by imprisonment in the penitentiary not less than ten years.

Sec. 165. Every person who assaults another with intent to commit murder is punishable by imprisonment in the penitentiary not less than one nor more than fifteen years.

Sec. 166. Every person who shall unlawfully throw out a switch, remove a rail, or place any obstruction on any railroad, tramway or electric railway, with the intent of derailing any passenger, freight or other car, or who shall unlawfully board any passenger train with intent of robbing the same, or who shall unlawfully place any dyna-
mite or any other explosive material or any obstruction on the track of any railroad, tramway or electric railway, with the intent of blowing up or derailing any passenger, freight or other car, or who shall unlawfully set fire to any railroad, tramway or electric railway, bridge or trestle, over which any passenger, freight or other car must pass, with intent of wrecking said car, upon conviction thereof shall be adjudged guilty of felony, and shall be punishable by imprisonment in the penitentiary for not less than twenty years.

SEC. 167. Every physician who, in a state of intoxication, does any act as such physician to another person by which the life of such other person is endangered, is guilty of a misdemeanor.

SEC. 168. Every person who wilfullymingles any poison with any food, drink, or medicine, with intent that the same shall be taken by any human being, to his injury, and every person who wilfully poisons any spring, well, or reservoir of water, is punishable by imprisonment in the penitentiary for a term not less than one nor more than ten years.

CHAPTER V.
Assaults with Intent to Commit Felony, Other Than Assaults with Intent to Commit Murder.

SEC. 169. Every person who assaults another with intent to commit rape, the infamous crime against nature, mayhem, robbery or grand larceny, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years.

SEC. 170. Every person who is guilty of an assault, with intent to commit any felony, except an assault with intent to commit murder, the punishment for which assault is not prescribed by the preceding section, is punishable by imprisonment in the penitentiary not exceeding one year, or by fine not exceeding five hundred dollars, or by both.

SEC. 171. Every person guilty of administering to another any chloroform, ether, laudanum, or other narcotic, anaesthetic, or intoxicating agent, with intent thereby to enable or assist himself or any other person to commit a felony, is guilty of felony.

CHAPTER VI.
Duels and Challenges.

SEC. 172. A duel is any combat with deadly weapons, fought between two or more persons by previous agreement or upon a previous quarrel.

SEC. 173. Every person who fights a duel, or who sends or accepts a challenge to fight a duel, is guilty of a felony.
Sec. 174. Every person who posts or publishes another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, or who uses any reproachful or contemptuous language, verbal, written or printed, to or concerning another, for not sending or accepting a challenge to fight a duel, or with intent to provoke a duel, is guilty of a misdemeanor.

Sec. 175. Every judge or other officer bound to preserve the public peace, who has knowledge of the intention on the part of any persons to fight a duel, and who does not exert his official authority to arrest the party and prevent the duel, is punishable by fine not exceeding one thousand dollars.

Sec. 176. Every person who leaves the Canal Zone with intent to evade any of the provisions of this Chapter, and to commit any act beyond the jurisdiction of the courts which is prohibited by this Chapter, and who does any act, although out of the Canal Zone, which would be punishable by such provisions if committed within the Canal Zone, is punishable in the same manner as he would have been in case such act had been committed within the Canal Zone.

Sec. 177. No person shall be excused from testifying or answering any question upon any investigation or trial for a violation of any of the provisions of this Chapter, upon the ground that his testimony might tend to convict him of a crime. But no evidence given upon any examination of a person so testifying shall be received against him in any criminal prosecution or proceeding.

Chapter VII.

Assault and Battery.

Sec. 178. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

Sec. 179. An assault is punishable by fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding three months.

Sec. 180. A battery is any wilful and unlawful use of force or violence upon the person of another.

Sec. 181. A battery is punishable by fine of not exceeding one thousand dollars, or by imprisonment in jail not exceeding six months, or by both.

Sec. 182. Every person who wilfully and maliciously places or throws, or causes to be placed or thrown, upon the person of another any vitriol, corrosive acid, or caustic chemical of any nature with the intent to injure the flesh or disfigure the body of such person, is punishable by imprisonment in the penitentiary not less than one nor more than fourteen years.

*Amended by Executive Order

Date March 13, 1907 P. 43
Sec. 183. Every person who commits an assault upon the person of another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, is punishable by imprisonment in the penitentiary not exceeding ten years, or by a fine not exceeding five thousand ($5,000) dollars, or by both.

Chapter VIII.

Robbery.

Sec. 184. Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence and against his will, accomplished by means of force or fear.

Sec. 185. The fear mentioned in the former section may be either:

1. The fear of an unlawful injury to the person or property of the person robbed or of any relative of his, or member of his family; or,

2. The fear of an immediate and unlawful injury to the person or property of any one in the company of the person robbed at the time of the robbery.

Sec. 186. Robbery is punishable by imprisonment in the penitentiary not less than one year nor more than twenty years.

Chapter IX.

False Imprisonment.

Sec. 187. False imprisonment is the unlawful restraint of a person’s liberty, whether in a place made use of for lawful imprisonment, or in one used only on the particular occasion, or by words and an array of force, without bolts or bars in any locality whatever.

Sec. 188. False imprisonment is punishable by fine not exceeding five thousand ($5,000) dollars, or by imprisonment not more than one year, or both.

Chapter X.

Libel.

Sec. 189. A libel is a malicious defamation, expressed either by writing, printing or by signs or pictures, or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or to publish the natural or alleged defects of one who is alive, and thereby to expose him to public hatred, contempt or ridicule.
SEC. 190. Every person who wilfully and with a malicious intent to injure another, publishes or procures to be published any libel, is punishable by fine not exceeding five thousand dollars, or imprisonment not exceeding one year.

SEC. 191. An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown.

SEC. 192. In all criminal prosecutions for libel, the truth may be given in evidence to the court, and if it appears that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 193. To sustain a charge of publishing a libel, it is not needful that the words or things complained of should have been read or seen by another. It is enough that the accused knowingly parted with the immediate custody of the libel under circumstances which exposed it to be read or seen by any other person than himself.

SEC. 194. Each author, editor, or proprietor of any book, newspaper, or serial publication, is chargeable with the publication of any words contained in any part of such book or number of such newspaper or serial.

SEC. 195. No reporter, editor, or proprietor of any newspaper is liable to any prosecution for any fair and true report of any judicial, legislative or other public official proceedings, or of any statement, speech, argument, or debate in the course of the same, except upon proof of malice in making such report, which shall not be implied from the mere fact of publication.

SEC. 196. Libellous remarks or comments connected with matter privileged by the preceding section receive no privilege by reason of their being so connected.

SEC. 197. A communication made to a person interested in the communication by one who was also interested, or who stood in such relation to the former as to afford a reasonable ground for supposing his motive innocent, is not presumed to be malicious, and is a privileged communication.

SEC. 198. Every person who threatens another to publish a libel concerning him, or any parent, husband, wife, or child of such person, or member of his family, and every person who offers to prevent the publication of any libel upon another person, with intent to extort any money or other valuable consideration from any person, is guilty of misdemeanor.

SEC. 199. It shall be unlawful to publish in any newspaper, handbill, poster, book or serial publication, or supplement thereto, the portrait of any living person a resident of the Canal Zone other than that of a person holding a public office in the Canal Zone, without the written consent of such person first had and obtained: Provided, that it shall
be lawful to publish the portrait of a person convicted of a crime. It shall likewise be unlawful to publish in any newspaper, hand-bill, poster, book or serial publication or supplement thereto, any caricature of any person residing in the Canal Zone, which caricature will in any manner reflect upon the honor, integrity, manhood, virtue, reputation, or business or political motives of the person so caricatured, or which tends to expose the individual so caricatured to public hatred, ridicule, or contempt.

A violation of this section shall be a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both fine and imprisonment.

All persons concerned in said publication, either as owner or manager, editor, or publisher, or engraver, are each liable for said publication. Actions for the violation of this section shall be tried in the circuit where such newspaper, hand-bill, poster, book, or serial publication or supplement is printed or has its publication office, or in the Circuit Court of the Judicial Circuit, where the person whose portrait or caricature is published resides at the time of the alleged publication.

Sec. 200. The author of a libel in all cases is equally guilty and is subject to the same punishment as the publisher, owner, or proprietor of the newspaper or other printed publication in which the libellous article appears. The punishment prescribed in Section 190 is applicable to this section.

Title XII.

Of Crime Against Public Decency and Good Morals.

Chapter I.

Rape, Abduction, Carnal Abuse of Children, and Seduction.

Sec. 201. Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under any of the following circumstances:

1. Where the female is under the age of thirteen years;
2. Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic or anaesthetic substance, administered by or with the privity of the accused;
4. Where she resists, but her resistance is overcome by force or violence;
5. Where she is at the time unconscious of the nature of the act, and this is known to the accused;

6. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce such belief.

Sec. 202. No conviction for rape can be had against one who was under the age of fourteen years at the time of the act alleged, unless his physical ability to accomplish forcible penetration is proved as an independent fact and beyond a reasonable doubt.

Sec. 203. The essential guilt of rape consists in the outrage to the person and feelings of the female. Any sexual penetration, however slight, is sufficient to complete the crime.

Sec. 204. Rape is punishable by imprisonment in the penitentiary not less than five years.

Sec. 205. Every person who takes any woman unlawfully, against her will, and by force, menace, or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment in the penitentiary not less than two nor more than fourteen years.

Sec. 206. Every person who inveigles or entices any unmarried female, of previous good reputation for chastity, under the age of twenty-one years, into any house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 207. Every person who, under promise of marriage, seduces and has sexual intercourse with an unmarried female of previous good reputation for chastity, is punishable by imprisonment in the penitentiary for not more than five years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Sec. 208. The intermarriage of the parties prior to the trial is a bar to a prosecution for a violation of the preceding section.

Chapter II.

Abandonment and Neglect of Children.

Sec. 209. Every parent of any child or person lawfully chargeable with the support or maintenance of any child, who wilfully omits, with-
out lawful excuse, to furnish necessary food, clothing, shelter or medical attendance for such child, is guilty of a misdemeanor.

Sec. 210. Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody, or control any child under the age of twelve years, who shall sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, under any name, title, or pretense, for the vocation, use, occupation, calling, service of begging or peddling in any public street or highway, or in any mendicant or wandering business whatsoever, and any person who shall take, receive, hire, employ, use, or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor.

*Sec. 210 1/2 (New)*

Chapter III.

Abortion.

Sec. 211. Every person who provides, supplies, or administers to any pregnant woman, or procures any such woman to take any medicine, drug or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, is punishable by imprisonment in the penitentiary not less than one nor more than five years.

Sec. 212. Every woman who solicits of any person any medicine, drug or substance whatever, and takes the same, or who submits to any operation, or to the use of any means whatever, with intent thereby to procure a miscarriage, unless the same is necessary to preserve her life, is punishable by imprisonment in the penitentiary not less than one nor more than five years.

Sec. 213. Every person who wilfully writes, composes, or publishes any notice or advertisement of any medicine, or means for producing or facilitating a miscarriage or abortion, or for the prevention of conception, or who offers his services by any notice, advertisement, or otherwise, to assist in the accomplishment of any such purpose, is guilty of a felony.

Chapter IV.

Adultery.

Sec. 214. Whoever, being married, shall voluntarily have sexual intercourse with a person other than the offender’s husband or wife is guilty of adultery, and shall be fined not more than two hundred dollars or be imprisoned in jail not more than one year.

Sec. 215. A prosecution for the crime of adultery shall commence within one year from the time of committing the offense. When the act
of sexual intercourse is committed between a married woman and an
unmarried man, or a married man and an unmarried woman, the un-
married man or the unmarried woman shall be deemed guilty of adul-
tery, and shall be punished accordingly.

Chapter V.

Bigamy, Incest, and the Crime Against Nature.

Sec. 216. Every person having a husband or wife living who mar-
rries any other person, except in the cases specified in the next section, is
guilty of bigamy.

Sec. 217. The preceding section does not extend:
1. To any person by reason of any former marriage whose husband
or wife by such marriage has been absent for five successive years with-
out being known to such person within that time to be living; nor
2. To any person by reason of any former marriage which has been
pronounced void, annulled or dissolved by the judgment of a com-
petent court.

Sec. 218. Bigamy is punishable by fine not exceeding two thousand
dollars, and by imprisonment in the penitentiary not exceeding three
years.

Sec. 219. Every person who knowingly and wilfully marries the
husband or wife of another, in any case in which such husband or wife
would be punishable under the provisions of this chapter, is punishable
by fine not less than two thousand dollars, or by imprisonment in the
penitentiary not exceeding three years.

Sec. 220. Persons being within the degrees of consanguinity within
which marriages are declared by law to be void, who intermarry with
each other, or who commit fornication or adultery with each other,
are punishable by imprisonment in the penitentiary not exceeding ten
years. Marriages between parents and children, ancestors and descen-
dants of every degree, and between brothers and sisters of the half as
well as the whole blood, and between uncles and nieces, or aunts and
nephews, are incestuous and void from the beginning, whether the re-
lationship is legitimate or illegitimate.

Sec. 221. Every person authorized to solemnize marriage, who
wilfully and knowingly solemnizes any marriage forbidden by law, is
punishable by fine of not less than one hundred nor more than one
thousand dollars, or by imprisonment not less than three months nor
more than one year, or by both.

Sec. 222. Every person authorized to solemnize any marriage who
wilfully makes a false return of any marriage or pretended marriage to
the court, or without the authority of law, or who contracts such a
marriage, or who takes part in the celebration thereof, and every person who wilfully makes a false record of any marriage return, is punishable as provided in the preceding section.

Sec. 223. Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the penitentiary not more than ten years.

Chapter VI.

Violating Sepulchre and the Remains of the Dead.

Sec 224. Every person who mutilates, disinteres, or removes from the place of sepulchre the dead body of a human being without authority of law, is guilty of felony. But the provisions of this section do not apply to any person who lawfully removes the dead body for reinterment.

Sec. 225. Every person who removes any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, with intent to sell the same, or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the penitentiary not exceeding five years.

Sec. 226. Every person who wilfully and maliciously defaces, breaks, destroys, or removes any tomb, monument or grave stone erected to any deceased person, or any memento or memorial, or any ornamental plant, tree, or shrub appertaining to the place of burial of a human being, or who shall mark, deface, injure, destroy, or remove any fence, post, rail, or wall of any cemetery or graveyard, is guilty of a misdemeanor.

Sec. 227. Every person who shall bury or inter, or cause to be buried or interred, the dead body of any human being, or any human remains, in any place within the limits of any city or municipality, except in the cemetery or place of burial now existing under the laws of the Canal Zone, and in which interments have been made, or that is now or may hereafter be established or organized, shall be guilty of a misdemeanor.

Chapter VII.

Indecent Exposure, Obscene Exhibitions, Books and Prints, and Bawdy and Other Disorderly Houses.

Sec. 228. Every person who wilfully and lewdly, either:

1. Exposes the private parts of his person in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
2. Procures, counsels, or assists any person so to expose himself, or to take part in any model artist exhibition, or to make any other exhibition of himself to public view or to the view of any number of persons, such as is offensive to decency, or is adapted to excite to lewd or vicious thoughts or acts; or,

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, publications or books; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure; or,

4. Writes, composes, or publishes any notice or advertisement of any such writing, paper, book, picture, print or figure; or,

5. Sings any lewd or obscene song, ballad, or other words in any public place, or in any place where there are persons present to be annoyed thereby, is guilty of a misdemeanor.

Sec. 229. Every person who is authorized or enjoined to arrest any person for a violation of subdivision three of the preceding section is equally authorized and enjoined to seize any obscene or indecent writing, paper, book, picture, print, or figure found in possession under the control of the person so arrested, and to deliver the same to the municipal judge or other proper officer before whom the person so arrested is required to be taken.

Sec. 230. The municipal judge or other proper officer to whom any obscene or indecent writing, paper, book, picture, print, or figure is delivered, pursuant to the foregoing section, must, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, determine the character of such writing, paper, book, picture, print, or figure, and if he finds it to be obscene or indecent, he must deliver one copy to the prosecuting attorney of the court in which the accused is liable to information or trial, and must at once destroy all the other copies.

Sec. 231. Upon the conviction of the accused, any writing, paper, book, picture, print or figure, in respect whereof the accused stands convicted, shall be destroyed.

Sec. 232. Every person who keeps a house of ill-fame in the Canal Zone, resorted to for the purposes of prostitution or lewdness, or who willfully resides in such house, is guilty of a misdemeanor.

Sec. 233. Every person who keeps any disorderly house, or any house for the purpose of assignation or prostitution, or any house of public resort, by which the peace, comfort, or decency of the immediate neighborhood is habitually disturbed, or who keeps any inn in a disorderly manner; and every person who lets any apartment or tenement, knowing that it is to be used for the purpose of assignation or prostitution, is guilty of a misdemeanor.
Sec. 234. Any proprietor, keeper, manager, conductor, or person having the control of any house of prostitution, or any house or room resorted to for the purpose of prostitution, who shall admit or keep any minor of either sex therein, or any parent or guardian of any such minor who shall admit or keep such minor, or sanction, or connive at the admission or keeping thereof into or in any such house or room, shall be guilty of a misdemeanor.

Sec. 235. Whoever, through invitation or device, prevails upon any person to visit any room, building, or other places kept for the purposes of prostitution, is guilty of a misdemeanor; and upon conviction thereof shall be imprisoned not exceeding six months, or fined not exceeding five hundred dollars, or be punished by both such fine and imprisonment.

Chapter VIII.

Pawnbrokers.

Sec. 236. Every person who carries on the business of a pawnbroker, by receiving goods in pledge for loans at any rate of interest above the legal rate, except by authority of a license, is guilty of a misdemeanor.

Sec. 237. Every person who carries on the business of a pawnbroker who fails at the time of the transaction to enter in a register kept by him for that purpose, in the English or Spanish language, the date, duration, amount, and rate of interest of every loan made by him, or an accurate description of the property pledged, or the name and residence of the pledger, or to deliver to the pledger a written copy of such entry, or to keep an account in writing of all sales made by him, is guilty of a misdemeanor.

Sec. 238. Every pawnbroker who charges or receives interest at more than the legal rate per month, or who, by charging commissions, discount, storage, or other charges, or by compounding, increases, or attempts to increase such interest, is guilty of a misdemeanor.

Sec. 239. Every pawnbroker who sells any article pledged to him and unredeemed, without having complied with the requirements of law, is guilty of a misdemeanor.

Sec. 240. Every pawnbroker who wilfully refuses to disclose to the pledger or his agent the name of the purchaser and the price received by him for any article received by him in pledge and subsequently sold, or who, after deducting from the proceeds of any sale the amount of the loan and interest due thereon, with costs of sale, refuses, on demand, to pay the balance to the pledger or his agent, is guilty of a misdemeanor.

Sec. 241. Every pawnbroker who fails, refuses, or neglects to pro-
duce for inspection his register, or to exhibit all articles received by him in pledge, or his account of sales, to any officer holding a warrant authorizing him to search for personal property, or the order of a municipal judge or other proper officer directing such officer to inspect such register or examine such articles or account of sales, is guilty of a misdemeanor.

Chapter IX.

Crimes Against Other Classes of Property.

Sec. 242. Every person who marks or brands, alters, or defaces the mark or brand of any horse, mare, colt, jack, mule, ox, steer, cow, calf, sheep, goat, hog, shoat, or pig belonging to another with intent thereby to steal the same, or to prevent identification thereof by the true owner, is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

Sec. 243. Every member of a partnership who commits any fraud upon the other members in the affairs of the partnership is punishable by imprisonment for not more than five years.

Sec. 244. Every person guilty of any harsh, cruel or unkind treatment of, or any neglect of duty towards any idiot, lunatic, or insane person, is guilty of a misdemeanor.

Sec. 245. Every person who makes, issues, or puts in circulation any bill, check, ticket, certificate, promissory note, or the paper of any bank, to circulate as money, except as authorized by the laws of the United States or the Canal Zone, for the first offense is guilty of a misdemeanor, and for each and every subsequent offense is guilty of a felony.

Sec. 246. Every person, and every agent or officer of any corporation, carrying on business as an innkeeper or as a common carrier of passengers who refuses, without just cause or excuse, to receive and entertain any guest, or to receive and carry any passenger, is guilty of a misdemeanor.

Title XIII.

Of Crimes Against the Public Health and Safety.

Sec. 247. Every engineer or other person having charge of any steam boiler, steam engine, or other apparatus for generating or employing steam used in any manufactory, railway, or other works who wilfully, or from ignorance or gross neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, or engine, or apparatus, or cause any other accident whereby human life is endangered, is guilty of a felony.
Sec. 248. Every person having charge of any steam boiler or steam engine, or other apparatus for generating or employing steam used in any manufactory, or on any railroad, or in any vessel, or in any kind of mechanical work, who wilfully or from ignorance or neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine, or apparatus, or to cause any other accident whereby the death of a human being is produced, is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

Sec. 249. Every captain or other person having charge of any steamboat used for the conveyance of passengers, or of the boilers and engines thereof, who, from ignorance or gross neglect, or for the purposes of excelling any other boat in speed, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, or any apparatus or machinery connected therewith, by which bursting or breaking human life is endangered, is guilty of a felony.

Sec. 250. Every conductor, engineer, brakeman, switchman, or other person having charge, wholly or in part, of any railroad car, locomotive, or train, which is used as a common carrier, who wilfully or negligently suffers or causes the same to collide with another car, locomotive, or train, or with any other object or thing whereby the death of a human being is produced, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 251. Anything which is injurious to health or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use in the customary manner of any navigable lake or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance.

Sec. 252. Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

Sec. 253. Every person who establishes or keeps, or causes to be established or kept, within the limits of any city or village, any pesthouse, hospital or place for persons affected with contagious or infectious diseases, is guilty of a misdemeanor.

Sec. 254. Every person who puts the carcass of any dead animal, or the offal or filth from any slaughter house, pen or butcher shop, into any river, creek, pond, reservoir, stream, alley, public highway, or road in common use, and any person who puts any filth or carcass of any dead animal or any offal of any kind in or upon the borders of any
stream, pond, lake, or reservoir from which water is drawn for the supply of the inhabitants of any city, village or municipality, so that the drainage from the filth, carcass of any animal or offal of any kind may be taken up by or in such stream, lake or reservoir, or who by any other means fouls or pollutes the waters of any such stream, pond, lake, or reservoir, is guilty of a felony, and upon conviction shall be punished by imprisonment not exceeding one year or by fine not exceeding one thousand dollars, or by both fine and imprisonment, in the discretion of the court.

Sec. 255. Every person who makes or keeps more than one hundred pounds of gunpowder, nitroglycerine, or other highly-explosive substance within any municipality, or who carries the same through the streets thereof, in a reckless or careless manner, contrary to law, or forbidden by any ordinance of such municipality, is guilty of a misdemeanor.

Sec. 256. Every person charged with the performance of any duty under the laws relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.

Sec. 257. Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of manslaughter.

Sec. 258. Any person who places in bales, bags, boxes, barrels, or other packages of sugar, tobacco, coffee, rice, or other goods usually sold in bales, bags, boxes, barrels or other packages, by weight or otherwise, and conceals therein anything whatever for the purposes of increasing the weight or measurement of such bales, bags, boxes, barrels or other packages, with intent thereby to sell the goods therein, or to enable another to sell the same for an increased weight or measurement, is punishable by fine not less than twenty-five dollars for such offense, or confinement in jail for not less than thirty days, or by both fine and imprisonment, in the discretion of the court.

Sec. 259. Every person who adulterates or dilutes any articles of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any
article useful in compounding them, with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same as unadulterated or undiluted, is guilty of a misdemeanor.

SEC. 260. Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

SEC. 261. Every person who wilfully or negligently sets on fire, or causes or procures to be set on fire, any grasses or shrubbery on any lands, is guilty of a misdemeanor.

SEC. 262. Every person who, at the burning of a building, disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents, or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

SEC. 263. Every person who demands or receives compensation for the use of any bridge or ferry, or sets up or keeps any road, bridge, ferry or constructed ford for the purpose of receiving any remuneration for the use of the same without authority of law, is guilty of a misdemeanor.

SEC. 264. Every person who, having entered into an undertaking to keep and attend a ferry, violates the conditions of such undertaking, is guilty of a misdemeanor.

SEC. 265. Every person in charge of a locomotive engine, who, before crossing any traveled public way, omits to cause a bell to ring or steam whistle to sound, at the distance of at least one hundred and fifty meters from the crossing, and up to it, is guilty of a misdemeanor.

SEC. 266. Every person who is intoxicated while in charge of a locomotive engine, or while acting as conductor or driver upon any railroad train or car, whether propelled by steam or electricity, or while acting as train dispatcher, or as telegraph operator, receiving or transmitting dispatches in relation to the movement of trains, is guilty of a misdemeanor.

SEC. 267. Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

SEC. 268. Every person who wilfully makes or publishes any false
statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a misdemeanor.

Sec. 269. Every person who sells or furnishes, or causes to be sold or furnished, any intoxicating liquors to an habitual or common drunkard, is guilty of a misdemeanor.

Sec. 270. If the owner of a ferocious, vicious or mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large, or while not kept with ordinary care, kills any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take in the same situation, is guilty of a felony.

Sec. 271. Every person exhibiting the deformities of another, or his own deformities, for hire, is guilty of a misdemeanor; and every person who shall, by any artificial means, give to any person the appearance of a deformity, and shall exhibit such person for hire, shall be guilty of a misdemeanor.

Sec. 272. Every person who deliberately aids, or advises, or encourages another to commit suicide, is guilty of a felony.

Sec. 273. Any person who shall knowingly sell, or offer for sale, or use, or expose, or who shall cause or procure to be sold or offered for sale, or used, or exposed, any horse, mule, or other animal having the disease known as glanders, or any other contagious or infectious disease, shall be guilty of a misdemeanor.

Sec. 274. Every animal having glanders or any other contagious or infectious disease shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

Sec. 275. Every person who adulterates candy by using in its manufacture terra alba or any other deleterious substance, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.

Sec. 276. Every person who brings into the Canal Zone any cattle, horses, mules or asses, after the Governor has made proclamation holding in quarantine, for the purpose of inspection for contagious or infectious diseases, such animals, and allows the same or any of them to leave the place of their first arrival in the Canal Zone until they have been examined by the Chief Quarantine Officer, and a certificate has been obtained therefrom that such animals are free from disease, or permits any such animals to run at large, or to be removed, or to escape,
before such certificate has been received, is punishable by a fine not exceeding five hundred dollars.

Sec. 277. Every person who, after the publication of such proclamation, knowingly receives or transports within the limits of the Canal Zone any animal mentioned in the preceding section before the certificate mentioned therein has been given, is punishable by a fine not exceeding two thousand dollars.

Sec. 278. Every person who owns or has the custody of any cattle, horses, mules or asses infected with a contagious disease, and fails to immediately report the same to the health authorities, or conceals the existence of such disease, or attempts so to do, or wilfully obstructs or resists the said health authorities in the discharge of their duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by fine not exceeding three hundred dollars or imprisonment not exceeding one year, or both, in the discretion of the court.

Sec. 279. Every person who shall violate the terms of any proclamation issued by the Governor or Board of Health, or other authorized official, in accordance with law and in relation to public health, or who shall violate local quarantine, sanitary or other regulations issued under authority of law, shall be guilty of a misdemeanor and shall be punishable accordingly.

**Title XIV.**

*Of Crimes Against the Public Peace.*

Sec. 280. Every person who wilfully disturbs or disquiets any assemblage of people met for religious worship, or any other purpose not unlawful in character, by noise, profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where such meeting is held, or so near as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor; and every person who, without authority of law, wilfully disturbs or breaks up any assembly or meeting not unlawful in its character, is guilty of a misdemeanor.

Sec. 281. Any use of force or violence disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution by two or more persons acting together, and without authority of law, is a riot.

Sec. 282. Every person who participates in any riot is punishable by imprisonment not exceeding two years, or by fine not exceeding two thousand dollars, or both.

Sec. 283. Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an
act which would be a riot if actually committed, such assembly is a riot.

Sec. 284. Whenever two or more persons assemble together to do an unlawful act and separate without doing or advancing toward it, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

Sec. 285. Every person who participates in any riot or unlawful assembly is guilty of a misdemeanor.

Sec. 286. Every person remaining present at the place of any riot or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.

Sec. 287. If a public or police officer having notice of an unlawful or riotous assembly, mentioned in this chapter, neglects to proceed to the place of assembly or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he is guilty of a misdemeanor.

Sec. 288. A person who engages in, instigates, aids, encourages, or does any act to further a contention or a fight, without weapons, between two or more persons, or a fight commonly called a ring or prize fight, or who engages in a public or private sparring exhibition, with or without gloves, within the Canal Zone, who sends or publishes a challenge or acceptance of a challenge for such a contention, exhibition or fight, or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contention, exhibition or fight, shall be guilty of a felony, and upon conviction shall be fined not less than one thousand dollars nor more than five thousand dollars and be imprisoned in the penitentiary not less than one year nor more than three years.

Sec. 289. Every person willfully present as a spectator at any fight or contention mentioned in the preceding section, is guilty of a misdemeanor.

Sec. 290. Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight or fighting, or who on the public streets of any municipality, or upon the public highways, fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of women or children in a loud and boisterous manner, is guilty of a misdemeanor.

Sec. 291. If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.
Sec. 292. Every person who, not in necessary self-defense, in the presence of two or more persons, draws or exhibits any deadly weapon in a rude, angry and threatening manner, is guilty of a misdemeanor.

Sec. 293. Every person using or procuring, encouraging or assisting another to use any force or violence in entering upon or detaining any lands or other real property, public or private, except in the cases and in the manner allowed by law, is guilty of a misdemeanor.

TITLE XV.

Of Crimes Against the Revenue of the Canal Zone.

Sec. 294. Any officer of the Government of the Canal Zone, or of any municipality or other local district, and every person charged with the receipt, safekeeping, transfer or disbursement of public moneys, who either:

1. Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or,
2. Loans the same, or any portion thereof; or makes a profit out of, or uses the same for any purpose not authorized by law; or,
3. Fails to keep the same in his possession until disbursed or paid out by authority of law; or,
4. Unlawfully deposits the same, or any portion thereof, in any bank, or with any banker or other person; or,
5. Changes or converts any portion thereof from coin into currency, or from currency into coin or other currency, without authority of law; or,
6. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,
7. Fraudulently alters, falsifies, conceals, destroys, or obliterates any account, or documents relating thereto; or,
8. Wilfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or,
9. Wilfully omits to transfer the same, when such transfer is required by law; or,
10. Wilfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him under any duty imposed by law so to pay over the same;

Is punishable by imprisonment in the penitentiary for not less than one nor more than ten years, and is disqualified from holding any office in the Canal Zone.

Sec. 295. Any internal revenue agent, collector or deputy collector of internal revenue, or any employee in the office of the Treasurer:
1. Who, while under commission, becomes engaged, directly or indirectly, in any occupation taxed under the provisions of the revenue law, or in the manufacture, importation or sale of any article taxed under the provisions of said laws; or,

2. Who fails, fully and promptly, to account for any and all public funds, fines, internal revenue stamps, licenses, receipts, books, documents, records, papers or any other form of public property; or,

3. Who is guilty of any extortion or wilful oppression under color of law; or,

4. Who, knowingly, demands other or greater sums than are authorized by law, or receives any fee, compensation or reward, except as herein provided for the performance of any duty; or,

5. Who wilfully neglects to perform any of the duties enjoined upon him by laws; or,

6. Who conspires or colludes with any person to defraud the public revenues; or,

7. Who makes opportunities for any person to defraud the public revenues; or,

8. Who does, or omits to do, any act with intent to enable any other person to defraud the public revenues; or,

9. Who, negligently or designedly, permits any violation of the law by any person; or,

10. Who makes or signs any false entry in any book, or makes or signs any false certificate or return in any case where he is required by this law or by such regulations as may hereafter be issued by the Treasurer, to make any entry, certificate or return; or,

11. Who, having knowlege or information of the violation of any provision of the Revenue Laws by any person, or of fraud committed by any person against the public revenues, fails to report in writing such violation or fraud to the designated authority; or,

12. Who demands, accepts or attempts to collect, directly or indirectly, as payment, gift or otherwise, any sum of money or other thing of value for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of the Revenue Laws; or,

13. Who shall divulge or make known, in any manner whatsoever not provided by law, to any person, the accounts, condition of business affairs, or manner of conducting the same of any tax-paying person, association or corporation whose books, accounts and business operations may have been investigated in the discharge of their duties, shall be dismissed from office and shall be guilty of a felony, and, upon conviction by any court having jurisdiction of the offense committed, shall be fined not less than two hundred and fifty dollars nor more than two thousand dollars, or be imprisoned not less than six months nor more than five years, or both, at the discretion of the court.
SEC. 296. Every officer charged with the receipt, safekeeping, or disbursement of public moneys, who neglects or fails to keep and pay over the same in the manner prescribed by law, is guilty of a felony.

SEC. 297. The phrase "public moneys," as used in the preceding sections, includes all bonds and evidences of indebtedness, and all moneys belonging to the Government of the Canal Zone, municipality, town or district therein, and all moneys, bonds, and evidences of indebtedness received or held by Zone or municipal officers in their official capacity.

SEC. 298. If any clerk, marshal or other officer, who receives any fine or forfeiture, refuses or neglects to pay over the same according to law, and within thirty days after the receipt thereof, he is guilty of a misdemeanor.

SEC. 299. Any person whose taxes have become due who shall offer resistance to any lawful act of any collector of taxes, is guilty of a misdemeanor.

SEC. 300. Any person, agent or officer of any institution, corporation or company, who shall give or return a false or fraudulent list, schedule or statement as required by the Revenue Laws; or who shall wilfully fail or refuse to take and subscribe to any of the oaths, affidavits or affirmations required by said act; or who shall wilfully refuse to answer any interrogatory which the Treasurer, the Board of Assessment or any member of a board of review or the Board of Appeals is by said act authorized to propound, is guilty of a misdemeanor.

SEC. 301. Every person who wilfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the Government of the Canal Zone or any municipality thereof is interested, and which such officer is by law empowered to collect, is guilty of a misdemeanor.

(a) Every person who makes out, or passes, or attempts to pass through the Custom House any false, forged, or fraudulent invoice, or who shall aid or abet in making out or passing such false, forged or fraudulent invoice, shall be deemed guilty of a felony, and upon conviction thereof shall be punishable by a fine of not more than five thousand dollars, or by imprisonment in the penitentiary not more than two years, or both, in the discretion of the court.

(b) Every person who enters goods, wares or merchandise, whether free or dutiable, into the Canal Zone, Isthmus of Panama, for transportation across the Canal Zone, to be transshipped or for other purposes, shall enter said goods, wares or merchandise at the Custom House of the Collection District wherein the place of entrance is situated.
Any violation of this section shall subject the goods, wares or merchandise to seizure and forfeiture by the Collector of Customs or his agents.

(c) Every person who shall knowingly or wilfully, with intent to defraud the revenues of the Canal Zone, Isthmus of Panama, smuggle or clandestinely introduce into the Canal Zone any goods, wares or merchandise, subject to duty by law, and which should have been invoiced, without paying or accounting for the duty, or shall make out or pass, or attempt to pass, through the Customs House, any false, forged, or fraudulent invoice, every such person, his, her or their aiders and abettors, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in any sum not exceeding five thousand dollars, or imprisoned in the penitentiary for not longer than two years, or both fine and imprisonment, at the discretion of the court.

Sec. 302. Every person who unlawfully refuses, upon demand, to give to any assessor a list of his property subject to taxation, or to swear to such list, or who gives a false name or fraudulently refuses to give his true name to any assessor, when demanded by such assessor in the discharge of his official duties, is guilty of a misdemeanor.

Sec. 303. Every person who uses or gives any receipt, except that prescribed by law, as evidence of payment of any tax or license of any kind, or who receives payment of such tax or license without delivering the receipt prescribed by law, or who inserts the name of more than one licensee therein, is guilty of a misdemeanor.

Sec. 304. Every person who has in his possession, with intent to circulate or sell, any blank licenses or tax receipts other than those furnished by the proper authority, is guilty of a felony.

Sec. 305. Every person who commences or carries on any business, trade, profession or calling, for the transaction or carrying on of which a license is required by law, without taking out or procuring the license prescribed by such law, is guilty of a misdemeanor.

Title XVI.

Of Crimes Against Property.

Chapter I.

Arson.

Sec. 306. Arson is the wilful and malicious burning of a building of another with intent to destroy it.

Sec. 307. Any house, edifice, structure, vessel or other erection capable of affording shelter for human beings or appurtenant to or
THE LAWS OF THE CANAL ZONE.

connected with an erection so adapted, is a "building" within the meaning of this Chapter.

Sec. 308. Any building which has usually been occupied by any person lodging therein at night is an "inhabited building," within the meaning of this Chapter.

Sec. 309. The phrase "night-time," as used in this Chapter, means the period between sunset and sunrise.

Sec. 310. To constitute a burning, within the meaning of this chapter, it is not necessary that the building set on fire should have been destroyed. It is sufficient that fire is applied so as to take effect upon any part of the substance of the building.

Sec. 311. To constitute arson it is not necessary that a person other than the accused should have had ownership in the building set on fire. It is sufficient that at the time of the burning another person was rightfully in possession of, or was actually occupying such building, or any part thereof.

Sec. 312. Arson is divided into two degrees.

Sec. 313. Maliciously burning in the night-time an inhabited building in which there is at the time some human being is arson in the first degree. All other kinds of arson are of the second degree.

Sec. 314. Arson is punishable by imprisonment in the penitentiary as follows:

1. Arson in the first degree, for not less than ten years.
2. Arson in the second degree, for not less than one nor more than ten years.

Sec. 315. Every person who wilfully or maliciously burns any bridge exceeding in value fifty dollars, or any building or vessel, not the subject of arson, or any growing or standing crop, not the property of such person, is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

CHAPTER II.

Burglary.

Sec. 316. Every person who enters any house, room, apartment, tenement, shop, warehouse, store, barn, stable, outhouse, or other building, tent, vessel or car, with intent to commit grand or petit larceny, or any felony, is guilty of burglary.

Sec. 317. Every burglary committed in the night-time is burglary in the first degree, and every burglary committed in the day-time is burglary in the second degree.

Sec. 318. Burglary in the first degree is punishable by imprisonment in the penitentiary for not less than one nor more than fifteen years.
Burglary in the second degree is punishable by imprisonment in the penitentiary for not more than five years.

Sec. 319. The phrase "night-time" as used in this chapter means the period between sunset and sunrise.

Chapter III.

Having Possession of Burglarious Instruments and Deadly Weapons.

Sec. 320. Every person having upon him, or in his possession, a picklock, crow, key, bit, or other instrument or tool with intent feloniously to break or enter into any building, or who shall knowingly make or alter any key or other instrument above named, so that the same will fit or open the lock of a building, without being requested so to do by some person having the right to open the same, or who shall make, alter, or repair any instrument or thing, knowing, or having reason to believe, that it is intended to be used in committing a misdemeanor or felony, is guilty of a misdemeanor. Any of the structures mentioned in Section 316 of this Code shall be deemed to be a building within the meaning of this section.

Chapter IV.

Forgery and Counterfeiting.

Sec. 321. Every person who, with intent to defraud another, falsely makes, alters, forges, or counterfeits any charter, letters patent, deed, lease, indenture, writing obligatory, will, testament, codicil, annuity, bond, covenant, bank bill or note, post-note, check, draft, bill of exchange, contract, promissory note, due bill for the payment of money or property, receipt for money or property, passage ticket, power of attorney, or any certificate for any share, right, or interest in the stock of any corporation or association, or any warrant or order for the payment of money at the treasury, treasurer's order or warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, acquittance, release or discharge for any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, certificates or shares of stock, goods, chattels, or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer certificates of shares of stock or annuities, or to let, lease, dispose of, alien, or convey any goods, chattels, lands, or tenements, or other estate, real or personal, or any acceptance or indorsement of any bill of exchange, promissory note, draft, order or assign-
ment of any bonds, writing obligatory, or promissory note for money or other property, or counterfeits or forges the seal or handwriting of another, or utters, publishes, passes, or attempts to pass, as true and genuine, any of the above named false, altered, forged or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged, or counterfeited, with intent to prejudice, damage, or defraud any person; or who, with intent to defraud, alters, corrupts, or falsifies any record of any will, codicil, conveyance, or other instrument, the record of which is by law evidence, or any record of any judgment of a court, or the return of any officer to any process of any court, is guilty of forgery.

Sec. 322. Every person who, with intent to defraud another, makes, forges, or alters any entry in any book of records, or any instrument purporting to be any record or return specified in the preceding section, is guilty of forgery.

Sec. 323. Every person who, with intent to defraud another, forges or counterfeits the seal of the Government of the Canal Zone, the seal of any public officer authorized by law, the seal of any court of record, or the seal of any corporation, or any other public seal authorized or recognized by the laws of the Canal Zone, or of any State, government, or country, or who falsely makes, forges, or counterfeits any impression purporting to be an impression of any such seal, or who has in his possession any such counterfeited seal, or impression thereof, knowing it to be counterfeited, and wilfully conceals the same, is guilty of forgery.

Sec. 324. Forgery is punishable by imprisonment in the penitentiary for not less than one nor more than fourteen years.

Sec. 325. Every person who knowingly and wilfully sends by telegraph to any person a false or forged message, purporting to be from such telegraph office, or from any other person, or who wilfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph, or who furnisheth, or conspires to furnish, or causes to be furnished, to any agent, operator, or employee, to be sent by telegraph, or to be delivered, any such message, knowing the same to be false or forged, with the intent to injure, or defraud another, is punishable by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

Sec. 326. Every person who has in his possession, or receives from another person, any forged promissory note or bank-bill, or bills for payment of money or property, with the intention to pass the same or to permit, cause, or procure the same to be uttered or passed, with the intention to defraud any person, knowing the same to be forged or counterfeited, or has or keeps in his possession any blank or unfinished
note or bill made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any incorporated bank or banking company, with intention to fill up and complete such blank and unfinished note or bill, or to permit, or cause, or procure the same to be filled up and completed, in order to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, or to defraud any person, is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

Sec. 327. Every person who makes, passes, utters, or publishes, with intention to defraud any other person, or who, with the like intention, attempts to pass, utter, or publish, or who has in his possession, with like intent to utter, pass, or publish, any fictitious bill, note, or check, purporting to be the bill, note, or check or other instrument in writing for the payment of money or property of some bank, corporation, co-partnership, or individual, when, in fact, there is no such bank, corporation, co-partnership, or individual in existence, knowing the bill, note, check, or instrument in writing to be fictitious, is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

Sec. 328. Every person who counterfeits any of the species of gold or silver coin current in the Canal Zone, or any kind or species of gold dust, gold or silver bullion, or bars, lumps, pieces, or nuggets, or who sells, passes, or gives in payment such counterfeit coin, dust, bullion, bars, lumps, pieces, nuggets, or promises, causes or procures the same to be sold, uttered, or passed, with intention to defraud any person, is guilty of counterfeiting.

Sec. 329. Counterfeiting is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

Sec. 330. Every person who has in his possession, or receives from any other person, any counterfeit gold or silver coin of the species current in the Canal Zone, or any counterfeit gold dust, gold or silver bullion, or bars, lumps, pieces, or nuggets, with the intention to sell, utter, put off, or pass the same, or permits, causes or procures the same to be sold, uttered or passed, with intention to defraud any person, knowing the same to be counterfeit, is punishable by imprisonment in the penitentiary not less than one nor more than five years.

Sec. 331. Every person who makes, or knowingly has in his possession, any die, plate, or any apparatus, paper, metal, machine, or other thing whatever, made use of in counterfeiting coins current in the Canal Zone, or in counterfeiting gold dust, gold or silver bars, bullion, lumps, pieces, or nuggets, or in counterfeiting bank notes or bills, is punishable by imprisonment in the penitentiary not less than one nor more than five years; and all such dies, plates, apparatus, paper, metal or machines intended for the purpose aforesaid must be destroyed.
SEC. 332. Every person who, within the Canal Zone, Isthmus of Panama, with intent to defraud, falsely makes, alters, forges or counterfeits any bond, certificate, obligation or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of the Government of the United States, State or Territory thereof, or any foreign government, issued or put forth under the authority of the United States, or any State or Territory thereof, or such foreign government; or any treasury note, bill, or promise to pay issued by the Government of the United States, or any State or Territory thereof, or any foreign government, and intended to circulate as money, either by law, order, or decree of the Government of the United States or any State or Territory thereof, or any foreign government, and any person who causes or procures to be so falsely made, altered, forged, or counterfeited, or who knowingly aids or assists in making, altering, forging or counterfeiting any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall, upon conviction thereof in any circuit court in the Canal Zone, Isthmus of Panama, be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor in the penitentiary not more than five years.

SEC. 333. Every person who, knowingly and with intent to defraud, utters, passes or puts off, in payment or negotiation, within the Canal Zone, Isthmus of Panama, any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, or promise to pay, as mentioned in the preceding section, whether the same was made, altered, forged or counterfeited within the Canal Zone, Isthmus of Panama, or not, shall, upon conviction thereof, as aforesaid, be punished by a fine of not more than three thousand dollars and by imprisonment at hard labor in the penitentiary not more than three years.

SEC. 334. Every person who shall, with intent to defraud, falsely, within the Canal Zone, Isthmus of Panama, make, alter, forge or counterfeit, or shall cause or procure to be so made, altered, forged or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting, of any bank note or bill issued by a bank or other corporation of the United States, State or Territory thereof, or any foreign country, and intended by the law or usage of the United States, State or Territory thereof, or any foreign country, to circulate as money, such bank or corporation being authorized by the laws of the United States, State or Territory thereof, or said foreign country, shall, upon conviction in any circuit court within the Canal Zone, Isthmus of Panama, be punished by a fine not exceeding two thousand dollars and by imprisonment in the penitentiary at hard labor not more than two years.
SEC. 335. Every person who shall, within the Canal Zone, Isthmus of Panama, utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill as mentioned in the preceding section, knowing the same to be so false, forged, altered, or counterfeited, whether the same was made, altered, forged, or counterfeited within the Canal Zone, Isthmus of Panama, or not, shall, upon conviction thereof as aforesaid, be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor in the penitentiary not more than one year.

SEC. 336. That every person who, within the Canal Zone, Isthmus of Panama, shall have in his possession any such false, forged or counterfeited bond, certificate, obligation, security, treasury note, bill, promise to pay, bank-note, or bill issued by a bank or other corporation of the United States, State or Territory thereof, or any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or who shall knowingly deliver the same to any other person, with such intent, shall, upon conviction thereof as aforesaid, be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor in the penitentiary not more than one year.

SEC. 337. Every person who, within the Canal Zone, Isthmus of Panama, having control, custody, or possession of any plate, or any part thereof, from which has been printed, or may be printed, any counterfeit note, bond, obligation, or other security, in whole or in part, of the Government of the United States, State or Territory thereof, or any foreign country, bank, or corporation, except by lawful authority, or who uses such plate, or knowingly permits or suffers the same to be used, in counterfeiting such obligations aforesaid, or any part thereof; and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness or similitude of any plate, designed for the printing of the genuine issue of the obligations aforesaid, and every person who prints, photographs, or in any other manner makes, executes, or sells, or causes to be printed, photographed, made, executed or sold, or aids in printing, photographing, making, executing, or selling any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of the Government of the United States, State or Territory thereof, or any foreign country, bank, or corporation, or who brings into the Canal Zone, Isthmus of Panama, any counterfeit plate, engraving, photograph, print or other impressions of the notes, bonds, obligations, or other securities of the United States, State or Territory thereof, or any foreign country, bank, or corporation, shall be punished by a fine of not more than five thousand dollars, or by
imprisonment in the penitentiary at hard labor not more than five
years, or both.

SEC. 338. Every person who counterfeits, forges or alters any
ticket, check, order, coupon, receipt for fare, or pass, issued by any
railroad company, or other common carrier, or by any lessee or manager
thereof, designed to entitle the holder to ride in the cars of such com-
pany, or who utters, publishes, or puts into circulation any such coun-
terfeit or altered ticket, check, or order, coupon, receipt for fare, or
pass, with intent to defraud any such railroad company, or other com-
mon carrier, or any lessee thereof, or any other person, is punishable
by imprisonment in the penitentiary, or in jail, not exceeding one
year, or by fine not exceeding one thousand dollars, or by both such
imprisonment and fine.

SEC. 339. Every person who, for the purpose of restoring to its
original appearance and nominal value in whole or in part, removes,
conceals, fills up, or obliterates the cuts, marks, punch-holes, or other
evidence of cancellation, from any ticket, check, order, coupon, receipt
for fare, or pass, issued by any railroad company, or any lessee or
manager thereof, cancelled in whole or in part, with intent to dispose
of by sale or gift, or to circulate the same, or with intent to defraud
the railroad company, or lessees thereof, or any other person, or who,
with like intent to defraud, offers for sale, or in payment of fare on
the railroad of the company, such ticket, check, order, coupon, or pass,
knowing the same to have been so restored, in whole or in part, is
punishable by imprisonment not exceeding six months or by fine not
exceeding one thousand dollars, or by both imprisonment and fine.

CHAPTER V.

Larceny.

SEC. 340. Larceny is the felonious stealing, taking, carrying, lead-
ing, or driving away the personal property of another.

SEC. 341. Larceny is divided into two degrees, the first of which
is termed grand larceny; the second, petit larceny.

SEC. 342. Grand larceny is larceny committed in either of the follow-
ing cases:
1. When the property taken is of the value of twenty-five dollars
and upwards.
2. When the property is taken from the person of another.
3. When the property taken is a horse, mare, gelding, cow, steer,
bull, calf, mule, jack or jenny.

SEC. 343. Larceny in other cases is petit larceny and is punishable
as a misdemeanor.

*Amended by Executive Order

Date: Mar. 13, 1907, P. 43
Sec. 344. Grand larceny is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

Sec. 345. Every person who shall convert any manner of real estate of the value of twenty-five dollars and upwards into personal property by severing the same from the Realty of another, with felonious intent to and shall so steal, take, and carry away the same, shall be deemed guilty of grand larceny, and, upon conviction thereof, shall be punishable by imprisonment in the penitentiary for any term not less than one year nor more than fourteen years.

Every person who shall convert any manner of real estate of the value of under twenty-five dollars into personal property by severing the same from the Realty of another, with felonious intent to, and shall so steal, take and carry away the same, shall be deemed guilty of misdemeanor.

Sec. 346. One who finds lost property under circumstances which give him knowledge of or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person not entitled thereto, without first making reasonable and just efforts to find the owner and restore the property to him, is guilty of larceny, and shall be punished accordingly.

Sec. 347. If the thing stolen consists of any evidence of debt, or other written instrument, the amount of money due thereupon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, is the value of the thing stolen.

Sec. 348. If the thing stolen is any ticket or other paper or writing entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railroad or vessel or other public conveyance, the price at which tickets entitling a person to a like passage are usually sold by the proprietors of such conveyance is the value of such ticket, paper or writing.

Sec. 349. All the provisions of this chapter apply where the property taken is an instrument for the payment of money, evidence of debt, public security, or passage ticket, completed or ready to be issued or delivered, although the same has never been issued or delivered by the makers thereof to any person as a purchaser or owner, or having other interests therein.

Sec. 350. The provisions of this chapter apply also where the thing taken is any fixture or part of the realty, and is severed at the time of the taking in the same manner as if the thing had been severed by another person at some previous time.

Sec. 351. Every person who, for his own gain, or to prevent the owner from again possessing his property, buys or receives any personal
property, knowing the same to have been stolen, is punishable by imprisonment in the penitentiary not exceeding five years; and it shall be presumptive evidence that such property was stolen, if the same consists of jewelry, silver or plated ware, or articles of personal ornament, if purchased or received from a person under the age of eighteen, unless such property is sold by said minor at a fixed place of business carried on by said minor or his employer.

Sec. 352. Every person who, in any country or State of the United States, steals the property of another, or receives such property, knowing it to have been stolen, and brings the same into the Canal Zone, may be convicted and punished in the same manner as if such larceny or receiving has been committed in the Canal Zone.

Sec. 353. Every person who, with intent to injure or defraud, makes, or causes to be made any pipe, tube, wire or other instrument, and connects the same or causes it to be connected with any main, service pipe or other pipe, wire, or connection used for supplying illuminating gas or electricity in such a manner as to supply illuminating gas or electricity to any burner, orifice, globe, or other connection by or at which illuminating gas or electricity is consumed, around or without passing through a meter provided for measuring and registering the quantity consumed, or in any other manner so as to evade the payment therefor, and every person who with like intent obstructs its action, is guilty of a misdemeanor.

Sec. 354. Every person who, with intent to injure or defraud, connects or causes to be connected, any pipe, tube or other instrument, with any main, service pipe, or other pipe, or conduit, or flume, for conducting water, for the purpose of taking water from such main, service pipe, conduit, or flume, without the knowledge of the owner thereof, and with intent to evade payment therefor, is guilty of a misdemeanor.

Sec. 355. Every person who saves from fire, or from a building endangered by fire, any property, and for two days thereafter corruptly neglects to notify the owner thereof, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 356. Every person who, after mortgaging any real property, and during the existence of such mortgage, or after such mortgaged property shall have been sold under an order and decree of foreclosure, and with intent to defraud or injure the mortgagee, his representatives, successors, or assigns, or the purchaser of such mortgaged premises at such foreclosure sale, his representatives or assigns, takes, removes, or carries away from, destroys or damages such mortgaged premises, or otherwise disposes of, or permits the taking, removing or carrying away, or otherwise disposing of, any house, barn, or other property affixed thereto, as an improvement thereon, without the written consent
of the mortgagee, his representatives, successors, or assigns, or the purchaser at such foreclosure sale, his representatives or assigns, is guilty of larceny and shall be punished accordingly.

Sec. 357. Every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any stop-cock or faucet by which the flow of water is controlled, after having been notified that the same has been closed or shut for specific cause, by order of competent authority, is guilty of a misdemeanor.

Chapter VI.

Embezzlement.

Sec. 358. Embezzlement is the fraudulent appropriation of property by a person to whom it has been entrusted.

Sec. 359. Every officer of the Government of the Canal Zone, or of any municipality, city, or other civil division, and every deputy, clerk, or servant of any such officer, and every officer, director, trustee, clerk, servant, attorney, or agent of any association, society, or corporation (public or private), who fraudulently appropriates to any use or purpose not in the due and lawful execution of his trust, any property which he has in his possession or under his control by virtue of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, is guilty of embezzlement.

Sec. 360. Every carrier or other person having under his control personal property for the purpose of transportation for hire, who fraudulently appropriates it to any use or purpose, inconsistent with the safe-keeping of such property and its transportation according to his trust, is guilty of embezzlement, whether he has broken the package in which such property is contained or has otherwise separated the items thereof or not.

Sec. 361. Every trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator, or collector, or person otherwise intrusted with or having in his control property for the use of any other person who fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, is guilty of embezzlement.

Sec. 362. Every person entrusted with any property as bailee, tenant, or lodger, or with any power of attorney for the sale, or transfer thereof, who fraudulently converts the same or the proceeds thereof to his own use or secretes it or them with a fraudulent intent to convert to his own use, is guilty of embezzlement.

Sec. 363. Every clerk, agent, or servant of any person who fraudu-
lently appropriates to his own use, or secretes with a fraudulent intent to appropriate to his own use, any property of another which has come into his control or care by virtue of his employment as such clerk, agent, or servant, is guilty of embezzlement.

Sec. 364. Any evidence of debt, negotiable by delivery only, and actually executed, may be the subject of embezzlement, whether it has been delivered or issued as a valid instrument or not.

Sec. 365. Upon any information for embezzlement, it is a sufficient defense that the property was appropriated openly and avowedly, and under a claim of title preferred in good faith, even though such claim is untenable. But this provision does not excuse the unlawful retention of the property of another to offset or pay demands held against him.

Sec. 366. The fact that the accused intended to restore the property embezzled is no ground of defense or of mitigation of punishment, if it has not been restored before an information has been laid before a municipal judge or other competent magistrate charging the commission of the offense.

Sec. 367. Whenever, prior to any complaint laid before a municipal judge or other competent magistrate, charging the commission of embezzlement, the person accused voluntarily and actually restored or tendered restoration of the property alleged to have been embezzled, or any part thereof, such fact is not a ground of defense, but it authorizes the court to mitigate punishment, in its discretion.

* Sec. 368. Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled; and where the property embezzled is an evidence of debt, or right of action, the sum due upon it or evidenced to be paid by it shall be taken as its value; Provided, that if the embezzlement or defalcation be of the public funds of the United States, or of the Government of the Canal Zone, or of any municipality, city or village of the Canal Zone, the offense is a felony, and shall be punishable by imprisonment in the penitentiary not less than one year nor more than ten years; and the person so convicted shall be ineligible thereafter to any office of honor, trust, or profit in the Canal Zone.

Chapter VII.

Extortion.

Sec. 369. Extortion is the obtaining of property from another, with his consent, induced by a wrongful use of force or fear, or under color of official right.

*Amended by Executive Order
Date Mar. 13 1907
Sec. 370. Fear, such as will constitute extortion, may be induced by a threat, either:

1. To do an unlawful injury to the person or property of the individual threatened, or to any relative of his, or member of his family; or,

2. To accuse him, or any relative of his or member of his family, of any crime; or,

3. To expose, or impute to him or them any deformity or disgrace; or,

4. To expose any secret affecting him or them.

Sec. 371. Every person who extorts any money or other property from another, under circumstances not amounting to robbery, by means of force, or any threat, such as is mentioned in the preceding section, is punishable by imprisonment in the penitentiary not exceeding five years.

Sec. 372. Every person who commits any extortion under color of official right, in cases for which a different punishment is not prescribed in this Code, is guilty of a misdemeanor.

Sec. 373. Every person who, by any extortionate means, obtains from another his signature to any paper or instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge, or right of action created, is punishable in the same manner as if the actual delivery of property of the value or amount of such debt, demand, charge, or right of action were obtained.

Sec. 374. Every person who, with intent to extort any money or other property from another, sends or delivers to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat such as is specified in the foregoing section, is punishable in the same manner as if such money or property were actually obtained by means of such threat.

Sec. 375. Every person who unsuccessfully attempts, by means of any verbal threat, such as is specified in Section 370, to extort money or other property from another, is guilty of a misdemeanor.

Sec. 376. Every officer, agent, or employee of a railroad company, or other common carrier, who asks or receives a greater sum than is allowed by law for the carriage of passengers or freight, is guilty of a misdemeanor.

Sec. 377. Every person who knowingly and wilfully sends or delivers to another any letter or writing, whether subscribed or not, threatening to accuse him or another of a crime, or to expose or publish any of his failings or infirmities, is guilty of a misdemeanor.
CHAPTER VIII.

False Personation and Cheats.

SEC. 378. Every person who falsely personates another, and in such assumed character marries or pretends to marry, or to sustain the marriage relation towards another, with or without the connivance of another, is guilty of a felony.

SEC. 379. Every person who falsely personates another, and in such assumed character either:

1. Becomes bail or surety for any party in any proceeding whatever, before any court or officer authorized to take such bail or surety; or,

2. Verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, and used as true; or,

3. Does any other act whereby, if it were done by the person falsely personated, he might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person, is punishable by imprisonment in jail not exceeding two years, or by fine not exceeding five thousand dollars.

SEC. 380. Every person who falsely personates another, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of property so received.

SEC. 381. Every person who is a party to any fraudulent conveyance of any property, real or personal, or any right or interest issuing out of the same, or to any bond, suit, judgment, or execution, contract or conveyance, had, made, or contrived, with intent to deceive, and defraud others, or to defeat, hinder or delay creditors or others of their just debts, damages, or demands; or who, being a party as aforesaid, at any time wittingly and willingly puts in, uses, avows, maintains, justifies, or defends the same, or any of them, as true, and done, had, or made in good faith, or upon good consideration, or aliens, assigns, or sells any of the property, real or personal, or other things before mentioned, to him or them conveyed as aforesaid, or any part thereof, is guilty of a misdemeanor.

SEC. 382. Every person who knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money or property, or who causes or procures others to report
falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets into possession of money or property, is punishable in the same manner and to the same extent as for larceny of the money or property so obtained.

Sec. 383. Every person who, after once selling, bartering, or disposing of any property, real or personal, or any interest therein, or after executing any bond or agreement for the sale of any of such property, again wilfully and with intent to defraud previous or subsequent purchasers, sells, barter, or disposes of the same property, or any part thereof, or interest therein, or wilfully and with intent to defraud previous or subsequent purchasers, executes any bond or agreement to sell, barter, or dispose of the same property, or any part thereof, or interest therein, to any other person for a valuable consideration, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

Sec. 384. Every married person who falsely and fraudulently represents himself or herself as competent to sell or mortgage any real estate, to the validity of which sale or mortgage the assent or concurrence of his wife or her husband is necessary, and under such representations wilfully conveys or mortgages the same, is guilty of a felony.

Sec. 385. Every person who obtains any money or property from another, or obtains the signature of another to any written instrument, the false making of which would be forgery, by means of any false or fraudulent sale of property or pretended property, by auction, or by any of the practices known as mock auctions, is punishable by imprisonment in the penitentiary not exceeding three years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 386. Every commission merchant, broker, agent, factor, or consignee, who shall wilfully and corruptly make, or cause to be made, to the principal or consignor of such commission merchant, agent, broker, factor, or consignee, a false statement concerning the price obtained for or the quality or quantity of any property consigned or intrusted to such commission merchant, agent, broker, factor, or consignee, for sale, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 387. Any person who obtains any food or accommodation at an inn or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an inn or boarding house by the use of any false pretense, or who, after obtaining credit or accommodation at any inn or boarding house,
absconds or surreptitiously removes his baggage therefrom without paying for his food or accommodation, is guilty of a misdemeanor.

Sec. 388. Every person who, after pledging as security any real or personal property whatever for a loan or other security during the existence of said pledge, with intent to defraud the pledgee, his representatives or assigns, transfers, sells, takes, drives or carries away or otherwise disposes of said property, or any part thereof, without the written consent of the pledgee, is guilty of larceny, and shall be punished accordingly.

Sec. 389. Every proprietor or publisher of any newspaper or periodical who shall wilfully and knowingly misrepresent the circulation of such newspaper or periodical for the purpose of securing advertising or other patronage, shall be deemed guilty of a misdemeanor.

CHAPTER IX.

Fraudulent Destruction of Property Insured.

Sec. 390. Every person who wilfully burns or in any other manner injures or destroys any property which is at the time insured against loss or damage by fire, or by any other casualty, with intent to defraud or prejudice the insurer, whether the same be the property of or in possession of such person, or of any other, is punishable by imprisonment in the penitentiary not less than one nor more than ten years.

CHAPTER X.

False Weights and Measures.

Sec. 391. A false weight or measure is one which does not conform to the standard established by law.

Sec. 392. Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor, and shall be punished accordingly.

Sec. 393. Every person who knowingly marks or stamps false or short weight or measure, or false tare, on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor, and shall be punished accordingly.

Sec. 394. In all sales of sugar, coal, and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, and any person violating this section shall be punished as for a misdemeanor.

Sec. 395. In all sales of merchandise, wares, articles of food or
drink or whatever else is purchased by weight or measure, the seller must give to the purchaser full weight or measure, and any person violating this section shall be punished as for a misdemeanor.

Chapter XI.

Fraudulent Insolvencies by Corporations, and Other Frauds in Their Management.

Sec. 396. Every person who signs the name of a fictitious person to any subscription for or agreement to take stock in any corporation existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that such person has not means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, is guilty of a misdemeanor.

Sec. 397. Every officer, agent or clerk of any corporation, or of any persons proposing to organize a corporation, or to increase the capital stock of any corporation, who knowingly exhibits any false, forged, or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to be allowed an increase of its capital, with intent to deceive such officer or board in respect thereto, is punishable by imprisonment in the penitentiary not less than three nor more than ten years.

Sec. 398. Every person who, without being authorized so to do, subscribes the name of another to or inserts the name of another in any prospectus, circular or other advertisement or announcement of any corporation or joint-stock association existing or intended to be formed, with intent to permit the same to be published and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member, or promoter of such corporation or association, is guilty of a misdemeanor.

Sec. 399. Every director of any stock corporation who concurs, with intent to defraud the stockholders or creditors of said corporation in any vote or act of the directors of such corporation, or any of them, by which it is intended either:

1. To make any dividend, except from the surplus profits arising from the business of the corporation, and in the cases and manner allowed by law; or,

2. To divide, withdraw, or in any manner, except as provided by law, pay to the stockholders, or any of them, any part of the capital stock of the corporation; or,
3. To discount or receive any note or other evidence of debt in payment of any instalment actually called in and required to be paid, or with intent to provide the means of making such payment; or,

4. To receive or discount any note or other evidence of debt, with the intent to enable any stockholder to withdraw any part of the money paid in by him, or his stock; or,

5. To receive from any other stock corporation in exchange for the shares, notes, bonds or other evidences of debt of their own corporation shares of the capital stock of such other corporation, or notes, bonds, or other evidences of debt issued by such other corporation, is guilty of a felony.

Sec. 400. Every officer, agent, teller, or clerk of any bank, and every individual banker, or agent, teller, or clerk of any individual banker, who receives any deposits, knowing that such bank, or association, or banker is insolvent, is guilty of a felony.

Sec. 401. Every director, officer, or agent of any corporation or joint-stock association who knowingly receives or possesses himself of any property of such corporation or association otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause to direct to be made, a full and true entry thereof in the books or accounts of such corporations or associations, and every director, officer, agent or member of any corporation or joint-stock association, who, with intent to defraud, destroys, alters, mutilates, or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes, or concurs in making, any false entries, or omits, or concurs in omitting to make, any material entry in any book of accounts, or other record or document kept by such corporation or association, is punishable by imprisonment in the penitentiary not less than three nor more than ten years and a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Sec. 402. Every director, officer, or agent of any corporation or joint-stock association who knowingly concurs in making, publishing, or posting any written report, exhibit, or statement of its affairs or pecuniary condition, or book or notice containing any material statement which is false, or refuses to make any entry in any book or post any notice required by law, other than such as are mentioned in this chapter, is guilty of a felony.

Sec. 403. Every officer or agent of any corporation, having or keeping an office within the Canal Zone, who has in his custody or control any book, paper, or document of such corporation, and who refuses to give to a stockholder or member of such corporation, lawfully demanding, during office hours, to inspect or take a copy of the same, or of any part thereof, a reasonable opportunity so to do, is guilty of a felony.
SEC. 404. Every officer, agent, or stockholder of any railroad company, or other incorporated company, who knowingly assets to, or has any agency in, contracting any debt by or on behalf of such company, unauthorized by law, the amount of which debt, with other debts of the company, exceeds its available means for the payment of its debts at the time such debt is contracted, including its bona fide and available stock subscriptions, and exclusive of its real estate, is guilty of a misdemeanor; Provided, that the provisions of this section shall not affect the validity of a debt created in violation of its provisions as against the company.

SEC. 405. Every director of a corporation or joint-stock association is deemed to possess such a knowledge of the affairs of his corporation as to enable him to determine whether any act, proceeding, or omission of the directors is a violation of this chapter.

SEC. 406. Every director of a corporation or joint-stock association who is present at a meeting of the directors at which any act, proceeding, or omission of such directors, in violation of this chapter occurs, is deemed to have concurred therein, unless he at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors.

SEC. 407. Every director of a corporation or joint stock association, although not present at a meeting of the directors at which any act, proceeding or omission of such directors, in violation of this chapter, occurs, is deemed to have concurred therein, if the facts constituting such violation appear on the records or minutes of the proceedings of the board of directors, and he remains a director of the same company for six months thereafter, and does not within that time cause or in writing require his dissent from such illegal action to be entered in the minutes of the meetings of the directors.

SEC. 408. It is no defense to a prosecution for a violation of the provisions of this chapter that the corporation was one created by the laws of any other or foreign State, government, or country, if it was one carrying on business or keeping an office therefor within the Canal Zone.

SEC. 409. The term "director," as used in this Chapter, embraces any of the persons having by law the direction or management of the affairs of a corporation, by whatever name such persons are described in its charter or by-laws.

CHAPTER XII.

Fraudulent Issue of Documents of Title to Merchandise.

SEC. 410. Every person, being the master, owner, or agent of any vessel, or officer or agent of any railroad, express, or transportation
company, or otherwise being or representing any carrier, who delivers any bill of lading, receipt, or other voucher, by which it appears that any merchandise of any description has been shipped on board any vessel, or delivered to any railroad, express or transportation company, or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner, or agent of such vessel, or of some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt, or voucher, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

Sec. 411. Every person carrying on the business of a warehouseman, wharfinger or other depository of property, who issues any receipt, bill of lading, or other voucher for any merchandise of any description, which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

Sec. 412. No person can be convicted of an offense under the two preceding sections by reason of the fact that the contents of any barrel, box, case, cask, or other vessel or package mentioned in the bill of lading, receipt or other voucher, did not correspond with the description given in such instrument of the merchandise received, if such description corresponded substantially with the marks, labels, or brands upon the outside of such vessel or package, unless it appears that the accused knew that such marks, labels or brands were untrue.

Sec. 413. Every person mentioned in this Chapter, who issues any second or duplicate receipt or voucher, of a kind specified therein, at a time while any former receipt or voucher for the merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "duplicate," in a plain and legible manner, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

Sec. 414. Every person mentioned in this Chapter, who sells, hypotheicates, or pledges any merchandise for which any bill of lading, receipt or voucher has been issued to him, without the consent in writing thereto of the person holding such bill, receipt or voucher, is punishable by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

Sec. 415. The two preceding sections do not apply where property is demanded or sold by virtue of process of law.
Malicious Injuries to Railroad Bridges, Highways, Bridges, and Telegraphs.

SEC. 416. Every person who maliciously, either:
1. Removes, displaces, injures, or destroys any part of any railroad, whether for steam or any other power, or any track of any railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station-house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or,
2. Places any obstruction upon the rails or track of any railroad, or of any switch, branch, branchway, or turnout connected with any railroad, is guilty of a felony, and shall be punished accordingly.

SEC. 417. Every person who maliciously digs up, removes, displaces, or otherwise injures or destroys any public bridge, viaduct or culvert, is punishable by imprisonment in the penitentiary not exceeding five years.

SEC. 418. Every person who maliciously removes or injures any mile board, post, or stone, or guide-post, or any inscription on such, erected upon any highway, is guilty of a misdemeanor.

SEC. 419. Every person who maliciously takes down, removes, injures, or obstructs any line of telegraph or telephone, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wires thereof, is guilty of a misdemeanor.

SEC. 420. Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir, used for the purpose of holding or conveying water for manufacturing, agricultural, irrigating, or generation of power for domestic uses, or who shall, without like authority, raise, lower or otherwise disturb any gate or other apparatus thereof used for the control or measurement of water, or who shall empty or place, or cause to be emptied or placed, into any such canal, ditch, flume or reservoir, any rubbish, filth, or obstruction to the free flow of the water, is guilty of a misdemeanor.

Chapter XIV.

Malicious Mischief.

SEC. 421. Every person who maliciously injures or destroys any real or personal property not his own, in cases otherwise than such as are specified in this Code, is guilty of a misdemeanor. The specification of the acts enumerated in the following sections of this Chapter
is not intended to restrict or qualify the interpretation of this section.

Sec. 422. Every person who wilfully administers any poison to an animal, the property of another, or maliciously exposes any poisonous substance, with the intent that the same shall be taken or swallowed by any such animal, is punishable by imprisonment in the penitentiary not exceeding three years, or a fine not exceeding five hundred dollars, or both.

Sec. 423. Every person who maliciously kills, maims, or wounds an animal, the property of another, or who maliciously and cruelly beats, tortures or injures any animal, whether belonging to himself or another, is guilty of a misdemeanor.

Sec. 424. Every person who, within any public park, plaza, or highway, kills, wounds or traps any bird, or destroys any bird's nest, or removes any eggs or young birds from any nest, is guilty of a misdemeanor.

Sec. 425. Every person who maliciously, by the explosion of gunpowder or other explosive substance, destroys, throws down, or injures the whole or any part of any building, by means of which the life or safety of any human being is endangered, is guilty of a felony.

Sec. 426. Every person who wilfully commits any trespass by either:

1. Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another, or upon public lands; or,

2. Carrying away any kind of wood or timber lying on such lands; or,

3. Maliciously injures or destroys any standing crops, fruits, or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this Code; or,

4. Digging, taking, or carrying away from any lot situated within the limits of any municipality, without the license of the owner or legal occupant thereof, any earth, soil or stone; or,

5. Digging, taking, or carrying away from any land in any of the municipalities, recognized or established as a street, alley, avenue or park, without the license of the proper authorities, any earth, soil or stone; or,

6. Putting up, affixing, fastening, printing, or painting upon any property belonging to the Government or municipality, city, village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto, is guilty of a misdemeanor.

*Amended by Executive Order

Date Oct 2, 1909
Sec. 427. Every person passing through the gate or guard of an enclosure of another and leaving the same open, is guilty of a misdemeanor and punishable by a fine of not more than twenty-five dollars.

Sec. 428. Every person wilfully or maliciously throwing down a fence to make passage through an enclosure is guilty of a misdemeanor.

Sec. 429. Every person who either:
1. Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, or a place where a subaqueous telegraph cable lies; or,
2. Maliciously defaces or alters the marks upon any such monument; or,
3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks; is guilty of a misdemeanor.

Sec. 430. Every person who wilfully and intentionally breaks down, pulls down, or otherwise destroys or injures any public jail or other place of confinement, is punishable by fine not exceeding ten thousand dollars, and by imprisonment in the penitentiary not exceeding five years.

Sec. 431. Every person who wilfully and maliciously cuts, breaks, injures, or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed tide or marsh land, or to store or conduct water for agricultural or other purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or wilfully or maliciously makes, or causes to be made, any aperture in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same, or draws up, cuts, or injures any piles fixed in the ground for the purpose of securing any seabank, or sea-walls, or any dock, quay, or jetty, lock or sea-wall, is guilty of a felony, and upon conviction, punishable by a fine not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment not exceeding two years, or by both.

Sec. 432. Every person who unlawfully masks, alters, or removes any light or signal, or wilfully exhibits any light or signal, with intent to bring any vessel into danger, is punishable by imprisonment in the penitentiary not less than five nor more than twenty years.

Sec. 433. Every person who unlawfully obstructs the navigation of any navigable stream, or water, is guilty of misdemeanor.

Sec. 434. Every person who, within the anchorage of any port, harbor, or cove, into which vessels may enter for the purpose of receiving or discharging cargo, throws overboard from any vessel the ballast, or any part thereof, or who otherwise places or causes to be
placed in such port, harbor, or cove, any obstructions to the navigation thereof, is guilty of a misdemeanor.

Sec. 435. Any person or persons who shall moor any vessel or boat of any kind, or any raft or scow to any buoy or beacon placed in the water within the jurisdiction of the Government of the Canal Zone, or shall in any manner hang on to the same with any vessel, boat, raft, or scow, or shall wilfully remove, damage, or destroy such buoy or beacon or any part of the same, or shall cut down, remove, damage, or destroy any beacon or beacons erected or located within the jurisdiction of the Government of the Canal Zone, is guilty of a misdemeanor.

The cost of repairing or replacing any such beacon which may have been misplaced, damaged or destroyed, shall, when said cost shall have been legally ascertained, be a lien upon such vessel, boat, raft or scow.

* Sec. 436. Every person who wilfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected or used by persons engaged in the United States Coast Survey, is guilty of a misdemeanor.

Sec. 437. Every person who intentionally defaces, obliterates, tears down or destroys any copy or transcript, or extract from or of any law of the United States or of the Canal Zone, or any proclamation, advertisement, or notification set up at any place in the Canal Zone, by authority of any laws of the United States or of the Canal Zone, or by order of any court, before the expiration of the time for which the same was to remain set up, is punishable by fine not less than twenty-five dollars, or by imprisonment in jail not more than thirty days.

Sec. 438. Every person who maliciously mutilates, tears, defaces, obliterates, or destroys any written instrument, the property of another, the false making of which would be forgery, is punishable by imprisonment in the penitentiary for not less than one nor more than five years.

Sec. 439. Every person who wilfully opens or reads, or causes to be read, any sealed letter not addressed to himself, without being authorized to do so, either by the writer of such letter or by the person to whom it is addressed, and every person who, without the like authority, publishes any of the contents of such letter, knowing the same to have been unlawfully opened, is guilty of a misdemeanor.

Sec. 440. Every person, not the owner thereof, who wilfully injures, disfigures or destroys any monument, work of art, or useful or ornamental improvement within the limits of any municipality, or any shade tree or ornamental plant growing therein, whether situated upon private grounds or on any street, sidewalk, or public park or place, is guilty of a misdemeanor.

Sec. 441. Every person who wilfully breaks, digs up, obstructs, or injures any pipe or main for conducting gas or water, or any works
erected for supplying buildings with gas or water, or any appurtenances or appendages therewith connected, is guilty of a misdemeanor.

Chapter XV.

Offenses Against the Telegraph Service.

Sec. 442. Every agent, operator, or employe of any telegraph, cable or telephone office, who wilfully refuses or neglects to send any message received at such office for transmission, or wilfully postpones the same out of its order, or wilfully refuses or neglects to deliver any message received by telegraph, cable or telephone, is guilty of a misdemeanor. Nothing herein contained shall be construed to require any message to be received, transmitted or delivered, unless the charges thereon have been paid or tendered, not to require the sending, receiving or delivery of any message counseling, aiding, abetting, or encouraging treason, or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime, or any message containing abusive, blasphemous or indecent language.

Sec. 443. Every agent, operator, or employe of any telegraph or cable office, who in any way uses or appropriates any information derived by him from any private message passing through his hands, and addressed to any other person, or in any other manner acquired by him by reason of his trust as such agent, operator or employe, or trades or speculates upon any such information so obtained, or in any manner turns, or attempts to turn the same to his own account, profit, or advantage, is punishable by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 444. Every person who, by means of any machine, instrument, or contrivance, or in any other manner, wilfully and fraudulently reads, or attempts to read, any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or wilfully and fraudulently, or clandestinely learns, or attempts to learn, the contents or meaning of any message while the same is in any telegraph or cable office, or is being received thereat or sent therefrom, or who uses or attempts to use, or communicates to others, any information so obtained, is punishable by imprisonment for not more than five years, or by fine of not to exceed five thousand dollars, or both.

Sec. 445. Every person who, by the payment or promise of any bribe, inducement, or reward, procures, or attempts to procure, any tele-
graph or cable agent, operator, or employe to disclose any private message, or the contents, purport, substance, or meaning thereof, or offers to any such agent, operator, or employe any bribe, compensation or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator or employe, or uses, or attempts to use, any such information so obtained, is punishable by imprisonment for not more than five years, or by fine of not more than five thousand dollars, or both.

Sec. 446. Every person who wilfully discloses the contents of any telegraphic or cable message, or any part thereof, addressed to another person, without the permission of such person, unless directed so to do by the lawful order of a court, is guilty of a misdemeanor.

Sec. 447. Every person who wilfully alters the purport, effect, or meaning of a telegraphic or cable message to the injury of another, is guilty of a misdemeanor.

Sec. 448. Every person not connected with any telegraph or cable office who, without the authority or consent of the person to whom the same may be directed, wilfully opens any sealed envelope inclosing a telegraphic or cable message and addressed to any other person, with the purpose of learning the contents of such message, or who fraudulently represents any other person, and thereby procures to be delivered to himself any telegraphic or cable message addressed to such other person, with the intent to use, destroy, or detain the same from the person or persons entitled to receive such message, is guilty of a misdemeanor.

Title XVII.

Concealed Weapons.

Sec. 449. No person shall have or carry a firearm, or carry ready for use any other weapon in the Canal Zone, in or upon any public place, road, highway, street or store, cafe, dwelling, or tenement of land not his own, or have a loaded firearm in any place inhabited or occupied by him, except as shall be permitted and provided for in this Title. The words "public place," as used herein, shall extend to and include any place where three or more persons are met together.

Sec. 450. The prohibition contained in the foregoing section shall not apply to the possession of firearms by any person when engaged in the performance of his duties:

1. When engaged in the military or naval service of the United States;

2. In the Canal Zone or any municipal police force;

3. Engaged in carrying the mails, or employed as or by a common carrier of passengers or merchandise;
4. A United States marshal, or deputy marshal, the marshal of the Supreme Court, or any other court officer charged with the execution of any judicial writ or process;

5. Collectors of taxes, internal revenues and duly appointed internal revenue agents and sub-agents, and deputy tax collectors;

6. Persons charged with the custody as watchmen or keepers of United States, Canal Zone or municipal property or funds, carrying a written authorization from a competent authority to act as such.

SEC. 451. All other persons desiring to carry firearms abroad, loaded or unloaded, for any proper purpose or special protection, or authority to arm a watchman or overseer of an estate, plantation, factory, warehouse, dock or pier, shall make application for a permit to the Treasurer of the Canal Zone. Such application shall state the full name, residence and occupation of the applicant, set forth fully the reasons on which the application for the permit is based, and if it is for a person employed to watch or protect private property, shall describe the nature and situation of such property and specify the name of such watchman. The Treasurer shall make, or cause to be made, an investigation into the said application, and, when necessary, may refer it through the usual police channels to the officer in command of the post of police nearest the residence of the applicant for such information as may be required. The Treasurer shall grant or refuse said application, and shall notify the applicant of his action thereon. All fees for licenses paid hereunder shall be covered into the Treasury and accounted for monthly to the Auditor.

SEC. 452. A similar application shall be made by any person desiring to keep a loaded firearm upon the premises occupied by him as a dwelling, or as his place of business, for the purpose of protecting himself or his property, to the Mayor of the municipality in which such premises are situated. The Mayor shall thereupon, unless the applicant has been convicted in any court of assaulting or threatening another with a firearm, issue such a permit upon payment of a license fee of five dollars ($5.00) for the benefit of the municipal treasury, provided the applicant dwells in a town or hamlet, and one dollar ($1.00) if he dwells in a rural community. Such permit shall be written or printed, shall contain the name of the person to whom it is issued and the premises on which said firearm may be kept, and shall expressly state that it does not authorize the owner to carry the firearm or permit it to be carried away from his said residence or place of business.

SEC. 453. All applications for license or permits under the two foregoing sections must be endorsed by two reputable tax-payers, who shall certify that the applicant is personally known to them, and that such a license or permit may be issued to him with safety and propriety.

*Amended by Executive Order

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Sec. 454. Permits to hunt with firearms upon the public lands of the Canal Zone or on the lands of private ownership, but without prejudice to the rights of the owners, may be issued by the Treasurer of the Canal Zone upon application made to him.

Sec. 455. All licenses and permits issued under the provisions of this Title shall authorize the person to whom the license is issued to have, use or carry a firearm for the purposes named therein from the date of such license to and including the fifteenth day of June next following the date upon which the license is issued. Such permits or licenses shall not be transferable, and shall be issued to one person only, except that a firm or corporation may obtain a license authorizing it to arm a watchman or overseer of premises owned or leased by it.

Sec. 456. The license fees for permits issued by the Treasurer under the provisions of this Title shall be as follows: For every permit issued to carry a firearm abroad, five dollars ($5.00); for every permit authorizing an overseer or watchman engaged by a private employer, ten dollars ($10.00) for each watchman or overseer so authorized to carry a firearm; for each hunting permit, five dollars ($5.00). The Treasurer shall keep a record of all licenses issued by him, with the name and residence of the persons to whom they are issued, and the date and serial number thereof.

Sec. 457. No person shall carry abroad in the Canal Zone any stiletto, metal knuckles, dagger, poignard, sword cane, or other sharp or pointed instrument, or slug shot, or carry concealed on his person either of the foregoing or any other weapon. The term “abroad,” as used in this Title, shall be held to mean away from the home or place of business or habitual dwelling place of the owner; Provided, however, that the prohibition of this section shall not apply to ordinary folding pocket knives having blades less than three inches in length; and to the ordinary tools and implements of trade, including the instrument known as the machete, solely when used or necessarily carried for the purpose of cutting grass, cane, wood or timber, or for any other purpose legitimately incident to the occupation of the owner; but the clause last foregoing shall exempt from the penalty hereinafter prescribed only when the weapon is carried as a necessary instrument to a legitimate occupation.

Sec. 458. Infractions of the prohibitions of this Title shall be punished as follows: Any person who shall have a loaded firearm in his house or place of business without the Mayor’s permit, provided for in Section 452, shall be punished by a fine of five dollars ($5.00) or an imprisonment of ten days in the municipal jail, in the discretion of the municipal judge. Any person who shall have, use or carry a firearm abroad, except he shall be included in one of the provisions of this Code, or shall have obtained a license therefor from the Treasurer of
the Canal Zone, shall be fined from five (5) to fifteen dollars ($15.00),
or imprisonment for not less than thirty days, or both fine and impris-
onment, in the discretion of the municipal judge. Any person who car-
ries abroad any other weapon in violation of this Code shall be pun-
ished by a fine of not more than fifteen dollars ($15.00) or imprisoned
not exceeding thirty days, or both fined and imprisoned, in the discre-
tion of the municipal judge.

Sec. 459. The municipal judge of the municipality wherein the viola-
tion occurs shall have jurisdiction of prosecutions under this Title.
Complaints may be made by any officer of police or by any other per-
son having knowledge of the fact. It shall be the duty of any police
officer to arrest any person carrying a firearm or weapon in violation of
the provisions of this Title, and in addition to the fine or imprisonmen,
the judge may declare the firearm or other weapon forfeited.
Weapons seized or forfeited under this provision shall be sold under
the order of the Mayor of the municipality in which the court is held,
and the proceeds shall be paid into the municipal treasury.

Sec. 460. It shall be unlawful for any police officer to search any
citizen engaged in the orderly and peaceful pursuit of his avocation for
the purpose of seizing any firearm or weapon included in the terms of
this Title. It shall be lawful, however, to make such a search upon
the person of any person who is guilty of or is threatening a breach
of the peace or any person who is intoxicated or disorderly. Penali-
ties for infractions of this Title imposed upon intoxicated and dis-
orderly persons shall be in addition to the penalties incurred for such
intoxication or disorderly conduct.

Sections 449 to 460
Repealed

Title XVIII.

Final Provisions.

Sec. 461. Words used in this Code in the present tense include the
future as well as the present; words used in the masculine gender
shall be held to include all genders, except where such construction
would be absurd or unreasonable; the singular number includes the
plural, and the plural the singular; the word “person” includes a cor-
poration as well as a natural person; writing includes printing; oath
includes affirmation or declaration; and every mode of oral statement
under oath or affirmation is embraced by the term “testify,” and every
written one in the term “depose”; signature or subscription includes
mark, when the person cannot write, his name being written near it,
and witnessed by a person who writes his own name as a witness.
The following words, also, have in this Code the signification attached to them in this section, unless otherwise apparent from the context:

First. The word "wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to.

Second. The words "neglect," "negligence," "negligent," and "negligently," import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

Third. The word "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

Fourth. The words "malice" and "maliciously" import the doing of a wrongful act, intentionally, without just cause or excuse, a conscious violation of the law to the prejudice of another.

Fifth. The word "knowingly" imports a personal knowledge. It does not require any knowledge of the unlawfulness of such an act or omission.

Sixth. The word "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give anything asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity.

Seventh. The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons.

Eighth. The word "property" includes both real and personal property.

Ninth. The words "real property" are co-extensive with lands, and whatever is erected, or growing upon, or fixed to the land.

Tenth. The words "personal property" include money, goods, chattels, things in action, and evidences of debt.

Eleventh. The word "year" as used in this Code means a calendar year; the word "month" means a calendar month, unless otherwise expressed.

Twelfth. The word "will" includes codicils.

Thirteenth. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings.

Fourteenth. Words and phrases must be construed according to the context and the approved usage of the language.

Fifteenth. Words giving a joint authority to three or more public
officers or other persons are construed as giving such authority to a majority of them, unless it be otherwise expressed in the act giving the authority.

Sixteenth. When the seal of a court or public officer is required by law to be affixed to any paper, the word “seal” includes an impression of such seal upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word “seal” against his name.

All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

This Act shall take effect and be in force on and after twelve o’clock noon of the tenth day of September, 1904.

Enacted September 3, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

CRIMINAL PROCEDURE.

Act No. 15.

An Act to establish a code of criminal procedure for the Canal Zone, Isthmus of Panama.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

Title of the Act.

Section 1. This Act shall be known as the “Code of Criminal Procedure for the Canal Zone, Isthmus of Panama.”

General Provisions.

Sec. 2. No person can be punished for an offense except upon a legal conviction in a court having jurisdiction thereof.

Conviction may be had: 1. On confession by defendant in open court; 2. By judgment of a court of competent jurisdiction without confession.

Sec. 3. Every offense of which the Circuit Court has jurisdiction must be prosecuted by information filed by the prosecuting attorney in open court, verified by his affidavit that the information is based upon
testimony of witnesses sworn before him; except cases that are triable before municipal courts, when appealed to the Circuit Court, shall be tried on the original complaint and warrant. In such cases the trial shall be de novo.

Sec. 4. The proceedings by which a party charged with a public offense is accused and brought to trial and punishment is known as a "criminal action."

Sec. 5. A criminal action is prosecuted in the name of the Government of the Canal Zone as a party against the person charged with the offense.

Sec. 6. No person can be subjected to a second prosecution for a public offense for which he has once been prosecuted and convicted or acquitted.

Sec. 7. No person can be compelled, in a criminal action, to be a witness against himself, nor can a person charged with a public offense be subjected, before conviction, to any more restraint than is necessary for his detention to answer the charge.

Sec. 8. The jurisdiction of an offense shall be in the Circuit Court of the circuit where the offense has been committed.

Sec. 9. Every person is liable to punishment by the law of the Canal Zone for an offense committed by him therein, except where it is by law cognizable by the courts of the United States.

Sec. 10. The party prosecuted in a criminal action is designated in this Code as the "defendant."

Sec. 11. In a criminal action the defendant is entitled:
1. To a speedy and public trial.
2. To be allowed counsel, or to appear and defend in person and with counsel.
3. To produce witnesses on his behalf.
4. To be confronted with the witnesses against him in the presence of the court, except that where the charge has been preliminarily examined before a prosecuting attorney or municipal court, or where the testimony of a witness on the part of the prosecution who is unable to give security for his appearance has been taken in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness, the deposition of such witness may be read, upon its being satisfactorily shown to the court that he is dead or insane, or cannot with due diligence be found within the Canal Zone.

The examination of witnesses by the prosecuting attorney, as provided for in Section 3, must be in private, and he shall not interrogate witnesses produced for the defendant except during the public trial.

Sec. 12. A magistrate is an officer having power to issue a warrant for the arrest of a person charged with a public offense.
SEC. 13. The following persons are magistrates:
1. The justices of the Supreme Court.
2. The judges of Circuit Courts.
3. Municipal judges.
4. Prosecuting attorneys.

TITLE I.

Municipal Judges.

SEC. 14. A municipal judge may conduct the proceedings of any other municipal judge of the same judicial circuit upon inability to act, sickness or any other cause. In such cases the proper entry of the proceedings of such municipal judge so acting shall be made in the docket of the municipal judge for whom he so acts.

SEC. 15. The term of office of a municipal judge shall be for two years from the first Monday in January after appointment.

SEC. 16. Municipal judges shall have original jurisdiction in all cases of misdemeanors wherein the fine that may be imposed would not exceed twenty-five dollars, or when the imprisonment in jail would not exceed thirty days, or both. They shall have jurisdiction with the Circuit Court in cases of violation of municipal and police ordinances and sanitary rules and regulations.

SEC. 17. All proceedings before municipal judges shall be public.

SEC. 18. Before a warrant shall issue in any case, a complaint must be made by affidavit of the complaining witness, clearly charging therein the offense committed, and such affidavit must be signed by said complaining witness.

SEC. 19. Every affidavit shall contain as particularly as can be done the nature of the offense and the circumstances attending its commission. In cases of larceny it must recite as nearly as possible the particular description of the article or articles stolen and the value of each.

SEC. 20. After a complaint has been made charging that an offense has been committed against the laws of the Canal Zone, and the municipal judge before whom such complaint was made is satisfied that the complaint charges an offense, he shall forthwith issue a warrant of arrest for the offending party, directed to any peace officer of said district, commanding the said peace officer to forthwith arrest the offender, and bring him before the said municipal judge. The warrant shall set forth the offense charged, and the particulars as to time, place, person and property, so as to enable the defendant to understand the nature and character of such offense.

SEC. 21. A warrant of arrest is an order in writing, in the name of the Government of the Canal Zone, signed by a municipal judge or

*Amended by Executive Order

Date March 18, 19
other authority commanding the arrest of the defendant, and shall be substantially as follows:

"The Government of the Canal Zone to...........peace officer in the Canal Zone against...........defendant.

"Complaint upon oath having been made by...........on this...., day of ......, before me..........., municipal judge, that the offense of (designating it generally) has been committed, and charging ...........therewith, you are hereby commanded to arrest forthwith the above named...........and bring him before me at (naming the place), and thereof do not fail."

Sec. 22. In the event that the offense charged against the person be a misdemeanor, the defendant may be admitted to bail upon executing a bond in a sum to be fixed by the municipal judge not exceeding five hundred dollars. Such bond shall be in favor of the "Government of the Canal Zone" upon condition that the defendant shall be and appear before said municipal judge at a certain date therein mentioned; said bond shall be signed by the defendant and two or more good and sufficient sureties. The date of the appearance shall not be later than three days from the signing of the bond. Should the defendant fail to enter into such bond, the said municipal judge shall commit him to jail awaiting trial.

Sec. 23. Whenever a person arrested charged with an offense cognizable by a municipal judge submits himself to trial, he shall give the names of his witnesses, if he has any, their places of abode, and the municipal judge shall forthwith issue summons for the same to testify in said cause. The summons shall state the day, hour, and place of trial, and if the witnesses fail to appear, the municipal judge shall have power to issue an attachment for them, compelling their attendance. If after an examination as to the cause for non-appearance, the municipal judge is satisfied that the absence was intentional or the excuse offered was not a reasonable one, he shall have the power to fine the said witnesses for non-attendance. The fine that may be imposed shall not exceed two dollars and fifty cents, and in default thereof he shall commit the person fined to jail not exceeding five days.

Sec. 24. When a defendant is put upon trial, the municipal judge shall read the complaint to the defendant, whereupon the defendant may plead to the same, which plea shall be "guilty" or "not guilty." Should the defendant refuse to answer or plead to the same, the judge shall enter a plea of not guilty, whereupon the court shall examine witnesses to determine from the evidence whether the defendant be guilty or not guilty. Should the defendant plead guilty, the court shall, after hearing testimony to determine the gravity of the offense, within twenty-four hours thereafter, render his decision as to the amount of punishment to be inflicted.
SEC. 25. After having heard the charge, if the defendant plead "not guilty," the court shall proceed as follows:

First. He shall examine under oath the witnesses for the prosecution. The oath shall be as follows: "You do solemnly swear before Almighty God that you will tell the truth, the whole truth, and nothing but the truth, in the matter now pending before me."

Second. He shall examine under oath the witnesses for the defendant, including the defendant himself if he wishes to testify; if the defendant does not testify, that fact cannot be used against him.

Third. Witnesses for the prosecution may be called to rebut any testimony given by the defendant or his witnesses and for no other purpose.

Fourth. The court shall then consider the evidence, and within twenty-four hours thereafter render his decision. The trial must be had and a decision rendered in the presence of the defendant. When a decision is in favor of the defendant by acquitting him of the charge, he shall be at once released. Should the decision be that the defendant is guilty, the court shall, within the time limit, fine or commit the defendant to jail, or both, as the case may be.

SEC. 26. A private person who has arrested another for the commission of an offense must, without unnecessary delay, take the person arrested before a court or deliver him to a peace officer.

SEC. 27. An officer making an arrest in obedience to a warrant must proceed with the person arrested as commanded by the warrant or as provided by law.

SEC. 28. When an arrest is made without a warrant by a peace officer or private person, the person arrested must be taken without unnecessary delay before the nearest or most accessible municipal judge in the circuit in which the arrest is made, and a complaint stating the charge against the person arrested shall be made before such municipal judge at once.

SEC. 29. If the offense charged is a felony, the officer making the arrest must take the defendant before the officer who issued the warrant or before whom it is made returnable, or some municipal judge of the same circuit.

SEC. 30. If the offense charged is a misdemeanor and the defendant is arrested in another circuit, the officer must, upon being required by the defendant, take him before a municipal judge in that circuit, who may admit the defendant to bail to answer before the judge issuing the warrant within a reasonable time.

SEC. 31. On such taking of bail the municipal judge must certify that fact on the warrant, and deliver the warrant and undertaking of bail to the officer having charge of the defendant. The officer must then release the defendant from custody, and without delay deliver the
warrant and undertaking to the municipal judge before whom the defendant is required to appear.

Sec. 32. If, on the admission of the defendant to bail, the bail is not forthwith given, the officer must take the defendant before the municipal judge who issued the warrant or to whom it is made returnable, or, in case of his absence or inability to act, before the nearest or most accessible municipal judge in the same circuit, and must at the same time deliver to the municipal judge the warrant with his return thereon indorsed and subscribed by him.

Sec. 33. When a municipal judge orders the defendant to be committed, he must make out a commitment signed by him, with his name and office, and deliver it, with the defendant, to the officer to whom he is committed, or if that officer is not present, to a peace officer, who must deliver the defendant to the proper custody, together with the commitment.

Sec. 34. The commitment must be to the following effect:

"............. Judicial Circuit,
"Municipality of..........
............. Judicial Circuit.
"The Government of the Canal Zone, to the warden of the jail of circuit.
"An order having been this day made by me that.............be held to answer upon a charge of (stating briefly the nature of the offense and giving as near as may be the time when and the place where the same was committed), you are commanded to receive him into your custody and detain him until he is legally discharged.
"Dated this.... day of............., nineteen............."

Sec. 35. On holding the defendant to answer, the municipal judge may take from each of the material witnesses examined before him on the part of the Government a written undertaking, to the effect that he will appear and testify at the court to which the warrant and other proceedings are to be sent, or that he will forfeit the sum of one hundred dollars.

Sec. 36. When a municipal judge is satisfied, by proof on oath that there is reason to believe that any such witness will not appear and testify unless security is required, he may order the witness to enter into a written undertaking, with sureties, in such sum as he may deem proper for his appearance as specified in the preceding section.

Sec. 37. If a witnesses, required to enter into an undertaking to appear and testify, either with or without sureties, refuses compliance with the order for that purpose, the municipal judge must commit him to jail until he complies or is legally discharged.

Sec. 38. When, however, it satisfactorily appears by examination on oath, of the witness, or any other person, that the witness is unable to procure sureties, he may be forthwith conditionally examined on be-
half of the Government of the Canal Zone; such examination must be by question and answer, in the presence of the defendant, or after notice to him, if on bail, and conducted in the same manner as the examination before a municipal judge is required by this Code to be conducted, and the witness thereupon discharged; but this section does not apply to an accomplice in the commission of the offense charged.

Sec. 30. When a municipal judge has discharged a defendant, or has held him to answer, he must transmit to the clerk of the court at which the defendant is required to appear, the warrant, the complaint, the depositions, if any, and all undertakings of bail, or for the appearance of witnesses taken by him.

Sec. 40. The defendant must in all cases be taken before a municipal judge without unnecessary delay for examination, and any attorney-at-law entitled to practice in the courts of the Canal Zone, the Republic of Panama, or the United States, may, at the request of the prisoner, after such arrest, visit the person so arrested.

Sec. 41. Whenever any person is charged with an offense not triable before the municipal judge, the said judge shall, upon an investigation as to whether the offense charged has been committed, and if the municipal judge be satisfied that the offense has been committed, and there exists probable cause that the defendant has committed the same, he shall remand the defendant to jail, or admit him to bail, as the case may be, for his appearance before the Circuit Court to answer said charge. If there be no evidence that an offense has been committed, or no probable cause showing the defendant's connection therewith, he shall be discharged.

Sec. 42. In case of felony, if the municipal judge desire the attendance of the prosecuting attorney at the examination, the prosecuting attorney shall appear, provided he is not engaged in criminal proceedings in court.

Sec. 43. When a day is set for trial by the said municipal judge, the witnesses for the prosecution shall immediately be summoned. Subpoenas being issued and served upon them, they shall appear before the municipal judge where the trial is to take place.

Sec. 44. An appeal may be taken by the defendant upon giving notice of his intention so to do at the time of the rendition of the judgment by filing with the court a written notice of appeal. When the appeal is from a judgment for a fine, the defendant must, within two days after rendition of judgment, file with the court an undertaking in writing, with two good and sufficient sureties, to guarantee the fine and costs that may be imposed upon the said defendant by the Circuit Court, including all fines and costs had before the municipal court. A deposit of money equal to four times the amount of fines and costs imposed by the court shall be taken in lieu of such surety.

*Amended by Executive Order.

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Sec. 45. If, on appeal, the judgment is rendered against the defendant, or if the appeal is dismissed, the Circuit Court shall, at the expiration of five days, render judgment against the sureties for the amount of fine and costs if not paid.

Sec. 46. When the appeal is from a judgment of imprisonment, the Circuit Court shall take from the defendant a written undertaking in such sum, not to exceed five hundred dollars, with such sureties as the clerk thereof may approve, or a deposit of the sum of five hundred dollars, that the defendant will abide the sentence of the Circuit Court, upon appeal, and may thereupon order that he be discharged from custody upon service of the order upon the officer having him in custody, or if he be not in custody, that all proceedings on the judgment be stayed.

Sec. 47. When a person is arrested, charged with an offense, and brought before a municipal judge, he shall have and be notified of the right to waive trial and submit his case for trial before the Circuit Court, upon entering into a bond with good and sufficient surety, to be approved by the said judge, to pay all costs and whatever fine may be imposed by the said Circuit Court. Or he may submit to trial, and should he feel aggrieved at the decision of the court, he shall have a right to appeal to the Circuit Court, provided he gives a bond as provided for in appeals.

Sec. 48. In all cases, whether the defendant appeals before or after trial, he will either be committed to jail or enter into good and sufficient bond, to be approved by the municipal judge, to answer for his appearance at the Circuit Court, on a specified day named in said bond.

Sec. 49. Before the commencement of a trial in any of the municipal courts mentioned in this Chapter, either party, upon good cause shown, may have a postponement of the same, provided such postponement is not for more than three days.

Sec. 50. When the judgment is rendered against a defendant that he pay a fine and the costs of said proceeding; should he fail to do so at once, the judge shall commit him to jail, to be confined one day for each one dollar of fine and costs remaining unpaid; said imprisonment in the aggregate shall not exceed ninety days.

Sec. 51. Every municipal judge must keep a book denominated "Criminal Docket," which shall be separate and distinct from the "Civil Docket," in which he must enter:

First. The title of every action or proceeding, which shall be "The Government of the Canal Zone vs. .......... defendant."

Second. The date of the warrant, the defendant's name and when arrested; the names of the complaining witnesses, and the time of issuing summons and the return thereon by the party who served it; the time of trial and judgment thereof, or if there be no trial under

*Amended by Executive Order

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a plea of guilty, the amount of fine or time of imprisonment, or if it be a case in which the offense is beyond the jurisdiction of the municipal judge, the commitment or bail, or whatever proceeding therein is had. There shall also be in each case an itemized statement of the costs and expenses.

Third. The demand for a trial before the Circuit Court, when the same is made, and by whom.

Sec. 52. The municipal judge shall have power:
First. To preserve and enforce order.
Second. To enforce order in the proceedings before him or before a person or persons empowered to conduct the judicial investigation under his authority.
Third. To provide for the orderly conduct of proceedings before him or his officers.
Fourth. To compel obedience to his judgments, orders and processes in an action or proceeding pending therein.
Fifth. To control, in the furtherance of justice, the conduct of all persons in any manner connected with the judicial proceeding before him, and in every other matter appertaining thereto.
Sixth. To compel the attendance of persons to testify in any proceeding pending therein in the cases and manner provided in this or the Penal Code.
party, and taxed as a part of the costs against the defeated party. In criminal actions the fee shall be paid by the municipality, but shall be taxed as a part of the costs to be paid by the defendant, if he be convicted and sentenced to pay the costs.

Sec. 55. In cases of appeal from the Municipal Court to the Circuit Court before or after trial in cases triable before the Municipal Court, the proceedings had therein in said Circuit Court shall be final, and there shall be no appeal from the judgment of said Circuit Court.

Sec. 56. A municipal judge shall have power to punish for contempt committed before him in the exercise of his judicial duties by a fine not exceeding two dollars and fifty cents, or imprisonment in jail not exceeding five days, or both.

Sec. 57. It shall be lawful for any peace officer, where attempting to serve any criminal process issued by any Municipal Court or other authority, to summon a sufficient number of men to assist in the arresting or safekeeping of any person who refuses to be taken or who is likely to make his escape; and if any person summoned as aforesaid shall disobey such summons, he shall be guilty of a misdemeanor.

Sec. 58. The style of all processes shall be in the name of the Government of the Canal Zone.

Sec. 59. It shall be the duty of the several municipal judges to keep all papers relating to criminal matters in good order and on file in their offices for a term not to exceed five days, and within said time to hand over to the Prosecuting Attorney of the Canal Zone the original warrant, the names of the prosecuting witnesses written thereon, the affidavits, depositions, and whatever other proceedings taken in any and every criminal case.

Sec. 60. All undertakings must be filed with and all moneys deposited in lieu thereof shall remain in the custody of the municipal judge, who shall within five days thereafter turn over the same to the Clerk of the Circuit Court, or as soon thereafter as the case is presented to the Prosecuting Attorney of the Canal Zone.

**Title II.**

**Pleading and Information.**

Sec. 61. All the forms of pleading in criminal actions, and the rules by which the sufficiency of pleadings is to be determined, are those prescribed by this Code.

Sec. 62. The first pleading on the part of the Government is the information.

Sec. 63. The information is an allegation in writing made to a Cir-
cuit Court by the Prosecuting Attorney charging a person with a public offense.

SEC. 64. The information when filed shall be known as the presentment, and must be presented to the Court and be filed with the clerk thereof.

SEC. 65. When a defendant has been committed as provided in Section 33 of this Code, it shall be the duty of the Prosecuting Attorney, within twenty days thereafter, to examine witnesses and file an information in the Circuit Court in the district in which the offense is triable, charging the defendant with such offense, if warranted by the testimony. The information shall be in the name of the Government of the Canal Zone and subscribed by the Prosecuting Attorney as provided for in Section 3 of this Code.

SEC. 66. The information must contain:

1. The title of the action, specifying the name of the court to which the same is presented and the names of the parties.

2. A statement of the acts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended.

SEC. 67. It may be substantially in the following form:

“The Government of the Canal Zone against............in the Circuit Court of the Canal Zone, circuit of............, that............is accused by information filed by the prosecuting attorney of the crime of (here state the character of the crime committed, whether it be murder, arson, larceny, or the like, or designating it as a felony or misdemeanor), committed as follows: The said............on the........day of........A.D., nineteen............, at the circuit aforesaid (here set forth the act or omission charged as an offense), contrary to the form, force and effect of law in such case made and provided, and against the peace and dignity of the Government of the Canal Zone. (Signed by the prosecuting attorney, who shall make the following oath): ‘I hereby certify that the above information is filed, based upon the sworn testimony of witnesses examined before me, and I solemnly believe that there is just cause for the filing of this information.’” (To be sworn to before the clerk of the Court.)

SEC. 68. If the facts as stated in the information constitute an offense triable by the court, the court must direct the clerk to issue a bench warrant for the defendant.

SEC. 69. The clerk shall, on the application of either the judge of the court or the Prosecuting Attorney, whether the court be in session or not, issue a bench warrant under his signature and seal of the court for arrest of the defendant upon the filing of the information.

SEC. 70. The information must be direct and certain as regards:

1. The party charged.

2. The offense charged.
3. The particular circumstances of the offense charged, when they are necessary to constitute a complete offense.

Sec. 71. When a defendant is charged by a fictitious or erroneous name, and in any stage of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the information.

Sec. 72. The information must charge but one offense, but the same offense may be set forth in different forms under different counts, and when the offense is committed by the use of different means, the means may be alleged in the alternative in the same count.

Sec. 73. The precise time at which the offense was committed need not be stated in the information, but it may be alleged to have been committed at any time before the finding or filing thereof, except where the time is a material ingredient in the offense.

Sec. 74. When an offense involves the commission of, or an attempt to commit, a private injury, and is described with sufficient certainty in other respects to identify the act, an erroneous allegation as to the person injured, or intended to be injured, is not material.

Sec. 75. The words used in an information are to be construed in their usual acceptance in common language, except such words and phrases as are defined by law, which are to be construed according to their legal meaning.

Sec. 76. Words used in a law to define a public offense need not be strictly pursued in the information, but other words conveying the same meaning may be used.

Sec. 77. The information is sufficient, if it can be understood therefrom:

1. That it is entitled in a court having authority to receive it, though the name of the court be not stated.
2. That the information be subscribed and presented to the court by the Prosecuting Attorney of the Canal Zone.
3. That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name, with a statement that his true name is to the Prosecuting Attorney unknown.
4. That the offense was committed at some place within the jurisdiction of the court, except where the act, though done without the local jurisdiction of the court, is triable therein.
5. That the offense was committed at some time prior to the time of filing the information.
6. That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.
7. That the act or omission charged as the offense, is stated with
such a degree of certainty as to enable the court to pronounce judgment upon a conviction, according to the right of the case.

Sec. 78. No information is insufficient, nor can the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form which does not tend to the prejudice of the rights of the defendant upon its merits.

Sec. 79. Neither presumptions of law nor matters of which judicial notice is taken need be stated in the information.

Sec. 80. In pleading a judgment or other determination of, or proceeding before a court or officer of special jurisdiction, it is not necessary to state the facts constituting jurisdiction; but the judgment or determination may be stated as given or made, or the proceedings had. The facts constituting jurisdiction, however, must be established on the trial.

Sec. 81. In pleading a private law, or a right derived therefrom, it is sufficient to refer to the law by its title and the day of its passage, and the court must thereupon take judicial notice thereof.

Sec. 82. An information for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libeled of the defamatory matter on which the information is founded; but it is sufficient to state generally that the same was published concerning him, but the fact that it was so published must be established at the trial.

Sec. 83. When an instrument which is the subject of an information for forgery has been destroyed or withheld by the act or procurement of the defendant, and the fact of such destruction or withholding is alleged in the information, and established on the trial, the misdescription of the instrument is immaterial.

Sec. 84. In an information for perjury, or subornation of perjury, it is sufficient to set forth the substance of the controversy or matter in respect to which the offense was committed, and in what court and before whom the oath alleged to be false was taken, and that the court or the person before whom it was taken, had authority to administer it, with proper allegations of the falsity of the matter on which the perjury is assigned; but the information need not set forth the pleadings, record, or proceedings with which the oath is connected, nor the commission or authority of the court or person before whom the perjury was committed.

Sec. 85. In an information for the larceny or embezzlement of money, bank notes, certificates of stock, or valuable securities, or for a conspiracy to cheat or defraud a person of any such property, it is sufficient to allege the larceny or embezzlement, or the conspiracy to cheat or defraud, to be of money, bank notes, certificates of stock or valuable securities, without specifying the coin, number, denoma-
tion, or kind thereof.

Sec. 86. An information for exhibiting, publishing, passing, selling, or offering to sell, or having in possession, with such intent, any obscene book, pamphlet, picture, print, card, paper, or writing, need not set forth any portion of the language used or figures shown upon such book, pamphlet, picture, print, card, paper, or writing; but it is sufficient to state generally the fact of the obscenity thereof.

Sec. 87. Upon an information against several defendants any one or more may be convicted or acquitted.

Sec. 88. All persons concerned in the commission of a felony, whether they directly commit the act constituting the offense or aid in abetting its commission, shall be prosecuted, tried and punished as principals, and no other fact need be alleged in the information against them other than is required in the information against the principal.

Sec. 89. An accessory to the commission of a felony may be prosecuted, tried and punished, though the principal may be neither prosecuted nor tried.

**Title III.**

*Powers and Duties of the Prosecuting Attorney.*

Sec. 90. The Prosecuting Attorney shall have power to issue subpoenas for witnesses.

Sec. 91. The Prosecuting Attorney shall have power to order arrests when violations of the law have been brought to his attention. The persons so arrested shall be forthwith brought before the proper court for further proceedings as prescribed in this Code.

Sec. 92. In all cases in which municipal judges have no jurisdiction to try and determine, the Prosecuting Attorney shall, upon the return of the proceedings had before such judge, issue subpoenas for witnesses; and examine such witnesses under oath as to the offense charged, with such particulars as to the person accused, the time, place, property and value thereof, and the offense; and if sufficient evidence is produced that the offense as charged or that an offense amounting to a felony has been committed, and that there exists probable cause as to the guilt of the defendant, he shall file an information as provided by law.

Sec. 93. If, after hearing the testimony, it appears either that no public offense has been committed, or that there is not sufficient cause to believe the defendant guilty, the Prosecuting Attorney must order that the defendant be discharged, and shall file with the clerk of the court the original proceedings indorsed thereon as follows: "There being no sufficient cause to believe the within named, A. B., to be guilty of an offense, I recommend his discharge."
SEC. 94. If, however, it appears from the examination that a public offense has been committed, and there is sufficient cause to believe the defendant guilty thereof, the Prosecuting Attorney shall file an information against such person in the proper court.

SEC. 95. In all cases of felony the defendant shall be brought into court after filing of the information, to be arraigned and enter into a new bond, or remarried to jail, as the case may be.

SEC. 96. If the offense committed is within the jurisdiction of the Municipal Judge, the cause shall be remanded to the said Municipal Judge for proceedings therein as prescribed by law.

SEC. 97. In all offenses within the jurisdiction of the Municipal Judges that may be transferred to the Circuit Court, upon appeal or otherwise, the Prosecuting Attorney need not file an information. Such cases shall be tried on the original complaint and warrant.

SEC. 98. When an information is filed against the defendant not in custody, the same proceedings shall be had as are prescribed against the defendant who fails to appear for arraignment.

SEC. 99. The Prosecuting Attorney may, from time to time, appear before a Municipal Judge when so requested in examination of complaints for felony.

SEC. 100. The Prosecuting Attorney shall prepare all informations and file the same in court.

SEC. 101. The Prosecuting Attorney shall prosecute all recognizances forfeited and all cases for the recovery of fines, penalties, debts, and forfeitures accruing to the Government of the Canal Zone.

SEC. 102. He shall perform such other duties as may from time to time be assigned him by the Governor of the Zone or the Isthmian Canal Commission.

TITLE IV.

The Clerk of the Circuit Court.

SEC. 103. A docket must be kept by the Clerk of the Circuit Court, denominated a "Criminal Docket," in which he shall enter each criminal action and whatever proceedings are had therein, and an itemized statement of all the costs in each case. The Clerk of the Court shall, at the end of each month, turn over to the Treasurer of the Canal Zone all the moneys collected or paid to him of whatever character or nature; he shall also, at the end of each quarter, beginning with July first, forward to the Auditor an itemized statement of the costs in each case, also all fines, fees and forfeitures paid by him to the Treasurer.

SEC. 104. The Governor of the Zone, or his duly authorized rep-
resentative, may from time to time inspect all the records of the Circuit Court, and also the records and dockets of the Clerk.

Sec. 105. The Clerk shall perform such other duties as may from time to time be assigned him by the Governor of the Canal Zone or the Isthmian Canal Commission, or the judges of said court.

Sec. 106. Any Clerk of a Circuit Court who shall fail to discharge the duties imposed by law shall be guilty of a misdemeanor. And any Clerk of said Circuit Court who shall neglect or refuse to pay over to the proper authority any fines or moneys collected by him, or which may come into his possession by virtue of this Title, shall be guilty of a felony.

Title V.

Arrest, By Whom and How Made.

Sec. 107. An arrest is taking a person into custody in a case and in the manner authorized by law.

Sec. 108. An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of an officer. The defendant must not be subjected to any more restraint than is necessary for his arrest and detention.

Sec. 109. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence;
2. When a person arrested has committed a felony, although not in his presence;
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;
4. On a charge made, upon a reasonable cause, of a commission of a felony by the party arrested;
5. At night, when there is reasonable cause to believe that he has committed a felony.

Sec. 110. A private person may arrest another:

1. For a public offense committed or attempted in his presence;
2. When the person arrested has committed a felony, although not in his presence;
3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

Sec. 111. A magistrate may orally order a peace officer or private person to arrest any one committing or attempting to commit a public offense in the presence of such magistrate.

Sec. 112. Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein.
SEC. 113. If the offense charged is a felony, the arrest may be made on any day and at any time of day or night. If it is a misdemeanor, the arrest cannot be made at night, unless upon the direction of a magistrate, indorsed upon the warrant.

SEC. 114. The person making an arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest, and the authority to make it, except when the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or is pursued immediately after its commission, or after an escape.

SEC. 115. If the person making the arrest is acting under the authority of a warrant, he must show the warrant, if required.

SEC. 116. When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.

SEC. 117. To make an arrest, a private person, if the offense be a felony, and in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired.

SEC. 118. Any person who has lawfully entered a house for the purpose of making an arrest may break open the door or window thereof if detained therein, when necessary for the purpose of liberating himself, and an officer may do the same when necessary for the purpose of liberating a person who, acting in his aid, lawfully entered for the purpose of making an arrest and is detained therein.

SEC. 119. Any person making an arrest may take from the person arrested all dangerous weapons which he may have about his person, and must deliver them to the judge before whom the person arrested is taken.

SEC. 120. A Justice of the Supreme Court, or a Judge of a Circuit Court, may, by an indorsement under his hand on a warrant of arrest, authorize the service thereof by telegraph, and thereafter a copy of such warrant may be sent by telegraph to one or more peace officers; and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it, as though he held an original warrant issued by the magistrate making the indorsement.

SEC. 121. Every officer causing telegraphic copies of warrants to be sent must certify as correct, and file in the telegraph office from which such copies are sent a copy of the warrant and indorsement thereon, and must return the original with a statement of his action thereunder.
SEC. 122. If a person arrested escape or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him at any time and in any place.

SEC. 123. To retake the person escaping or rescued, the person pursuing may break open an outer or inner door or window of a dwelling house, if, after notice of his intention, he is refused admittance.

TITLE VI.

Of Pleadings and Proceedings After Information Filed and Before the Commencement of the Trial.

CHAPTER I.

Of the Arraignment of the Defendant.

SEC. 124. After the filing of an information, the defendant must be arraigned thereon before the court in which it is filed, unless the cause is transferred to some other court for trial.

SEC. 125. The defendant must be personally present on arraignment. If the offense be a misdemeanor, he need not be arraigned, but when the trial begins the clerk shall read the complaint and warrant.

SEC. 126. When his personal appearance is necessary, if he is in custody, the court may direct, and the officer in whose custody he is must bring him before it to be arraigned.

SEC. 127. If the defendant has been discharged on bail, or has deposited money in lieu thereof, and does not appear to be arraigned when his personal attendance is necessary, the court, in addition to the forfeiture of the undertaking of bail or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

SEC. 128. The Clerk, on application of the Prosecuting Attorney, may, at any time after the order, whether the court is sitting or not, issue a bench warrant for the defendant.

SEC. 129. The bench warrant upon the information must, if the offense is a felony, be substantially in the following form:

...Judicial Circuit, Canal Zone, Isthmus of Panama.

The Government of the Canal Zone to (the marshal, policeman, or other officer): An information having been filed on the ____ day of ____ A.D., nineteen _______, in the Circuit Court of the _______ Circuit, charging _______ with the crime of (designating it generally), you are therefore commanded forthwith to arrest the above named _______ and bring him before the court (or if the information has been sent to some other court, that court must be named as the
place to bring the defendant) to answer said information; or if the court be not in session, that you deliver him into the custody of the warden of said district.

"Given under my hand, with the seal of the court affixed, this . . . .

day of . . . . . A. D., nineteen . . . . .

"By order of the Court.

[SEAL]  

(Signed by the Clerk.)

SEC. 130. The defendant, when arrested under a bench warrant for an offense not bailable, must be held in custody by the warden of the circuit in which the information is filed, unless admitted to bail after an examination upon a writ of habeas corpus; but if the offense be bailable, the defendant, on arraignment, may enter into bail for his appearance before the court to answer said information.

SEC. 131. A bench warrant may be served in any circuit of the Canal Zone.

SEC. 132. When the information is for felony, and the defendant, before the filing thereof, has given bail for his appearance to answer the charge, the court to which the information is presented, or in which it is pending; may order the defendant to be committed to actual custody, unless he gives bail in an increased amount to be specified in the order.

SEC. 133. If the defendant is present when the order is made, he must be forthwith committed. If he is not present, a bench warrant must be issued and proceeded upon in the manner provided in this chapter.

SEC. 134. If the defendant appears for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him.

SEC. 135. The arraignment must be made by the Prosecuting Attorney, which consists in reading the information to the defendant and delivering to him a copy thereof, and of the indorsements thereon, including the list of witnesses, whereupon the court asks him whether he pleads guilty or not guilty to the information.

SEC. 136. When the defendant is arraigned, he must be informed that if the name by which he is prosecuted is not his true name, he must then declare his true name, or be proceeded against by the name in the information. If he gives no other name, the court may proceed accordingly; but if he alleges that another name is his true name, the court must direct an entry thereof in the minutes of the arraignment, and the subsequent proceeding on the information may be had against him by that name, referring also to the name by which he was first charged therein.
SEC. 137. If, on the arraignment, the defendant requires it, he must be allowed a reasonable time, not less than one day, to answer the information. He may, in answer to the arraignment, move to set aside, demur, or plead to the information.

CHAPTER II.

Setting Aside the Information.

SEC. 138. The information must be set aside by the court in which the defendant is arraigned, upon his motion, in any of the following cases:

1. That, if the offense charged be a misdemeanor, before the filing thereof the defendant has not been committed by a Municipal Judge.

2. That, if the offense be a felony, it was not subscribed and sworn to by the Prosecuting Attorney.

SEC. 139. If the motion to set aside the information is not made, the defendant is precluded from afterward taking the objections mentioned in the preceding section.

SEC. 140. The motion must be heard at the time it is made, unless, for cause, the court postpones the hearing to another time. If the motion is denied, the defendant must immediately answer the information, either by demurring or pleading thereto. If the motion is granted, the court must order that the defendant, if in custody, be discharged therefrom; or, if admitted to bail, that his bail be exonerated; or, if he has deposited money instead of bail, that the same be refunded to him, unless it directs that an information be filed by the Prosecuting Attorney, or remand the same to the Municipal Court; Provided, that after such order of resubmission the offense may be examined before a Municipal Court and the defendant discharged or committed as provided by law.

SEC. 141. If the court directs an information to be filed, the defendant, if already in custody, must so remain, unless he is admitted to bail, or, if already admitted to bail, or money is answerable for the appearance of the defendant to answer a new information, and unless a new information is filed within fifteen days, the court must order the defendant discharged unless, for special reason, the court extends the time of filing the information.

SEC. 142. An order to set aside an information, as provided in this Chapter, is no bar to a future prosecution for the same offense.

*Amended by Executive Order

Date April 16, 1910 P. 89
CHAPTER III.

Demurrer.

SEC. 143. A demurrer is an allegation that, admitting the facts as stated in the information, such facts do not constitute an offense against the law whereby the defendant should be put on trial.

SEC. 144. The only pleading on the part of the defendant is either a demurrer or a plea.

SEC. 145. Both the demurrer and plea must be made in open court, either at the time of the arraignment or at such other time as may be allowed to the defendant for that purpose.

SEC. 146. The defendant may demur to the information, when it appears on the face thereof, either:

1. That it does not substantially conform to the requirements of this Code.
2. That more than one offense is charged.
3. That the facts stated do not constitute a public offense.
4. That it contains any matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

SEC. 147. The demurrer must be in writing, signed either by the defendant or his counsel, and filed. It must distinctly specify the grounds of objection to the information, or it must be disregarded.

SEC. 148. Upon the demurrer being filed, the argument upon the objection presented thereby must be heard, either immediately or at such time as the court may appoint.

SEC. 149. Upon considering the demurrer, the court must give judgment, either allowing or disallowing it, and an order to that effect must be entered upon the minutes.

SEC. 150. If the demurrer is allowed, the judgment is final upon the information demurred to, and is a bar to another prosecution for the same offense, unless the court, being of the opinion that the objection on which the demurrer is allowed may be avoided in a new information, directs a new information to be filed; Provided, that after such order of resubmission, the defendant may be examined before a Municipal Court, and discharged or committed, as in other cases.

SEC. 151. If the court does not permit the information to be amended, nor direct that an information be filed, the defendant, if in custody, must be discharged, or if admitted to bail, his bail is exonerated, or if he has deposited money instead of bail, the money must be refunded to him.

SEC. 152. If the court directs that the case be resubmitted, the
same proceedings must be had thereon as are prescribed in original
proceedings.

Sec. 153. If the demurrer is disallowed, the court must permit
the defendant, at his election, to plead, which he must do forthwith,
or at such time as the court may direct.

Sec. 154. When the objections appear on the face of the informa-
tion, they can only be taken advantage of by motion or demurrer, ex-
cept that the objection to the jurisdiction of the court over the sub-
ject of the information, or that the facts stated do not constitute a
public offense, may be taken at the trial, under the plea of not guilty,
or after the trial, in arrest of judgment.

Chapter IV.

Plea.

Sec. 155. There are four kinds of pleas to an information. A
plea of—

1. Guilty.

2. Not guilty.

3. A former judgment of conviction or acquittal of the offense
charged, which may be pleaded either with or without the plea of not
guilty;

4. Once in jeopardy.

Sec. 156. Every plea must be oral, and entered upon the minutes
of the court in substantially the following form:

1. If the defendant plead guilty: “The defendant pleads that he
is guilty of the offense charged.”

2. If he plead not guilty: “The defendant pleads that he is not
guilty of the offense charged.”

3. If he plead a former conviction or acquittal: “The defendant
pleads that he has already been convicted (or acquitted) of the offense
charged by the judgment of the court of ............ (naming it),
rendered at ............ (naming the place), on the ...... day
of ............”

4. If he plead once in jeopardy: “The defendant pleads that he
has been in jeopardy for the offense charged (specifying the time,
place and court).”

Sec. 157. A plea of guilty can be entered only by the defendant
himself in open court, unless upon information against a corporation,
in which case it may be put in by counsel. The court may, at any
time before judgment, upon a plea of guilty, permit it to be with-
drawn, and a plea of not guilty substituted.
Sec. 158. The plea of not guilty puts in issue every material allegation of the information.

Sec. 159. All matters of fact tending to establish a defense, other than that specified in the third and fourth subdivisions of Section 155, may be given in evidence under a plea of not guilty.

Sec. 160. If the defendant was formerly acquitted on the ground of variance between the information and the proof, or the information was dismissed upon an objection to its form or substance, or in order to hold the defendant for a higher offense, without a judgment of acquittal, it is not an acquittal of the same offense.

Sec. 161. Whenever the defendant is acquitted on the merits, he is acquitted of the same offense, notwithstanding any defect in form or substance in the information on which the trial was had.

Sec. 162. When the defendant is convicted or acquitted, or has been once placed in jeopardy upon an information, the conviction, acquittal, or jeopardy is a bar to another information for the offense charged in the former, or for an attempt to commit the same, or for an offense necessarily included therein, of which he might have been convicted under that information.

Sec. 163. If the defendant refuses to answer the information by demurrer or plea, a plea of not guilty must be entered.

Chapter V.

Removal of the Action Before Trial.

Sec. 164. A criminal action may be removed from the court in which it is pending on the application of the defendant, on the ground that a fair and impartial trial cannot be had in the district where the action is pending.

Sec. 165. The application must be made in open court and in writing, verified by the affidavit of the defendant, a copy of which application must be served upon the attorney for the prosecution at least one day prior to the hearing of the application. Whenever the affidavit of the defendant shows that he cannot safely appear in person to make such application, because popular prejudice is so great as to endanger his personal safety, and such statement is sustained by other testimony, such application may be made by his attorney, and shall be heard and determined in the absence of the defendant, notwithstanding the charge then pending against him be a felony, and he has not at the time of such application been arrested or given bail, or been arraigned, or pleaded, or demurred to the information.

Sec. 166. If the court be satisfied that the representations of the applicant are true, an order must be made transferring the action
to the proper court of some convenient circuit free from a like objection.

Sec. 167. The order of removal must be entered upon the minutes, and the Clerk must immediately make out and transmit to the court to which the action is removed a certified copy of the order of removal, record, pleadings, and proceedings in the action, including the undertakings for the appearance of the defendant and of the witnesses.

Sec. 168. If the defendant is in custody, the order must direct his removal, and he must be forthwith removed by the warden where he is imprisoned to the custody of the warden of the circuit to which the action is removed.

Sec. 169. The court to which the action is removed must proceed to trial and judgment therein as if the action had been commenced in such court. If it is necessary to have any of the original pleadings or other papers before such court, the court from which the action is removed must at any time, upon application of the Prosecuting Attorney or the defendant, order such papers or pleadings to be transmitted by the Clerk, a certified copy thereof being retained.

Chapter VI.

The Mode of Trial.

Sec. 170. An issue of fact arises:
1. Upon a plea of not guilty.
2. Upon a plea of a former conviction or acquittal of the same offense.

Sec. 171. Issues of fact in criminal cases shall be tried and determined by the judge or judges of the court having jurisdiction. In cases wherein the penalty of death or imprisonment for life may be inflicted, the Circuit Judge of the court wherein the information is filed or the action is triable shall summons two municipal judges of the Judicial Circuit to sit with him in the trial of said cause; if either or both of said Municipal Judges so summoned shall from any cause be unable to participate in said trial or shall be excused therefrom by the Circuit Judge, the said Circuit Judge shall summon one, or two, as the emergency may require, of the Mayors of Municipalities in said Circuit, to sit with him in the trial of said cause; if, from incapacity, inability or other good and sufficient reason, two of the officers above named cannot be secured to sit with the Circuit Judge in the trial of said case, the Circuit Judge shall summon one, or two, as the emergency may require, of the disinterested and otherwise well qualified residents of the Judicial Circuit to sit with him in the trial of said cause. Before entering upon the hearing and consideration of the testimony, the per-
sons so summoned and accepted shall take and subscribe in writing to the following oath before the Circuit Judge:

“In the .......... Judicial Circuit of the Canal Zone, Isthmus of Panama.

“The Government of the Canal Zone vs. (name of defendant or defendants).

CANAL ZONE, Isthmus of Panama, |
Municipality.
|

I, ............, do solemnly swear (or affirm) that I will well and truly try and determine the issues of fact involved in the above entitled case now pending before the court, and a true verdict render according to the evidence, so help me God. (The last four words to be omitted in case of affirmation.)

(Signature) ............

“Subscribed in my presence and sworn to before me this ....... day of .........., 190...

(Signature) ............

“Circuit Judge.”

The proceedings by which the associates of the Circuit Judge are selected and qualified to participate in the trial shall be made a part of the record in the case.

The persons selected and qualified as herein provided shall have authority to participate with the Circuit Judge in the hearing and determination of the questions and issues of fact involved in the case wherein they are summoned and qualified; they shall attend the trial and sit with the Circuit Judge presiding. The Circuit Judge and each of the persons so selected and qualified shall have one vote on the question or questions to be decided, and the concurrence of any two shall be decisive of the question passed upon.

The Circuit Judge shall determine all questions of law, according to his judgment and discretion, without reference to the associates or either of them.

Each of the persons selected, qualified and serving in the trial of a criminal case as associates to the Circuit Judge shall receive compensation at the rate of ten dollars per day for the time actually and necessarily occupied in the trial of the cause, to be paid from the Treasury of the Canal Zone, upon certificate of the clerk of the Circuit Court wherein the action was tried, approved by the Circuit Judge.

If any person summoned to appear for service as an associate to the Circuit Judge in the trial of a criminal case, fails, refuses or neglects to appear, or upon appearance and acceptance by the court fails, refuses or neglects to take and subscribe the required oath and to perform the service for which he is selected and accepted, he shall be
adjudged guilty of contempt, and may be fined by the court in any sum not to exceed one hundred dollars or imprisoned not to exceed ten days, or both, at the discretion of the court.

Sec. 172. If the prosecution be for a felony, the defendant must be personally present at the trial; but if for misdemeanor, the trial may be had in the absence of the defendant; if, however, his presence is necessary for the purpose of identification, the court may, upon application of the Prosecuting Attorney, by an order or warrant, require the personal attendance of the defendant at the trial.

Chapter VII.

The Calendar of Issues for Trial.

Sec. 173. The clerk must keep a calendar of all criminal actions pending in the court, enumerating them according to the date of the filing of the information, specifying opposite the title of each action whether it is for a felony or a misdemeanor, and whether the defendant is in custody or on bail.

Sec. 174. The issues on the calendar must be disposed of in the following order, unless for good cause the court shall direct an action to be tried out of its order:
1. Prosecutions for felony, when the defendant is in custody.
2. Prosecutions for misdemeanor, when the defendant is in custody.
3. Prosecutions for felony, when the defendant is on bail.
4. Prosecutions for misdemeanor, when the defendant is on bail.

Sec. 175. After his plea, the defendant is entitled to at least five days to prepare for trial.

Sec. 176. When an action is called for trial, or at any time previous thereto, the court may, upon sufficient cause, direct the trial to be postponed to another day.

Title VII.

Of Proceedings After the Commencement of the Trial and Before Judgment.

Chapter I.

The Trial.

Sec. 177. The trial shall be conducted in the following order, unless otherwise directed by the court:
1. The Prosecuting Attorney, or other counsel for the Government, must open the cause and offer the evidence in support of the charge.
2. The defendant or his counsel may then open the defense, and offer his evidence in support thereof.

3. The parties may then respectfully offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

4. When the evidence is concluded, unless the case is submitted on either side, or on both sides, without argument, the Prosecuting Attorney, or other counsel for the Government, and counsel for the defendant, may argue the case; the Prosecuting Attorney, or other counsel for the Government, opening the argument, and having the right to close.

5. While a witness is under examination, the court may exclude all witnesses who have not been examined. He may also cause the witnesses to be kept separate, and to be prevented from conversing with each other until they are examined.

Sec. 178. If the information be for an offense punishable with death, two counsel on each side may argue the cause. If it be for any other offense, the court may, in its discretion, restrict the argument to one counsel on each side.

Sec. 179. A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt as to his guilt, he is entitled to an acquittal.

Sec. 180. When it appears that the defendant has committed a public offense, and there is reasonable ground of doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of such degrees only.

Sec. 181. When two or more defendants are jointly charged with a felony, any defendant requiring it must be tried separately. In other cases the defendants jointly charged may be tried separately or jointly, in the discretion of the court.

Sec. 182. When two or more persons are included in the same charge, the court may, at any time before the defendants have adduced testimony in defense, on the application of the Prosecuting Attorney, direct any defendant to be discharged, that he may be a witness for the Government.

Sec. 183. When two or more persons are included in the same information, and the court is of opinion that in regard to a particular defendant there is not sufficient evidence to put him on his defense, it must order him to be discharged before the evidence for the defense is closed, that he may be a witness for his co-defendant.

Sec. 184. The order mentioned in the two preceding sections is an acquittal of the defendant discharged, and is a bar to another prosecution for the same offense.

Sec. 185. The examination of a witness by the party producing
him is denominated the direct examination; the examination of the
same witness upon the same matter by the adverse party, the cross-
examination.

Sec. 186. The party producing a witness is not allowed to im-
peach his credit by evidence of bad character; but he may contradict
him by other evidence, and may also show that he has made, at other
times, statements inconsistent with his testimony given in the trial.

Sec. 187. A witness may be impeached by the party against whom
he is called, by contradictory evidence, or by evidence that his general
reputation for truth, honesty, or integrity is bad, but not by evidence
of particular wrongful acts, except that it may be shown by the exami-
nation of the witness, or the record of the judgment, that he has been
convicted of a felony.

Sec. 188. A witness may also be impeached by evidence that he
has made at other times statements inconsistent with his testimony
given on the trial; but before this can be done the statements must be
related to him, with the circumstances of time, places, and persons
present, and he must be asked whether he made such statements, and
if so, allowed to explain them. If the statements be in writing, they
must be shown to the witness before any question is put to him con-
cerning them.

Sec. 189. Upon a trial for conspiracy, in a case where an overt
act is necessary to constitute the offense, the defendant cannot be con-
victed unless one or more overt acts are expressly alleged in the in-
formation, nor unless one of the acts alleged is proved; but other
overt acts not alleged, but connected with the offense charged, may be
given in evidence.

Sec. 190. Upon a trial for murder, the commission of the homicide
by the defendant being proved, the burden of proving circumstances of
mitigation, or that justify or excuse it, devolves upon him, unless the
proof on the part of the prosecution tends to show that the crime com-
mitted only amounts to manslaughter or that the act of the defendant,
of which complaint is made, was justifiable or excusable.

Sec. 191. Upon a trial for bigamy, it is not necessary to prove
either of the marriages by the register, certificate, or other record
evidence thereof, but the same may be proved by such evidence as is
admissible to prove a marriage; nor when and where the second mar-
rriage took place, proof of the fact, accompanied with proof of cohabita-
tion thereafter in the Canal Zone, being sufficient to sustain the charge.

Sec. 192. Upon a trial for forging any bill or note purporting to be
the bill or note of an incorporated company or bank, or for passing, or
attempting to pass, or having in possession with intent to pass, any
such forged bill or note, it is not necessary to prove the incorporation
of such bank or company by the charter or act of incorporation, but
it may be proved by general reputation; and persons of skill are competent witnesses to prove that such bill or note is forged or counterfeited.

**Sec. 193.** Upon a trial for procuring or attempting to procure an abortion, or aiding or assisting therein, or for inveighing, enticing, or taking away an unmarried female of previous chaste character, under the age of twenty-one years, for the purpose of prostitution, or aiding or assisting therein, the defendant cannot be convicted upon the testimony of the woman upon or with whom the offense was committed, unless she is corroborated by other evidence.

**Sec. 194.** Upon a trial for the violation of any of the provisions of the Penal Code, or other law for the suppression of lotteries, it is not necessary to prove the existence of any lottery in which any lottery ticket purports to have been issued, or to prove the actual signing of any such ticket or share, of any pretended lottery, nor that any lottery ticket, share, or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager; but in all cases proof of the sale, furnishing, bartering, or procuring of any ticket, share or interest therein, or of any instrument purporting to be a ticket, or part or share of any such ticket, is evidence that such share or interest was signed and issued according to the purport thereof.

**Sec. 195.** Upon any trial for having, with an intent to cheat or defraud another designedly, by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person money, personal property, or valuable thing, the defendant cannot be convicted if the false pretense was expressed in language unaccompanied by a false token or writing, unless the pretense, or some note or memorandum thereof, be in writing, subscribed by, or in the handwriting of the defendant, or unless the pretense be proven by the testimony of two witnesses, or that of one witness and corroborating circumstances; but this section shall not apply to a prosecution for falsely representing or personating another, and, in such assumed character, marrying, or receiving any money or property.

**Sec. 196.** Upon a trial for larceny or embezzlement of money, bank-notes, certificates of stock or valuable securities, the allegation of the information, so far as regards the description of the property, is sustained, if the offender be proved to have embezzled or stolen any money, bank-notes, certificates of stock, or valuable security, although the particular species of coin or other money, or the number, denomination, or kind of bank-notes, certificates of stock, or valuable security be not proved; and upon a trial for embezzlement, if the offender be proved to have embezzled any piece of coin or other money, any banknote, certificate of stock or valuable security, although such piece of
coin or other money, or such bank-note, certificate of stock or valuable
security, may have been delivered to him in order that some part of
the value thereof should be returned to the party delivering the same,
and such part shall have been returned accordingly.

Sec. 197. A conviction cannot be had on the testimony of an ac-
complice, unless he is corroborated by other evidence, which in itself,
and without the aid of the testimony of the accomplice, tends to con-
ect the defendant with the commission of the offense; and the cor-
roboration is not sufficient, if it merely shows the commission of the
offense or the circumstances thereof.

Sec. 198. The court may direct the defendant or defendants to
be discharged, where it appears that it has not jurisdiction of the
offense, or that the facts charged do not constitute an offense punish-
able by law; unless in its opinion a new information can be framed,
upon which the defendant can be legally convicted, in which case it
may direct the Prosecuting Attorney to file a new information or in-
stitute such other proceedings as are required by law.

Sec. 199. When, in the opinion of the court, it is proper that the
court should view the place in which the offense is charged to have
been committed, or in which any other material fact occurred, it may
order that the court be conducted to said place for such inspection.

Sec. 200. When a defendant who has given bail appears for trial,
the court may, in its discretion, at any time after his appearance for
trial, order him to be committed to the custody of the warden of the
jail, to abide the judgment or further order of the court, and he must
be committed and held in custody accordingly.

Sec. 201. The costs in criminal cases shall be taxed as follows, and
shall be paid by the defendant in cases of appeal from a Municipal
Court if the appeal be not prosecuted, or, if prosecuted, the judgment
of the Municipal Judge be affirmed. In cases other than appeals from
the Municipal Courts, the same costs shall be taxed when a judgment of
guilty is entered and shall be paid by the defendant, as follows:

1. Fees for witnesses produced by the government or the defense,
one dollar a day and ten cents per mile going to and returning from
court for all distances over three miles.
2. For a deposition of a witness for the defendant, one dollar.
3. For issuing a warrant of arrest, twenty-five cents.
4. For every adjournment of a trial, if on motion of the defendant,
two dollars.
5. For filing each paper required by law or pleading, five cents.
6. For furnishing copies to the defendant of all pleadings except
the information, fifteen cents per folio.
7. For swearing each witness on trial, ten cents.
8. For a subpoena, including all the names contained therein, twenty-five cents, and in no case can more than six subpoenas be allowed for.
9. For receiving and entering a judgment, twenty-five cents.
10. For warrant of commitment on sentence, seventy-five cents.
11. For record of conviction and filing the same, seventy-five cents.
12. For a return of any writ of certiorari, twenty-five cents.

Chapter II.

The Verdict.

Sec. 202. In all cases of felony the defendant must be present in court when the verdict is announced. If the trial is for a misdemeanor, the verdict may be rendered by the court in the absence of the defendant.

Sec. 203. In cases wherein the penalty of death or imprisonment for life may be inflicted, tried pursuant to the procedure prescribed by this Code, the Circuit Judge and his two associates in said trial shall withdraw from the court room upon the conclusion of the taking of testimony and the arguments of counsel, and shall immediately and in privacy enter upon the consideration of the questions of fact involved and of their verdict. The agreement of any two members of the trial court thus constituted shall determine the verdict, which shall be in writing and signed by the Circuit Judge only, if he concurs therein, and by the two associates if the Circuit Judge dissents therefrom. The verdict being agreed upon, reduced to writing and signed, the members of the court shall return to the place of trial, where the verdict shall be delivered to the clerk of the court, who shall publicly read and announce said verdict to the defendant in the presence of the defendant and of the court, and file and record the same in the proceedings of the case.

In other cases of felony or misdemeanor, the court must render its verdict not later than the third day after the conclusion of the taking of testimony and argument of counsel.

Sec. 204. A general verdict upon a plea of not guilty is either "guilty" or "not guilty," which imports a conviction or acquittal of the offense charged in the information. Upon a plea of a former conviction or acquittal of the same offense, it is either "for the Government" or "for the defendant." When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be "not guilty by reason of insanity."

Sec. 205. Whenever a crime is distinguished into degrees, a verdict of conviction must find the degree of the crime of which he is guilty.
SEC. 206. Whenever the fact of a previous conviction of another offense is charged in an information, the court, if it finds a verdict of guilty of the offense with which he is charged, must also, unless the answer of the defendant admits the charge, find whether or not he has suffered such previous conviction. The verdict of the court upon a charge of a previous conviction may be: "The charge of previous conviction is true," or "The charge of previous conviction is not true."

SEC. 207. The court may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, or of an attempt to commit the offense.

SEC. 208. On an information against several, if the court cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the others may be re-tried.

SEC. 209. If judgment of acquittal is given on a general verdict, and the defendant is not detained for any other legal cause, he must be discharged as soon as the judgment is given, except where the acquittal is because of a variance between the pleading and proof, which may be obviated by a new information. The court may order his detention, to the end that a new information may be preferred in the same manner and with like effect as provided by law.

CHAPTER III.

Bills of Exceptions.

SEC. 210. On the trial of an information, exceptions may be taken by the defendant to a decision of the court in admitting or rejecting testimony, or in deciding any question of law not a matter of discretion on the trial of the issue.

SEC. 211. When a party desires to have the exceptions taken at the trial settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice of at least two days to the Prosecuting Attorney, to the judge for settlement, within ten days after judgment has been rendered against him, unless further time is granted by the judge, or by a judge of the Supreme Court, or within that period the draft must be delivered to the clerk of the court for the judge. When received by the clerk, he must deliver it to the judge or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the judge and filed with the clerk of the court.

SEC. 212. Exceptions may be taken by either party to the decision of a court or judge upon a matter of law:
1. In granting or refusing a motion to set aside an information.
2. In granting or refusing a motion in arrest of judgment.
3. In granting or refusing a motion for a new trial.
4. In making, or refusing to make, an order after judgment affecting any substantial right of the parties.

Sec. 213. Exceptions may be taken by the defendant to a decision of the court upon a matter of law:
1. In refusing to grant a motion for a change of the place of trial.
2. In refusing to postpone the trial on motion of the defendant.

Sec. 214. Where a party desires to have the exceptions mentioned in the two preceding sections settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice at least two days to the adverse party, to the judge for settlement within ten days after the announcement of the verdict, unless further time is granted by the judge or by a judge of the Supreme Court, or within that period the draft must be delivered to the clerk of the court for the judge. When received by the clerk, he must deliver it to the judge, or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the judge and filed with the clerk of the court. If the judge in any case refuses to allow an exception in accordance with the facts, the party desiring the bill settled may apply by petition to the Supreme Court to prove the same; the application may be made in the mode and manner and under such regulations as that court may prescribe; and the bill, when proven, must be certified by the chief justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed, it has the same force and effect as if settled by the judge who tried the cause. If the judge who presided at the trial ceases to hold office before the bill is tendered or settled, he may nevertheless settle such bill, or the party may, as provided in this section, apply to the Supreme Court to prove the same.

Sec. 215. A bill of exceptions must contain so much of the evidence only as is necessary to present the questions of law upon which the exceptions were taken, and the judge must, upon the settlement of the bill, whether agreed to by the parties or not, strike out all other matters contained therein.

Chapter IV.

New Trials.

Sec. 216. A new trial is a re-examination of the issue in the same court after a verdict has been given.

Sec. 217. The granting of a new trial places the parties in the same position as if no trial had been had. All the testimony must be produced anew, and the former verdict cannot be used or referred to either in evidence or in argument, or be pleaded in bar of any conviction which might have been had under the information.
SEC. 218. When a verdict has been rendered against the defendant, the court may, upon his application, grant a new trial in the following cases only:

1. When the trial has been had in his absence, if the information is for a felony.

2. When the evidence has been received out of court other than that resulting from a view of the premises.

3. When the court or any member thereof has been guilty of any misconduct by which a fair and due consideration of the case has been prevented.

4. When the verdict has been decided by lot, or by any means other than by a fair expression of opinion.

5. When the court has erred in the decision of any question of law arising during the course of the trial.

6. When the verdict is contrary to law or evidence.

7. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly-discovered evidence, the defendant must produce at the hearing in support thereof the affidavit of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

SEC. 219. The application for a new trial must be made before judgment.

Chapter V.

Arrest of Judgment.

SEC. 220. A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea or verdict of guilty, or on a verdict against the defendant on a plea of a former conviction or acquittal. It may be founded on any of the defects in the information unless the objection has been waived by a failure to demur, and must be made before or at the time the defendant is called for judgment.

SEC. 221. The court may also, on its own view of any of these defects, arrest the judgment without motion.

SEC. 222. The effect of allowing a motion in arrest of judgment is to place the defendant in the same situation in which he was before the information was filed.

SEC. 223. If, from the evidence on the trial, there is reason to believe the defendant guilty, and a new information can be framed upon
which he may be convicted, the court may order him to be recommitted to the officer of the proper circuit, or admitted to bail anew to answer the new information. If the evidence shows him guilty of another offense, he must be committed or held thereon, and in either case shall the verdict be a bar to another prosecution. But if no evidence appears sufficient to charge him with any offense, he must, if in custody, be discharged; or if admitted to bail, the bail is exonerated; or if money has been deposited instead of bail, it must be refunded to the defendant; and the arrest of judgment shall operate as an acquittal of the charge upon which the information was founded.

**Title VIII.**

**Of Judgment and Execution.**

**Chapter I.**

**The Judgment.**

**Sec. 224.** After a plea or verdict of guilty, or after a verdict against the defendant on the plea of a former conviction or acquittal, if the judgment be not arrested or a new trial granted, the court must appoint a time for pronouncing judgment, which, in cases of felony, must be at least two days after the verdict, if the court intend to remain in session so long; but if not, then at as remote a time as can reasonably be allowed.

**Sec. 225.** Upon a plea of guilty of a crime distinguished or divided into degrees, the court must, before passing sentence, determine the degree.

**Sec. 226.** For the purpose of judgment, if the conviction is for felony, the defendant must be personally present; if for a misdemeanor, judgment may be pronounced in his absence.

**Sec. 227.** When the defendant is in custody, the court may direct the officer in whose custody he is to bring him before it for judgment, and the officer must do so.

**Sec. 228.** If the defendant has been released on bail, or has deposited money instead thereof, and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

**Sec. 229.** The clerk, on the application of the Prosecuting Attorney, may, at any time after the order, whether the court be sitting or not, issue a bench warrant into one or more districts.
SEC. 230. The bench warrant must be substantially in the following form:

"Circuit of .......... The Government of the Canal Zone (to the marshal, policeman or other officer). That .......... having been on the ...... day of .......... A. D., 190...... duly convicted in the Circuit Court of .......... Circuit of the crime of (designating the crime), you are therefore commanded forthwith to arrest the above named .. ........... and bring him before that court for judgment.

"Given under my hand and seal of said court affixed, this ...... day of .......... A. D., 190.... By order of the said court.

[Seal.] "Signed by the Clerk."

SEC. 231. The bench warrant may be served in the same manner as a warrant of arrest.

SEC. 232. Whether the bench warrant is served in the circuit in which it was issued or in another circuit, the officer must arrest the defendant and bring him before the court or commit him to the officer mentioned in the warrant, according to the command thereof.

SEC. 233. When the defendant appears for judgment, he must be informed by the court, or by the clerk, under its direction, of the nature of the charge against him, and of his plea, and the verdict, if any thereon, and must be asked whether he has any legal cause to show why judgment should not be pronounced against him.

SEC. 234. If no sufficient cause is alleged or appears to the court why judgment should not be pronounced, it must thereupon be rendered.

SEC. 235. After a plea or verdict of guilty, where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the oral suggestion of either party that there are circumstances which may be properly taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily, at a specified time, and upon such notice to the adverse party as it may direct.

SEC. 236. The circumstances must be presented by the testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken out of court upon such notice to the adverse party as the court may direct. No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the court, or a judge thereof, in aggravation or mitigation of the punishment, except as provided in this and the preceding section.

SEC. 237. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied. But the judgment must specify the extent of the imprisonment, which must not exceed
one day for every dollar of the fine, nor extend in any case beyond
the term for which the defendant might be sentenced to imprisonment
for the offense of which he has been convicted.

Sec. 238. Whenever any defendant is committed for the failure to
pay any fine and costs adjudged against him, and has failed to prove
to the satisfaction of the court, or judge thereof, that he is unable to
pay the same, or any part thereof, the court must order that he be dis-
charged from custody when he has served one day for every dollar of
such fine; but this does not discharge the judgment for fine and costs,
which may at any time thereafter, within the time limited by law, be
collected upon execution issued thereon.

Sec. 239. In all cases of conviction for felony, the court sentencing
any person convicted must attach to the sentence of imprisonment the
provision that such imprisonment be at hard labor.

Sec. 240. A judgment that the defendant pay a fine constitutes a
lien, in like manner as a judgment for money rendered in a civil
action.

Sec. 241. When judgment upon a conviction is rendered, the clerk
must enter the same in the minutes, stating briefly the offense for
which the conviction was had, and the fact of prior conviction (if
one), and must, within five days, annex together and file the follow-
ing papers, which will constitute a record of the action:
1. The information, and a copy of the minutes of the plea of
demurrer.
2. A copy of the minutes of the trial.
3. The charges given or refused, and the indorsements thereon, and
4. A copy of the judgment.

Chapter II.

The Execution.

Sec. 242. When a judgment, other than death, has been pronounced,
a certified copy of the entry thereof upon the minutes must be forth-
with furnished to the officer whose duty it is to execute the judgment,
and no other warrant or authority is necessary to justify or require
its execution.

Sec. 243. If the judgment is for a fine alone, execution may be
issued thereon attaching the property of the defendant.

Sec. 244. If the judgment is for imprisonment, or a fine and im-
prisonment until it be paid, the defendant must forthwith be committed
to the custody of the proper officer, and by him detained until the judg-
ment is complied with.
SEC. 245. If the judgment is for imprisonment in the penitentiary, the proper officer of the court must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the penitentiary. He must also deliver to the warden the certified copy of the judgment, and take from the warden a receipt for the defendant.

SEC. 246. When judgment of death is rendered, a warrant, signed by the judge and attested by the clerk, under the seal of the court, must be drawn and delivered to the court officer. It must state the conviction and judgment, and appoint a day on which the judgment is to be executed, which must not be less than six months nor more than one year from the time of judgment, and must direct said officer to deliver the defendant, within ten days from the time of judgment, to the warden of the penitentiary, for execution.

SEC. 247. The judge of the court of which a conviction requiring judgment of death is had, must, immediately after the conviction, transmit to the Governor, by mail or otherwise, a statement of the conviction and judgment, and of the testimony given at the trial.

SEC. 248. The Governor may thereupon require the opinion of the judges of the Supreme Court, or any of them, upon the statement so furnished.

SEC. 249. No judge, court, or officer, other than the Governor, can suspend the execution of a judgment of death, as provided in the six succeeding sections, unless an appeal is taken.

SEC. 250. If, after judgment of death, there is good reason to suppose that the defendant has become insane, the warden of the penitentiary, to whom he is delivered for execution, with the concurrence of the court of the Circuit in which such conviction was had, may appoint a commission of medical experts to inquire into the supposed insanity, and must give immediate notice thereof to the Prosecuting Attorney of such Circuit.

SEC. 251. The Prosecuting Attorney must attend the inquisition, and may produce witnesses before the Commission, for which purpose he may issue process in the same manner as for witnesses to attend a trial before the court, and disobedience thereto may be punished in like manner as disobedience to process issued by the court.

SEC. 252. A certificate of the inquisition must be signed by the members thereof, and filed with the clerk of the court of the Circuit.

SEC. 253. If it is found by the inquisition that the defendant is sane, the warden must execute the judgment; but if it is found that he is insane, the warden must suspend the execution of the judgment until he receives a warrant from the Governor, or from the judge of the Circuit Court where the judgment was rendered, directing the execution of the judgment. If the inquisition finds that the defendant is insane, the warden must immediately transmit it to the Governor, who
may, when the defendant becomes sane, issue a warrant appointing a day for the execution of the judgment.

Sec. 254. If there is good reason to suppose that a female against whom a judgment of death is rendered is pregnant, the warden of the penitentiary, to whom she is delivered for execution, with the concurrence of the Prosecuting Attorney, may summon a jury of three physicians to inquire into the supposed pregnancy. Immediate notice thereof must be given to the Prosecuting Attorney of said Circuit, and the provisions of the two preceding sections then apply to the proceedings upon the inquisition.

Sec. 255. If it is found by the inquisition that the female is not pregnant, the warden must execute the judgment; if it is found that she is pregnant, the warden must suspend the execution of the judgment and transmit the inquisition to the Governor. When the Governor is satisfied that the female is no longer pregnant, he may issue his warrant appointing a day for the execution of the judgment.

Sec. 256. If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction is had, on the application of the Prosecuting Attorney of the Canal Zone, must order the defendant to be brought before it, or if he is at large, a warrant for apprehension may be issued. Upon the defendant being brought before the court, it must inquire into the facts, and if no legal reason exist against the execution of the judgment, must make an order that the warden of the penitentiary to whom the court officer is directed to deliver the defendant, shall execute the judgment at a specified time. The warden must execute the judgment accordingly.

Sec. 257. The punishment of death must be inflicted by hanging the defendant by the neck until he is dead.

Sec. 258. A judgment of death must be executed within the walls of the penitentiary. The warden of the penitentiary must be present at the execution, and must invite the presence of a physician, the Prosecuting Attorney of the Canal Zone, and at least twelve reputable residents of the Canal Zone, to be selected by him; and he shall, at the request of the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives, or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under twenty-one years of age be allowed to witness the same.

Sec. 259. After the execution, the warden must make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode, and manner in which it was executed.
TITLE IX.

Of Appeals to the Supreme Court.

CHAPTER I.

Appeals, When Allowed and How Taken, and the Effect Thereof.

Sec. 260. Either party in a criminal action amounting to a felony may appeal to the Supreme Court on questions of law alone, as prescribed in this Chapter.

Sec. 261. The party appealing is known as the appellant, and the adverse party as the respondent, but the title of the action is not changed in consequence of the appeal.

Sec. 262. An appeal may be taken by the defendant:
1. From a final judgment of conviction.
2. From an order denying a motion for a new trial.
3. From an order made after judgment, affecting the substantial rights of the party.

Sec. 263. An appeal may be taken by the Government:
1. From an order setting aside the information.
2. From a judgment for the defendant on a demurrer to the information.
3. From an order granting a new trial.
4. From an order arresting judgment.
5. From an order made after judgment affecting the substantial rights of the Government.

Sec. 264. An appeal must be taken within six months after rendition of final judgment in the case.

Sec. 265. An appeal is taken by filing with the clerk of the court in which the judgment appealed from is entered or filed, a notice stating the appeal from the same, and serving a copy thereof upon the attorney of the adverse party.

Sec. 266. If personal service of the notice cannot be made, the judge of the court in which the action was tried, upon proof thereof, may make an order for the publication of the notice in some newspaper for a period not exceeding thirty days. Such publication is equivalent to personal service.

Sec. 267. An appeal taken by the Government of the Canal Zone in no case stays or affects the operation of a judgment in favor of the defendant until judgment is reversed.

Sec. 268. An appeal to the Supreme Court from a judgment of conviction stays the execution of the judgment in all capital cases, and in all other cases upon filing with the clerk of the court in which the
conviction was had a certificate of the judge of such court, or of a judge of the Supreme Court, that, in his opinion, there is a probable cause for the appeal, but not otherwise.

SEC. 269. If the certificate provided for in the preceding section is filed, the warden must, if the defendant be in his custody upon being served with a copy thereof, keep the defendant in his custody without executing the judgment, and detain him to abide the judgment on appeal.

SEC. 270. If, before the granting of the certificate, the judgment has commenced, the further execution thereof is suspended, and upon service of a copy of such certificate the defendant must be restored by the officer in whose custody he is to his original custody.

SEC. 271. Upon the appeal being taken, the clerk of the court with whom the notice of appeal is filed, must, within twenty days thereafter, in case the bill of exceptions has been signed by the judge before the giving of said notice, but if not, then within twenty days from the signing of the bill of exceptions, without charge, transmit to the clerk of the Supreme Court six printed or typewritten copies (one of which shall be certified to and be the original) of the notice of appeal, the record, and of all bills of exceptions, and upon the receipt thereof the clerk of the Supreme Court must file the original, and deliver one to each of the judges and the Prosecuting Attorney, and all his services as provided herein must be without charge. The clerk of the lower court must also within the time above specified serve printed copies of the above named papers, without charge, upon the defendant’s attorney.

SEC. 272. The Supreme Court shall make rules for the regulation of costs in all cases of appeal, provided such costs shall not exceed seventy-five dollars. All costs and fees shall be paid to the clerk thereof, who shall pay over the same to the Treasurer at the end of each month.

CHAPTER II.

Dismissing an Appeal for Irregularity.

SEC. 273. If the appeal is irregular in any substantial particular, but not otherwise, the Supreme Court may, on motion of the respondent, upon five days’ notice, accompanied with copies of the papers upon which the motion is founded, order it to be dismissed.

SEC. 274. The court may also, upon like motion, dismiss the appeal if return is not made as provided by law, unless for good cause they enlarge the time for that purpose.
Chapter III.

Argument of the Appeal.

Sec. 275. All appeals in criminal cases must be heard and determined by the Supreme Court within one hundred and twenty days after the record is filed in said Supreme Court, unless continued on motion or with the consent of the defendant.

Sec. 276. The defendant need not personally appear in the Supreme Court.

Chapter IV.

Judgment Upon Appeal.

Sec. 277. After hearing the appeal, the Supreme Court must give judgment without regard to technical errors or defects, or to exceptions, which do not affect the substantial rights of the parties.

Sec. 278. Upon an appeal taken by the defendant from a judgment, the court may review any intermediate order or rulings involving the merits, or which may have affected the judgment.

Sec. 279. The Supreme Court may reverse, affirm, or modify the judgment or order appealed from, and may set aside, affirm, or modify any or all of the proceedings subsequent to, or dependent upon, such judgment or order, and may, if proper, order a new trial.

Sec. 280. When a new trial is ordered, it must be directed to be had in the court of the Circuit from which the appeal was taken.

Sec. 281. If a judgment against the defendant is reversed without ordering a new trial, the Supreme Court must, if he is in custody, direct him to be discharged therefrom; or if on bail, that his bail be exonerated; or if money was deposited instead of bail, that it be refunded to the defendant.

Sec. 282. If a judgment against the defendant is affirmed, the original judgment must be enforced.

Sec. 283. When the judgment of the Supreme Court is given, it must be entered in the minutes, and a certified copy of the entry forthwith remitted to the clerk of the court from which the appeal was taken.

Sec. 284. After the certificate of the judgment has been remitted to the court below, the Supreme Court has no further jurisdiction of the appeal or of the proceedings thereon, and all orders necessary to carry the judgment into effect must be made by the court to which the case is remitted.
Title X.

Bail.

Chapter I.

Defendant Admitted to Bail.

Sec. 285. Admission to bail is the order by a judge of a competent court that the defendant be discharged from actual custody upon bail.

Sec. 286. The taking of bail consists in the acceptance by a competent court of the undertaking of sufficient bail for the appearance of the defendant, according to the terms of the undertaking, or that the bail will pay to the Government of the Canal Zone a specified sum. In no case shall excessive bail be required.

Sec. 287. A defendant charged with an offense punishable with death cannot be admitted to bail, when the proof of his guilt is evident or the presumption thereof great. The filing of an information does not add to the strength of the proof or the presumptions to be drawn therefrom.

Sec. 288. If the charge is for any other offense, he may be admitted to bail before conviction.

Sec. 289. After conviction of an offense not punishable with death, the defendant who has appealed may be admitted to bail:
1. As a matter of right, when the appeal is from a judgment imposing a fine only.
2. As a matter within the discretion of the court in all other cases.

Sec. 290. If the offense is bailable, the defendant may be admitted to bail before conviction:
1. For his appearance before a Municipal Judge on the examination of the charge, before being held to answer.
2. To appear at the court to which the Municipal Judge is required to return the complaint and warrant, upon the defendant being held to answer after examination.
3. After the information is filed and before the bench warrant is issued for his arrest, or upon any order of the court committing him, or enlarging the amount of bail, or upon his being surrendered by his bail, to answer the information in the court in which it is found or to which it may be transferred for trial.

And after conviction, and upon an appeal:
1. If the appeal is from a judgment imposing a fine only, on the undertaking of bail that he will pay the same, or such part of it as the
Supreme Court may direct, if the judgment is affirmed or modified, or the appeal is dismissed.

2. If judgment of imprisonment has been given, that he will surrender himself in execution of the judgment, upon its being affirmed or modified, or the judgment be reversed, and that the cause be remanded for a new trial, that he will appear in the court to which said cause may be remanded, and submit himself to the orders and process thereof.

Sec. 291. When the admission to bail is a matter of discretion, the court or officer to whom the application is made must require reasonable notice thereof to be given to the Prosecuting Attorney of the Canal Zone.

Chapter II.

Bail Upon Being Held to Answer Before Information.

Sec. 292. When the defendant has been held to answer upon an examination for a public offense, the admission to bail may be by the officer by whom he is so held, or by any magistrate who has power to issue the writ of habeas corpus.

Sec. 293. Bail is a written undertaking, executed by two sufficient sureties, with or without the defendant, in the discretion of a judge or justice of the Supreme Court, and acknowledged before a judge or justice of the Supreme Court, in substantially the following form:

"An order having been made on the ...... day of .........., A. D., nineteen ......, by ........... (as the officer may be), that
...... be held to answer upon a charge of (stating briefly the nature of the offense) upon which he has been admitted to bail in the sum of ............. dollars; we, ........... and ............. of ............. (stating their place of residence and occupation), hereby undertake that the above-named ............., will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the order and process of the court, and if convicted, will appear for judgment, and render himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to the Government of the Canal Zone the sum of ............. dollars" (inserting the sum in which the defendant is admitted to bail).

Sec. 294. The qualifications of sureties are as follows:

1. Each of them must be a resident and a tax-payer; but the court or judge may refuse to accept any person as bail who is not a resident of the Circuit where bail is offered.

2. They must each be worth the amount specified in the undertaking, exclusive of property exempt from execution; but the court or judge, on taking bail, may allow more than two sureties to justify
severally in amounts less than that expressed in the undertaking, if the whole justification be equivalent to that of sufficient bail.

Sec. 295. The sureties must in all cases justify by affidavit, taken before the officer accepting bail, that they each possess the qualifications provided in the preceding section. The officer may further examine the bail upon oath concerning their sufficiency in such manner as he may deem proper.

Sec. 296. Upon the allowance of bail and the execution of the undertaking, the officer must, if the defendant is in custody, make and sign an order for his discharge, upon the delivery of which to the proper officer the defendant must be discharged.

Chapter III.

Bail Upon An Information Before Conviction.

Sec. 297. When the offense charged is not punishable with death, the officer serving the warrant must, if required, take the defendant before a municipal judge in the circuit in which it is issued, or in which he is arrested, for the purpose of giving bail.

Sec. 298. If the offense charged is punishable with death, the officer arresting the defendant must deliver him into custody, according to the command of the bench warrant.

Sec. 299. When the defendant is so delivered into custody, he must be held by the warden, unless admitted to bail on examination upon a writ of habeas corpus.

Sec. 300. The bail must be a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the court), and acknowledged before the court, in substantially the following form:

"An information having been filed on the ...... day of ......, A. D., nineteen .......... in the Circuit Court of the .......... Circuit, charging .......... with the crime of .......... (designating it generally), and he having been admitted to bail in the sum of .......... dollars, we, ........ and ...... of .......... (stating their place of residence and occupation), hereby undertake that the above named .......... will appear and answer the information above mentioned in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and if convicted, will appear for judgment and render himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to the Government of the Canal Zone the sum of .......... dollars" (inserting the sum in which the defendant is admitted to bail).
Undertaking.—The justification forms no part of the contract, and in no manner affects the liability of the sureties.

Sec. 301. The provisions of this Code in relation to bail before information apply to bail after information.

Sec. 302. After a defendant has been admitted to bail upon an information, the court in which the charge is pending, may, upon good cause shown, either increase or reduce the amount of bail. If the amount be increased, the court may order the defendant to be committed to actual custody, unless he give bail in such increased amount. If application be made by the defendant for a reduction of the amount, notice of the application must be served on the Prosecuting Attorney.

Chapter IV.

Bail on Appeal.

Sec. 303. In cases in which the defendant may be admitted to bail upon an appeal, the order admitting him to bail may be made by any magistrate having the power to issue a writ of habeas corpus, or by the judge before whom the trial was had.

Sec. 304. The sureties must possess the qualifications in all respects hereinbefore provided, except that the undertaking must be conditioned as prescribed in Section 290 for undertakings of bail on appeal.

Chapter V.

Deposit Instead of Bail.

Sec. 305. The defendant, at any time after an order admitting him to bail, instead of giving bail, may deposit with the clerk of the court in which he is held to answer, the sum mentioned in the order, and upon delivering to the officer in whose custody he is a certificate of the deposit, must be discharged from custody.

Sec. 306. If the defendant has given bail, he may, at any time before the forfeiture of the undertaking, in like manner deposit the sum mentioned in the recognizance, and upon the deposit being made, the bail is exonerated.

Sec. 307. When money has been deposited, if it remains on deposit at the time of a judgment for the payment of a fine, the clerk must, under the direction of the court, apply the money in satisfaction thereof, and after satisfying the fine and costs, must refund the surplus, if any, to the defendant.

*Amended by Executive Order

Date August 29, 1913 P. 149-150
Chapter VI.

Surrender of the Defendant.

Sec. 308. At any time before the forfeiture of their undertaking, the bail may surrender the defendant in their exoneration, or he may surrender himself, to the officer to whose custody he was committed at the time of giving bail, in the following manner:

1. A certified copy of the undertaking of the bail must be delivered to the officer, who must detain the defendant in his custody thereon as upon a commitment, and by a certificate in writing acknowledge the surrender.

2. Upon the undertaking and the certificate of the officer, the court in which the action or appeal is pending may, upon notice of five days to the Prosecuting Attorney of the Circuit, with a copy of the undertaking and certificate, order that the bail be exonerated, and on filing the order and the papers used on the application, they are exonerated accordingly.

Sec. 309. For the purpose of surrendering the defendant, the bail, at any time before they are finally discharged, and at any place within the Canal Zone, may themselves arrest him, or by a written authority, indorsed on a certified copy of the undertaking, may empower any person of suitable age and discretion to do so.

Sec. 310. If money has been deposited instead of bail, and the defendant, at any time before the forfeiture thereof, surrenders himself to the officer to whom the commitment was directed, in the manner provided in the two preceding sections, the court must order a return of the deposit to the defendant, or other person making the deposit, upon producing the certificate of the officers showing the surrender, and upon a notice of five days to the Prosecuting Attorney, with a copy of the certificate.

Chapter VII.

Forfeiture of the Undertaking of Bail or of the Deposit of Money.

Sec. 311. If, without sufficient excuse, the defendant neglects to appear for arraignment, or for trial or judgment, or upon any other occasion when his presence in court may be legally required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes, and the undertaking of bail, or the money deposited instead of bail, as the case may be, is, thereupon declared forfeited. But if at any time before the final adjournment of the court, the defendant, or his bail, appear and satis-
factorily excuse his neglect, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

Sec. 312. If the forfeiture is not discharged, as provided in the preceding section, the Prosecuting Attorney may, at any time after the adjournment of the court, proceed by action only against the bail upon their undertaking.

Sec. 313. If, by reason of the neglect of the defendant to appear, money deposited instead of bail is forfeited, and the forfeiture is not discharged or remitted, the clerk with whom it is deposited must, within twenty days after the same has been forfeited, pay over the same to the Treasurer of the Canal Zone.

Sec. 314. In all cases of the forfeiture of bail bond the court shall enter judgment thereon summarily against the sureties, and thereupon execution shall issue to enforce payment of the judgment.

Chapter VIII.

Recommitment of the Defendant, After Having Given Bail or Deposited Money Instead of Bail.

Sec. 315. The court to which the Municipal Judge returns the depositions, or in which an information or appeal is pending, or to which a judgment on appeal is remitted to be carried into effect, may, by an order entered upon its minutes, direct the arrest of the defendant and his commitment to the officer to whose custody he was committed at the time of giving bail, and his detention until legally discharged, in the following cases:

1. When, by reason of his failure to appear, he has incurred a forfeiture of his bail, or of money deposited instead thereof.

2. When it satisfactorily appears to the court that his bail, or either of them, are dead or insufficient, or have removed from the Canal Zone.

3. Upon an information filed in the cases provided in Section 132.

Sec. 316. The order for the commitment of the defendant must recite generally the facts upon which it is founded, and direct that the defendant be arrested by any marshal, policeman, or other peace officer, and committed to the officer in whose custody he was at the time he was admitted to bail, to be detained until legally discharged.

Sec. 317. The defendant may be arrested pursuant to the order upon a certified copy thereof, in any Circuit, in the same manner as upon a warrant of arrest.

Sec. 318. If the order recites, as the ground upon which it is made, the failure of the defendant to appear for judgment upon conviction,
the defendant must be committed according to the requirement of the order.

Sec. 319. If the order be made for any other cause, and the offense is bailable, the court may fix the amount of bail, and may cause a direction to be inserted in the order that the defendant be admitted to bail in the sum fixed, which must be specified in the order.

Sec. 320. When the defendant is admitted to bail, the bail may be taken by any Municipal Judge in the Circuit having authority in a similar case to admit to bail, upon the holding of the defendant to answer before an information is filed, or by any other Municipal Judge designated by the court.

Sec. 321. When the bail is taken upon the recommittal of the defendant, the undertaking must be in substantially the following form:

"An order having been made on the ....... day of .......... A. D., nineteen .........., by the court (naming it) that .......... be admitted to bail in the sum of .......... dollars, in an action pending in that court against him in behalf of the Government of the Canal Zone, upon an (information or appeal, as the case may be), we, .......... and .......... of (stating their places of residence and occupation), hereby undertake that the above named .......... will appear in that, or in any other court in which his appearance may be lawfully required upon that (information or appeal, as the case may be), and will at all times render himself amenable to its orders and process, and appear for judgment and surrender himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to the Government of the Canal Zone the sum of .......... dollars" (insert the sum in which the defendant is admitted to bail).

Title XI.

Miscellaneous Proceedings.

Chapter I.

Compelling the Attendance of Witnesses.

Sec. 322. The process by which the attendance of a witness before a court or Municipal Judge is required is a subpoena. It may be signed and issued by:

1. A Municipal Judge before whom a complaint is made, for witnesses in the Canal Zone, either on behalf of the Government or of the defendant.

2. The Prosecuting Attorney, for witnesses in support of the prosecution, or for such other witnesses as the court, upon a trial pending before it, may direct.

3. A judge of any court may order a subpoena for any witness.
4. The Prosecuting Attorney, for witnesses in support of an information to appear before the court in which it is to be tried.

5. The clerk of the court in which an information is to be tried; and he must, at any time, upon application of the defendant, and without charge, issue subpoenas for witnesses for him.

Sec. 323. A subpoena authorized by the preceding section must be substantially in the following form:

“The Government of the Canal Zone:

“You are commanded to appear before (the Circuit Court or a Municipal Judge) of ......... Circuit (or as the case may be) at (naming the place) on (stating the day and hour), as a witness in a criminal action prosecuted by the Government of the Canal Zone.

“Given under my hand this ...... day of .........A. D., nineteen .........” (Municipal Judge, Prosecuting Attorney, or “By order of the court ............. Clerk,” or as the case may be). If books, papers or documents are required, a direction to the following effect must be contained in the subpoena: “And you are required also to bring with you the following” (describing intelligibly the books, papers, or documents required).

Sec. 324. A subpoena may be served by any person, but a peace officer must serve any subpoena delivered to him for service, either on the part of the Government of the Canal Zone or of the defendant, and must, without delay, make a written return of the service, subscribed by him, stating the time and place of service. The service is made by showing the original to the witness personally, and informing him of its contents.

Sec. 325. When a person attends before a Municipal Judge, Prosecuting Attorney or court, as a witness in a criminal case, upon a subpoena or in pursuance of an undertaking, to testify on behalf of the prosecution, and it appears that he has come from a place outside of the municipality, or that he is poor and unable to pay the expenses of such attendance, the court, in its discretion, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case, the judge, at his discretion, by a written order, may direct the clerk of the court to pay the witness a reasonable sum to pay his expenses, which shall be charged against his per diem.

Sec. 326. Disobedience to a subpoena, or a refusal to be sworn or to testify as a witness, may be punished by the court or Municipal Judge as a contempt. A witness disobeying a subpoena issued on the part of the defendant, unless he show good cause for his non-attendance, is liable to the defendant in the sum of one hundred dollars, which may be recovered in a civil action.

Sec. 327. When a witness has entered into an undertaking to appear, upon his failure to do so the undertaking is forfeited in the same manner as undertakings of bail.
SEC. 328. When the testimony of a material witness for the Government is required in a criminal action, before a court, and such witness is a prisoner in the penitentiary, or in jail, an order for his temporary removal from such penitentiary or jail, and for his production before such court, may be made by the court in which the action is pending, or by the judge thereof; but in case the penitentiary or jail is out of the Circuit in which the application is made, such order shall only be made upon the affidavit of the Prosecuting Attorney, or other person, on behalf of the Government, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of the court or judge. The order shall be executed by the officer of the court in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, to safely keep him, and when he is no longer required as a witness, to return him to the penitentiary or jail whence he was taken. The expense of executing such order shall be paid from the funds of the Government of the Canal Zone.

CHAPTER II.

Examination of Witnesses Conditionally.

SEC. 329. When a defendant has been held to answer a charge for a public offense, he may, either before or after an information is filed, have witnesses examined conditionally, on his behalf, as prescribed in this Chapter, and not otherwise.

SEC. 330. When a material witness for the defendant is about to leave the Canal Zone, or is so sick or infirm as to afford reasonable grounds for apprehending that he will be unable to attend the trial, the defendant may apply for an order that the witness be examined conditionally.

SEC. 331. The application must be made upon affidavit, stating:
1. The nature of the offense charged.
2. The state of the proceedings in the action.
3. The name and residence of the witness, and that his testimony is material to the defense of the action.
4. That the witness is about to leave the Canal Zone or is so sick or infirm as to afford reasonable grounds for apprehending that he will not be able to attend the trial.

The application may be made to the court, or to a judge thereof, and must be made upon three days' notice to the Prosecuting Attorney.

SEC. 332. If the court or judge is satisfied that the examination of the witness is necessary, an order must be made that the witness be examined conditionally, at a specified time and place, and that a copy
of the order be served on the Prosecuting Attorney within a specified
time before that fixed for the examination.

Sec. 333. The order must direct that the examination be taken be-
fore a Municipal Judge named therein, and on proof being furnished
to such Municipal Judge of service upon the Prosecuting Attorney of
a copy of the order, if no counsel appear on the part of the Govern-
ment, the examination must proceed.

Sec. 334. If the Prosecuting Attorney or other counsel appear on
behalf of the people, and it is shown to the satisfaction of the Municipal
Judge by affidavit or other proof, or on the examination of the wit-
ness, that he is not about to leave the Canal Zone, or is not sick or
infirm., or that the application was made to avoid the examination of
the witness on the trial, the examination cannot take place; otherwise
it must proceed.

Sec. 335. The attendance of the witness may be enforced by a
subpena, issued by the Municipal Judge before whom the examina-
tion is to be taken.

Sec. 336. The testimony given by the witness must be reduced
to writing, and authenticated in the same manner as the testimony of
a witness taken in support of an information.

Sec. 337. The deposition taken must, by the Municipal Judge, be
sealed up and transmitted to the clerk of the court in which the
action is pending or may come for trial.

Sec. 338. The deposition, or a certified copy thereof, may be read
in evidence by either party on the trial, upon its appearing that the
witness is unable to attend, by reason of his death, insanity, sickness,
or infirmity, or of his continued absence from the Canal Zone. Upon
reading the deposition in evidence, the same objections may be taken
to a question or answer contained therein as if the witness had been
examined orally in court.

Chapter III.

Examination of Witnesses in Commission.

Sec. 339. When an issue of fact is joined upon an information, the
defendant may have any material witness residing out of the Canal
Zone examined in his behalf, as prescribed in this Chapter, and not
otherwise.

Sec. 340. When a material witness for the defendant resides out
of the Canal Zone, the defendant may apply for an order that the wit-
ness be examined on a commission.

Sec. 341. A commission is a process issued under the seal of the
court and the signature of the clerk directed to some person desig-
nated as commissioner, authorizing him to examine the witness under oath upon the interrogatories annexed thereto, to take and certify the deposition of the witness, and to return it according to the directions given with the commission.

SEC. 342. The application must be made upon affidavit stating:
1. The nature of the offense charged.
2. The state of the proceedings in the action, and that an issue of facts has been joined therein.
3. The name of the witness, and that his testimony is material to the defense of the action.
4. That the witness resides and is at the time out of the Canal Zone, and will not be within the jurisdiction of the court at the time of the trial.

SEC. 343. The application may be made to the court, or a judge thereof, and must be upon three days' notice to the Prosecuting Attorney.

SEC. 344. If the court to whom the application is made is satisfied of the truth of the facts stated, and that the examination of the witness is necessary to the attainment of justice, an order must be made that a commission be issued to take his testimony; and the court may insert in the order a direction that the trial be stayed for a specified time, reasonably sufficient for the execution and return of the commission.

SEC. 345. When the commission is ordered, the defendant must serve upon the Prosecuting Attorney without delay a copy of the interrogatories to be annexed thereto, with two days' notice of the time at which they will be presented to the court or judge. The Prosecuting Attorney may in like manner serve upon the defendant or his counsel cross-interrogatories, to be annexed to the commission, with the like notice. In the interrogatories either party may insert any question pertinent to the issue. When the interrogatories and cross-interrogatories are presented to the court or judge, according to the notice given, the court or judge must modify the questions so as to conform them to the rules of evidence, and must indorse upon them his allowance, and annex them to the commission.

SEC. 346. Unless the parties otherwise consent, by an indorsement upon the commission, the court or judge must indorse thereon a direction as to the manner in which it must be returned, and may, in his discretion, direct that it be returned by mail or otherwise, addressed to the clerk of the court in which the action is pending, designating his name and the place where his office is kept.

SEC. 347. The Commissioner, unless otherwise specially directed, may execute the commission as follows:
1. He must publicly administer an oath to the witness that his
answers given to the interrogatories shall be the truth, the whole truth, and nothing but the truth.

2. He must cause the examination of the witness to be reduced to writing and subscribed by him.

3. He must write the answers of the witness as near as possible in the language in which he gives them, and read to him each answer as it is taken down, and correct or add to it until it conforms to what he declares is the truth.

4. If the witness declines to answer a question, that fact, with the reason assigned by him for declining, must be stated.

5. If any papers or documents are produced before him and proved by the witness, they, or copies of them, must be annexed to the deposition subscribed by the witness and certified by the Commissioner.

6. The Commissioner must subscribe his name to each sheet of the deposition, and annex the deposition with the papers and documents proved by the witness, or copies thereof, to the commission, and must close it up under seal and address it as directed by the indorsement thereon.

7. If there be a direction on the commission to return it by mail, the Commissioner must forthwith deposit it in the nearest post-office. If any other direction be made by the written consent of the parties, or by the court or judge, on the commission, as to its return, the Commissioner must comply with the direction.

A copy of this section must be annexed to the commission.

Sec. 348. If the commission and return be delivered by the Commissioner to an agent, such agent must deliver the same to the clerk to whom it is directed, or to the judge of the court in which the action is pending, by whom it may be received and opened, upon the agent making affidavit that he received it from the hands of the Commissioner, and that it has not been opened or altered since he received it.

Sec. 349. If the agent is dead, or from sickness or other casualty unable personally to deliver the commission and return, as prescribed in the preceding section, it may be received by the clerk or judge from any other person, upon his making affidavit that he received it from the agent, that the agent is dead or from sickness or other casualty unable to deliver it; that it has not been opened or altered since the person making the affidavit received it, and that he believes it has not been altered or opened since it came from the hands of the Commissioner.

Sec. 350. The clerk or judge receiving and opening the commission and return, must immediately file them, with the affidavit mentioned in the two preceding sections, in the office of the clerk of the court in which the information is pending. If the commission and return are transmitted by mail, the clerk to whom they are addressed must open
and file them in his office, where they must remain, unless otherwise directed by the court or judge.

SEC. 351. The commission and return must at all times be open to the inspection of the parties, who must be furnished by the clerk with copies of the same, or of any part thereof, on payment of his fees.

SEC. 352. The depositions taken under the commission may be read in evidence by either party on the trial, upon it being shown that the witness is unable to attend from any cause whatever, and the same objections may be taken to a question in the interrogatories or to an answer in the deposition, as if the witness had been examined orally in court.

CHAPTER IV.

Inquiry Into the Insanity of the Defendant Before Trial or After Conviction.

SEC. 353. A person cannot be tried, adjudged to punishment, or punished for a public offense while he is insane.

SEC. 354. When an action is called for trial, or at any time during the trial, or when the defendant is brought up for judgment on conviction, if a substantial doubt arise as to the sanity of the defendant, the court must order the question as to his sanity to be submitted to three experts designated by the court, and the trial or the pronouncing of the judgment must be suspended until the question is determined by their decision.

SEC. 355. The trial of the question of insanity must proceed in the following order:
1. The counsel for the defendant must open the case and offer evidence in support of the allegation of insanity.
2. The counsel for the Government may then open their case and offer evidence in support thereof.
3. The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permits them to offer evidence upon their original cause.
4. When the evidence is concluded, on either or both sides without argument, the counsel for the Government must commence, and the defendant or his counsel may conclude the argument.
5. If the information be for an offense punishable with death, two counsel on each side may argue the cause, in which case they must do so alternately. In other cases, the argument may be restricted to one counsel on each side.
6. The court must then charge the experts, stating to them all matters of law necessary for their information in giving their verdict.
SEC. 356. If the experts find the defendant sane, the trial must proceed or judgment be pronounced, as the case may be. If the experts find the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he be in the meantime committed to an insane asylum, and that upon his becoming sane he be delivered to the warden of the jail.

SEC. 357. The commitment of the defendant, as mentioned in the preceding section, exonerates his bail, or entitles a person authorized to receive the property of the defendant to a return of any money he may have deposited instead of bail.

SEC. 358. If the defendant is received into the asylum, he must be detained there until he becomes sane. When he becomes sane, the superintendent must give notice of that fact to the Prosecuting Attorney of the Canal Zone. The warden must thereupon, without delay, bring the defendant from the asylum and place him in proper custody until he is brought to trial or judgment, as the case may be, or is legally discharged.

CHAPTER V.

Comprising Certain Public Offenses by Leave of the Court.

SEC. 359. When a defendant is held to answer on a charge of a misdemeanor, for which the person injured by the act constituting the offense has a remedy by civil action, the offense may be compromised as provided in the next section, except when it is committed:

1. By or upon an officer of justice, while in the execution of the duties of his office;
2. Riotously;
3. With an intent to commit a felony.

SEC. 360. If the party injured appears before the court in which the action is pending at any time before trial and acknowledges that he has received satisfaction for the injury, the court may, in its discretion, on payment of the costs incurred, order all proceedings to be stayed and the defendant to be discharged therefrom; but in such case the reasons for the order must be set forth therein, and entered on the minutes. The order is a bar to another prosecution for the same offense.

SEC. 361. No public offense can be compromised, nor can any proceeding or prosecution for the punishment thereof upon a compromise be stayed, except as herein provided.
Chapter VI.

Dismissal of the Action Before or After Information for Want of Prosecution or Otherwise.

Sec. 362. The court, unless good cause to the contrary is shown, shall order the prosecution to be dismissed in the following cases:

1. Where a person has been held to answer for a public offense, if an information is not filed against him within sixty days thereafter.

2. If a defendant, whose trial has not been postponed upon his application, is not brought to trial within one hundred and twenty days after the filing of the information.

Sec. 363. If the defendant is not charged or tried as provided in the preceding section, and sufficient reason therefor is shown, the court may order the action to be continued from time to time, and in the meantime may discharge the defendant from custody on his own undertaking of bail for his appearance to answer the charge at the time to which the action is continued.

Sec. 364. If the court directs the action to be dismissed, the defendant must, if in custody, be discharged therefrom; or if admitted to bail, his bail is exonerated, or the money deposited instead of bail must be refunded to him.

Sec. 365. The court may, either of its own motion or upon the application of the Prosecuting Attorney and in furtherance of justice, order an action on an information to be dismissed. The reasons of the dismissal must be set forth in an order entered upon the docket.

Sec. 366. An order for the dismissal of the action, as provided in this Chapter, is a bar to any other prosecution for the same offense, if it is a misdemeanor, but it is not a bar if the offense is a felony.

Chapter VII.

Proceedings Against Corporations.

Sec. 367. Upon a complaint being filed against a corporation, a summons must be issued requiring the corporation to appear before the court at a specified time and place, to answer the charge, the time to be not less than ten days after the issuing of the summons.

Sec. 368. The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president or other head of the corporation, or to the secretary, cashier, or managing agent within any municipality of the Canal Zone.

Sec. 369. At the time appointed in the summons, the officer before
whom the corporation is summoned to appear must proceed to investigate the charge in the same manner as in the case of a natural person, so far as these proceedings are applicable.

SEC. 370. After hearing the proofs, the officer must certify upon the depositions either that there is or is not sufficient cause to believe the corporation guilty of the offense charged, and must return the deposition and certificate.

SEC. 371. If the officer returns a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the Prosecuting Attorney must file an information thereon, as in case of a natural person held to answer.

SEC. 372. If an information is filed, the corporation may appear by counsel to answer the same. If it does not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

SEC. 373. When a fine is imposed upon a corporation on conviction, it may be collected by virtue of the order imposing it, by the officer of the court, out of the real and personal property of the corporation.

Chapter VIII.

Errors and Mistakes in Pleadings and Other Proceedings.

SEC. 374. Neither a departure from the form or mode prescribed by this Code in respect to any pleading or proceeding, nor an error or mistake therein, renders it invalid, unless it has actually prejudiced the defendant or tended to his prejudice, in respect of a substantial right.

Chapter IX.

Disposal of Property Stolen or Embezzled.

SEC. 375. When property alleged to have been stolen or embezzled, comes into the custody of a peace officer, he must hold it subject to the order of the court authorized by the next section to direct the disposal thereof.

SEC. 376. On satisfactory proof of the ownership of the property, the court before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling it, must order it to be delivered to the owner on his paying the necessary expense incurred in its preservation, to be certified by the judge of said court. The order entitles the owner to demand and receive the property.
SEC. 377. If property stolen or embezzled comes into custody of a court, it must be delivered to the owner on satisfactory proof of his title, and on his paying the necessary expense incurred in its preservation, to be certified by the judge of said court.

SEC. 378. If the property stolen or embezzled has not been delivered to the owner, the court before which a trial is had for stealing or embezzling it, may, on proof of his title, order it to be restored to the owner.

SEC. 379. If the property stolen or embezzled is not claimed by the owner before the expiration or six months from the conviction of a person for stealing or embezzling it, the court or officer having it in custody must, on the payment of the necessary expenses incurred in its preservation, deliver it to the Treasurer of the Canal Zone, by whom it must be sold and the proceeds paid into the Zone treasury.

SEC. 380. When money or other property is taken from a defendant, arrested upon a charge of a public offense, the officer taking it must at the time give duplicate receipts therefor, specifying particularly the amount of money or the kind of property taken; one of which receipts he must deliver to the defendant and the other of which he must forthwith file with the clerk of the court to which the depositions and statement are to be sent. When such property is taken by a police or peace officer, he must deliver one of the receipts to the defendant, and one, with the property, to the clerk or other person in charge of the police department.

SEC. 381. The clerk or person having charge of the police department must enter in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into the office or taken from the person of a prisoner, and must attach a number to each article, and make a corresponding entry thereof.

TITLE XII.

Habeas Corpus.

SEC. 382. Every person unlawfully imprisoned or restrained of his liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.

SEC. 383. Application for the writ is made by petition, signed either by the party for whose relief it is intended, or by some person in his behalf, and must specify:

1. That the person in whose behalf the writ is applied for is imprisoned or restrained of his liberty, the officer or person by whom he is so confined or restrained, and the place where, naming all the parties, if they are known, or describing them, if they are not known.
2. If the imprisonment is alleged to be illegal, the petition must also state in what the alleged illegality consists.

3. The petition must be verified by the oath of the party making the application.

Sec. 384. The writ of *habeas corpus* may be granted:

1. By the Supreme Court, or any justice thereof, or by the Circuit Court, or any judge thereof, upon petition or on behalf of any person restrained of his liberty. When so issued it may be made returnable before the court or the judge issuing the same.

2. By the Circuit Courts, or a judge thereof, upon petition by or on behalf of any person restrained of his liberty, in the respective circuit in which said court has jurisdiction.

Sec. 385. Any court or judge authorized to grant the writ, to whom a petition therefor is presented, must, if it appear that the writ ought to issue, grant the same without delay.

Sec. 386. The writ must be directed to the person having custody of or restraining the person on whose behalf the application is made, and must command him to have the body of such person before the court or judge before whom the writ is returnable at a time and place therein specified.

Sec. 387. If the writ is directed to any ministerial officer of the court out of which it issues, it must be delivered by the clerk to such officer without delay, as other writs are delivered for service. If it is directed to any other person, it must be delivered to such officer of the court and be by him served upon such person by delivering the same to him without delay. If the person to whom the writ is directed cannot be found, or refuse admittance to the officer or person serving or delivering such writ, it may be served or delivered by leaving it at the residence of the person to whom it is directed, or by affixing it to some conspicuous place on the outside, either of his dwelling house or of the place where the party is confined or under restraint.

Sec. 388. If the person to whom the writ is directed refuses, after service, to obey the same, the court or judge, upon affidavit, must issue an attachment against such person, directed to any officer, commanding him forthwith to apprehend such person and bring him immediately before such court or judge; and upon being so brought, he must be committed to jail until he makes due return to such writ, or is otherwise legally discharged.

Sec. 389. The person upon whom the writ is served must state in his return plainly and unequivocally:

1. Whether he has or has not the party in his custody, or under his power or restraint.

2. If he has the party in his custody or power, or under his re-
strait, he must state the authority and cause of such imprisonment or restraint.

3. If the party is detained by virtue of any writ, warrant, or other written authority, a copy thereof must be annexed to the return, and the original produced and exhibited to the court or judge on the hearing of such return.

4. If the person upon whom the writ is served had the party in his power or custody, or under his restraint, at any time prior or subsequent to the date of the writ of *habeas corpus*, but has transferred such custody or restraint to another, the return must state particularly to whom, at what time and place, for what cause, and by what authority, such transfer took place.

5. The return must be signed by the person making the same, and, except when such person is a sworn public officer and makes such return in his official capacity, it must be verified by his oath.

Sec. 390. The person to whom the writ is directed, if it is served, must bring the body of the party in his custody or under his restraint, according to the command of the writ, except in the cases specified in the next section.

Sec. 391. When, from sickness or infirmity of the person directed to be produced, he cannot, without danger, be brought before the court or judge, the person in whose custody or power he is may state that fact in his return to the writ, verifying the same by affidavit. If the court or judge is satisfied of the truth of such return, and the return to the writ is otherwise sufficient, the court or judge may proceed to decide on such return and to dispose of the matter as if such party had been produced on the writ, or the hearing thereof may be adjourned until such party can be produced.

Sec. 392. The court or judge before whom the writ is returned must, immediately after the return, proceed to hear and examine the return, and such other matters as may be properly submitted to the hearing and consideration.

Sec. 393. The party brought before the court or judge, on the return of the writ, may deny or controvert any of the material facts or matters set forth in the return, or except to the sufficiency thereof, or allege any fact to show either that his imprisonment or detention is unlawful or that he is entitled to his discharge. The court or judge must thereupon proceed in a summary way to hear such proof as may be produced against such imprisonment or detention, or in favor of the same, and to dispose of such party as the justice of the case may require, and has full power and authority to require and compel the attendance of witnesses, by process of subpoena and attachment, and to do and perform all other acts and things necessary to a full and fair hearing and determination of the case.
SEC. 394. If no legal cause is shown for such imprisonment or restraint, or for the continuation thereof, such court or judge must discharge such party from the custody or restraint under which he is held.

SEC. 395. The court or judge, if the time during which such party may be legally detained in custody has not expired, must remand such party, if it appears that he is detained in custody:

1. By virtue of lawful process issued by a court or judge in a case where such court or judge has jurisdiction; or,

2. By virtue of a warrant or final judgment or decree of any competent court of criminal jurisdiction, or of any process issued upon such warrant, judgment or decree.

SEC. 396. If it appears on the return of the writ that the prisoner is in custody by virtue of process from any court of the Canal Zone, or judge or officer thereof, such prisoner may be discharged in any of the following cases, subject to the restrictions of the preceding section:

1. When the jurisdiction of such court or officer has been exceeded.

2. When the imprisonment was at first lawful, yet by some act, omission, or event which has taken place afterwards, the party has become entitled to a discharge.

3. When the process is defective in some matter of substance required by law, rendering such process void.

4. When the process, though proper in form, has been issued in a case not allowed by law.

5. When the person having custody of the prisoner is not the person allowed by law to detain him.

6. Where the process is not authorized by any order, judgment, or decree of any court, nor by any provision of law.

7. Where a party has been committed on a criminal charge without reasonable or probable cause.

SEC. 397. If any person is committed to prison, or is in custody of any officer on any criminal charge, by virtue of any warrant of commitment of a court, such person must not be discharged on the ground of any mere defect of form in the warrant of commitment.

SEC. 398. If it appears to the court or judge, by affidavit or otherwise, or upon the inspection of the process or warrant of commitment, and such other papers in the proceedings as may be shown to the court or judge, that the party is guilty of a criminal offense, or ought not to be discharged, such court or judge, although the charge is defective or not substantially set forth in such process or warrant of commitment, must cause the complainant or other necessary witnesses to be subpoenaed to attend at such time as ordered, to testify
before the court or judge; and upon the examination he may discharge such prisoner, admit him to bail, if the offense be bailable, or recommit him to custody, as may be just and legal.

Sec. 399. Any person who has been committed on a criminal charge may be brought before a judge on a writ of habeas corpus, if the writ issues out of the proper court.

Sec. 400. If a party brought before the court or judge on the return of the writ is not entitled to his discharge, and is not bailed, where such bail is allowable, the court or judge must remand him to custody or place him under the restraint from which he was taken, if the person under whose custody or restraint he was is legally entitled thereto.

Sec. 401. In cases where any party is held under illegal restraint or custody, or any other person is entitled to the restraint or custody of such party, the judge or court may order such party to be committed to the restraint or custody of such person as is by law entitled thereto.

Sec. 402. Until judgment is given on the return, the court or judge before whom any party may be brought on such writ may commit him to the custody of the warden of the jail, or place him in such care or under such custody as his age or circumstances may require.

Sec. 403. No writ of habeas corpus can be disobeyed for defect of form, if it sufficiently appear therefrom in whose custody or under whose restraint the party imprisoned or restrained is, the officer or person detaining him, and the court or judge before whom he is to be brought.

Sec. 404. No person who has been discharged by order of the court or judge upon habeas corpus can be again imprisoned or restrained, or kept in custody for the same cause, except in the following cases:

1. If he has been discharged from custody on a criminal charge, and is afterwards committed for the same offense, by legal order or process.

2. If, after a discharge for defect of proof, or for any defect of the process, warrant, or commitment in a criminal case, the prisoner is again arrested on sufficient proof and committed by legal process for the preceding offense.

Sec. 405. When it appears to any court or judge authorized by law to issue the writ of habeas corpus that any one is illegally held in custody, confinement, or restraint, and that there is reason to believe that such person will be carried out of the jurisdiction of the court or judge before whom the application is made, or will suffer some irreparable injury before compliance with the writ of habeas corpus.
can be enforced, such court or judge may cause a warrant to be issued, reciting the facts, and directed to any court officer, commanding such officer to take such person thus held in custody, confinement, or restraint, and forthwith bring him before such court or judge, to be dealt with according to law.

SEC. 406. The court or judge may also insert in such warrant a command for the apprehension of the person charged with such illegal detention and restraint.

SEC. 407. The officer to whom such warrant is delivered must execute it by bringing the person or persons therein named before the court or judge who directed the issuing of such warrant.

SEC. 408. The person alleged to have such party under illegal confinement or restraint may make return to such warrant as in case of a writ of habeas corpus, and the same may be denied, and like allegations, proofs, and trial may thereupon be had as upon a return to a writ of habeas corpus.

SEC. 409. If such party is held under illegal restraint or custody, he must be discharged; and if not, he must be restored to the care or custody of the person entitled thereto.

SEC. 410. Any writ or process authorized by this Chapter may be issued and served on any day or at any time.

SEC. 411. All writs, warrants, process, and subpœnas authorized by the provisions of this chapter must be issued by the clerk of the court, and, except subpœnas, must be sealed with the seal of such court and served and returned forthwith, unless the court or judge shall specify a particular time for any such return.

SEC. 412. All such writs and process, when made returnable before a judge, must be returned before him at the place of holding court, and there heard and determined.

SEC. 413. If the officer or person to whom such writ may be directed refuses obedience to the command thereof, he shall forfeit and pay to the person aggrieved a sum not exceeding one thousand dollars, to be recovered by action in any court of competent jurisdiction.

**Title XIII.**

*Search Warrants.*

SEC. 414. A search warrant is an order in writing, in the name of the Government of the Canal Zone, signed by a judge of a court of competent jurisdiction, directed to a peace officer, commanding him to search for personal property and bring it before the court from which the writ issued.

SEC. 415. It may be issued upon either of the following grounds:
1. When the property was stolen or embezzled; in which case it may be taken on the warrant from any place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2. When it was used as the means of committing a felony; in which case it may be taken on the warrant from the place in which it is concealed or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When it is in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered; in which case it may be taken on the warrant from such person, or from any place occupied by him or under his control, or from the possession of the person to whom he may have so delivered it.

4. When the property is a cask, keg, bottle, vessel, siphon, can, case, or other package, bearing printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon the duly filed trademark or name of the person by whom, or in whose behalf, the search warrant is applied for, in the possession of any person except the owner thereof, with intent to sell or traffic in the same, or refill the same with intent to defraud the owner thereof with such intent, and without such owner's consent thereto, or unless the same shall have been purchased from the owner thereof, in which case it may be taken on the warrant from such person, or from any place occupied by him, or under his control, or from the possession of the person to whom he may have delivered it.

SEC. 416. A search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property and the place to be searched.

SEC. 417. The court must, before issuing the warrant, examine on oath the complainant, any witnesses he may produce, and take their depositions in writing, and cause them to be subscribed by the parties making them.

SEC. 418. The depositions must set forth the facts tending to establish the ground of the application, or probable cause for believing that they exist.

SEC. 419. If the court is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a peace officer, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the court.
SEC. 420. The warrant must be in substantially the following form:


"The Government of the Canal Zone, to any marshal, policeman, or peace officer in the municipality of .........."

"Proof by affidavit having this day been made before me by (naming every person whose affidavit has been taken), (stating that-the grounds of the application, or if the affidavit be not positive, that there is probable cause for believing that, stating the ground of the application), you are therefore commanded, in the day-time (or at any time of the day or night, as the case may be) to make immediate search on the person of .......... (or in the house situated .......... describing it, or any other place to be searched, with reasonable particularity, as the case may be) for the following property: (describing it with reasonable particularity), and if you find the same, or any part thereof, to bring it forthwith before me (stating the place).

"Given under my hand and dated this ...... day of ....... A.D., nineteen .........."

"(Official Signature.)"

SEC. 421. A search warrant may, in all cases, be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

SEC. 422. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

SEC. 423. He may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

SEC. 424. The direction in the warrant must state that it be served in the day-time, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case the direction may be that it be served at any time of the day or night.

SEC. 425. A search warrant may be executed and returned to the court by which it was issued within ten days after its date; after the expiration of this time, the warrant, unless executed, is void.

SEC. 426. When the officer takes property under the warrant, he must give a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

SEC. 427. When the property is delivered to a Municipal Judge, he must, if it was stolen or embezzled, dispose of it as provided in
Sections 376 to 381, inclusive. If it was taken on a warrant issued on the grounds stated in the second and third subdivisions of Section 415, he must retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property taken is triable.

Sec. 428. The officer must forthwith return the warrant to the court, and file therewith a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory, to the following effect: "I, ............ (the officer by whom this warrant was executed) do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

Sec. 429. The court must thereupon, if required, deliver a copy of this inventory to the person from whose possession the property was taken, and to the applicant for the warrant.

Sec. 430. If the grounds on which the warrant was issued be controverted, he must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing.

Sec. 431. If it appears that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds in which the warrant was issued, the court must cause it to be restored to the person from whom it was taken.

Sec. 432. The Municipal Judge must annex together the depositions, the search warrant and return, and the inventory, and return them to the Circuit Court having power to inquire into the offenses in respect to which the search warrant was issued.

Sec. 433. When a person charged with a felony is believed by the judge before whom he is brought to have on his person a dangerous weapon, or anything which may be used as evidence of the commission of the offense, the judge may direct him to be searched and the weapons or other thing to be retained, subject to his order, or to the order of the court in which the defendant may be tried.

Title XIV.

Proceedings Against Fugitives from Justice.

Sec. 434. The Governor may offer a reward not exceeding one thousand dollars for the apprehension:

1. Of any convict who has escaped from the penitentiary; or,
2. Of any person who has committed or is charged with the commission of an offense punishable with death.
SEC. 435. A person charged in any State of the United States with a treason or felony who flees from justice and is found in the Canal Zone must, on demand of the executive authority of the State from which he fled, be delivered up by the Governor of the Canal Zone, to be removed to the State having jurisdiction of the crime.

SEC. 436. A magistrate may issue a warrant for the apprehension of a person so charged who flees from justice and is found in the Canal Zone.

SEC. 437. The proceedings for the arrest and commitment of a person charged are in all respects similar to those provided in this Code for the arrest and commitment of a person charged with a public offense committed in the Canal Zone, except that a certified copy of an instrument found, or other judicial proceedings had against him in the State in which he is charged to have committed the offense, may be received as evidence before the magistrate.

SEC. 438. If, from the examination, it appears that the accused has committed the crime alleged, the magistrate, by warrant reciting the accusation, must commit him to the proper custody in his circuit for such time, to be specified in the warrant as the magistrate may deem reasonable, to enable the arrest of the fugitive under the warrant of the executive of the Canal Zone, on the requisition of the executive authority of the State in which he committed the offense, unless he gives bail as provided in the next section, or until he is legally discharged.

SEC. 439. The magistrate may admit the person arrested to bail by an undertaking with sufficient sureties, and in such sum as he deems proper, for his appearance before him at a time specified in the undertaking, and for his surrender to arrest upon the warrant of the Governor of the Canal Zone.

SEC. 440. Immediately upon the arrest of the person charged, the magistrate must give notice thereof to the Prosecuting Attorney of the Canal Zone.

SEC. 441. The Prosecuting Attorney must immediately thereafter give notice to the executive authority of the State, or to the Prosecuting Attorney or presiding judge of the court of the city or county within the State having jurisdiction of the offense, to the end that a demand may be made for the arrest and surrender of the person charged.

SEC. 442. The person arrested must be discharged from custody or bail, unless, before the expiration of the time designated in the warrant or undertaking, he is arrested under the warrant of the Governor of the Canal Zone.

SEC. 443. The magistrate must return his proceedings to the Circuit Court of the Circuit, which must thereupon inquire into the cause
of the arrest and detention of the person charged, and if he is in custody, or the time of his arrest has not elapsed, it may discharge him from detention, or may order his undertaking or bail to be cancelled, or may continue his detention for a longer time, or readmit him to bail, to appear and surrender himself within a time specified in the undertaking.

Sec. 444. When the Governor of the Canal Zone, in the exercise of the authority conferred by the executive authority of any State of the United States, or of any foreign government, demands the surrender to the authorities of the Canal Zone of a fugitive from justice, who has been found and arrested in such State or foreign government, the accounts of the person employed by him to bring back such fugitive must be audited and paid out of the treasury of the Canal Zone.

Sec. 445. No compensation, fee, or reward of any kind can be paid to or received by a public officer of the Canal Zone, or other person, for a service rendered in procuring from the Governor the demand mentioned in the preceding section, or the surrender of the fugitive, or for conveying him to the Canal Zone, or detaining him therein, except as provided for in the preceding section.

Title XV.

Proceedings for Bringing Prisoners Before the Court.

Sec. 446. When it is necessary to have a person imprisoned in the penitentiary brought before any court, or a person imprisoned in a jail brought before a court, an order for that purpose may be made by the court, and executed by the officer of the court where it is made.

Sec. 447. In case in any penal institution there should not be sufficient room for the prisoners confined therein, they shall be transferred to such penal institutions within the Canal Zone as the Governor may designate.

This transfer, however, will not aggravate or affect in any way the condition of the prisoners, who will serve in accordance with the penalty to which they have been sentenced.

This Act shall take effect at twelve o'clock noon, on the tenth day of September, nineteen hundred and four.

Enacted September 3, 1904.

J. G. Walker,
Chairman Isthmian Canal Commission.

Isthmus of Panama, and for other purposes," be, and the same is hereby, amended to read as follows:

Sec. 33. The salary of the municipal judge of each municipality shall be fixed by the Governor of the Canal Zone and stated in the appointment; provided, that such salary shall not exceed $1,200.00 per annum. The salary of the municipal judge shall be payable monthly out of the treasury of the municipality. The municipal judge shall receive no other compensation or allowance than said salary so fixed, and all fees, fines, and costs imposed and collected by the municipal judge shall be paid into the municipal treasury and shall be available for expenditure in the conduct of the municipal government. The municipal judge shall charge and collect the fees prescribed for said courts by law. All fees, fines, and costs imposed by a municipal judge shall be paid into the municipal treasury on the first day of the month succeeding the date of the collection. On the first day of each month the municipal judge shall present to the municipal treasury a detailed statement of the fees, fines and costs collected by him since his last previous report. His account shall be forthwith audited by the Mayor and Treasurer. For the purpose of the auditing herein provided, the Auditor shall examine the records of the municipal judge, and any other papers or persons deemed necessary. The municipal judge shall in all cases execute a receipt in duplicate for the money paid to him for fees, fines, or costs, one copy of which he shall retain, and the other shall be delivered to the person making the payment. The copies retained by him shall be produced before the auditors. If the auditors are of the opinion that needless prosecutions have been instituted for the purpose of enhancing fees, they shall report the fact to the Governor of the Canal Zone.

Section 33 of said Act, as heretofore existing, is hereby repealed.
Enacted October 24, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

BOUNDARIES OF MUNICIPAL DISTRICTS.

Act No. 18.

An Act to amend Sections 1 and 2 of Act No. 7, Laws of the Canal Zone, Isthmus of Panama, entitled "An Act to provide for the organization of municipal governments in the Canal Zone, Isthmus of Panama."

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. That Sections 1 and 2 of Act No. 7, Laws of the Canal Zone, Isthmus of Panama, entitled "An Act to provide for the organi-
zation of municipal governments in the Canal Zone, Isthmus of Panama," be, and the same is hereby, amended to read as follows:

SEC. 1. The Canal Zone, Isthmus of Panama, as limited and described in an agreement entered into on the 15th day of June, 1904, by and between General George W. Davis, Governor of the Canal Zone, on behalf of the United States, and Señor Don Tomas Arias, Secretary of State, Republic of Panama, and Señor Don Ramon Valdez Lopez, Attorney General of the Republic of Panama, jointly acting for and on behalf of the Government of the said Republic of Panama, is hereby segregated and apportioned into five Municipal Districts.

In all cases the Northeastern and Southwestern limits of said Municipal Districts march with the Zone limits, where the same are lines of division between the property of the Republic of Panama and that subject to the jurisdiction of the United States.

The Municipal Districts of the Isthmian Canal Zone shall be recognized as Municipal Corporations with the boundaries, de jure and de facto, described as follows, as shown by the official map on file in the office of the Governor of the Canal Zone.

MUNICIPAL DISTRICT OF CRISTOBAL.

This Municipal District is bounded on the north in part by the city of Colon, Republic of Panama, and in part by the Caribbean Sea, and on the south by the Municipal District of Buenavista. It includes all that part of the Canal Zone described in the delimitation agreement referred to in Section 1 of this Act that lies on both sides of the Canal axis from the Caribbean Sea and the City of Colon, Republic of Panama, to the boundary of the Municipal District of Buenavista, which is a straight line extending from the Northeastern to the Southwestern Zone limits, and crossing the centre line or axis of the Inter-oceanic Canal location at a line normal to the same as it exists at kilometer 11 of said Canal axis. The barrios of Cristobal are: Terre Plein, Mount Hope, Mindi, Playa de Flor and Gatun.

MUNICIPAL DISTRICT OF BUENAVIDA.

This Municipal District adjoins the Municipal District of Cristobal on the north and the Municipal District of Gorgona on the southeast. It includes all that part of the Canal Zone as described in the delimitation agreement cited in Section 1 of this act that lies on both sides of the Canal axis from Cristobal at kilometer 11 to kilometer 34 of the centre line of the Canal. The Eastern boundary of the District of Buenavista, being a straight line extending from the Northern to the Southern limits of the Canal Zone and crossing the centre line or axis of the Canal at a line normal to the same, as it now exists at kilometer
34 of said Canal axis. The barrios of Buenavista are Lion Hill, Agua Clara, Bohio, Frijoles, Buenavista and Tavernilla.

Municipal District of Gorgona.

This Municipal District adjoins the Municipal District of Buenavista on the west and the Municipal District of Emperador on the southeast. It includes all that part of the Canal Zone as described in the delimitation agreement, which is cited in Section 1 of this Act, that lies on both sides of the Canal axis from Buenavista at kilometer 34 to kilometer 48, the southeastern boundary of the District of Gorgona being a straight line extending from the Northeastern to the Southwestern Zone limit and crossing the center line or axis of the Canal at a line normal to the same, as it now exists at kilometer 38, of said Canal axis. The barrios of the municipality of Gorgona are San Pablo, Mamei, Gorgona, Matachin, Bas Obispo and Cruces.

Municipal District of Emperador.

This Municipal District adjoins the Municipal District of Gorgona on the northwest. It includes all that part of the Canal Zone described in the delimitation agreement which is cited in Section 1 of this Act, that lies on both sides of the Canal axis, from Gorgona at kilometer 48 to kilometer 58-500. The southeastern boundary of the District of Emperador is a straight line extending from the northeastern to the southwestern Zone limits, and crossing the center line or axis of the Canal at a line normal to the same as it now exists at kilometer 58-500, of said center line. The barrios of Emperador are Las Cascades, Emperador, Culebra and Paraiso.

Municipal District of Ancon.

This Municipal District adjoins the Municipal District of Empe- dor on the northwest, and is bounded by the City of Panama, Republic of Panama, in part, and the Bay of Panama, in part, on the southeast. It includes all that part of the Canal Zone described in the delimitation agreement referred to in Section 1 of this Act, that lies on both sides of the Canal axis from Emperador at kilometer 58-500 to the City of Panama, Republic of Panama, and to the Bay of Panama. The Dis- trict of Ancon also includes within its boundaries all that part of the Municipal District of Aria, in the Republic of Panama, which is included within the limits of the Canal Zone, also the Islands of Naos, Culebra, Perico, and Flamenco, situated in the Bay of Panama, which are a part of the Canal Zone. The barrios of Ancon are La Boca, Ancon, Corozal, Miraflor, Pedro Miguel and Farfán.
SEC. 2. Under the names as stated in the preceding section, the Municipal Districts respectively may sue and be sued, contract and be contracted with, acquire, hold and convey real and personal, fixed and movable property, and exercise any and all powers conferred upon and possessed by them.

SEC. 3. Sections 1 and 2 of said Act No. 7, as heretofore existing, are hereby repealed.

Enacted October 24, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

BOUNDARIES OF JUDICIAL DISTRICTS.

ACT NO. 19.

An Act to amend Section 22 of Act No. 1, Laws of the Canal Zone, Isthmus of Panama, entitled “An Act to provide for the organization of a judiciary and the exercise of judicial powers in the Canal Zone, Isthmus of Panama, and for other purposes.”

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. That Section 22 of Act No. 1, Laws of the Canal Zone, Isthmus of Panama, be, and the same is hereby, amended to read as follows:

SEC. 22. (Judicial Circuits, as Provided in Act No. 19.)—The Canal Zone, Isthmus of Panama, shall be divided into three Judicial Circuits.

The First Judicial Circuit shall be composed of the Municipality of Ancon.

The Second Judicial Circuit shall consist of the Municipalities of Emperador and Gorgona.

The Third Judicial Circuit shall consist of the Municipalities of Buenavista and Cristobal.

SEC. 2. Section 22 of said Act No. 1, as heretofore existing, is hereby repealed.

Enacted October 24, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

*Amended by Executive Order

Date Jan. 9, 1907
AUDITOR OF THE CANAL ZONE.

ACT NO. 20.

An Act to amend Section 10 of Act No. 8, Laws of the Canal Zone, entitled "An Act to provide for the organization of the Government of the Canal Zone, Isthmus of Panama."

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. That Section 10 of Act No. 8, Laws of the Canal Zone, be, and the same is hereby, amended to read as follows:

SEC. 10. There is hereby created and established the office of Auditor of the Government of the Canal Zone. The Auditor of the Isthmian Canal Commission shall be the Auditor for the Government of the Canal Zone. He shall receive, examine and settle all accounts pertaining to the revenues of the Canal Zone and expenditures therefrom. He shall keep full and accurate books of accounts showing transactions of his office in the audit of the accounts of the Government of the Canal Zone. The duties of the office of the Auditor of the Canal Zone, and the powers thereof, may be performed and exercised by any deputy or assistant of the Auditor of the Isthmian Canal Commission, designated by the Isthmian Canal Commission to perform such service. A deputy or assistant, so designated, shall discharge the duties and perform the services required by such designation without compensation additional to his salary, as an employe of the Isthmian Canal Commission.

SEC. 2. Section 10 of said Act No. 8, as heretofore existing, is hereby repealed.

Enacted November 10, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.
THE RIGHT OF EXPROPRIATION.

Act No. 21.

An Act to amend Section 6 of Act No. 6, Laws of the Canal Zone, entitled "An Act authorizing the exercise of the right of expropriation within the Canal Zone, Isthmus of Panama, as to real estate and immovable property, and as to personal property and property that is partly personal and partly real, and providing the method of procedure for exercising that right."

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. That section 6 of Act No. 6, Laws of the Canal Zone, Isthmus of Panama, entitled "An Act authorizing the exercise of the right of expropriation within the Canal Zone, Isthmus of Panama, as to real estate and immovable property, and as to personal property and property that is partly personal and partly real, and providing the method of procedure for exercising that right," be, and the same is hereby, amended, to read as follows:

SEC. 2. The United States or the Government of the Canal Zone, in exercising the right of expropriation, shall proceed as follows: The Governor of the Canal Zone shall give written notice to the members of the joint commission nominated by the President of the United States and the President of the Republic of Panama, pursuant to the provisions of Article XV of the Convention between the United States and the Republic of Panama, dated November 18, 1903: that it is the purpose and desire of the United States, or the Government of the Canal Zone, as the case may be, to condemn certain private property for public uses, which said notice shall set forth a description of the property sought to be expropriated, describing the land by metes and bounds when practicable, and when such description is not practicable, then in such terms and manner as will enable said joint Commission to ascertain and locate the lands sought to be expropriated. The joint Commission shall thereupon convene at the office of the Governor of the Canal Zone. The members of said Commission shall take and subscribe an oath before any officer authorized to administer oaths at the time and place, that they will faithfully perform their duties as appraisers, which oath shall be attached to the report of their proceedings. The Commission are hereby authorized to take evidence as
to the value of the property sought to be expropriated, and for this purpose may administer oaths on hearings before them and compel the attendance of witnesses and the production of papers and documents; and the Commissioners shall, unless the parties consent to the contrary, go to the premises together and view the property sought to be condemned and its surroundings, and may examine and measure the same. The Commission shall assess the value of the property taken and used, and also assess the consequential damages to the remainder of the tract not taken, and deduct from such consequential damages the consequential benefits to be derived by the owner from the public use of the land taken: Provided, the consequential benefits assessed shall in no case exceed the consequential damages assessed; Provided further, That nothing in this section shall be construed so as to deprive the owner of the actual value of the property taken or used. In case of disagreement of the Commission (by reason of their being equally divided in conclusion), the matter shall be referred to the umpire appointed by the two Governments, who shall render the decision. The Commissioners shall forthwith make full and accurate report in writing of all their proceedings in said matter, which report shall be signed by the Commission, and shall be filed in the office of the Governor of the Canal Zone. The Governor of the Canal Zone shall also notify the owner of the lands sought to be expropriated of the intention of the United States, or the Government of the Canal Zone, to institute expropriation proceedings against his property; said notice shall be in writing and served upon the owner in person not later than ten days prior to the date on which the Commissioners assemble for the purpose of making the appraisement, or service of said notice may be made by publishing the same in one issue of any two newspapers in general circulation on the Isthmus of Panama on a date not less than twenty days prior to the assembling of said Commissioners for the purpose of making said appraisement. Upon the report of the Commission being filed in the office of the Governor, he shall transmit a copy thereof to the owner or owners of the property affected thereby, by depositing the same in the mails duly stamped and addressed to his last known place of residence. If such place of residence is on the Isthmus of Panama, the owner shall be entitled to ten days from the date on which the report is filed in the office of the Governor in which to accept the amount of compensation and damages fixed by the Commission, and to prepare and tender to the Governor of the Canal Zone a deed transferring said property to the United States, or the Government of the Canal Zone, as the case may be. If the owner, or owners, is not a resident of the Isthmus of Panama, then he shall be allowed forty days for the acceptance of the appraisement and the execution and tender of the deed. Upon the delivery of a deed executed in
proper form transferring to the United States, or to the Government of the Canal Zone, as the case may be, the land sought to be condemned, the Governor of the Canal Zone is hereby empowered to authorize the Treasurer of the Isthmian Canal Commission to pay to the owner or owners of said land, or their duly authorized agent, the amount fixed and determined by the joint Commission as adequate compensation for the land so taken or damaged. In the event that the owner or owners of said land neglect or refuse to execute or deliver a deed, transferring the title of said land to the United States, or to the Government of the Canal Zone, as the case may be, within the time fixed as herein prescribed, the Governor of the Canal Zone shall transmit the report of the appraisers to the Prosecuting Attorney of the Canal Zone, who shall thereupon forthwith prepare a petition in condemnation and institute proceedings in a court of competent jurisdiction. Said petition shall set forth the proceedings theretofore had in said matter, and shall be verified by the oath of said Prosecuting Attorney; and the Treasurer of the Isthmian Canal Commission shall thereupon withdraw from the public treasury and deposit in said court a sum of money equal to the amount of compensation and damages fixed by the joint Commission and the United States, or the Government of the Canal Zone, as the case may be, is hereby authorized thereupon to enter upon and take possession of the property sought to be expropriated and devote the same to the public use. Service of notice of such condemnation proceedings shall be had pursuant to the provisions of law in such cases made and provided, and service being completed, the court, if it shall appear that the proceedings had were in accordance with the provisions of said convention, shall enter final judgment. In such proceeding the action of the joint Commission theretofore had shall be conclusive as to the amount of compensation and damages to which the owner is entitled, and the report of said Commission shall be accepted and received by the court as conclusive evidence of the facts therein set forth. The cost of the proceedings, including the compensation for the members of the joint Commission, shall be paid by the Isthmian Canal Commission from funds available for the construction of the Isthmian Canal connecting the waters of the Atlantic and Pacific Oceans.

A municipality of the Canal Zone, Isthmus of Panama, or any person, association, or public or private corporation, authorized to exercise the power of eminent domain, shall proceed as follows:

An action shall be instituted against the owner or owners of the property, in the Circuit Court for the judicial circuit in which the property, or any portion thereof sought to be condemned is situated, by filing a complaint in condemnation proceedings. The complaint shall state with certainty the purpose of the exercise of the right of
condemnation and describe the property sought to be condemned, and set forth the interest of each defendant separately.

Enacted December 30, 1904.

J. G. WALKER,
Chairman Isthmian Canal Commission.

MUNICIPAL GOVERNMENTS.

ACT No. 22.

An Act to amend Act No. 7, of the Isthmian Canal Commission, entitled "An Act to provide for the organization of Municipal Governments in the Canal Zone, Isthmus of Panama."

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

That section 28, of Act No. 7, of the Isthmian Canal Commission, approved on September 1, 1904, be, and the same hereby is amended by inserting, as the Fifth paragraph of said section, the words:

"Fifth. A tax on goods and merchandise consumed within the municipality to be equitably levied by the Municipal Council on the sale for consumption of commercial commodities."

Enacted January 31, 1905.

J. G. WALKER,
Chairman, Isthmian Canal Commission.

ACT No. 23.

An Act to amend Sections 30, 32, and 35 of Act No. 8, Laws of the Canal Zone, Isthmus of Panama, entitled "An Act to provide for the organization of the Executive Branch of the Government of the Canal Zone, Isthmus of Panama."

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

SECTION 1. That Section 30, of Act No. 8, Laws of the Canal Zone, Isthmus of Panama, entitled "An Act to provide for the organization of the executive branch of the government of the Canal Zone, Isthmus of Panama," be, and the same is hereby amended to read as follows:
Sec. 30. The salary of the Collector of Revenues shall be thirty-six hundred dollars per annum, payable monthly. During his term of office in the Zone he shall be entitled to quarters.

Sec. 2. That Section 32, of said Act No. 8, Laws of the Canal Zone, Isthmus of Panama, be, and the same is hereby amended to read as follows:

Sec. 32. There shall be two deputy collectors of revenues, each of whom shall be, ex-officio, a deputy collector of customs and a deputy collector of internal revenue, and shall enjoy the incumbency and perform the duties of said several offices subject to the conditions and obligations of his bond as deputy collector of revenues. The salary of the deputy collector of revenues shall be eighteen hundred dollars per annum, payable monthly.

Sec. 3. That Section 35, of said Act No. 8, Laws of the Canal Zone, Isthmus of Panama, be, and the same is hereby amended to read as follows:

Sec. 35. For the purpose of customs administration in the Canal Zone, there is hereby established a customs district, which comprises all the lands and waters within the control and jurisdiction of the United States on the Isthmus of Panama and the maritime waters contiguous to the shores of the said Canal Zone extending to the distance of three marine miles from mean low-water mark, but not including any maritime waters that pertain to the harbors of the cities of Panama and Colon in the Republic of Panama, the harbors of which are sufficiently defined under the provisional agreement of delimitation signed by the proper representatives of the governments of Panama and of the Canal Zone on the 15th day of June, as modified by the consent of the parties in accordance with the description contained in Section 5 of the Executive Order of December 3, 1904.

There shall be two ports of entry in the Canal Zone, to-wit: Ancon, at the Pacific terminus of the canal, and Cristobal, at the Atlantic terminus, at which goods, wares, and merchandise may be imported or exported, and vessels may be entered or cleared in accordance with the Executive Orders of December 3, 1904, and December 6, 1904.

The subdivision of the executive branch of the Government of the Canal Zone, known as the Department of Revenues, shall include the administration of the customs laws and tariff regulations in force in the said Zone. The collector of revenues, who by act of the Isthmian Canal Commission is ex-officio the collector of customs, shall receive the salary which may be allowed by law, and shall perform the duties of collector of customs as required by the laws now in force in the Canal Zone or that may hereafter be enacted.

The deputy collectors and inspectors of customs, the health officers, and port captains at the ports of Ancon and Cristobal shall receive such
compensation as may be allowed by law, and will perform their duties at said ports as required by the laws and regulations in force in the Zone.

Enacted February 28, 1905.

J. G. WALKER,
Chairman, Isthmian Canal Commission.

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**Act No. 24.**

An Act providing for an inexpensive method of Administration upon the Estates of Employees of the Government of the Canal Zone, or of the Isthmian Canal Commission, who are citizens of the United States and who die in the Canal Zone, Isthmus of Panama, leaving estates of small value upon which regular administration is deemed inadvisable.

By authority of the President of the United States, be it enacted by the Isthmian Canal Commission:

**SECTION I.** Whenever a citizen of the United States, who is an employee in the service of the Isthmian Canal Commission, or the Government of the Canal Zone, or any branch thereof, shall die in the Canal Zone, Isthmus of Panama, leaving an estate in said Zone, or in the Republic of Panama, no part of which is real estate, and the entire assets belonging to said estate are personal property and not exceeding in value the sum of five hundred dollars, and regular administration in accordance with the provisions of law shall not have been instituted in a court of competent jurisdiction of the Canal Zone, the Collector of Revenues for the Canal Zone, Isthmus of Panama, is authorized, and it is hereby made his duty, to take possession of the estate of such deceased person and to make a complete inventory thereof, and to file the same with the Auditor of the Canal Zone, Isthmus of Panama. Upon taking possession of such estate, the Collector of Revenues shall ascertain, by the best available means, the names and residences of the persons who are lawfully entitled to inherit said estate and receive said property, and shall transmit the same to the persons whom he shall determine to be lawfully entitled thereto, upon receiving proper vouchers therefor. Before transmitting the property of said estate to its lawful owners, the Collector of Revenues is hereby authorized and directed to pay therefrom the burial expenses of such deceased person and all expenses necessarily incurred in securing possession of the estate and in ascertaining the true owners thereof, and in transmitting the same to the true owners, and in the payment of such debts as he shall determine are justly due from the deceased at the time of his death; but in addition

*Repealed and Superseded by Executive Order*

**Date Feb. 5, 1917, p. 135-138**
to the purposes for which said estate may be applied by the Collector of Revenues, as hereinbefore provided, the Collector of Revenues is also authorized to pay the expenses of the transportation of the remains to the United States, if such transportation is desired by the surviving relatives, so far as the funds in his hands will enable him to pay such expenses. The accounts of the Collector of Revenues in the performance of his duty herein required, shall be audited in the same manner, or as near as is practicable, as his other accounts, and for the moneys and property received by him in the performance of the duties by this act prescribed, his official bond shall be held as security. If the Collector of Revenues shall find it to be for the interest of the parties entitled to the estate, to convert any portion thereof which is not in the form of cash, into cash, by sale, he is hereby authorized to make such sale by auction or otherwise, as he shall determine to be most advantageous to the estate.

In case the deceased at the time of his death shall have to his credit with the Isthmian Canal Commission or the Government of the Canal Zone, any sum as salary or earned leave of absence, the amount so due shall be paid to the Collector of Revenues and be by him administered as a part of said estate in the manner prescribed by this act; provided, that if there should be a regular administration upon the estate of the deceased by a court of competent jurisdiction of the Canal Zone, Isthmus of Panama, then the sum due to the deceased as salary, or by reason of earned leave of absence, shall be paid to the regular executor or administrator of the estate appointed by said court.

Sec. 2. In case the Collector of Revenues shall have performed his duties in accordance with the provisions of this act, and shall have delivered said estate or paid over the sum due from the funds of said estate to the person or persons whom he has determined to be entitled thereto, such settlement of the estate shall be deemed a lawful settlement thereof, and the Collector of Revenues shall not be accountable and his bond shall not be liable to any other person for the estate so administered by him.

Sec. 3. This act shall apply to the estates of persons of the class named in Section 1, who died prior to the passage of this act, as well as to those who die after the date of its enactment.

Sec. 4. Nothing in this act contained shall prohibit the lawful heirs of any person whose estate has been settled in accordance with the provisions of this act from bringing suit in any court having jurisdiction of the subject-matter and of the parties to the action, against the person or persons who received the estate by virtue of the provisions of this act, and from recovering the same or the value thereof from such person or persons upon proof that the estate has been delivered to the persons not entitled to receive and retain the same.
SEC. 5. If at any time prior to the transmission to the United States by the Collector of Revenues of the Canal Zone of the money, funds or personal effects belonging to said estate, it shall be made to appear to the Collector of Revenues, by duly authenticated copies of letters of administration or letters testamentary, that the deceased left a will which has been filed for probate, or that an administrator for said estate has been appointed by a court of competent jurisdiction in the United States, the Collector of Revenues for the Canal Zone shall turn over to said administrator or executor, upon execution and delivery of a receipt therefor, all moneys or personal effects belonging to said estate which otherwise, under the provisions of this act, would be turned over to the heirs of said estate.

Enacted March 1, 1905.

J. G. WALKER,
Chairman, Isthmian Canal Commission.
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