

[CHAPTER 107.]

AN ACT

To amend section 98 of the Judicial Code, as amended.

February 20, 1933.
[H. R. 6456.]
[Public, No. 364.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the fifth paragraph of section 98 of the Judicial Code, as amended (U. S. C., title 28, sec. 179), is hereby amended to read as follows: "Provided, That the cities of Winston-Salem and Rockingham shall each provide and furnish at its own expense a suitable and convenient place for holding the district court until Federal buildings containing quarters for the court are erected at such places."

North Carolina middle judicial district. Vol. 44, p. 1340; U. S. C., Supp. VI, p. 608, amended.
Proviso.
Quarters for district court at Winston-Salem and Rockingham.

Approved, February 20, 1933.

[CHAPTER 109.]

AN ACT

To amend the Penal Code of the Canal Zone.

February 21, 1933.
[H. R. 7519.]
[Public, No. 365.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Criminal Code of the Canal Zone.

"SECTION 1. That this Act shall hereafter be known as the 'Criminal Code of the Canal Zone.'"

SEC. 2. That section 4 of the Penal Code of the Canal Zone is hereby repealed.

Sections repealed.

SEC. 3. That section 6 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 4. That section 14 of the Penal Code is hereby amended to read as follows:

"SEC. 14. As to all offenses included in this code, 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.

"Felony" and "misdemeanor" defined.

"As to all offenses against the general laws of the United States applicable to the Canal Zone, a felony is a crime which may be punished by death or imprisonment for a term exceeding one year, and all other such offenses shall be deemed misdemeanors."

SEC. 5. That section 15 of the Penal Code is hereby amended to read as follows:

"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 or by a fine not exceeding \$5,000 or by both such fine and imprisonment."

Punishment for.

SEC. 6. That section 16 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 \$100, or by both."

SEC. 7. That section 20 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 8. That Title II of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 23 a new section numbered 23a to read as follows:

Probation after conviction in trial court.

"SEC. 23a. Any trial court of the Canal Zone, in exercise of its jurisdiction of criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, shall have power, after conviction or after a plea of guilty for any crime or offense not punishable by death or life imprisonment, to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as the court deems best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation, or may change the period of probation. The period of probation, together with any extension thereof, shall not exceed five years in the district court, or one year in a magistrate court.

Discretionary revocation by court.

Period of probation.

Payments by defendant during probationary status.

Restitution for loss, etc.

"While on probation the defendant may be required to pay in one or several sums a fine imposed at the time of being placed on probation and may also be required to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which conviction was had, and may also be required to provide for the support of any person or persons for whose support he is legally responsible."

SEC. 9. That section 26 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Confinement after sentence of imprisonment.

"SEC. 26. A sentence of imprisonment in jail, when imposed, may be executed by confinement in any jail of the Canal Zone."

SEC. 10. That section 29 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Determination of period.

"SEC. 29. Whenever any person is declared punishable for a crime by imprisonment in the penitentiary for a term not less than any specified number of years, and no limit of the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment for any number of years not less than that prescribed."

Persons liable to prosecution, etc.

SEC. 11. That subdivision 2 of section 34 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"2. All who commit any offense without the Canal Zone which, if committed within the Canal Zone, would be larceny, robbery, or embezzlement under the laws of the Canal Zone, and bring the property stolen or embezzled, or any part of it, or are found with it, or any part of it, within the Canal Zone."

Consideration of intoxication by jury when intent, etc., essential element.

SEC. 12. That section 37 of the Penal Code is hereby amended by adding, after the word "court" in sentence two, the words "or jury"

SEC. 13. That Title III of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 43 a new section numbered 43a to read as follows:

Postal penal laws, etc., of United States extended to Canal Zone.

"SEC. 43a. The Postal Laws and Regulations of the United States, not locally inapplicable, which define crimes against the Postal Service, and prescribe punishments therefor, are hereby extended to the Canal Zone and shall be enforceable in the courts of the Canal Zone in the manner and form prescribed for other criminal cases by the Canal Zone laws."

Conviction of attempt to commit crime.

SEC. 14. That the word "intent" in section 44 of the Penal Code is hereby amended to read "attempt."

SEC. 15. That section 49 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Right of self defense.

"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."

SEC. 16. That the word "magistrate" in sections 58, 59, and 60 shall hereafter be deemed to refer to the magistrates authorized by section 7 of the Panama Canal Act, approved August 24, 1912, as amended.

"Magistrate," use of word.
Vol. 37, p. 564.

SEC. 16a. That Title VIII of the Penal Code of the Canal Zone is hereby amended by inserting therein, preceding section 75, a new section numbered 74a, to read, as follows:

"SEC. 74a. The words 'executive office' as used in this title shall be construed to mean such offices as are occupied and administered by the Governor of the Panama Canal and the heads of the various departments or divisions of the Panama Canal and the Panama Railroad Company, and the words 'executive officer' to mean the Governor of the Panama Canal and the heads of the various departments or divisions of the Panama Canal and the Panama Railroad Company."

"Executive office,"
"executive officer" construed.

SEC. 17. That section 79 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 felony."

Receiving, etc., unauthorized rewards by officials a felony.

SEC. 17a. That section 80 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 80. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States, the Panama Canal, or the Panama Railroad Company, for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provisions of this section shall be fined not more than \$2,000 and imprisoned in the penitentiary not more than two years."

Interested persons prohibited to act as government agents.

SEC. 18. That section 83 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 guilty of a felony, and in addition thereto forfeits his office, and is forever disqualified from holding any office in the Government of the Canal Zone."

Punishment for violations.

Appointments to public office for gratuity a felony.

Forfeiture of office.

SEC. 19. That section 89, section 90, section 91, section 92, and section 93 of the Penal Code of the Canal Zone, defining under Title IX crimes against the legislative power, are hereby repealed.

Repeal of obsolete sections.
Crimes against legislative power.

SEC. 20. That section 94 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 94. Every person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion, or decision upon any matter or question which is brought before him for a decision, is punishable by imprisonment in the penitentiary not more than ten years."

Bribing judicial officers.

Punishment for.

SEC. 21. That section 95 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 95. Every judicial officer, juror, referee, arbitrator, or umpire, 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,

Punishment of judicial officer receiving, etc., bribe.

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 more than ten years."

SEC. 22. That section 96 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Receiving unauthor-
ized reward, etc., by
judicial officer a felony.

"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 felony."

SEC. 23. That section 98 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Attempts to influence
jurors.

"SEC. 98. Every person who corruptly attempts to influence a juror, or any person summoned or drawn as a juror, or chosen as an arbitrator, or umpire, or appointed 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;

Punishment for.

"Is punishable by a fine not exceeding \$5,000, or by imprisonment in the penitentiary not exceeding five years."

SEC. 24. That section 99 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Corrupt conduct of
judicial officers and
jurors.

"SEC. 99. Every juror, or person drawn or summoned as a juror, or chosen arbitrator or umpire, or appointed referee, who either:

"1. Makes any promise or agreement to give a verdict or decision for or against any party; or,

"2. Willfully 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 \$5,000, or by imprisonment in the penitentiary not exceeding five years."

Punishment for.

SEC. 25. That section 102 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Punishment of per-
sons not referred to.

"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 \$1,000, or both such fine and imprisonment."

SEC. 26. That Chapter II of Title X of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 103 a new section numbered 103a to read as follows:

Adding names, etc.,
to jury lists a felony.

"SEC. 103a. Every person who adds any names to the list of persons selected to serve as jurors, either by placing the same in the jury-box, or otherwise, or extracts any name therefrom, or destroys the jury-box or any of the pieces of paper containing the names of jurors, or mutilates or defaces such names so that the same can not be read, or changes such names on the pieces of paper, except in cases allowed by law, is guilty of a felony."

SEC. 27. That Chapter II of Title X of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 103a a new section numbered 103b, to read as follows:

"SEC. 103b. Every officer or person required by law to certify to the list of persons selected as jurors who maliciously, corruptly, or willfully certifies to a false or incorrect list, or a list containing other names than those selected, or who, being required by law to write down the names placed on the certified lists on separate pieces of paper, does not write down and place in the jury box the same names that are on the certified list, and no more and no less than are on such list, is guilty of a felony." Falsifying jury lists,
etc.

SEC. 28. That Chapter III of Title X of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 104 a new section numbered 104a to read as follows:

"SEC. 104a. Any person who, in any affidavit taken before any person authorized to administer oaths, swears, affirms, declares, deposes, or certifies that he will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case then pending or thereafter to be instituted, in any particular manner, or to any particular fact, and in such affidavit willfully and contrary to such oath states as true any material matter which he knows to be false, is guilty of perjury. In any prosecution under this section, the subsequent testimony of such person, in any action involving the matters in such affidavit contained, which is contrary to any of the matters in such affidavit contained, shall be prima facie evidence that the matters in such affidavit were false." Perjury.
False affidavits.

SEC. 29. That section 110 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 110. Perjury is punishable by imprisonment in the penitentiary for a term not exceeding ten years." Subsequent testimony
of affiant to deter-
mine.

SEC. 30. That section 113 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 felony." Punishment for.

SEC. 31. That section 115 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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, willfully destroys or conceals the same, with intent thereby to prevent it from being produced, is guilty of a felony." Falsifying evidence
to deceive witness a
felony.

SEC. 32. That section 116 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 116. Every person who willfully 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 felony." Destroying evidence.

SEC. 33. That section 122 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 122. Every officer, warden or jailer, or guard who is guilty of willful inhumanity toward any prisoner under his care or in his custody, is punishable by imprisonment in jail not exceeding one year, or by a fine not exceeding \$2,000, or by both such fine and imprisonment, and by removal from office." Preventing, etc., at-
tendance of witness.

SEC. 34. That section 123 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Inhuman treatment
of prisoner.

Resisting public officer in discharge of duty.

"SEC. 123. Every person who willfully 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 \$5,000, or imprisonment in jail not exceeding one year, or by both such fine and imprisonment."

SEC. 35. That section 124 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Assaults, etc., by public officer.

"SEC. 124. Every public officer who, under color of authority, without lawful necessity, assaults, wrongs, oppresses, or beats any person, is guilty of a felony."

SEC. 36. That section 127 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Removal of property by debtor in fraud of creditors.

"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 in the penitentiary not exceeding one year, or by a fine not exceeding \$5,000, or by both."

Punishment for.

SEC. 37. That section 131 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Contempt of court.

"SEC. 131. A person guilty of misbehavior in the presence of or so near a court, judge, or magistrate as to obstruct the administration of justice, including the refusal of a person present in court to be sworn as a witness or to answer as a witness when lawfully required, shall be guilty of contempt, which the court may punish summarily, by imprisonment in jail not exceeding ten days, or by fine not exceeding \$100, or by both such fine and imprisonment."

Punishment for.

SEC. 38. That the Penal Code of the Canal Zone is hereby amended by inserting section 131a, to read as follows:

Offenses punishable as contempt of court.

"SEC. 131a. A person guilty of any of the following acts may be punished as for contempt:

"1. Disobedience of or resistance to a lawful writ, process, order, judgment, or command of the district or a magistrate's court, or injunction granted by the district court or judge;

"2. Misbehavior of an officer of a court in the performance of his official duties, or in his official transactions;

"3. A failure to obey a subpoena duly served;

"4. The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him."

SEC. 39. That the Penal Code of the Canal Zone is hereby amended by inserting section 131b, to read as follows:

Determination of guilt.

"SEC. 131b. The court shall determine whether the accused is guilty of contempt, and, if he be adjudged guilty, he may be fined not exceeding \$100, or imprisoned not more than ten days, or both. If the contempt consists in the violation of an injunction, the person guilty of such contempt may also be ordered to make complete restitution to the party injured by such violation."

Violation of injunction.

SEC. 40. That section 132 of the Penal Code of the Canal Zone is hereby amended to read as follows:

False certificates by public officer.

"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 felony."

SEC. 41. That section 133 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Disclosing fact that presentment, etc., made.

"SEC. 133. Every district attorney, clerk, judge, or other officer, who, except by issuing or in executing a warrant of arrest, willfully discloses the facts of a presentment or information having been made

for a felony, until the defendant has been arrested, is guilty of a felony."

SEC. 42. That section 135 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 135. Every captain, master of a vessel, or other person, who willfully 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 as a felony, 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 felony, and every person so landing shall also be guilty of a felony."

Importing foreign convicts.

SEC. 43. That section 136 of the Penal Code of the Canal Zone is hereby amended by adding after the word "imprisonment," in subsection 3 thereof, the words "in the penitentiary."

Punishment for attempting to rescue prisoner.

SEC. 44. That section 137 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 137. Every person who willfully 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 felony."

Destroying, etc., property held under process of law.

SEC. 45. That Chapter V of Title X of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 141 a new section numbered 141a to read as follows:

"SEC. 141a. Any person who willfully assists any person legally confined in a hospital of the Government of the Canal Zone to escape, or in an attempt to escape therefrom, is guilty of a misdemeanor."

Assisting escape of person legally confined in hospital.

SEC. 46. That section 142 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 felony."

Habeas corpus. Refusal to obey, a felony.

SEC. 47. That section 143 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 143. Every person who, either solely or as a member of a court, knowingly and unlawfully recommit, 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 felony."

Recommitting person discharged upon.

SEC. 48. That section 144 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 felony."

Concealing persons entitled to benefits of.

SEC. 49. That chapter 5 of Title X of the Penal Code of the Canal Zone is hereby amended by adding thereto the following sections:

"145a. Every attorney who, whether as attorney or as counselor, either—

Attorneys.

"1. Is guilty of any deceit or collusion, or consents or any party; ¹ or

Misconduct of.

"2. Willfully delays his client's suit with a view to his own gain; or

¹ So in original.

"3. Willfully receives any money or allowance for or on account of any money which he has not laid out or to any deceit or collusion, with intent to deceive the court become answerable for, is guilty of a felony.

Buying evidence of debt, etc., by.

"145b. Every attorney who, either directly or indirectly, buys or is interested in buying any evidence of debt or thing in action, with intent to bring suit thereon, is guilty of a misdemeanor.

Who may advertise as attorney.

"145c. Any person other than one regularly admitted to the bar of the district court of the Canal Zone who advertises or represents himself as practicing or entitled to practice law in any court of the Canal Zone, other than for himself, is guilty of a misdemeanor."

SEC. 50. That section 148 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Murder.
Degrees of.

"SEC. 148. Murder which is perpetrated by means of poison, lying in wait, torture, or by other willful, 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 other kinds of murders are of the second degree."

SEC. 50a. That section 162 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Kidnapping.

"SEC. 162. Kidnapping is punishable by imprisonment in the penitentiary not more than fifty years."

SEC. 50b. That section 163 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Child stealing.
Punishment for.

"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 for not more than fifty years."

SEC. 50c. That section 164 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Attempts to kill.
Administering poisons.

"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 more than twenty years."

SEC. 50d. That section 165 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Assaults.

"SEC. 165. Every person who assaults another with intent to commit murder is punishable by imprisonment in the penitentiary not more than twenty years."

SEC. 50e. That section 166 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Train wrecking.

"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 dynamite 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 a felony, and shall be punishable by imprisonment in the penitentiary for not more than forty years."

Punishment for.

SEC. 51. That section 167 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 felony."

Physicians.
Liability when in-
toxicated.

SEC. 51a. That section 168 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 168. Every person who willfully mingles 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 willfully poisons any spring, well, or reservoir of water, is punishable by imprisonment in the penitentiary for a term not more than twenty years."

Poisoning of food,
medicine, etc.

SEC. 51b. That section 169 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 more than fourteen years."

Assault with intent
to commit rape, etc.

SEC. 51c. That section 182 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 182. Every person who willfully 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 more than fourteen years."

Assault with disfig-
uring acids, chemicals,
etc.

SEC. 52. That section 188 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 188. False imprisonment is punishable by fine not exceeding \$5,000, or by imprisonment in the penitentiary not more than one year, or both."

False imprisonment.

SEC. 53. That section 190 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 190. Every person who willfully and with a malicious intent to injure another publishes or procures to be published any libel is punishable by a fine not exceeding \$5,000, or imprisonment in the penitentiary not exceeding one year."

Libel.

SEC. 54. That section 192 of the Penal Code of the Canal Zone is hereby amended to read as follows:

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

Truth as defense in
evidence.

SEC. 55. That section 198 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 a felony."

Threatening to pub-
lish libel.

Offering to prevent
publication, with in-
tent to extort money.

SEC. 56. That section 204 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 204. Rape is punishable by imprisonment in the penitentiary not more than fifty years, except where the offense is under subdivision one of section 201 of the Penal Code, in which case the punishment shall be either by imprisonment in jail for not more than one year or in the penitentiary for not more than fifty years, and in such case the jury shall recommend by their verdict whether the

Rape.
Punishment for.

punishment shall be by imprisonment in jail or in the penitentiary; provided that when the defendant pleads guilty of an offense under subdivision one of section 201 of the Penal Code the punishment shall be in the discretion of the trial court, either by imprisonment in jail for not more than one year or in the penitentiary for not more than fifty years."

SEC. 56a. That section 205 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Abduction of women.

"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 more than fourteen years."

SEC. 56b. That section 211 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Administering drugs, etc., with intent to procure miscarriage.

"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 more than five years."

SEC. 56c. That section 212 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Attempting to procure miscarriage.

"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 more than five years."

SEC. 56d. That section 218 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Bigamy.

"SEC. 218. Bigamy is punishable as a felony."

SEC. 57. That section 220 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Incest. Punishment for.

"SEC. 220. Persons being within the degrees of consanguinity within which marriages are declared by this section to be incestuous, 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 descendants 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, whether the relationship is legitimate or illegitimate."

"Incest" defined.

SEC. 58. That section 221 and section 222 of the Penal Code of the Canal Zone are hereby repealed.

Sections repealed. Solemnizing marriages forbidden by law; making false return.

SEC. 59. That chapter V of title XII of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 223 a new section numbered 223a to read as follows:

Crimes against children.

"SEC. 223a. Any person who shall willfully and lewdly commit any lewd or lascivious act other than the acts constituting other crimes provided for in this code upon or with the body, or any part or member thereof, of a child under the age of thirteen years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be guilty of a felony and shall be imprisoned in the penitentiary for a term not exceeding ten years."

Punishment for.

SEC. 60. That section 227 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 other than in a 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, except with the permission of the Governor of the Panama Canal, shall be guilty of a misdemeanor."

Interments in other than designated cemetery.

SEC. 61. That section 229 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 229. Every person who is authorized or enjoined to arrest any person for a violation of subdivision 3 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 or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken."

Obscene books, writings. Seizure of.

SEC. 62. That section 230 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 230. The magistrate 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 district attorney."

Delivery to district attorney.

SEC. 63. That section 235 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 in jail not exceeding six months, or fined not exceeding \$500, or be punished by both such fine and imprisonment."

Prevailing upon person to visit place kept for prostitution.

SEC. 64. That sections 236 to 241, inclusive, of the Penal Code of the Canal Zone, are hereby repealed.

Section repealed. Pawnbrokers.

SEC. 65. That section 243 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 in the penitentiary for not more than one year."

Fraud upon other partnership members.

SEC. 66. That section 244 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 244. Every person guilty of any harsh, cruel, or unkind treatment of, or any neglect of duty toward any idiot, lunatic, or insane person, is guilty of a felony."

Cruel treatment of lunatics, etc.

SEC. 67. That section 245 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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, is guilty of a felony."

Making, etc., fictitious bills, etc.

SEC. 67a. That section 248 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 willfully or from ignorance or neglect, creates, or allows to be created, such an undue quantity of

Mismanagement of steam boiler.

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 more than ten years."

SEC. 67b. That section 250 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Collision on rail-
roads.
Punishment for neg-
ligently causing.

"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 willfully 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 more than ten years."

SEC. 68. That Title XIII of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 250 a new section numbered 250a to read as follows:

Collision of vehicles.
Duties of drivers.

"SEC. 250a. Whenever an automobile, motor cycle, or other motor vehicle, or any vehicle whatsoever, regardless of the power by which the same may be propelled or drawn, strikes any person, or collides with any vehicle containing a person, the driver of, and all persons in, such automobile, motor cycle, or other motor vehicle, or other vehicle, who have or assume authority over such driver, shall immediately cause such automobile, motor cycle, or other motor vehicle, or other vehicle, to stop and shall render to the person struck, or to the occupants of the vehicle collided with, all necessary assistance including the carrying of such person or occupant to a physician or surgeon for medical or surgical treatment, if such treatment be required, or if such carrying is requested by the person struck or the occupant of the vehicle struck; and such driver, and person having or assuming authority over such driver, shall either remain at the scene of the accident until the arrival of the police authorities, or shall communicate without delay to the nearest police authorities a full report of the accident.

Punishment for vio-
lation.

"Any person violating any of the provisions of this section is punishable by imprisonment in the penitentiary not exceeding five years or in jail not exceeding one year, or by fine not exceeding \$5,000, or by both such fine and imprisonment."

SEC. 69. That Title XIII of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 250a a new section numbered 250b to read as follows:

Driving motor ve-
hicle while intoxicated.

"SEC. 250b. Any person operating or driving an automobile, motorcycle or other motor vehicle who becomes or is intoxicated while so engaged in operating or driving such automobile, motorcycle or other motor vehicle shall be guilty of a misdemeanor."

SEC. 70. That Title XIII of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 250b a new section numbered 250c to read as follows:

Intoxicated driver of
motor vehicle commit-
ting negligent acts.

"SEC. 250c. Any person operating or driving an automobile, motorcycle or other motor vehicle who becomes or is intoxicated while so engaged in operating or driving such automobile, motorcycle or other motor vehicle, and who by reason of such intoxication does any act, or neglects any duty imposed by law, which act or neglect of duty causes the death of, or bodily injury to, any person, shall be punishable by imprisonment in the penitentiary not exceeding ten years, or in jail not exceeding one year, or by fine not exceeding \$500, or by both such fine and imprisonment."

SEC. 71. That section 255 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 255. Every person who makes or keeps on the zone or transports on or across the zone more than five pounds of gunpowder, nitroglycerine, or other highly explosive substance without a permit from the governor so to do, is guilty of a misdemeanor."

Transporting explosives.

SEC. 72. That section 258 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 guilty of a misdemeanor."

Placing extraneous materials in containers, etc., to increase salable weight.

SEC. 73. That section 269 of the Penal Code of the Canal Zone is hereby repealed.

Section repealed.
Sale of intoxicating liquors to habitual drunkard.

SEC. 74. That section 270 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 270. If the owner of a ferocious, vicious, or mischievous animal, knowing its propensities, willfully 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, such owner is guilty of a felony."

Allowing ferocious, etc., animal to go at large.

Deaths caused by.

SEC. 75. That Title XIII of the Penal Code of the Canal Zone is hereby amended by inserting therein a new section numbered 270a to read as follows:

"SEC. 270a. If the owner of a ferocious, vicious, or mischievous animal, knowing its propensities, willfully 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, attacks, bites or maims 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, such owner is punishable by imprisonment in jail not exceeding one year, or by fine not exceeding \$500, or both."

Other injuries.

SEC. 76. That section 276 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 health department, 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 \$500."

Importing quarantined animals.

SEC. 77. That section 279 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 78. That section 282 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 282. Every person who participates in any riot is punishable by imprisonment in the penitentiary not exceeding two years, or by fine not exceeding \$2,000, or both."

Participating in riots.

SEC. 79. That section 283 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 283. Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an

"Rout" construed.

act which would be a riot if actually committed, such assembly is a rout."

Participating in rout.

SEC. 80. That section 285 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 285. Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor."

SEC. 81. That section 286 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Refusing to disperse upon lawful warning.

"SEC. 286. Every person remaining present at the place of any riot, rout, 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. 82. That section 293a of the Penal Code of the Canal Zone, as added by the Executive order of January 9, 1908, is hereby amended to read as follows:

Vagrancy.

"SEC. 293a. Every vagrant or person found within the Canal Zone without legitimate business or visible means of support; and

"2. Every mendicant or habitual beggar found within the Canal Zone; and

"3. Every person found within or loitering about any laborers' camp, mess house, quarters, or other Canal Zone building, or any railroad car, or station, or other building of the Panama Railroad Company, or any dwelling or other building owned by any private person without due and proper authority and permission so to be; or peddling goods or merchandise about any laborers' camp or mess house during hours when laborers are ordinarily employed at work, or in or about places where groups of men are at work; and

"4. Every person found in any public place in such a state of intoxication as to disturb others, or unable, by reason of his condition, to care for his own safety or the safety of others; shall, upon conviction thereof, be punished by a fine of not to exceed \$25, or by imprisonment in jail not to exceed thirty days, or by both such fine and imprisonment."

Punishment for.

SEC. 82a. That the last paragraph of section 294 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Crimes against the revenue of the Canal Zone.

Punishment for.

"Is punishable by imprisonment in the penitentiary for not more than ten years, and is disqualified from holding any office in the Canal Zone."

SEC. 83. That section 295 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Failing to account, etc., for collected revenues.

"SEC. 295. Any employee of the United States, the Panama Canal, or the Panama Railroad Company, who collects or receives public moneys:

"1. 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,

"2. Who is guilty of any extortion or willful oppression under color of law; or,

"3. Who, knowingly, demands other or greater sums than are authorized by law, or receives any fee, compensation or award, except as herein provided for the performance of any duty; or,

"4. Who willfully neglects to perform any of the duties enjoined upon him by laws; or,

"5. Who conspires or colludes with any person to defraud the public revenues; or,

"6. Who makes opportunities for any person to defraud the public revenues; or,

"7. Who does, or omits to do, any act with intent to enable any other person to defraud the public revenues; or,

"8. Who, negligently or designedly, permits any violation of the law by any person; or,

"9. 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 law to make any entry, certificate or return; or,

"10. Who, having knowledge or information of the violation of any provision of the laws respecting public revenues 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

"11. 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 laws respecting public revenues; or

"12. Who shall divulge or make known, in any manner whatsoever not provided by law, to any persons, the accounts, condition of business affairs, or manner of conducting the same of any 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, shall be fined not more than \$2,000, or be imprisoned in the penitentiary not more than five years, or both, at the discretion of the court. For the purpose of this section, all funds, moneys, and properties of the Panama Railroad Company shall be deemed public funds."

Punishment for.

SEC. 84. That section 297 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 United States, the government of the Canal Zone, the Panama Canal, or the Panama Railroad Company, and all moneys, bonds, and evidences of indebtedness received or held by Canal Zone or Panama Railroad officers or employees in their official capacity."

"Public moneys" construed.

SEC. 85. That section 298 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 298. If any clerk, marshal, or other officer, who receives any fine or forfeiture or other moneys, refuses or neglects to pay over the same according to law, and within thirty days after the receipt thereof, he is punishable by imprisonment in jail not exceeding six months, or by a fine not exceeding \$500, or by both."

Officer failing to pay over fines, etc.

SEC. 86. That sections 299, 300, 301, and 302 of the Penal Code of the Canal Zone are hereby repealed.

Sections repealed. Tax collections.

SEC. 87. That section 305 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 88. That section 306 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 306. Arson is the willful and malicious burning of a building with intent to destroy it."

"Arson" defined.

SEC. 88a. That section 311 of the Penal Code of the Canal Zone is hereby repealed.

Section repealed. Ownership of building set on fire.

SEC. 89. That section 324 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 324. Forgery is punishable by imprisonment in the penitentiary for a term not exceeding fourteen years."

Forgery.

SEC. 90. That section 325 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Forging telegraph,
etc., messages.

"SEC. 325. Every person who knowingly and willfully sends by telegraph or telephone to any person a false or forged message, purporting to be from a telegraph or telephone office, or from any other person, or who willfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph or telephone, or who furnishes, or conspires to furnish, or causes to be furnished to any agent, operator, or employee, to be sent by telegraph or telephone, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the penitentiary not exceeding five years, or in jail not exceeding one year, or by fine not exceeding \$5,000, or by both such fine and imprisonment."

SEC. 91. That section 326 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Passing or receiving
forged notes.

"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 a fine of not more than \$1,000 or by imprisonment at hard labor in the penitentiary not more than five years, or by both."

SEC. 91a. That section 327 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Making, uttering,
etc., fictitious bills, etc.

"SEC. 327. Every person who makes, passes, utters, or publishes, with the 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, copartnership, or individual, when, in fact, there is no such bank, corporation, copartnership, 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 more than five years."

SEC. 92. That Chapter IV of Title XVI of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 327 a new section numbered 327a to read as follows:

Issuing bank check,
etc., with intent to
defraud.

"SEC. 327a. Every person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers to another person any check or draft on a bank, banker, or depository for the payment of money, knowing at the time of such making, drawing, uttering, or delivery, that he or his principal or the corporation of which he is an officer has not sufficient funds in, or credit with such bank, banker, or depository, to meet such check or draft in full upon its presentation, is punishable by imprisonment in jail for not more than one year or in the penitentiary for not more than fourteen years.

Punishment for.

"Credit" construed.

The word 'credit' as herein used shall be construed to be an arrange-

ment or understanding with the bank or depository for the payment of such check or draft."

SEC. 92a. That section 329 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 329. Counterfeiting is punishable by imprisonment in the penitentiary for not more than five years."

Counterfeiting.

SEC. 92b. That section 330 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 more than five years."

Possessing or receiving counterfeit coins, bullion, etc.

SEC. 93. That section 336 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 336. That every person who, within the Canal Zone, 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 \$1,000, or by imprisonment at hard labor in the penitentiary not more than five years, or by both."

Possessing counterfeited bond, etc.

SEC. 94. That section 339 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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, canceled 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 in jail not exceeding six months or by fine not exceeding \$1,000, or by both imprisonment and fine."

Restoring canceled railroad tickets.

SEC. 94a. That the Penal Code of the Canal Zone is hereby amended by inserting after section 339 thereof, a new section numbered 339a, reading as follows:

"SEC. 339a. Every person who, with intent to defraud, alters any clubhouse, commissary, or restaurant check, ticket, coupon, or other evidence of a transaction with such clubhouse, commissary, or restaurant, is guilty of a misdemeanor punishable by imprisonment in jail not exceeding six months or by fine not exceeding \$1,000, or by both such fine and imprisonment."

Altering clubhouse, etc., check.

SEC. 95. That section 345 of the Penal Code of the Canal Zone is hereby repealed.

Section repealed. Larceny after severance from real property.

SEC. 96. That section 352 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Receiving property stolen in another country, etc.

"SEC. 352. Every person who, in any country or State of the United States, embezzles or steals the property of another, or receives such property, knowing it to have been embezzled or stolen, and brings the same into the Canal Zone, may be convicted and punished in the same manner as if such embezzlement, larceny, or receiving had been committed in the Canal Zone."

SEC. 97. That Chapter V of Title XVI of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 354 a new section numbered 354a to read as follows:

Taking motor vehicle, etc., temporarily.

"SEC. 354a. Any person who shall, without the permission of the owner thereof, take any automobile, bicycle, motor cycle, or other vehicle, for the purpose of temporarily using or operating the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$200, or by imprisonment in jail not exceeding three months, or by both such fine and imprisonment."

SEC. 98. That Chapter V of Title XVI of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 354a a new section numbered 354b to read as follows:

Unlawful use of automobile.

"SEC. 354b. Every owner or manager of an automobile garage, or agent or employee of such owner or manager, or any other person, having the care, custody, or possession of any automobile, who takes, hires, runs, drives, or uses such automobile, or who takes or removes therefrom any part thereof, without the owner's consent, is punishable by a fine not exceeding \$1,000, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment."

SEC. 98a. That section 355 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Keeping property saved from fire.

"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 more than ten years."

SEC. 99. That section 359 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Embezzlement. Appropriation by trustee of trust property to own use.

"SEC. 359. Every officer of the government of the Canal Zone, 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), and any other person 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. 100. That section 366 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Intention to restore as defense.

"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 a complaint has been laid before a magistrate or an information has been filed before the district court, charging the commission of the offense."

SEC. 101. That section 367 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Actual restoration a ground for mitigation of punishment.

"SEC. 367. Whenever, prior to any complaint laid before a magistrate or an information filed in the district court, 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. 101a. That section 383 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 willfully 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 willfully 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 more than ten years."

Subsequent sales with intent to deceive prior vendee, etc.

SEC. 102. That section 386 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 386. Every commission merchant, broker, agent, factor, or consignee, who shall willfully 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 \$500, or imprisonment in jail not exceeding six months, or by both such fine and imprisonment."

False statements by factors, etc.

SEC. 102a. That the Penal Code of the Canal Zone is hereby amended by adding thereto, after section 389, a new section reading as follows:

"SEC. 389a. Every person who, after mortgaging any personal property, during the existence of such mortgage, with intent to defraud the mortgagee, his representative or assigns, takes, drives, carries away, or otherwise removes or permits the taking, driving, or carrying away, or other removal of the mortgaged property, or any part thereof from the Canal Zone, without the written consent of the mortgagee; or who sells, transfers, or in any manner further incumbers the said mortgaged property, or any part thereof, or causes the same to be sold, transferred, or further incumbered, is guilty of larceny and is punishable accordingly; unless at or before the time of making such sale, transfer, or incumbrance, such mortgagor informs the person to whom such sale, transfer, or incumbrance is made, of the existence of the prior mortgage, and also informs the prior mortgagee of the intended sale, transfer, or incumbrance, in writing, by giving the name and place of residence of the party to whom the sale, transfer, or incumbrance is to be made."

Removing mortgaged personal property.

SEC. 102b. That section 390 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 390. Every person who willfully 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 the possession of such person, or of any other, is punishable by imprisonment in the penitentiary not more than ten years."

Willfully destroying property to defraud insurer.

SEC. 102c. That section 401 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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

Books, accounts, etc. of corporations, etc. Frauds in keeping.

to make, or to cause or 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 more than ten years or a fine not exceeding \$500, or by both such fine and imprisonment."

SEC. 103. That Chapter XIII of Title XVI of the Penal Code of the Canal Zone is hereby amended by inserting therein after section 420 a new section numbered 420a to read as follows:

Highways.
Throwing glass, etc.,
upon.

"SEC. 420a. Any person who throws or deposits any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal, or vehicle upon any public highway in the Canal Zone shall be guilty of a misdemeanor."

Section repealed.
Killing birds within
public parks.
Trespasses to prop-
erty.

SEC. 104. That section 424 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 105. That subsections 4, 5, and 6, of section 426 of the Penal Code of the Canal Zone are hereby amended to read as follows:

"Every person who willfully commits any trespass by either—

"4. Digging, taking, or carrying away from any lot situated within the Canal Zone, 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 the Canal Zone, 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 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."

SEC. 106. That section 431 of the Penal Code of the Canal Zone is hereby amended to read as follows:

Destroying irriga-
tion, etc., construction.

"SEC. 431. Every person who willfully 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 willfully 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 exceeding \$1,000, or by imprisonment in the penitentiary not exceeding two years, or by both."

Section repealed.
Throwing ballast
overboard in port.
Mooring to buoy.

SEC. 107. That section 434 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 108. That section 435 of the Penal Code of the Canal Zone is hereby repealed.

SEC. 109. That section 436 of the Penal Code of the Canal Zone, as amended by the Executive order of April 24, 1908, is hereby amended to read as follows:

"SEC. 436. Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States Coast and Geodetic Survey, the Military Survey of the United States Army, the Hydrographic Office of the United States Navy, or any other Government surveys, or the Panama Canal, or any public service company within the Canal Zone, knowing the same to be a boundary or survey monument, is guilty of a felony."

Defacing Federal, etc., monuments, etc.

SEC. 110. That section 438 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"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 a term not exceeding five years."

Mutilating written instruments.

SEC. 111. That section 440 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 440. Every person, not the owner thereof, who willfully injures, disfigures, or destroys any monument, work of art, or useful or ornamental improvement within the limits of the Canal Zone, 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."

Disfiguring works of art, etc.

SEC. 112. That section 444 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 444. Every person who, by means of any machine, instrument, or contrivance, or in any other manner, willfully 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 willfully 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 in the penitentiary for not more than five years, or by fine of not to exceed \$5,000, or both."

Fraudulent reading of messages over telegraph lines.

SEC. 113. That section 445 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 445. Every person who, by the payment or promise of any bribe, inducement, or reward, procures, or attempts to procure, any telegraph or cable agent, operator, or employee to disclose any private message, or the contents, purport, substance, or meaning thereof, or offers to any such agent, operator, or employee 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 employee, or uses, or attempts to use, any such information so obtained, is punishable by imprisonment in the penitentiary for not more than five years, or by fine of not more than \$5,000, or both."

Bribing cable agents, etc., to obtain disclosure of contents of messages.

SEC. 114. That the first subdivision of section 461 of the Penal Code of the Canal Zone, defining the word "willfully," is hereby amended to read as follows:

"First. The word 'willfully,' 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. It does not require any intent to violate law, or to injure another, or to acquire any advantage."

"Willfully" construed.

SEC. 115. Nothing contained in this Act shall apply to an offense committed prior to the time when this Act takes effect. Such an

Saving clause.

offense shall be punished according to the provisions of law existing when it was committed in the same manner as if this Act had not been passed.

Approved, February 21, 1933.

[CHAPTER 110.]

AN ACT

An Act to amend the Code of Criminal Procedure for the Canal Zone.

February 21, 1933.
[H. R. 7520.]
[Public, No. 366.]

Code of Criminal Procedure, Canal Zone. Amendments. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Code of Criminal Procedure for the Canal Zone is hereby amended to read as follows:

Jury trials. "SEC. 2. No person can be convicted of a public offense unless by the verdict of a jury, accepted and recorded by the court, or upon a plea of guilty, or upon a judgment of the district court, a jury having been waived, or upon the judgment of a magistrate's court."

Waiver. "SEC. 2. That section 3 of the Code of Criminal Procedure for the Canal Zone is hereby amended to read as follows:

Prosecution by information signed by district attorney. "SEC. 3. Every offense of which the district court has original jurisdiction must be prosecuted by information signed by the district attorney, or in the case of his absence by an assistant district attorney. The information must state that it is based upon due investigation of the facts relating to the crime charged therein, and on the sworn testimony of one or more witnesses."

SEC. 2a. That the Code of Criminal Procedure for the Canal Zone is hereby amended by adding a new section numbered 3a, reading as follows:

"District attorney" to include assistant. "SEC. 3a. Wherever the designation 'district attorney' appears in this code, such designation shall include an assistant district attorney: *Provided, however,* That this section shall only apply during the absence or disability of the district attorney or during a vacancy in the office of district attorney."

Proviso. Application.

SEC. 3. That section 8 of the Code of Criminal Procedure for the Canal Zone is hereby amended to read as follows:

Jurisdiction over offense. "SEC. 8. The jurisdiction of an offense triable either in the district or magistrates' courts shall be in the division or subdivision where the offense has been committed."

SEC. 4. That section 9 of the Code of Criminal Procedure for the Canal Zone is hereby amended to read as follows:

Offenses committed within Canal Zone. "SEC. 9. Every person is liable to punishment by the law of the Canal Zone, or by the laws of the United States which are made applicable to the Canal Zone, for an offense committed by him therein."

SEC. 5. That section 11 of the Code of Criminal Procedure for the Canal Zone is hereby amended to read as follows:

Rights of defendant. "SEC. 11. In a criminal action, the defendant is entitled—
"1. To a speedy and public trial.
"2. To be allowed counsel as in civil actions, or to appear and defend in person and with counsel.

"3. To produce witnesses on his behalf and 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 committing magistrate and the testimony taken down by question and answer 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; or where the testimony of a witness on the