

Case No. 15,385.

UNITED STATES v. HOOD.

[2 Cranch, C. C. 133.]<sup>1</sup>

Circuit Court, District of Columbia.

April Term, 1817.

GAMING—VIOLATION OF MUNICIPAL ORDINANCE—COMMON LAW OFFENCE.

A conviction of the offence of keeping a faro-bank, contrary to a by-law of the corporation of Alexandria, is no bar to an indictment at common law for keeping a disorderly house, supported by the same evidence.

Indictment [against Robin Hood], at common law, for keeping a disorderly house. The evidence was that he kept a faro-bank in a room at McLaughlin's Tavern. It also appeared that he had been convicted and fined, by the mayor of Alexandria, under a by-law of the corporation, for keeping the faro-bank.

R. J. Taylor, for defendant, contended that that conviction was a bar to the present prosecution.

But THE COURT (THRUSTON, Circuit Judge, absent) decided that it was no bar. He offended against two laws. The by-law could not repeal the general law of the land. It is not the same offence.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]