

Case No. 16,967.

VIRGINIA v. SMITH.

[1 Cranch, C. C. 47.]¹

Circuit Court, District of Columbia.

Jan. Term, 1802.

MUNICIPAL CORPORATIONS—BY-LAWS OF ALEXANDRIA.

The by-laws of 1784 apply to the subsequent addition made to the town of Alexandria by the act of 1797.

Information [against John Smith] for keeping a slaughter-house within the limits of the town, of Alexandria, contrary to a by-law of the corporation passed in 1784. The place where the slaughter house was kept was not within the limits of the town at the time of passing the bylaw, but was added to the town by an act of assembly of Virginia in 1797.

Mr. Mason, for the commonwealth, contended that when a new part is added to a town it becomes subject to all the existing laws of that town. The act of assembly of 1797 is express that such new part should be subject to the same regulations as the old.

Mr. Simms, for defendant. A penal law must be construed strictly. In the by-law of 1784, the word limits refers to the then existing limits, and the effect is the same as if it had said 'that no person should keep a slaughter-house between the Potomac and St. Asaph street, which was then the boundary of the town. If Maryland should be added to Virginia the penal laws of Virginia would not apply to Maryland.

Mr. Jones, on the same side. If a country by cession or conquest, becomes annexed to another, it remains subject to its old laws until' altered by its new sovereign.

Mr. Mason, in reply, was stopped by the court, who instructed the jury that the by-law of 1784 was in force in the addition to the town, and applied as much to that as to the original limits.

Special verdict. Venire facias de novo awarded.

[See Case No. 16,965.]

¹ [Reported by Hon. William Cranch, Chief Judge.]