

Here are summarized the principal laws of the Corporations of Washington, of Georgetown and the County of Washington, forming together the District of Columbia, before their amalgamation in 1871. This and the accompanying list of all District laws relating to animal control 1791-1940 are extracted from a much longer study, "Mangy Curs and Stoned Horses: Animal Control in the District of Columbia from the Beginnings to About 1940" by Hayden M. Wetzel, planned for publication on the website of the Humane Society of the United States.

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Animal control in the nation's capital before 1871 developed along two general tracks:

- Horses, livestock, geese and other domestic animals (referred to here as "farm animals") generally constituted a nuisance only when they strayed into city streets and private property. Although these animals required more trouble to house than dogs, they represented less of a financial burden for the city because their owners were likely to redeem them and if not then they could generally be sold to the public.
- Dogs, on the other hand, were always far more plentiful on the streets, were less likely to be redeemed, and had less of a market (mostly as pets, guard dogs and hunting use). Not only were they a nuisance and sometimes aggressive but they carried rabies. For the city government stray dogs were mostly a problem and financial drain.

Under the separate Corporations of Washington and Georgetown (1791-1871) animals came under city purview only because they were a nuisance – strays, abandoned, or dangerous. Broad protection of animals out of concern for their own welfare – "cruelty to animals" – did not enter into municipal regulations until 1871, although some earlier laws imposed fines for specific mistreatment.

Farm Animals The earliest (**colonial-era**) laws¹ relating to animals in the area of Washington dealt with farm animals, and this is natural since there were no sizeable towns where stray dogs could congregate but certainly many farms from which valuable stock could wander. A 1715 statute of Maryland penalized those killing strays ("estrays") and then removing ownership marks, and another of the same year permitted finders to shoot any stray horse after twice notifying the animal's owner.² Numerous acts of the State from the 1790s dealt with loose swine and geese in various towns, such as that of 1799 prohibiting hogs in Montgomery County "within three miles of Georgetown" and allowing anyone finding strays there to sell the animals.³ The 1748 act of incorporation for Alexandria, Virginia,⁴ prohibited the keeping of unenclosed swine within the city limits and allowed "any person whatsoever to kill or destroy the same," but they must then inform the owner.

The 1819 Code of Laws for the District of Columbia (which gathered all laws then in force, though many passed at an earlier time) included comprehensive rules and penalties regarding enclosures of property and trespass of animals onto legally fenced land. This act "Regarding Enclosures and Certain Trespasses" allowed "any person" (there was no mention of constables)

¹ The District continued to recognize colonial and early State laws if no Congressional or District act specifically dealt with a particular issue, and these early laws formed the background of later D.C. regulations.

² "Md., 1715, ch. 26, sec. 5 and 6", summarized in Thompson, M., *An Analytical Digest . . . 1863*, p. 414 (see also ch. 31, sec.1 of the same year, cited in *Compiled Statutes . . . 1887-'98*), full text of both in Kilty, *The Laws of Maryland*. The latter law ("to prevent. . . the great evil [of] the multiplicity of useless horses, mares and colts that run in the woods") was referred to, curiously, in a legal case of 1876 (*Evening Star*, 3 May 1876, p. 4, "The Horse Shooting Case").

³ Davis, William A., *The Acts of Congress . . .*, pp. 497-498. Kilty, *The Laws of Maryland*, includes all of these, which I have copied and deposited with the other materials from this research.

⁴ Davis, p. 535.

to hold horses or “any beast” found on their property “in any open pound” until the owners paid a fine and expenses to the finder. The same law similarly regulated boats found adrift.

Georgetown’s earliest ordinance regarding nuisance farm animals (1791) allowed “all person or persons” to kill stray geese or swine (later the word “hog” was more commonly used) on sight. The finder must then inform the authorities and deliver the carcass to the town market; if the owner did not claim it within four hours the finder could take possession and sell it himself. It was “the particular duty of the Constables to attend to the carrying of this law into effect.” An act of 1795 limited the capture of swine to whites, who could keep the animal “for his own use.” An officer finding stray swine was to immediately sell the carcass at the market and “for his trouble” split the proceeds with the Corporation. This process was extended to goats the following year. In October 1796 owners of strays were fined \$2 and responsibility for the animal’s removal “in any means they may judge proper” specifically given to the constabulary. “Stoned horses” (those having stones, or testicles, i.e., stallions) came under penalty of \$20 per day if untended on the street in 1799, the fine shared by the finder (“informer”) and Corporation. Restrictions on horses⁵ tightened in 1814.

The Corporation greatly restricted the raising of swine within city limits in 1827 (strengthening these regulations in 1858 and 1862), and cows in 1865.

In 1837 custody of stray animals was given to the Corporation’s Poor House, which sold them. Owners could redeem their stock for a fine (which, of course, increased over the years). Anyone attempting to “rescue” animals from the Poor House “may be seized” and fined (\$1-10).⁶ Further acts (1845, 1858) required the Poor House to pay the constables for each delivery.⁷ By 1859 the Corporation had to demand that the recalcitrant Poor House return all hogs to their owners if they showed up to claim the animals, a law which needed to be stated again in 1867.

Apparently the police resisted this task, since the 1837 and later ordinances specified that they were required to perform their duty under penalty of fine. Payment to the police for the expense of rounding up and holding stray swine became a city line-item in 1862.

Statutes for the City of **Washington** largely followed the trends in Georgetown, if enacted somewhat later. A March 1809 act⁸ outlawed stray swine and allowed “any citizen or constable” to butcher an unmarked (lacking “iron rings in their snouts”) stray and divide the resulting proceeds with “the poor of the Corporation.” Later that year the keeping of unenclosed swine was prohibited south of Massachusetts Avenue. 1836 and 1838 acts specified the nature of legal enclosures and clearly gave responsibility of enforcement to the constables. The city’s half of sales proceeds bobbed from the Asylum to the Corporation coffers (Oct 1809), to the Asylum (1817), to the Corporation (1820), and back to the Asylum (1841). The Asylum Intendent was required to release animals to their legitimate owners by an 1868 act and keep the payment for the institution.⁹ Regulations in force in 1833, but perhaps passed much earlier (they refer to “marshals” rather than “constables”), specified the sum allotted for feeding slaves and livestock seized in legal proceedings and awaiting sale.¹⁰

Geese received the same treatment in 1815; they were taken to the Trustees of the Poor and the finder received 25 cents for each. Goats came under restrictions in 1819 but the officer was to simply bury the carcass, for which he was paid a fixed amount. Although a proposed act of 1868 would have kept them confined to yards, goats were not finally controlled until the Board

⁵ “Any horse, mare or gelding” was considered distinct from “stoned horses” (stallions) in these laws.

⁶ For a ground-level view of this operation see Evening Star, 24 Sept 1866, p. 2, relating to captured goats.

⁷ An article of 1858 refers to two other hog-related acts (1855 and a later one) but which could not be found in the official compilations (Evening Star, 6 Mar 1858, p. 3).

⁸ “To Prevent Swine from Rooting or Otherwise Destroying the Pastures of the City of Washington”.

⁹ As with the police, the poorhouses of both corporations seem to have been uncertain partners in this business.

¹⁰ These interesting figures are: slaves – 20 cents/day; horses and mules – 17 cents; cattle and hogs – 9 cents; sheep and goats – 6 cents, to be paid by the plaintiff. *A System of Civil and Criminal Law . . .*, 1833, Ch. XXII “Executions”, sec. 17. The proposed Washington County pound of 1874 specified daily boarding charges as: bulls -- \$1; horses, mules and asses – 75 cents; cows and hogs – 50 cents; goats and sheep – 25 cents.

of Health issued a prohibition four years later.¹¹ The same provisions came into force in 1828 for sick (“affected with the glanders or any other contagious or infectious disease”) or blind horses set loose by their owners, and for stallions at large in 1835 and ‘53. These regulations were all re-stated in a comprehensive ordinance of 1853¹² and again in 1856, which latter act also required owners to kill and bury diseased horses.¹³ Responsibility for stray horses was given to the Justices of the peace by 1855 and fines to owners raised from \$5 to \$20. Cows saw some regulation in 1863, as in Georgetown.¹⁴

Dogs The first laws of the Corporation of **Georgetown** relating to taxes (licenses, in modern parlance)¹⁵ on dogs – 1792, 1798, 1803, 1805 – all carried the title “An Ordinance to Diminish the Number of Dogs” and in no case could the text be discovered because each successive act was superseded by its successor, the 1807 act being the earliest available.

“Whereas the great number of dogs kept in this town have become a public nuisance,” the Corporation replaced its “inadequate” earlier ordinances with new measures “for preventing the evil.” The 1807 law levied an annual tax on each dog (“animals of the dog kind,” as it was always put): \$1 for a male, \$2 for a female, and higher amounts for each above that number. The city issued a receipt upon payment of this tax, and owners were instructed “to place a collar round the neck of such animal with the owner’s name.” Failure to comply brought a fine of \$10, split between the informer and the Corporation. Unlicensed dogs found at large could be killed “by any person whomsoever.” The only role of the Corporation constables was to report scoff-laws and to advise new-comers of the regulation.

A resolution of 1808 banning stray dogs related to an outbreak of rabies and expired after one month – the first such pronouncement.

Police were given “the special duty . . . to kill any animal of the dog kind going at large” in 1811 and bury it outside city limits, receiving \$1 for each. As with larger animals, the text noted that this duty must be undertaken by the police, and protected them somewhat by fining \$20 to “any and every person who shall assault or in any wise obstruct them . . . in the discharge of their duty.” Another source of annoyance for the constables was indicated when, in 1828, the city had to formally define “owner” as “persons who shall, directly or indirectly permit or suffer any . . . dog . . . to remain on or about their premises.” On the other hand, proposed revision of this ordinance in 1846 would have prohibited officers from employing substitutes or using shot “the size of double B” or larger, revealing complaints with the constables’ work.¹⁶

The Corporation continued to struggle with its unwanted canine population. The dog tax was raised in 1815, and again in 1822 to \$5 for each male and \$20 for each female. This apparently pushed things too far, since two years later the tax returned to \$1.50 for the first male and \$5 for the first female (it rose with further animals), while increasing various other fines. In 1824 constables were required to actually check dog ownership of each household against the

¹¹ Evening Star, 5 May 1868, p. 4; 16 Nov 1872, p. 2.

¹² Cf. comprehensive regulations of 1849 regulations regarding raising of swine and outlawing all hogs and goats at large, as well as detailed redemption and enforcement procedures, which apparently were not approved (Daily Nat Intelligencer, 12 Sept 1849, p. 1). A similar act was passed in Alexandria, Virginia in 1858 (Evening Star, 20 May 1858, p. 3). Constables received \$4 for burial of a horse according to the 1857 Code, ch. 40, sect 1.

The 1853 and 1856 Board of Health acts included these provisions, thus tying the stray animal problem to that body.

¹³ “With the hide on,” according to the 1855 regulations.

¹⁴ “An Act Relating to the Keeping of Beef Cattle or Other Animals Intended for Slaughter” of 1852 kept such animals at least 75 feet from any residence. Police officers not enforcing this regulation faced a fine of \$5 for the first offense and dismissal thereafter. An act of 24 May 1866 (see Webb, The Laws of the Corporation . . ., p. 120) allowed residents to keep two cows “for their immediate use.”

¹⁵ The latter word, however, was commonly used in official and unofficial parlance.

¹⁶ Georgetown Advocate, 7 May 1846, p. 1, which contains much similar interesting discussion.

Corporation Clerk's registration list and to report offenders. After 1829 those not registered were to be killed and buried by the constables (who received 50 cents for each).

In 1819 the Corporation revised these regulations, prohibiting wandering dogs in the summer months only, and fining their owners the very high sum of \$20. Georgetown allowed dogs to run at large from 1855 on but only if muzzled. This innovation did not satisfy the dog-annoyed public, who continued to hunt them down, and the local papers were "requested" to publicize the policy again "for the benefit of our fellow citizens and the police" two years later. The 1819 ordinance on strays was revived in 1836.

A law of 1804 "To Prevent the Evils Arising from the Multiplicity of Dogs in and about the Market House" set a fine (\$1) for bringing dogs into that building. It called out butchers in particular for this practice.¹⁷ The Corporation revived this ordinance in 1829.¹⁸

Georgetown's dog regulations were comprehensively restated in 1859. This act continued the earlier fines, fees and special provisions (no dogs in markets, restrictions when the mayor declares a rabies-emergency) with slight revisions. A further ordinance of 1860 created uniquely numbered brass tags ("checks") for dogs' collars to accompany the licenses. It was declared "lawful, and . . . is hereby made the duty" of police to check each household and collect the fee for unregistered dogs (keeping the 25 cent fee for himself); recalcitrant citizens would see their dogs seized and killed in the same way as strays. As before, police faced a fine for avoiding this duty (\$2). This law explicitly condemned "fierce or dangerous dogs" that were allowed to run loose, and fined their owners both for the offense and also \$1 if the animal had bitten someone.

The last law of independent Georgetown regarding dogs largely followed its immediate predecessors but also made the first mention of spayed females, which were taxed as males. These last ordinances envisioned the income from licenses and fines covering any expenses associated with administration and enforcement.

The Corporation of **Washington's** first dog-related act (1803) also was a tax, lumping tax on dogs with taxes on property in general, including slaves. All dogs required payment of \$1 annually.¹⁹ Perhaps collection proved difficult, because the following year the Corporation repealed the fine for non-payment, and replaced it with a system of house-to-house registration (by the Corporation treasurer) of both dogs and slaves, with a stiff \$10 fine for hiding animals. The informer and city split this money.

An act of 1807 separated dogs from property and laid out more extensive regulations: besides restating the tax provisions, dogs needed to wear collars marked "City of W" or "Washington"²⁰ and the owner's name, and outlawed unlicensed strays, which the city constables or "any other person" would kill and bury ("constables only" receiving 20 cents for each). Already the Corporation felt the need to threaten a fine (\$10) for constables avoiding this duty. Dogs accompanying non-residents into the city were exempted from these regulations.²¹ As the dog population increased, the tax on females (\$10, later reduced to \$5) and the amount paid constables for eliminating strays (50 cents) also rose.

The Corporation government in 1817 empowered its mayor to impose a curfew on dogs when an outbreak of rabies occurred, keeping them confined until he saw fit to lift the emergency regulations. Constables received \$1 for killing strays during these periods. The first

¹⁷ Butchers and farmers brought dogs to guard their goods. "These are generally of the bull-terrier breed and as fierce as lions" (Evening Star, 1 Apr 1874, p. 4).

¹⁸ Meaning that it had somehow lapsed, although there is no indication that it had been withdrawn.

¹⁹ We might note here that while dogs were generally treated as nuisances by authorities and therefore females were taxed at a higher rate than males, the reverse was true for slaves, who were in this act taxed at 50 cents per female and \$1 per male. Farm animals, except those "necessary for the use and consumption of the persons to whom the same shall belong," were apparently included in "real and personal property" taxed 25 cent/\$100 in value.

²⁰ This wording changed regularly over the years.

²¹ The Washington Hunt was given special permission to keep a pack of 52 hounds for a flat tax of \$40 annually if properly enclosed and supervised (Acts, 6 Aug 1834).

such proclamation was made in November of the same year²² and they appeared with depressing regularity (two or three a year) into the 1860s.

Stray dogs were banned throughout the city in the summer months only, and all dogs from markets at any time, in 1819. Those found in the constables' weekly inspections were killed and buried²³ (the constable receiving \$1, paid by the owner), the penalty rising to \$3 in 1844. Dogs accompanying their master on the street had to be leashed, and escaped dogs given one hour to be recovered. Free blacks only received permission to own dogs in 1838.²⁴

A comprehensive act about dogs, gathering all these provisions and tweaking the details, passed in 1820. This law banned strays throughout the year. Dogs "viciously disposed or in any way dangerous" and let to run at large "at anytime of the year" were addressed in 1826.²⁵ Another comprehensive act of 1829 raised fines and repeated the warning and fine for delinquent constables.

We have little information relating specifically to the **County of Washington**. An ordinance of 1864²⁶ mandated that all unlicensed dogs there would be killed by the police. An act of the County Levy Court, undated but coming into effect in April 1867, established a dog tax of \$1 annually for males and \$2 for females, described the "brass checks" ("stamped with the numbers 1, 2, 3, and upwards"), provided a fine of \$2-5 for failure to pay the tax (\$5-10 for counterfeiting a tag), and generally laid out a procedure similar to that of the Corporations, to be handled by the Clerk of the Levy Court.²⁷

Cruelty to Animals The statutes cited above all consider animals only in their relationship with people – as valuable commodities (farm animals), nuisances (dogs and decrepit horses), possibly a source of tax revenue, and certainly as an administrative and financial headache. None see animals as creatures in their own right. Humane laws, spotty before the Civil war, only took root in the U.S. after the Civil War, led (as usual) by New York states with its landmark statutes of 1866 and 1867.²⁸

Early residents of **Washington** showed some sensitivity to the lives of their fellow creatures – we can recall the objections made in 1854 to shooting dogs as "inhuman". The few laws passed before 1871 ameliorating their conditions generally related to public situations. Most of the acts concerning animals in sports²⁹ -- horse racing, dog fights – dealt only with the event and not the animals used. Concerns of a later period – welfare of circus animals, vivisection, animals in transit through the city – did not appear in pre-1871 laws.

In the City of Washington, a comprehensive law in effect in 1819 "Regarding Gaming" not only forbid any sort of animal fighting "for profit or sport" but continued to a much wider field: "nor shall any person for profit or sport, or in anger, cruelly, wantonly or inhumanly, unreasonably beat, vex, wound or otherwise abuse or torment or cruelly treat any animal whatsoever; nor shall any person unreasonably overload any beast of draught or burden; nor

²² Daily Nat Intelligencer, 27 Nov 1817, p. 2. The writer "T" pleaded for such a proclamation in the same newspaper on 18 Nov 1817, p. 2. The proclamations will be found in the Corporations' Ordinances and Acts.

²³ "In some remote place," according to the 1820 act, four-feet deep according to the 1857 Code, ch. 40, sect 1.

²⁴ A publication "New Era", 19 July 1855, p. 114 (sic), apparently an abolitionist journal, included this right among those granted freedmen by a law of October 1836 but I could not find this ordinance.

²⁵ This law was enforced: Cranch (Reports, p. 391) reports a case "United States v. Henry McDuell" of 1838 in which "a certain large dog of a very fierce and furious nature" almost killed a neighbor's cow, resulting in the owner being fined \$20.

²⁶ Apparently local, but I can't find the original source. It was included in a US statute of 1873. The Corporation Council had requested the military governor (through the Levy Court) to prohibit farm animals and dogs at large throughout the County by military order in 1863 (Evening Star, 26 May 1863, p. 3).

²⁷ Callan, pp. 15-16

²⁸ The texts of these (and many, many other animal-related statutes and court rulings) will be found in Michigan State University's Animal Legal and Historical Center (<https://www.animallaw.info>).

²⁹ (Racing, Wash) 9 Dec 1809; (dog fights): (Wash) 3 June 1853, Sheahan, p. 150; cock fights: (G'town) 10 Oct 1796; ("exhibiting wild beasts . . . of a ferocious or dangerous character" without a license, G'town) 4 Nov 1835.

shall any person suffer his or her dog or dogs unreasonably to chase, worry, tear, wound, mangle or torment any other animal whatever.” Offenders were liable to fines up to \$1,000 and one year imprisonment (!).³⁰

Horses received special protection in an 1821 act. Adults “who . . . wantonly abuse or cruelly beat the same” faced a \$5-10 fine, minors \$5 (paid by their parents, of course), and slaves five to ten lashes (all fines reduced to \$3 in 1853). A letter to the Evening Star of 1854 mentions the police enforcing this law.³¹ Thompson’s Abstract of Laws of 1855 added “cut[ting] off the hair of the tail or mane of a horse, when done maliciously,” “wanton cruelty to animals in general,” and poisoning animals to this list.³² Protection was extended to all domestic animals in 1867.

Cruelty-prevention laws did not reappear among subsequent statutes in the District of Columbia until 1860. In that year calves accompanying their mothers (“milch cows”) into the city must have their mouths left un gagged so that they could feed. The treatment of animals in city markets received attention two years later: they were no longer allowed to be bound and left on the market floor “for many hours in sunshine and in storm, in cold weather and in hot, unrelieved,” which was “cruel, inhuman and offensive to passers by.” For each offense the market clerk collected \$1 and the same for every half-hour the animal remained so.

Trespass of these laws was actually prosecuted. Cranch’s digest of legal rulings by the Washington circuit court lists two such cases, one regarding cruelty to a horse (1821) and the other a cow (1834).³³ Arrests for cruelty to animals (considered a crime against property) reported annually after the 1861 organization of the Police Department range from 6 to 33 each year between 1862 and 1869; in 1870 there were 40 such cases.

The Corporation of **Georgetown** passed similar legislation protecting market animals (1868) and horses “or any other domestic animal” (1869) – much later than Washington.

³⁰ It would be interesting to know if such an extraordinary punishment was ever ordered. Could it have been a misprint?

³¹ And wonders why they didn’t instead enforce laws against dogs; op. cit., 24 June 1854, p. 3.

³² Op. cit., pp. 31-32.

³³ Op. cit., U.S. v. Logan, II, 259, and U.S. v. Jackson, IV, 483 respectively. The latter involved the brutal beating and killing of a cow “in view of the . . . streets and dwellings [of the] citizens . . . to the terror and disturbance . . . and the common nuisance . . . , to the evil example of all others, and against the peace and government of the United States.” The defendant’s attorney argued (unsuccessfully) that Maryland law acknowledged no such crime, and that Virginia law only punished cruelty to slaves.