PART ONE

The Corporations of Washington and Georgetown
(1791-1871)

The hotel in which we live is a long row of small houses fronting on the street, and opening at the back upon a common yard . . . Two great dogs are playing upon a mound of loose bricks in the centre of the little square; a pig is turning up his stomach to the sun, and grunting “that’s comfortable!” (Charles Dickens, American Notes for General Circulation. 1842, pp. 279-80)

A bachelor correspondent . . . writes us from 12th Street between F and H: . . . “a locality undisturbed by the sacrilegious tread of the policeman, . . . where rank weeds overgrow the pavement, and where cows, hogs, ducks and goats revel in . . . unrestricted freedom, and where alleys swelter in filth and reek in rottenness; where night is made hideous by the shouts and yells of boys who nightly congregate there, and to which, when added the barking of dogs, the mewing of cats, and the screams of . . . unattended babies, there is furnished a scene outrivaling Pandemonium and Bedlam combined . . . From whence cometh relief?” (Evening Star, 4 Sept 1868, p. 4)

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.

**Sources:** With fewer newspaper articles than in the later periods and almost no government reports available, animal control efforts in the District of Columbia for this early time are mostly documented
through the laws of the two Corporations. These generally will be referenced in text by their year of approval but are listed more specifically in the list of Laws Relating to Animal Control in Appendix B. (A diligent search turned up no Congressional statutes relating to animals in the District from this period.)
CHAPTER ONE

Farm Animals

Cows had the run of the town from Georgetown to Anacostia Creek, grazing on the pavements, breaking into front yards, disturbing the slumbers of the citizens by their incessant lowing, and making themselves generally obnoxious. (Reminiscences of a retired policeman, Wash. Post, 7 Sept 1902, p. 22)

When we lived on 4th Street, opposite Judiciary Square, every evening we watched the cows passing along the street and over the common at the side of our house, to their home in Swampoodle for their milking. (From of an early resident; Kelly, “Memories”)

Some Quixotic citizens of Georgetown are laboring to prevent swine from running at large in the streets. Useless effort – the owners of the hogs have votes. (Evening Star, 1 May 1869, p. 2)

Stray farm animals were the most obvious problem for early Washingtonians. We will first summarize the legal trail; if this is too tedious the reader might skim it and go to the Narrative below.

Summary of Laws

The earliest (colonial-era) laws 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. 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. The 1748 act of incorporation for Alexandria, Virginia, prohibited the keeping of unenclosed swine within the city

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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. For a brief resume of District governance and development see Appendix A.

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.
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) 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 horses 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). Further acts (1845, 1858) required the Poor House to pay the constables for each delivery. 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 act 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 Intendant was required to release animals to their legitimate owners by an 1868 act

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”.
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 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 1853\(^{12}\) 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.\(^{14}\)

**Narrative**

Generally, ordinances of both corporations moved from protecting the ownership of stray animals to attempting to get them off the public streets, first offering incentives to the general population and then gradually passing this task off to the constabulary, a remedy only somewhat effective. The Corporations also increasingly restricted the areas allowed for keeping such animals.

As the number of animals and animal-related complaints grew, enforcement of regulations grew increasingly confused, a result of the clashing views of: annoyed Citizens/animals’ Owners/both parties’ Elected Representatives/a reluctant Police Force. Records of Corporation Council meetings from the 1840s through ‘60s are spangled with petitions and proposed bills to allow swine and other animals to run loose (often in one ward only) for some specified time, generally in the summer. Most of these were referred to the Committee on Police; some were rejected but others clearly passed, since we find notices of such

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\(^9\) 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 (see below, “The Contractor Pound,” for a discussion of this law).

\(^{11}\) Evening Star, 5 May 1868, p. 4; 16 Nov 1872, p. 2.

\(^{12}\) Cf. comprehensive regulations of 1849 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 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.”
allowed periods in newspaper accounts. For example, hogs were allowed at large June-September by 1867, in which year September was lopped off. Georgetown allowed similar periods for free-range porkers.

That the city suffered from a loose-animal problem was universally acknowledged. “The greatest cause of complaint now existing . . . is the large number of hogs and dogs running at large contrary to law,” reported the Chief of Police in 1858. Complaints about the nuisance added spice to local newspapers throughout this period. “Go through almost any street in the city, and you will see one or more Washington pets reclining cosily in some refreshing mud hole, with a squad of geese standing guard close by,” ran a typical witticism. Washingtonians were convinced (correctly or not) that no other city in the U.S. or Europe tolerated such unpleasantness: “There is not another city in the country where such a nuisance is permitted; and I, for one, am becoming tired of it.” Furthermore, what did our visitors think?

The general public (at least those complaining of the nuisance) wondered why owners risked losing their animals – the loss of income and of meat, the possibility of theft, the fines. Much of this problem derived from the long-established habit of turning animals loose overnight to graze in city parks and commons, a result of the simple tradition of common pasturage and limited available private land. Horses (“belonging to the poorer classes as a rule”) were frequently draft animals. Cows found their way into streets when boys hired to supervise “neglect them to play ball.” Hogs and sheep often belonged to local butchers.

The loose animals also had their defenders. A surprisingly consistent argument was that they served as effective trash-collectors (or –eaters) in a city ill-served by its paid Scavengers. Baltimore used them

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15 I have not found any of these acts in the official published annual compilations, and wonder if they were simply issued as lesser-grade ordinances of some kind. For examples of these proposals, see: (hogs) Daily Nat. Intelligencer, 25 July 1849, p. 1; (geese) 19 Aug 1867, p. 1.
16 (Hogs) Evening Star, 24 Apr 1867, p. 2; 19 Aug 1867, p. 3; (G’town) 15 Nov 1858, p. 3 (“The law forbids them being penned until after the 1\textsuperscript{o} of November”).
17 (Police) Evening Star, 7 Sept 1858, p. 3; (complaint) 13 Aug 1870, p. 1; (tired) 31 Aug 1861, p. 3; (visitors) 5 June 1868, p. 2.
18 “It is surprising that the owners of hogs . . . will subject themselves to the loss of so much good pork” (Daily Nat. Intelligencer, 30 Nov 1838, p. 3); “they are liable to be stolen by loafers” (16 Nov 1838, p. 3).
19 See Nat. Republican, 15 June 1874, p. 4; Evening Star, 30 Aug 1890, p. 12; Poundmaster Ann Rpt, 1878; Wash. Post, 10 Apr 1904, p. B6. Daily Nat. Republican, 28 Aug 1874, p. 1 gives a lurid picture of a large hog pen just where Union Station is today (“When the evening appears the filthy, noxious vapors from the pen spread over the entire neighborhood. And . . . the yells, groans and shrieks of the hogs frequently keep the residents . . . awake during the . . . night”).
20 E.g., “The first crop of grass has made its appearance on the K-Street park. The hogs, cows and goats have also made their appearance, and this morning were vigorously making the earth bare again” (Evening Star, 13 Oct 1870, p. 2); “Not a gate can be left unHINGED or a door unlatched but in walks one of these Egyptian plagues” (10 Mar 1868, p. 2); “Not a yard, flower garden, or bit of grass can be secured from their depredations” (13 Aug, 1870, p. 1). And the problem continued: “Complaints are frequent, and irate citizens often call me to witness the ravages wrought upon a lawn or flower-garden” (Poundmaster Ann Rpt, 1877); “In protecting trees and parks we are certainly contributing to the beauty and probably . . . to no small degree the healthfulness of the District” (Poundmaster Ann Rpt, 1880). The south lawn of the White House received a wooden fence and ditch in 1801 to protect the gardens from grazing intruders. In 1821 newly-created Lafayette Park, across from the White House, was enclosed with a fence, the Capitol grounds in 1826, and the largely unused National Mall in the early 1830s, all for similar purpose.
21 (Health) Evening Star, 13 July 1854, p. 2; (safety): (hogs) Daily Nat. Intelligencer, 24 Mar 1839, p. 3; (horses) 5 Aug 1839, p. 3.
for this purpose. The other point frequently made was simply that many poor people depended on these beasts: “He [Council member Hines, in debate] advocated at length the cause of the poor people who were compelled to keep cows and geese.”

The writer “H” made the most thorough and reasoned defense of hogs in a letter of 1839: they help keep the streets clean; they dry up stagnant pools by their wallowing; they clean out water conduits of debris; they discourage contagion by “turning over the accumulations in the street”; and, in answer to critics: they do not harm or attack the public; they have no specially offensive smell, as do goats; they present no danger to vehicles on the street. No mention was made of their feces. He unrealistically advocated allowing them at large but only on streets.

Washington seems to have experienced the same resistance to these duties from its police as did Georgetown. An 1817 act specifies “that it shall not only be lawful, but the duty of the police constables . . . to seize and carry any animal of the hog kind . . . remaining at large in this City.” Shirking this duty resulted in a fine of $5-20, repeated in 1838. The same law also imposed a fine of $1-5 on “any person [found to] molest or disturb a police constable while employed in seizing any hog”. An act of 1841 lowered the penalty on obdurate officers ($5-10), and raised it on recalcitrant owners ($2-10).

One of the earliest newspaper articles (1845) describing animal control practices warns hog-owners to keep their animals “securely penned, especially on Sundays, as the police constables are in the habit of rising quite early on Monday morning, and coming down upon the swinish multitude, and carting them out to Buttsville.” The article reminds “those who censure the . . . constables for seizing hogs” that officers are threatened with a fine for avoiding their responsibility and that they also capture goats and shoot mad dogs.

These sporadic raids, preceded by stern warnings in the local papers, began in the 1830s and continued until the pound crew took over the job in 1872. Dogs helped the officers in this work. We find no reports of the large-scale community resistance met later by Poundmaster Einstein during his grander and more thorough operations, but they occasionally produced the usual humorous incidents: in 1859 one hog-catcher found his own animal in the take (for which he had to pay); and in the same year a Capitol Hill resident, complaining of the animal-nuisance in his neighborhood, saw the resulting raiding party capture his prize porker (“he cursed and swore and committed numerous indiscretions” but ultimately paid the fine). Captures from these exercises lay in the 15-30-hog range, probably representing just one of the Corporation’s seven wards. An 1859 sweep of Capitol Hill brought in 140 geese.

In the wake of such raids the public saw temporary improvement: “There are no hogs running at large now,” reported the Evening Star’s Georgetown correspondent in 1857. More realistically a second writer observed: “But of course this was too happy a state of things to last long, and when the police were fairly out of sight . . . the streets began to resume their familiar look with hogs rooting, wallowing and grunting as usual.”

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22 “Mr. Bayly and other gentlemen [members of the Common Council speaking during debate] thought the hogs were good scavengers, particularly in the neighborhood of camps, and ought to be allowed to run at large this warm weather” (Evening Star, 6 Aug 1861, p. 3); (Baltimore) Daily Nat. Intelligencer, 24 May 1839, p. 3.
23 Evening Star, 30 Aug 1870, p. 4.
24 Daily Nat. Intelligencer, 22 July 1839, p. 3.
25 Daily National Intelligencer, 29 Sept 1845, p. 3. Buttsville was a local term for the Washington Asylum, a work and almshouse so named after its intendent, Richard Butts. (Thanks to Ryan Shepard and Mark Herlong for this information.)
26 However, “dogs fit for that purpose are rarely to be met with” (Daily Nat. Intelligencer, 18 Sept 1840, p. 3).
27 (Anecdotes) Evening Star, 11 July 1859, p. 3; 21 July 1859, p. 3; (geese) Evening Star, 15 July 1859, p. 3, which describes the procedure.
28 (Georgetown) 14 July 1857, p. 3; (aftermath) 16 July 1968, p. 2.
Owners redeemed their pigs from the Asylum for $1.25 after application to the Council, something frequently seen in that body’s minutes. There was no specified holding period. Goats were simply shot, and we have no information on cows. The Asylum sold the swine and (reportedly) cooked the geese.29

Complaints about animals and their owners were mirrored by those about the police – why were they not more effective? The usual answer was that they didn’t like the work – “It would spoil their good clothes” (especially after the re-organized force got smart new uniforms). Pushback from owners was also cited. Confusing and regularly changing regulations made enforcement difficult. One observer made a perceptive conclusion: “This is the most unpleasant of all duties . . . because the hogs generally belong to persons not able to lose them or recover them after [being] taken to the Asylum.”30 In the end, it is likely the police saw this duty as too unpopular and too tangential to their real work to deserve regular attention, rather like the non-enforcement of jaywalking laws today.

The increasing legal confusion (or stand-off?) came to a head in the ever-pressing question of hogs. The 1853 legislation banned them from running at large – period, though as noted this seems to have been loosened for certain periods and in certain wards. The 1863 law establishing Simaker’s short-lived contractor pound (below) also prohibited all farm animals from city streets; as is common with legislation, it routinely repealed all earlier conflicting laws. This bill was, in its turn, repealed in 1866.

Now began a grand battle between the Corporation and its own police force: since the 1853 law banning animals at large had been repealed by its 1863 successor, and now with that law removed, did the Corporation have any regulation still in force regarding the menace? The Corporation held that the earlier bill returned to force; the police rejoined that now all cards were off the table and that although they sincerely wanted to take up hogs they had no legal authority to do so. Anthony Bell, in 1868, demanded the return of his pig on this latter basis and the Corporation Council agreed on a 6-5 vote.31

The whole question was perfectly summarized by a writer of 1868: “The City regulates the hogs, makes laws prohibiting them from running at large, makes other laws amedatory to the laws prohibiting them from running at large, and makes yet other laws abolishing the laws amedatory of the laws prohibiting them from running at large . . . [Police] Superintendent Richards asked the Councils to amend the law or to declare what they meant to mean: but the hog-owners have votes, and so the Democratic Councilmen and the Radical Councilmen and the Republican Councilmen, and all the other councilmen, thought it best not to agitate the question. Now that the election is over, perhaps the City Fathers will take courage and deal with the hogs, [but] probably . . . next year . . . will find the hogs still rooting.”32

The 1853 act was revived in 1868.33

In their frustration, citizens offered creative suggestions (beyond higher fines and stricter enforcement). “The Provost Guard and other of our soldiers who desire to practice at a target might . . . be allowed to provide the troops with a little fresh pork in this way. Seriously, I am in earnest.” And we cannot pooh-

29 (Redemption) Evening Star, 24 Apr 1867, p. 2; (charge) 21 July 1859, p. 3; (goats) 27 June 1867, p. 2.
30 (Uniforms, resistance) Evening Star, 10 Mar 1868, p. 2. This clever article describes “the colored virago, Mary Ann Burke” who “rescued her porker from a lightweight policeman” and then “not content with this tossed both officer and pig into the muddy sty.” It also tells us that a Corporation Alderman theorized “pig-blindness” – an inability of certain officers to see pigs. (Regs) Evening Star, 5 June 1868, p. 2 (“The police say they can’t make head or tail of the law as it stands”); (unpleasant duty) 24 July 1857, p. 3. For a sympathetic analysis of the problem see Daily Nat. Intelligencer, 18 Sept 1840, p. 3.
31 These shenanigans are perfectly laid out in: Evening Star, 16 Mar 1868, p. 2; 17 Mar 1868, p. 4; (Bell) 10 Mar 1868, p. 4.
32 Evening Star, 5 June 1868, p. 2.
33 Or so it would seem; although reported so in the newspapers it does not appear in the Acts of that year and perhaps passed only one chamber.
pooh the suggestion that local boys receive the 25 cents for catching geese (“and be diverted from other less lawful pursuits”) when we learn that the son of Jackson Pumphrey of Southwest actually cleared $120 (= 480 geese) in one day by just this method. A writer wondered why no citizen brought a civil suit against the Corporation for non-enforcement.34

The most efficient of the Corporation’s overlapping remedies was the handling of horses by a Justice of the Peace.35 The Justice had the animal appraised (for $1), recorded by a Corporation clerk ($1), and then advertised the find and its description in a local newspaper (also $1). A verifiable owner could redeem his horse, paying these expenses and a fine,36 with a longer period of claim for particularly valuable stock. An unclaimed animal became the property of the finder (the “taker-up”), who had in the meanwhile been holding and perhaps using it anyway. This law treated lost boats with the same procedure.

Recourse to this system was frequent, judging from the number of newspaper ads placed by Justices. These were often headed “Washington County” but gave locations throughout the District. About an equal number of similar notices appeared placed by landowners holding strays and advertising them on their own initiative. Owners sometimes advertised for lost animals.

Congressional fiat replaced the inefficient and politicized dual day- and night-constabulary of the Corporations with a unified Department of Metropolitan Police in 186137 and the following year considerably amended MPDC’s charge to include creation of a Property Clerk to hold stolen property, including “horses and other animals taken by the police,” which could be sold after twenty days. This procedure was refined four years later. Public notices then appeared under the authority of the Metropolitan Police (and claims by owners were to be made to the Property Clerk) rather than the Justices of the Peace. Since these ads always referred to horses, we can guess that disposition of other animals continued as before. The newly appointed poundmaster (briefly) placed his own advertisements, as will be discussed below.

After establishment of the new Police Department we have annual reports giving the number of stray animals (always horses and cattle) recovered: in the 60-80 range for 1864-67 (and separately about 20-35 “horses and vehicles”), and closer to 200 for the two categories combined in 1868-71. Appendixes C1 and C2 give such statistics as are available for the number of farm animals and nuisance hog pens in the city in the late Corporation period.

Emergency situations were handled ad hoc. Occasional newspaper articles of this period describe animals (sometimes with their owners) rescued from floods, fires, falls into sewers/wells, or other mishaps. This rescue was accomplished by the police, fire department, nearby soldiers or bystanders.38 Stable fires were sadly common as long as there were stables in the District.

34 (Shooting) Evening Star, 31 Aug 1861, p. 3; (geese) 21 Sept 1855, p. 3; 17 Oct 1861, p. 3; (suit) 13 Oct 1870, p. 2.
35 The law describing this process is included in the 1819 Code of Laws of DC and reiterated in the 1855 code, but I don’t know when it was passed. The earliest newspaper advertisement placed by a Justice I have found is from 1816. Although it refers to the District of Columbia, one wonders if much of the procedure and wording was taken from a colonial statute.
36 The proposed regulations for a Washington County pound of 1874 (see below, “The Contractor Pound”) would have allowed the county poundmaster to charge 25 cents for each animal redeemed, 12 cents for a copy of the legal certificate, plus 4 cents for each mile travelled to take the animal.
37 6 Aug 1861; the force is referred to here conventionally as MPDC.
38 For a few examples, see Evening Star, 23 Feb 1856, p. 3 (mule team in an icy river); 22 May 1857, p. 3 (horse in canal); 11 Apr 1864, p. 2 (cow in a sewer); Nat. Republican, 28 Aug 1861, p. 3 (horses in burning railroad cars).
CHAPTER TWO

Dogs

A gentleman [living in “the Island”, i.e., Southwest DC] assures us that on a fine moonlit night lately he counted no less than 93 dogs trotting past his door, in single file, apparently on some foray. (Evening Star, 15 July 1857, p. 3)

It has been sometimes thought that functionaries holding office by the people’s suffrage dislike to . . . make themselves unpopular with the voters by killing their pets [dogs]; no such excuse should be now received, as the election is just over. (Evening Star, 15 June 1854, p. 3)

There seem to have also been plenty of noisome dogs in the new city. As before, we start with a legal summary and then a more entertaining Narrative.

Summary of Laws

The first laws of the Corporation of Georgetown relating to taxes (licenses, in modern parlance) 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

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

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.2

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 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.3 The Corporation revived this ordinance in 1829.4

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.5 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.

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2 Georgetown Advocate, 7 May 1846, p. 1, which contains much similar interesting discussion.
3 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).
4 Meaning that it had somehow lapsed, although there is no indication that it had been withdrawn.
5 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.
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”6 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.7 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 such proclamation was made in November of the same year8 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 buried9 (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 1838.10

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 1826.11 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 186412 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.13

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6 This wording changed regularly over the years.
7 The Washington Hunt was given special permission to keep a pack of 52 hounds for a flat tax of $40 annually if properly encosed and supervised (Acts, 6 Aug 1834).
8 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.
9 “In some remote place,” according to the 1820 act, four-feet deep according to the 1857 Code, ch. 40, sect 1.
10 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.
11 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.
12 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).
13 Callan, pp. 15-16
**Narrative**

Laws relating to dogs in both corporations mostly aimed at controlling them, and perhaps making a little money on the side. Both towns instituted a tax regimen and both gave responsibility for their control to the police, as unsuccessful here as with larger animals. Over time more specific concerns such as vicious animals were addressed directly.

While the drumbeat of increasing restrictions and taxes indicate a general concern about the city’s canine population, some citizens resisted these moves. “I much doubt that our Corporation, or any other body of that kind, has the authority of ordering Dogs to be constantly confined. This would establish a tyranny of which even Europe does not furnish a precedent,” wrote “A Butcher” to the local newspaper in 1818. “Of what use would the dog be to the Butcher, or the pointer to the Sportsman?” “Humanitas” pleaded the cause in two lengthy missives the following year, arguing that whisky was a greater danger than dogs. Nonetheless, the Council reiterated its prohibition on dogs in markets in 1824.

All of these careful regulations and procedures depended on the cooperation of the Corporation constabulary. (We have no way to know how frequently ordinary citizens captured loose dogs but certainly it was less remunerative than taking farm animals, which was commonly done.) We have already encountered acts back to 1807 fining officers who failed to enforce the laws on stray dogs. The 1820 and 1829 acts set this fine at $10. Mayor Gales issued an official directive in 1827 reminding “Police Officers of the several Wards” that “the laws concerning Dogs must be rigidly enforced, and that the said Police Officers will be held responsible for every instance of neglect, . . . this measure being rendered necessary by a regard to the comfort, if not to the safety, of the people of this city, and called for by urgent representations from heads of families therein.” Perhaps this agitation had some effect, for in 1848 a correspondent to the Semi-Weekly Union reported “the dogs having been nearly all killed off by the unsparing slaughter waged against them,” for which “the boys” were paid 50 cents a head.

Beginning about this time we begin to find short news items giving the public’s views of matters. Complaints about lax police attention equal those about the canines themselves: “The police officers of this ward take no notice whatever of the dogs daily infesting our streets”; city laws prohibited dogs in the markets, but “this wholesome law is frequently evaded”; and so forth. These complaints increased in the 1850s, not only citing safety and nuisance problems, but also loss of tax revenue and even outside investment (dogs chased away visiting businessmen), attacks on domestic animals, and of course chasing horses and carriages.

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14 Washington Gazette, 7 Nov 1818, p. 3. He was complaining about a law passed “last night” by the Lower House of the city’s bicameral council, but apparently not the Board of Aldermen, since it does not appear in the printed Acts of that year. The same newspaper (12 November 1818, p. 2) carried a longer broadside in the same vein, and “Canis” made this essentially libertarian argument in Daily Nat. Intelligencer, 6 Aug 1838, p. 3 (“To what extent may not this assumption or extortion be carried? May not every article of property be subjected . . . to a similar demand?”). (Humanitas) National Messanger, 4 Aug 1819, p. 2; 9 Aug 1918, p. 2; and many flowery rebuttals in the same publication.

15 “A war of extermination is again commenced against the poor dogs. It is to be hoped no negroes will be employed by our police officers to entice and whistle these faithful animals from their masters’ yards, . . . that they may be shot and the fee obtained” (City of Wash. Gazette, 20 Sept 1821, p.2).

16 Op cit., 25 July 1848, p. 3.

17 Daily Nat. Intelligencer, 11 Jan 1842, p. 3; and 3 July 1837, p. 3 respectively; 18 Aug 1821, p. 2 provides another good example.

18 How sad that we don’t have a fuller account of the 1856 Board of Aldermen meeting which considered a comprehensive dog bill: “A somewhat rambling discussion ensued, in the course of which much curious information was elicited in regard to dogs and their habits – especially Seventh Ward dogs” (Evening Star, 16 Dec 1856, p. 3).
The Washington police and Council tried to deal with the rising dog problem. A proposed act from 1853 would have required “a strong and safe muzzle of iron wire . . . not armed with spikes or other dangerous weapons” on each dog allowed at large.19 Notices placed by the police warning citizens to license their dogs also began to appear. An 1855 act relating to Justices of the Peace felt the necessity of fining owners $20 for hiding their (aggressive?) dogs from the police.

In 1854 newspapers reported a push by the Council for a wholesale shooting of stray dogs,20 the discussion centering on the necessity of a cash incentive for the officers (shooting animals is “dirty business”; as opposed to “It is the duty of the police officers, who are salaried, to kill dogs without additional compensation”) and whether the animals should be shot (“There is a universal horror of shooting. It is dangerous, inhuman, and revolting to the feelings of the present day”) or poisoned. (“A voice [from the rear]: ‘A stout club would do as well.’”). With the specific means of execution left unspecified “the resolution . . . passed, while not a few dogs were sporting and barking outside.” The police tried sausages laced with strychnine, to mixed success.21

At that time there were an estimated 8,000 dogs in the city. “The large number serve but to terrify our citizens by day and serenade them by night!” Police reported that just one ward (Two) held 2,000-3,000. A lower estimate in 1857 – 3,500 for the whole city – contrasted that figure with 2,000 in 1850.22 The number of licensed dogs during the 1850s stayed in the 900-1,500 range (at $1/dog; Appendix C4).

The Seventh Ward (South Washington) was always described as the center of the canine population: “We are told that Seventh Warders, moving into neighborhoods more sparsely populated with dogs, have so missed the familiar yelpings as to pass sleepless nights, and have been compelled either to return or to colonize large numbers of dogs on their premises.” Observers complained of “six, eight, or ten, and sometimes as high as fifteen dogs attached to the premises of some poverty-stricken white or colored man.”23

Confusion continued in the Corporation’s canine-control project after passage of the nebulous 1854 orders. Use of strychnine-laced meat (“luscious morsels prepared by order of the authorities”) continued until 1864, when shooting returned to use. During this period citizens enthusiastically joined the effort, some “exacting vengeance” on unfriendly mutts and others preparatory to planned burglary. When officers picked up their firearms again (fowling rifles, two men per ward), they took to the challenge with brio: in the first day police of the Fourth Ward killed 25 dogs; Officer Gordon took three with one shot and then two with his next (“Tall Shooting” the newspaper article headlined it); five wards reported a total of 136 dogs (in one week?) dispatched.24

20 See the Wash. Sentinel, 8 June 1854, p. 3 for a complete and entertaining account, as well as other local newspapers of the time. The Corporation had neglected to supply officers with the required ammunition, remedied later in the year (Evening Star, 30 May 1854, p. 3; 11 July 1854, p. 3). A much later account tells us that the constables were provided with shotguns for the purpose. “Whether the policemen winged some of the citizens in their efforts to fulfill this task is not on record” (Wash. Times, 7 Aug 1904, p. 4; see Evening Star, 15 Oct 1860, p. 3, for a contemporary statement of this fear).
21 Wash. Sentinel, 11 July 1854, p.3. The Evening Star, 13 July 1854, p. 3, reported unsatisfactory results and speculated that the strychnine was adulterated. On the other hand: “Dogs are falling and dying in all directions; and the streets are nearly clean of them” (Wash. Sentinel, 14 July 1854, p. 3). In New York they were drowned (Baltimore Sun, 15 July 1858, p. 4). A gruesome description of the methods of “dog killers” in Philadelphia will be found in Portland (ME) Advertiser, 23 Aug 1859, p. 2.
22 Wash. Sentinel, 11 July 1854, p.3; Evening Star, 15 July 1857, p. 3; 24 July 1857, p. 3.
23 Evening Star, 15 July 1857, p.3.
24 (Shooting reinstated) Evening Star, 6 Aug 1864, p. 3; (citizens) 24 June 1857, p. 2; 23 July 1859, p. 3; (bags) 6 Aug 1864, p. 3; 12 Aug 1864, p. 2; 17 July 1866, p. 3.
And yet citizens angrily demanding disposal of all unhoused canines continued uncomfortable with any public method of their extinction. “It is a difficult matter to decide how the animals shall be killed with the least disgust to human beings,” opined the Daily Union; poisoning, shooting, “a fatal crack over the skull” all were unacceptable. The paper suggested that “some enterprising and industrious gentleman” would undertake to “remove them from the city, and deprive them of existence in some secret mode, into which inquiry should not be made.”

The city restated all of its dog regulations once again in an act of 1858, much like its predecessors but with increased fines, a provision for muzzling, and a special fine ($10) for allowing females in heat to run at large. Two new items are suggestive: the specification that “dog” applies to female as well as male animals (necessitated by clever lawyers?), and a new fine ($5-20) for any constable or other person killing “any . . . dog . . . properly licensed, collared, etc.,” including removing the collar or luring the animal onto the streets (indicating that the fee paid by the city attracted at least some takers). The Council demanded muzzling in 1869, to no effect.

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25 (Killing methods) Daily Union, 16 July 1857, p. 3 (“Leave the pistol and bludgeon for those bipeds whose sentiment is not such as philanthropists especially admire”). Poisoning resulted in the death of many licensed (and valuable) animals (Evening Star, 23 July 1859, p. 3).

CHAPTER THREE

The Corporation Pound

Before 1863 stray or abandoned animals in the City of Washington were: kept with their finder or the Justice of the Peace (horses, mules), or taken to the Asylum (hogs) until redeemed or forfeited; donated directly to the Asylum (geese); shot and buried outside city limits (goats, dogs). There was no provision for redeeming the latter two categories.

In 1863 the Corporation established the city’s first pound – a place to hold unwanted animals, and with a manager (the poundmaster) and staff to capture and handle them. This law was printed in the Daily National Intelligencer, the city’s publication of record, on 27 Mar 1863, p. 1, but not included in the annual compilation of acts for that year, nor is there any mention of it in the Council Journal for that week. Indeed, it would be easy to think that the law was never actually effectuated except that one advertisement of captured animals appeared in the local newspaper, signed by the poundmaster.

In taking this step Washington was following a national movement: New York City had established a pound by 1845 which was described admiringly as a new type of institution by the correspondents of other cities’ newspapers (“One of the institutions in New York worth the visit of the curious,” according to the Baltimore Sun).2

The ordinance prohibited any farm animals (including “neat cattle” – a general term for common bovines, but not dairy cows) from being loose anywhere within city limits, which could be redeemed for a fine of $2. An appointed poundmaster furnished, “without expense or charge to the city, proper and sufficient enclosed yards for a pound” at least 200 yards from any dwelling but his own. The appointee deposited a bond of $500 for this position. Any citizen finding a stray farm animal could take it to the pound and receive 50 cents (12 cents for each goose). Owners redeemed their stock for $1 per head (13 cents for geese) plus a boarding charge. After five days, and three days’ advertisements, the poundmaster sold the animals, kept the sum of the redemption and expenses and passed the remainder to the Corporation treasury. The poundmaster was to make an annual report of his activities.

1 See also the same, 17 Feb 1863, p. 3, reporting Council discussion on establishment of a pound.
2 Op. cit, 2 July 1857, p. 1, so described after its 1856 re-organization to handle specifically dogs; New York Herald, 8 July 1845, p. 2; see also Daily Nat. Intelligencer, 15 Aug 1854, p. 2. An electronic search of early American newspapers for the word “poundmaster” shows the office present in a good number of New York State and New England towns as early as 1810. The first appearance of “poundmaster” or “dog pound” beyond these smaller towns occur for: New Orleans LA 1842, Jackson MI 1851, Chicago IL 1855, Newark NJ and Baton Rouge LA 1857, Stockton CA 1858, Newark NJ and Philadelphia PA 1859, Sacramento CA 1860, Madison WI and Cincinnati OH 1861, San Francisco CA 1862, Charleston SC 1865, Springfield IL 1866, St. Louis MO and Jersey City NJ 1867, Cleveland OH 1868, Hoboken NJ and San Antonio TX 1869, Rockford IL and Columbus GA 1870. When the District’s later pound was established in 1871 The Evening Star (14 June 1871, p. 2) expressed the “gloomy satisfaction of knowing that Washington is the last city in America, or the civilized world to make this concession to the march of improvement.” Constantinople was the international horror-case of dog-infestation usually cited at the time.
The pound also took in dogs (paying 25 cents bounty for each), which could be redeemed for $2. Unclaimed dogs were killed and buried by the poundmaster, who received 25 cents per animal. The ordinance penalized anyone stealing animals from the pound or obstructing the work of the pound’s men, and also anyone stealing animals to bring them to the pound for the reward.

The new poundmaster was William M. Simaker, who established his pound at the corner of 11th and K Streets NW. Simaker is an elusive man who does not appear in any search of newspapers beyond an advertisement in 1861 for a horse lost from the Northern Liberties Market and one in 1863 for a horse lost from the pound. The City Directory of 1864 listed him as “huckster” (peddler) in the Central Market. Four years later he had a letter in the city’s dead-letter office. With these few notices Simaker’s short-lived pound disappeared from our record, as did the poundmaster himself.

Between 1864 and 1871 Washington had no functioning pound. Shooting returned to the streets, but after a short-lived period of sympathy for the poor mutts and the accidental wounding of a bystander (by a ricocheting bullet) MPDC Superintendent Richards suspended the extermination campaign in July 1866, only to start it again by the fall. In the meanwhile bills were introduced to the council in 1866 and 1867 “to prevent cruelty to dogs” – police shooting them – and instead putting them in a pound, as did Baltimore.

An act of 1867 mandated a “Dog-Pound”, built by the city, the appointed poundmaster to keep all “rewards” (fines) taken in. The general outline of this planned operation reflected the earlier act with only a few differences: the period of redemption was lengthened to six days; the poundmaster was admonished to “take proper care of the dogs, [and] give them sufficient food and water while in his custody”; children under 15 could not bring in animals; stray dogs were prohibited only in the summer months; penalties for vicious dogs were stiffened. Muzzled dogs were not considered strays.

The city dog pound never materialized and the dog problem festered. Animal control returned to the District police. A police sweep in 1869 killed 84 street curs in one day. Here are three entries from a precinct log-book of 1869: “Tell Wm. Oppenheimer on 4½ street that the Lieutenant knows where his Two cattle is. Tell him to go to Georgetown”; “Strayed: an Iron Grey horse, 17 hands high, seven years

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3 (Market) Evening Star, 8 Oct 1861, p. 3; (pound) Evening Star, 15 Aug 1863, p. 3. The MPDC Ann Rpt for 1864 lists the arrest of “pound-master” among its achievements, apparently an opaque reference to the gentleman.
5 (Sympathy): Evening Union, 16 July 1866, p. 2 (“The heat of . . . last night . . . was made more distressingly annoying by the constant discharge of firearms, followed by the howling and yelping of the unfortunate quadrupeds that fell by hands of the vigilant officers of the law”), et al.; (bystander): Evening Star, 23 July 1866, p. 2; 24 July 1866, p. 3; (suspended): 24 July 1866, p. 2; 27 July 1866, p. 3; (bills) Evening Star, 11 July 1854, p. 3; 24 July 1866, p. 1; 31 July 1866, p. 3; 2 July 1867, p. 4; Daily Nat. Intelligencer, 2 July 1867, p. 3.
6 Besides the law itself, found in the annual Acts, see also the Journal of the 65th Council (19 Aug 1867), p. 172. An appropriation of $500 was approved on 4 October.
7 This was to prevent the unhealthy practice of poor children capturing animals for the fee. When children were prohibited from so doing in New York in 1859 they continued the habit and passed them on to adults (“dog brokers”), who turned them over to the pound and split the reward. (Evening Post, New York City, 8 June 1859, p. 1; see also Daily Nat. Intelligencer, 29 June 1857, p. 3 for a curious instance of this business – the broker died from hydrophobia!)
old, white halter and blanket on. Ans: We have a Bay here taken up astray”; and “The ammunition for shooting dogs is ready at Tysons on 7th street.”

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CHAPTER FOUR

Cruelty to Animals

Summary of Laws

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 State with its landmark statutes of 1866 and 1867.1

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”.2 The few laws passed before 1871 ameliorating their conditions generally related to public situations. Most of the acts concerning animals in sports3 -- 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 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 (!).4

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.5

Thompson’s Abstract of Laws of 1855 added “cut[ting] off the hair of the tail or mane of a horse, when

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1 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).
2 Was shooting the dog more painful to the animal than poisoning it? Or was the objection actually to the public noise of the discharge? Note poundmaster Einstein’s concerns about the “brutalizing” effects on his staff of shooting, below.
3 (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.
4 It would be interesting to know if such an extraordinary punishment was ever ordered. Could it have been a misprint?
5 And wonders why they didn’t instead enforce laws against dogs; op. cit., 24 June 1854, p. 3.
done maliciously,” “wanton cruelty to animals in general,” and poisoning animals to this list. 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 ungagged 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). Arrests for cruelty to animals (considered a crime against property) reported annually after the 1861 organization of the Police Department (Appendix C5) 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.

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7 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.
CHAPTER FIVE

Summary

A review of the laws and reports of the two Corporations’ efforts to control animals in the pre-1871 era shows that:

- Farm animals were treated as property which would generally be redeemed by their owners or profitably sold, and were secondarily (though far too often) nuisances when they strayed or were turned loose to pasture. Taxes on these formed a source of income for the Corporations. Sheep were only mentioned in passing, and chickens seem to have been too minor (and perhaps too common) to create concern;

- Dogs had practical use for their owners, who tried to protect them from capture, but the numerous unclaimed dogs living in the streets were a nuisance from the earliest days. Justified fear of rabies added to the constant complaints. Taxes on dogs largely were intended to control their number. While most stray farm animals were held for return, stray dogs were taken to destroy. Note that the other common domestic pet – cats – never appear in these regulations, probably for the same reason as the absence of chickens;

- Financing animal control was a regular conundrum for the Corporations. While farm animals largely paid for themselves, dogs were an expense for the city. Regularly changing combinations of financing through fines/license fees/Corporation funds show that no scheme worked when the number of unwanted dogs requiring rounding up, execution and burial so greatly overwhelmed those owners willing to pay for a license or redeem their lost animals;

- And finally, the Corporations never found a really workable plan to capture dogs. Ineffective incentives for citizens to take them gradually disappeared from the regulations as the duty fell more and more on the official constabulary, but the need to both regularly raise the special payment for carrying out this assigned duty and the fines for avoiding it tell the story. Whether this hesitancy on the part of the police originated from distaste for the work or from citizen opposition is not clear. (Note the increasing penalties for those hindering the police from taking dogs; this resistance will be seen to increase in the near future.);

- The city markets were a regular target for dog laws, probably because farmers and butchers brought in dogs to protect their wares, and the close aisles prevented the public from avoiding the animals. Note also that the few (though seemingly fervent) cruelty laws of the period center on the market and on horses working the street – publicly visible sites.

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1 In spite of this belief, dog taxes were useful to Corporation finances: the $300 collected by Washington in 1820 would have paid over half the $432 spent that year for support of “the poor, aged and infirm.”
CHAPTER SIX

Dead Animals

An evil exists in this city of a most serious and alarming description: . . . putrid offals of fish, dead cats, dogs, etc. are to be found in every nook, common, highway, in their most putrescent and disgusting state. This is . . . obvious to every one who has perambulated the city. (Nat. Intelligencer, 26 May 1814, p. 1)

Whose business is it to attend to the removal of that dead dog in the street . . . near Judiciary Square? It is a disgusting object, and pollutes the air in that vicinity. (Evening Star, 28 Aug 1861, p. 3)

A word might be said here about a tangential issue: removal of dead animals from city streets. The Corporation of Georgetown in 1795 prohibited “any carrion, stinking fish, dead creatures, or other offensive filth to be, remain, or continue above ground for the space of eighteen hours” or to be thrown onto other property under pain of fine.

The 1809 City of Washington act prohibiting swine at large also required owners “of every horse, cow, ox or other animal . . . found dead in any of the streets or on any open unenclosed ground” to bury the carcass,¹ any resulting fine shared by the informer and the city. This provision was repeated in 1820; if the owner balked (for a $5-20 fine) or no owner could be found the task fell to the Ward Commissioners.

An act of 1803 created the position of Superintendent of Police and gave that official responsibility for clearing and prosecuting accumulations of construction debris and other “nuisances.” The newly-created (1819) District Health Officer took a general oversight of “all nuisances coming under his observation . . . which . . . endanger the health of the citizens” but not otherwise defined, and this vague responsibility passed to the successor Board of Health three years later. Further acts (1823, 1832) enabled the Board to use government resources to remove nuisances but a specific list of what constituted nuisances – including dead animals – and the Board’s procedures for their removal waited until an 1848 comprehensive act “Relating to the Appointment, Powers, and Duties of the Board of Health,” and its 1853 and 1856 iterations. The Board declared “dead carcasses” a nuisance in an 1843 ordinance.² The 1853 act specified that owners of diseased or dead animals should destroy and bury them; failing this, the owner faced a $5-20 fine and the Board would remove the body.

Washington instituted the position of Scavenger in 1820 (Georgetown already had a smaller crew), and collecting animal carcasses fell to this crew. City scavengers received $1 for each dog buried.³ A

¹“At least two feet below the surface of the earth,” according to the 1820 and 1853 ordinances.
² It published an annual list of outlawed substances for public notice “during the summer season”. This is the earliest I have found. Oddly, carcasses did not appear in the omnibus Nuisance act of 1853. The Board of Health acts of 1848 and later copied the language of the 1809 legislation.
³ As reported in the discussion cited above regarding shooting or poisoning strays (Wash. Sentinel, 8 June 1854, p. 3). The Register’s Ann Rpt, 1847, lists every expenditure of that fiscal year and so names the several men
Corporation act of 4 Feb 1856 gave collection of “fluid and solid offal” to contractors; the Board commended their work in its 1858 annual report and recommended the same for street cleaning. As a result the following year (1859) “the contractors for the removal of dead animals, etc.” removed a great quantity of dead dogs “which were seen lying about in the streets and alleys of the city.”

Citizens certainly had legitimate complaints about the nuisance. As early as 1814 “Y” complained in the National Intelligencer of the city’s annoying “infernal effluvia” and its deleterious effect on health and business. “If you will go there [the Georgetown waterfront]” reported a Government study of 1872 “you will find ever so many dead cats and dogs, and there comes out such a stench that people have to pass over the other side of the street.” Scavengers removed four cartloads of dead hogs from the Seventh Ward alone on one day of 1861. The Evening Star reported a dead horse left at the intersection of K and 17th Streets NW for three days in 1867.

The hated Washington Canal held cats, dogs “and some horses’ legs.” “We undertook to count them,” wrote an intrepid citizen. “It was a very warm day, and I think we rather enjoyed other parts of our ride better than we did that.” “It appears to be a common practice for persons to send dead dogs, cats and hogs from their premises to be thrown into the canal.” The District Commissioner of the Canal had responsibility for clearing it of carrion and other debris.

The 1862 Congressional act expanding the scope of the new Department of Metropolitan Police created a Sanitary Company (or Office, commonly the Sanitary Police). This Company’s duties as specified in the legislation extended only to private property – “ferry-boat, manufacturary, slaughterhouse, tenement-house or edifice” – and covered any complaints related to safety or health; in this work it received assignments from and reported to the Board of Health. Its work included removal of dead animals. Probably the police retained the contractor, for “Mr. Drifus” had a contract to “remove the defunct animals beyond the city’s limits for their bones, hides and tallow” in 1869. Annual reports of MPDC first show removal of dead animals (usually described as horses) in 1864 totaling 285, rising to 861 “horses, cows, etc.” and 786 “hogs, dogs, cats, etc.” in 1867. Reportage ceased in 1871.

Remunerated for taking up carcasses. They were paid in increments of $2 (per animal? per haul?) and all worked as scavengers or laborers. G. T. McGlue collected $15.50 – could he have been the father of George T. McGlue, the MPDC officer assigned to WHS duty in 1901?

4 Evening Star, 23 July 1859, p. 3.
5 “Affairs . . .”, pp. 433, 622; Nat. Intelligencer, 26 May 1814, p. 1; Evening Star, 15 Feb 1861, p. 3; 17 June 1867, p. 3. These complaints continued: the District’s Superintendent of the Free Bathing Beach, then on the Potomac, argued for creation of today’s Tidal Basin reasoning that improvements to the Potomac Flats would eliminate the “dead animals, weeds, logs, and trash [that have] floated onto our beach” (Beach Supt’s Ann Rpt, 1895).
6 “That useless, nasty, stinking mantrap, the Washington Canal” (Evening Star, 25 June 1863, p. 2). Evening Star, 28 Oct 1861, p. 3; unfortunately I have lost the citation for the citizen’s comment.

The problem extended to other District waterways. Stated a report of 1895: “All slops and filth of every kind, dead animals, manure from stables are thrown into the [C&O] canal [in Georgetown] by boatmen, and the people living along it certainly use it for very much the same purpose” (Health Off Ann Rpt, 1895). Tiber Creek was similarly polluted (Wash. Sentinel, 12 Apr 1854, p. 3; Evening Star, 30 May 1872, p. 4, “The Grand Avenue of Pestilence”).

7 (Drifus); Evening Star, 22 July 1869, p. 4. “The duties [of] the sanitary police, although of a very disagreeable character, are still of an inestimable value, and are probably rarely properly appreciated except by those acquainted with their daily experiences” (MPDC Ann Rpt, 1867, p. 507). On the other hand, the force was “composed mainly of illiterate men, a majority of whom could hardly write their names” – ten men and two officers, with no attached physician – “and these were the guardians of the health of the city of Washington” (Anonymous, “Affairs . . .”, p. 727).
8 Besides the original act, see also Bd of Health minutes, 21 Jan 1869. It is sad to note 18 dead and abandoned infants reported in 1869 and 29 the following year; the number reached 75 in 1885 and nearly 100 in 1888!
The County of Washington government (the Levy Court) in 1863 outlawed putting carcasses and other offal “into any river, creek, pond, road, street, canal, lot, field, meadow or common, or any other place whatever” under penalty of $5-20 and to 30 days imprisonment.  

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9 Callan, p. 1.
One Hundred Years of Advertising Found Animals

**ESTRAY**

Horatio Trumdel, of Georgetown, has this day brought to my view, a Bay Gelling; about fourteen and a half, hands, high, nine years old, with hanging mane and switch tail which he stated has been trespassing on him, for several days last past—that he has reason to believe said gelding belongs to some person in Georgetown, and that he has taken him up as an estray at large.

**R hologia TRUMDEL.**

March 12—31

Federal Republican, 12 March 1816, p. 3

**STRAV COW.—**Come to the farm of the subscriber, about one mile north of the Capitol, on or about the 16th of December last, a small red and white spotted Cow, with one horn broke off. The owner of said Cow is requested to call immediately, prove property, pay charges, and take her away.

**DAVID MOORE.**

Daily Nat. Republican, 7 February 1837, p. 1

**SALE OF HOGS.—**Will be sold at the Washington Asylum, on Saturday, the 1st of June next, at public auction, a lot of Hogs, the same having been carried there by the police officers, as provided for by an act of the Corporation of Washington, to prevent hogs from running at large in said Corporation.

Sale to commence at 12 o'clock M.

**RICHARD BUTT.**

I. W. A.

Terms of sale, cash.

Daily Nat. Intelligencer, 1 Jun 1839, p. 3

**TAKEN ESTRAY BY THE METROPOLITAN POULC.**—On the 9th ultimo, a Sorrel Horse, having white face and left hind foot, with a saddle, were found estray.

The owner is requested to prove property to the satisfaction of the Property Clerk of the District at his office, No. 459 Tenth street west, prior to 10 o'clock A.M. Thursday, March 11th, 1864, or the same will be then sold for each to the highest bidder, at the hands of W. L. Wall & Co., No. 99 Louisiana avenue.

By order,

**GEO. R. WRIGHT.**

Property Clerk.

W. L. WALL & CO., Auctioneers

Daily Nat. Intelligencer, 1 March 1864, p. 3

**HOGS SOLD AT FOUND SATURDAY AT 12 O'CLOCK.**

M. M. WHEELOCK,

Founder Master.

Evening Star, 26 Oct 1871, p. 2

**FOR SALE, AT THE WESTERN POUND, corner of 1st street and New York avenue northwest, SATURDAY, October 9, proximo, at 1 o'clock p.m. one White Horse, one light bay Mare, one black Colt, about eighteen months old, one sorrel Colt, about three years old, and twelve Geese. The horses above named were seized in the northwestern section of this city and impounded on the 24th instants, at 3 o'clock p.m., and if not redeemed prior to day of sale will be sold in accordance with an act of the Board of Health, dated December 5, 1871.

By order of

**HENRY YOUNG.**

Board Master.

Evening Star, 4 October 1872, p. 3

**POUND SALE—**There will be sold at the Pound, corner of 2d street and New York avenue, at 11 o'clock MONDAY MORNING, the 21st day of June, 1873, if not redeemed on or before that date—One PARK BAY NILE (and impounded by the Board of Health) up in the northwestern section of the city.

**SAMUEL EINSTEIN.**

Pound Master

Evening Star, 27 May 1873, p. 3

**THERE WILL BE SOLD AT THE POUND, South Capitol and E streets southwest, at HALF-PAST TEN O'CLOCK A.M., ON FRIDAY, OCTOBER SIXTH, 1816, one Bay Horse, taken up in the vicinity of 15th and E streets northeast, by order of the health officer.**

**GEORGE RAE.**

Pound Master

Evening Star, 5 October 1916, p. 21
Early Legal Notices

**SALE OF HOGS**—Will be sold at the Washington Asylum, on Saturday, the 1st of June next, at public auction, a lot of Hogs, the same having been carried there by the police officers, as provided for by an act of the Corporation of Washington, to prevent hogs from running at large in said Corporation. Sale to commence at 12 o’clock M. Terms of sale, cash. RICHARD BUTT, I. W. A.

Evening Star, 31 March 1830, p. 32

**Pound Report.** Animals impounded 141, redeemed 28, killed 113. Amt realized $29.00.

Daily National Republican, 7 Jan 1871, p. 2

**CITY REGISTER’S OFFICE.**
WASHINGTON, D. C., Dec. 31, 1870.
Notice is hereby given that on MONDAY, January 31, 1871, will expire all Licenses given by the Corporation of the City of Washington to Vendors, Pawnbrokers, Bill Posters, Butchers of the several markets, Keepers of Dogs, Insurance Agents, Auctioneers, &c., &c.
All said corporation licenses expiring on said date must be promptly renewed.

The report was approved.

Evening Star, 14 July 1868, p. 2

**Bd of Health minutes, 31 May and 20 June 1876**

The Health Officer submitted an adverse report on the petition of Alex Dodge, Edward B. Hughes, and others asking return of $4.00 to Mrs. Catharine Lynch, paid by her for redemption of 2 cows from Pound Master, Mrs. Lynch having resisted the officers in the discharge of their duties etc. The report was approved.