

ment, as aforesaid, may, at the option of the President of the United States, be absolutely null and void; and any member of Congress or officer of the United States convicted, as aforesaid, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the government of the United States.

APPROVED, July 16, 1862.

July 16, 1862. CHAP. CLXXXI.—An Act to amend an Act entitled "An Act to create a Metropolitan Police District of the District of Columbia, and to establish a Police therefor," approved August six, eighteen hundred and sixty-one.

1861, ch. 62.
Ante, p. 320.

Act of 1861,
ch. 62, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to create a Metropolitan police district of the District of Columbia, and to establish a police therefor," approved August six, eighteen hundred and sixty-one, be, and the same is hereby, amended as follows:

Property stolen,
&c. to be in cus-
tody of "property
clerk."

SEC. 1. And be it further enacted, That all property, or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be thereafter taken into the custody of any member of the Metropolitan police force, or criminal court of the District of Columbia, or which shall come into custody of any justice of the peace, shall be, by such member or justice, or by order of said court, given into the custody of and kept by an officer, who shall be appointed and may be removed by the Board of Police, known as "property clerk" of the Metropolitan police district, and all such property and money shall be particularly registered by said property clerk in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure, and any final disposition of such property and money.

Register to be
kept.

When and how
such property
may be restored.

Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought with such claimant and the person arrested before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offence alleged, and that the property rightfully belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the property clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent, or clerk of such accused person. If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or in behalf of any other persons than the persons arrested, and the said accused person shall be held for trial or examination, such property or money shall remain in the custody of the property clerk until the discharge or conviction of the persons accused. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the said Metropolitan police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk of the Metropolitan police district, to be duly registered and advertised for the benefit of all persons and parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police. All property and

When to be sold
at public auction.

Horses and per-
ishable property.

money that shall remain in the custody of the property clerk for the period of six months without any lawful claimant thereto, after having been three times advertised in public newspapers, shall be sold at public auction, and the proceeds of such sale shall be paid into the policemen's fund: *Provided*, That horses and other animals taken by the police and remaining

unclaimed for twenty days may be advertised and sold upon ten days' public notice, and all perishable property to be sold at once. If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court; such property, however, shall not be retained in said court, but shall be returned to said property clerk, to be disposed of according to the previous provisions of this act. And the annual compensation of said property clerk, as also the clerk (who shall hereafter be known as secretary of the board of police) shall be twelve hundred dollars each, payable monthly.

When property is desired as evidence.

Pay of property clerk and of secretary of board of police.

Sanitary police company.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Board of Metropolitan Police to set apart a sanitary police company, to consist of not exceeding ten persons, who shall be selected from among the police, and to assign to said company such especial duties, by the rules and regulations, as may be publicly advantageous; and also to appoint not exceeding three surgeons of police, who shall receive an annual compensation of three hundred dollars each, and discharge such duties as may be required of them by the board of police. The Metropolitan sanitary company is hereby empowered, under such distribution of power and duty as may be made by the rules and regulations, to visit and make inspection of all ferry-boats, manufactories, slaughter-houses, tenement-houses, and edifices suspected of, or charged with, being unsafe, and to attend to such other matters relating to health as are complained of and entered upon the complaint-book kept by order of the board, and to take all necessary legal measures for promoting the security of life or health generally, and upon or in said boats, manufactories, houses, and edifices, and to make report of inspection and action in the premises to the Board of Metropolitan Police. Whenever said board shall be satisfied, by such report, that any ferry-boat, manufactory, slaughter-house, tenement-house, or edifice is maintained, or that any other act is being about to be committed, in a manner prejudicial to the lives or health of the public, it shall, after due entry upon its minutes of the circumstances, cause complaint to be made, founded upon such report and circumstances, before any magistrate of the Metropolitan police district, who shall, in a summary way, upon such complaint made under oath, issue his proper warrant, reciting therein the name of the member or members of the Metropolitan sanitary police company, for the arrest of the person in charge of said ferry-boat, manufactory, slaughter-house, tenement-house, and edifice, or otherwise committing any act that may be derogatory to the public health, to the end that he may be brought before such magistrate, and the complaint of insecurity of the life or health of the public so made be duly investigated according to the law of examination into misdemeanors. If said magistrate shall be satisfied, on a summary hearing thereof, that such charge of insecurity of the lives or health of the public is founded on reasonable and probable cause, he may, by his order in writing, command any such ferry-boat to cease running, or any business in such manufactory or slaughter-house to cease, or impose such fine as by law may be attached to such offence upon the person so offending, until the cause of complaint aforesaid shall be removed to the satisfaction of the Board of Metropolitan Police.

Surgeons of police.

Power of sanitary company.

Proceedings where there is danger to the health or safety of the public.

SEC. 3. *And be it further enacted*, That if any member of the Metropolitan police force, or if any two or more house-holders shall report in writing, under his or their signature, to the superintendent of the Metropolitan police force that there are good grounds (and stating the same) for believing any house, room, or premises within the said Metropolitan police district to be kept or used as a common gaming house, common gaming room, or common gaming premises, for therein playing for wagers of money at any game of chance, or to be kept or used as a bawdy house, or for lewd and obscene public amusement or entertainment, or as a house

Search, &c., of houses believed to be kept as common gaming houses, houses of prostitution, &c.

of prostitution, or for purposes of prostitution, or the deposit or sale, of lottery tickets or of lottery policies, it shall be lawful for the superintendent of Metropolitan police to authorize any member or members of the police force to enter the same, who shall forthwith arrest all persons there found offending against law, and seize all implements of gaming, or lottery tickets, or lottery policies, and convey any person so arrested before the nearest police magistrate, and bring the articles so seized to the office of the Board of Metropolitan Police. It shall be the duty of the said superintendent of the Metropolitan police force to cause such arrested persons to be rigorously prosecuted, such articles seized to be destroyed, and such room or house to be closed, and not used again for such unlawful purposes.

Pawnbrokers,
and doubtful es-
tablishments.

SEC. 4. *And be it further enacted*, That the Board of Metropolitan Police shall possess powers of general police supervision and inspection over all licensed pawnbrokers, licensed venders, licensed hackman and cartmen, dealers in second-hand merchandise, intelligence office keepers, auctioneers of watches and jewelry, and suspected private banking houses, and other doubtful establishments within the said Metropolitan police district; and in the exercise and furtherance of said supervision may, from time to time, empower members of the police force to fulfil such special duties in the aforesaid premises as may be ordained by the Board of Metropolitan Police. The said board may direct the superintendent to empower any member of the Metropolitan police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker or his business premises, or the business premises of any licensed vender or dealer in second-hand merchandise, or intelligence office keeper, or auctioneer of watches and jewelry, or suspected private banking house, or other doubtful establishment. Any such member of the Metropolitan police, when thereto authorized in writing by the said superintendent, and having in his possession a pawnbroker's receipt or ticket, shall be allowed to examine the property purporting to be pawned or pledged, or deposited upon said receipt or ticket, in whosoever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law. Any wilful interference with said superintendent of police, or with any member of the Metropolitan police force, by any of the persons hereinbefore named in this section, whilst in official and due discharge of duty, shall be punishable as a misdemeanor.

Stations, sta-
tion houses, &c.

SEC. 5. *And be it further enacted*, That the Board of Metropolitan Police may, from time to time, but without expense to the United States, establish stations and station houses, or sub-stations and sub-station houses, at least one to each precinct, for the accommodation thereof of members of the police force, and as temporary places of detention for persons arrested and property taken within the precinct. No person holding office under this act, or the act to which this is an amendment, shall be liable to military or jury duty, nor to arrest on civil process, or to service of subpoenas from civil courts whilst actually on duty. The members of the board of police, the superintendent, and secretary, are hereby vested with all the powers conferred by law upon notaries public and justices of the peace in the District of Columbia. The members of the board of police, and of the police force of the said Metropolitan police district, shall possess in every part of the District of Columbia all the common law and statutory powers of constables, except for the service of civil process and for the collection of strictly private debts, in which designation fines imposed for the breach of corporation ordinances shall not be included; but the said Board of Metropolitan Police shall not enforce any law or ordinance discriminating between persons in the administration of justice.

Privileges and
powers of the po-
lice and of the
board of police.

Justices for
station houses.

SEC. 6. *And be it further enacted*, That the said board of police shall have power, and it shall be their duty, from time to time, to select and

employ from among the duly appointed and qualified justices of the peace for the county of Washington such justice or justices as may be required and as it may deem proper, to sit at the respective station houses for the hearing of such charges as may be brought against persons arrested and carried to said station houses; and every person who shall be sentenced to pay a fine and costs, or either, shall satisfy the same before being released by payment or by giving security to the satisfaction of the justice imposing such fine and costs. And when such security shall be taken the justice shall be held personally liable to said Board of Police for the amount of the fine and costs to be collected of him as a debt due and payable.

Fine and costs, when justices personally responsible therefor.

1863, ch. 106, § 12.
Post, p. 803.

SEC. 7. *And be it further enacted*, That no member of the Metropolitan police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the Board of Metropolitan Police, unless he shall have given to the superintendent one month's notice, in writing, of such intention. There shall be no limitation or restriction of place of residence to any member of the Metropolitan police force, other than residence within the Metropolitan police district, and it shall be the duty of said board of police to cause the location of the patrolmen to be changed from time to time, as the efficiency of the force shall require.

Members of police force not to resign without notice

Residence.

SEC. 8. *And be it further enacted*, That the said board of police may appoint not exceeding six detectives, who shall receive a monthly compensation of seventy dollars each.

Detectives.

SEC. 9. *And be it further enacted*, That the board of police, for meritorious and extraordinary services rendered by any member of the police force, in the due discharge of his duty, may permit any member of the police force to retain for his own benefit any reward or present tendered him therefor; and it shall be cause of removal from the Metropolitan police force for any member thereof to receive any such reward or present without notice thereof to the Board of Metropolitan Police. Upon receiving said notice, the said board may either order the said member to retain the same, or shall dispose of it for the benefit of the policemen's fund. All fines imposed by the board of police upon members of the Metropolitan police force, by way of discipline, and collectable from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments, that may be paid and given for account of extraordinary services of any member of the Metropolitan police force, (except when allowed to be retained by said member,) shall be paid to the treasurer of the Board of Metropolitan Police, unless otherwise appropriated by the board of police.

Rewards and presents.

Fines imposed for discipline.

SEC. 10. *And be it further enacted*, That the several members of the police force, including the commissioners of police, shall have power and authority to immediately arrest without warrant, and to take into custody any person who shall commit, or threaten or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offence directly prohibited by act of Congress, or by any ordinance of the city or county within which the offence is committed, threatened, or attempted; but such member of the police force shall immediately and without delay upon such arrest convey in person such offender before the nearest magistrate, that he may be dealt with according to law.

When police may arrest without warrant.

SEC. 11. *And be it further enacted*, That for the better exercise of the powers and duties hereinbefore enumerated, the board of police is hereby authorized immediately, and from time to time hereafter, but without expense to the United States, to cause to be collected into a compact form all the laws and ordinances in force in the said District having relation and applicable to police and health, and publish the same in a form easily accessible to all members of the community, as the police code of the said District; and the said code so prepared, and such rules as the said board of police may from time to time adopt for the purpose of enforcing

Police code for the District.

Repeal of inconsistent provisions.

and carrying out the provisions thereof shall constitute the law of the said District upon the matters therein contained. All laws, or parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, July 16, 1862.

July 16, 1862.

CHAP. CLXXXII.—An Act making supplemental Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-three, and for the Year ending June thirtieth, eighteen hundred and sixty-two, and for other Purposes.

Appropriation for 1863.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-three, viz.:

Pay, &c., of witnesses in the impeachment case.

For mileage and per diem compensation to witnesses, and other incidental expenses of the High Court of Impeachment in the case of West H. Humphreys, Judge of the District Court of the United States for the State of Tennessee, ten thousand dollars.

Laborers.

For laborers employed about the Hall of Representatives, one thousand dollars.

Custom-house and post office at Bangor.

For repairing custom-house and post office at Bangor, Maine, six thousand dollars.

Clerk to committee on public lands.

For salary of clerk to committee on public lands authorized by resolution of the House of Representatives of May twenty-seventh, eighteen hundred and sixty-two, eighteen hundred dollars, said salary to commence with the date of said resolution, and the sum herein mentioned shall be the amount of his salary annually.

Lafayette Square.

For painting iron fence around Lafayette Square, and in front of the President's House, one thousand dollars.

Emancipation and colonization. 1862, ch. 54. Ante, p. 376. 1862, ch. 195. Post, p. 589.

To enable the President to carry out the act of Congress for the emancipation of the slaves in the District of Columbia, and to colonize those to be made free by the probable passage of a confiscation bill, five hundred thousand dollars, to be repaid to the treasury out of confiscated property, to be used at the discretion of the President in securing the right of colonization of said persons made free, and in payment of the necessary expenses of their removal.

Clerk hire in land office at Des Moines.

For clerk hire in the consolidated land office at Des Moines, Iowa, to be disbursed by the register at a rate not exceeding three dollars per day, from the thirty-first day of December, eighteen hundred and sixty-one, to the thirtieth of June, eighteen hundred and sixty-three, one thousand six hundred and thirty-eight dollars.

Commissioner to codify the laws of the District of Columbia. 1862, ch. 79. Ante, p. 403.

For the pay of a commissioner and incidental expenses, under the "Act for the codification and revision of the laws of the District of Columbia," approved May twentieth, eighteen hundred and sixty-two, the sum of three thousand dollars. And so much of the above recited act as authorizes the appointment of more than one commissioner be, and the same is hereby, repealed.

Repealing clause.

Reports of Supreme Court of the United States.

SEC. 2. *And be it further enacted,* That the appropriations heretofore made for furnishing the Department of State with Howard's Reports of the Supreme Court of the United States, be applied to Reports of the Supreme Court of the United States, under whatsoever name published.

Salary of Assistant Secretary of Treasury. Ante, p. 232. Appropriations for 1862.

SEC. 3. *And be it further enacted,* That the salary of the Assistant Secretary of the Treasury shall be the same as the Assistant Secretary of the Navy, to commence with the present fiscal year.

SEC. 4. *And be it further enacted,* That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, for the year ending thirtieth of June, eighteen hundred and sixty-two, viz.:

Library of Congress.

For coal and firemen to warm the Library of Congress, on account of