

house, together with the buildings and improvements thereon, are severally set apart and appropriated for the use of the public schools in the city of Washington, so long as they shall be occupied for that purpose, and no longer.

CHAPTER THIRTEEN.

METROPOLITAN POLICE.

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SEC. 321. The District is constituted a police district, to be called "The Metropolitan Police district of the District of Columbia."

Establishment of metropolitan police district.

6 Aug., 1861, c. 62, s. 1, v. 12, p. 320.

BOARD OF POLICE.

SEC. 322. There shall be five commissioners of police, who shall be appointed from time to time by the President of the United States, for the term of three years and until their successors are appointed and qualified, unless sooner removed by the President.

Commissioners of police.

Ibid., ss. 2, 3.

SEC. 323. Three of the commissioners of police shall be appointed from the city of Washington, one from Georgetown, and one from the county of Washington at large.

From whence to be appointed.

Ibid., s. 3.

Oath of office.

Ibid.

SEC. 324. Each of the commissioners of police shall take and subscribe an oath or affirmation to support the Constitution of the United States, and faithfully to discharge the duties of his office. Such oath or affirmation may be taken before any person duly authorized to administer oaths in the District. [See § 85.]

SEC. 325. The commissioners of police shall be the chief officers of the metropolitan police district, and shall severally possess and perform therein the powers and duties authorized and enjoined by this chapter.

General powers of commissioners.

Ibid., s. 2.

Board of police, how constituted.

Ibid.

Vote of governor, ex officio.

Ibid., s. 23, p. 325 Quorum.

Ibid., s. 2, p. 320.

Pay of members of board.

Ibid., s. 22, p. 325.

SEC. 327. The governor, as ex-officio a member of the board of police, shall be entitled to one vote in the board when present at its meetings.

SEC. 328. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 329. Each commissioner of police shall receive an allowance of five dollars per day for each day of actual attendance upon the meetings of business of the board, not to exceed, however, to each commissioner, the treasurer excepted, two hundred and fifty dollars per annum; and no other compensation shall be paid or allowed to the members of the board.

SEC. 330. The officers of the board of police shall be a president, treasurer, and secretary.

Officers of board.

Ibid., s. 4, p. 321. 16 July, 1861, c. 181, s. 1, v. 12, p. 579.

SEC. 331. The president and treasurer shall each be selected from among the commissioners of police by themselves, and shall each discharge such duties as the board of police may prescribe.

President and treasurer, how selected; duties.

6 Aug., 1861, c. 62, s. 4, v. 12, p. 321.

SEC. 332. The treasurer shall give a bond with two sureties, to the satisfaction of the board, in the penal sum of ten thousand dollars, for

Treasurer's bond and salary.

6 Aug., 1861, c. 62, ss. 4, 22, v. 12, pp. 321, 325. the faithful discharge of the duties of his office, and shall receive a stated salary of six hundred dollars per annum.

Secretary.

Ibid., s. 4, p. 321.
16 July, 1862, c. 181, s. 1, v. 12, p. 579.

General powers conferred upon board.

6 Aug., 1861, c. 62, ss. 20, 23, v. 12, pp. 324, 325.

Duties of the board.

Ibid., s. 5, p. 321.
3 March, 1863, c. 106, s. 10, v. 12, p. 803.

Jurisdiction.

6 Aug., 1861, c. 62, s. 6, v. 12, p. 321.

Rules and regulations.

Ibid.

When to furnish information, &c., to legislative assembly and governor.

Ibid., s. 19, p. 324.

Annual report.

SEC. 333. The Secretary shall be appointed by the board of police; may hold his office during the pleasure of the board, and shall perform such duties as may be required by the board. He shall receive an annual salary of twelve hundred dollars, payable monthly.

SEC. 334. The board of police is invested with all the powers conferred by law upon the mayors of Washington or of Georgetown, prior to August sixth, eighteen hundred and sixty-one, in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect property, and preserve the public tranquillity. And the board of police shall also possess all the power and authority so conferred by law upon the auxiliary guard of the city of Washington, and upon the mayor or other officer of the cities of Washington and Georgetown respectively, as the heads therein of the respective police departments or organizations of those cities, which power or authority relates to or is in any way connected with the police government or police discipline within either of said cities.

SEC. 335. It shall be the duty of the board of police at all times of the day and night within the boundaries of said police district—

- First. To preserve the public peace;
- Second. To prevent crime and arrest offenders;
- Third. To protect the rights of persons and of property;
- Fourth. To guard the public health;
- Fifth. To preserve order at every public election;
- Sixth. To remove nuisances existing in the public streets, roads, alleys, highways, and other places;
- Seventh. To provide a proper police force at every fire, in order that thereby the firemen and property may be protected;
- Eighth. To protect strangers and travelers at steamboat and ship landings and railway-stations;
- Ninth. To see that all laws relating to the observance of Sunday, and regarding—
Pawnbrokers,
Mock auctions,
Elections,
Gambling,
Intemperance,
Lottery dealers,
Vagrants,
Disorderly persons, and
The public health, are promptly enforced; and
- Tenth. To enforce and obey all laws and ordinances in force in the District, or any part thereof, which are properly applicable to police or health, and not inconsistent with the provisions of this chapter.

SEC. 336. The duties of the board of police shall be more especially executed, under the direction and control of the board, by a police force for the whole of said police district, authorized to do duty in any part thereof without regard to residence or corporation lines. [See R. S. U. S., § 1819.]

SEC. 337. The board of police is authorized to pass, from time to time, rules and regulations for the proper government and discipline of its subordinate officers, and the duties of the police force shall be executed in accordance therewith.

SEC. 338. It shall be the duty of the board of police at all times, when consistent with the rules and regulations of the board, and with the requirements of this chapter, to furnish all information desired, and comply with all requests made by the legislative assembly or by the governor.

21 Feb., 1871, c. 62, v. 16, p. 419.

SEC. 339. The board of police shall annually, on or before the first

Monday in November, report in writing the condition of the police within said district to the Attorney-General.

6 Aug., 1861, c. 62, s. 24, v. 12, p. 325.
2 March, 1873, c. 227, s. 1, v. 17, p. 517.

THE POLICE FORCE.

SEC. 340. The police force shall consist of the following officers, viz:
One major.
One captain.
Ten lieutenants.
Twenty sergeants.
Such number of privates, not exceeding two hundred for the regular service, as the board may deem necessary.
Six detectives.

Police force; how composed.

6 Aug., 1861, c. 62, s. 7, v. 12, p. 321.
16 July, 1862, c. 181, ss. 2, 8, v. 12, pp. 579, 581.
23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 341. The officers of the police force shall be severally appointed by the board of police, and each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the board, the laws of the United States, and the laws or ordinances existing within the District, and which apply to any part of the district where the members of the force may be on duty.

Appointment and tenure of office.

6 Aug., 1861, c. 62, s. 7, v. 12, p. 321.

SEC. 342. The qualifications, enumeration, and distribution of duties, mode of trial, and removal from office, of each officer of the police force, shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the Constitution and laws of the United States applicable thereto.

Qualifications, duties, &c.; how prescribed.

Ibid., s. 8, p. 321.

SEC. 343. The major of police shall take the place of the mayors of the cities of Washington and Georgetown as the head of the police departments of those cities respectively, but always subject to the orders and regulations of the board of police.

Authority of major of police.

Ibid., s. 10, p. 322.
23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 344. It shall be the duty of the police force to respect and obey the major of police as the head and chief of the police force, subject to the rules, regulations, and general orders of the board of police.

To be respected and obeyed.

SEC. 345. All regulations and orders of the board of police shall be promulgated through the major of police.

Ibid.
Regulations and orders of the board, how promulgated.

SEC. 346. The major of police shall make to the board of police quarterly reports in writing of the state of the police district, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline of said district.

Ibid.
Major's quarterly reports.

6 Aug., 1861, c. 62, s. 24, v. 12, p. 325.
23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 347. The captain shall be the inspector of the police force, command it in the sickness or absence of the major, and perform such other duties as the commissioners of police may direct.

Duties of captain.

Ibid.

SEC. 348. There shall be in the office of the major of police one clerk, who shall be appointed by the commissioners, and who shall have charge of the records of the sanitary company provided for in section three hundred and eighty-one, and who shall perform such other duties as the major, by the direction or with the approval of the commissioners, may prescribe, and who shall receive a salary of one thousand dollars per annum.

Clerk in office of major.

Ibid., pp. 212, 213.

20 Dec., 1866, c. 4, v. 14, p. 374.

SEC. 349. The board of police may also appoint not exceeding three surgeons of police, who shall perform such duties as may be required of them by the board, and who shall receive an annual compensation of three hundred dollars each.

Surgeons of police.

16 July, 1862, c. 181, s. 2, v. 12, p. 579.

SEC. 350. The board of police shall require security to be entered into by the major and lieutenants, and shall make suitable provisions therefor.

Major and lieutenants to give security.

6 Aug., 1861, c. 62, s. 27, v. 12, p. 325; 23 July, 1866, c. 215, s. 1, v. 14, p. 212.

SEC. 351. The board of police shall also require an oath of office to be taken by the members of the police force, and shall make suitable provisions therefor.

Oath of office.

Ibid.

visions respecting the same, and for the registry thereof, and such oath may be taken before one of the commissioners of police, any of whom are empowered to administer the same.

Members of board, secretary, and major, to have powers of notaries public and justices of the peace.

SEC. 352. The members of the board of police, the secretary of the board, and the major of police are vested with all the powers conferred by law upon notaries public and justices of the peace in the District.

Privileges and exemptions of police.

SEC. 353. No person holding office under this chapter shall be liable to military or jury duty, nor to arrest on civil process, nor to service of subpoenas from civil courts while actually on duty.

Ibid.
Restrictions upon appointments.

6 Aug., 1861, c. 62, s. 8, v. 12, p. 321.
2 Mar., 1867, c. 166, s. 1, v. 14, p. 457.

SEC. 354. No person shall be appointed to office, or hold office in the police force, who cannot read and write the English language, or who is not a citizen of the United States, or who shall ever have been indicted and convicted of crime; and no person shall be appointed as policeman or watchman who has not served in the Army or Navy of the United States and received an honorable discharge.

Removals.

6 Aug., 1861, c. 62, s. 8, v. 12, pp. 321, 322.

SEC. 355. No person shall be removed from the police force except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; and no person removed from the police force for cause, shall be re-appointed to any office in said force.

Members of police force not to resign without notice.

SEC. 356. No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the board, unless he shall have given to the major one month's notice, in writing, of such intention.

16 July, 1862, c. 181, s. 7, v. 12, p. 581.

Presents, &c., not to be received without consent.

6 Aug., 1861, c. 62, s. 25, v. 12, p. 325.

SEC. 357. No member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by this chapter, except by consent of the board of police.

When rewards may be permitted.

16 July, 1862, c. 181, s. 9, v. 12, p. 581.

SEC. 358. 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 such member to retain for his own benefit any reward or present tendered him therefor.

Regulations.

Ibid.

SEC. 359. Upon notice to the board of police from any member of the police force, of the receipt by such member of any reward or present, the board may order the member to retain the same, or shall dispose thereof for the benefit of the policeman's fund.

Penalty for receiving reward without notice.

Ibid.

SEC. 360. It shall be cause of removal from the police force for any member to receive rewards or presents without giving notice of the same to the board of police.

Disposal of fines and rewards.

Ibid., s. 26, p. 581.

SEC. 361. All fines imposed by the board of police upon members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments, that may be paid and given for extraordinary services of any member of the police force, except when allowed to be retained by such member, shall be paid to the treasurer of the board of police, unless otherwise appropriated by the board.

Policeman's fund.

6 Aug., 1861, c. 62, s. 26, v. 12, p. 325.

SEC. 362. The rewards, fees, proceeds of gifts, and emoluments mentioned in the preceding section, and all moneys arising from the sale of unclaimed goods, shall constitute the "policeman's fund."

Board of police to be trustee.

Ibid.

SEC. 363. The board of police shall be the trustee of the policeman's fund, and may invest the same as they shall see fit.

Who may have benefit of the fund.

Ibid.

SEC. 364. Whenever any member of the police force, in the actual discharge of his duty, shall become actually disabled, his necessary expenses, during the time of such disability, on the certificate of a compe-

tent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, may become a charge upon the policeman's fund. But the board may discontinue such allowance for any satisfactory reason.

SEC. 365. The board of police shall provide specific rules for uniform clothing of the police force, which shall be procured by each of the members thereof respectively, strictly in conformity with such rules, at his own expense and risk, and any member shall be removed from the force for not complying with such rules.

SEC. 366. The salaries of the officers, privates, and detectives of the police force shall be as follows:

Major, seventeen hundred and forty dollars per annum.

Captain, twelve hundred dollars per annum.

Lieutenants, eight hundred and forty dollars per annum.

Sergeants, sixty-five dollars per month.

Privates, sixty dollars per month.

Detectives, ninety dollars per month.

Uniforms.

23 July, 1866, c. 215, s. 4, v. 14, p. 213.

Salaries of members of police force.

6 Aug., 1861, c. 62, s. 22, v. 12, p. 325; 16 July, 1862, c. 181, s. 8, v. 12, p. 581; 28 July, 1866, c. 296, s. 6, v. 14, p. 321; 20 Dec., 1866, c. 4, v. 14, p. 374.

Further compensation, how payable.

25 June, 1864, c. 147, v. 13, p. 159; 2 Mar., 1865, v. 13, p. 459; 28 July, 1866, c. 296, v. 14, p. 321; 20 Dec., 1866, c. 4, v. 14, p. 374.

SEC. 367. The metropolitan police force, its officers and clerks, shall receive a further compensation of fifty per centum upon their respective salaries, as provided for in this chapter, which further sum shall be paid by the cities of Washington and Georgetown and the District beyond the limits of said cities, in the proportion corresponding to the number of privates allotted severally to said precincts.

20 Dec., 1866, v. 14, p. 374; 2 Mar., 1867, c. 166, v. 14, pp. 456, 457; 20 July, 1868, v. 15, p. 116; 3 Mar., 1869, c. 122, v. 15, p. 307; 15 July, 1870, c. 292, v. 16, p. 293; 3 Mar., 1871, v. 16, pp. 499, 500; 10 June, 1872, c. 415, s. 1, v. 17, p. 359; 3 Mar., 1873, c. 227, s. 1, v. 17, p. 517.

SEC. 368. The proper authorities of the District are authorized and required to levy a special tax in Washington and Georgetown and the District beyond the limits of said cities, not exceeding one-third of one per centum annually, which shall be specially deposited once in each week, as such collections are made, to be appropriated and expended only for the purpose of defraying the expenses of maintaining said metropolitan police force, in the proportion mentioned in the preceding section.

District to levy tax for its proportion of expenses of police force.

Ibid.

PRECINCTS AND STATIONS.

SEC. 369. The board of police may divide the district into precincts, not exceeding ten, and may assign one lieutenant of police to each precinct.

Precincts.

6 Aug., 1861, c. 62, s. 10, v. 12, p. 322.

SEC. 370. The board of 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.

Stations and sub-stations.

16 July, 1862, c. 181, s. 5, v. 12, p. 580.

SEC. 371. It shall be the duty of the proper authorities of the District to provide, at the expense of the cities of Washington and Georgetown, respectively, all necessary accommodations within their respective limits for the station-houses required by the board of police, for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses, and to suitably warm and light the same.

Proper station-houses to be provided by local authorities.

6 Aug., 1861, c. 62, s. 15, v. 12, p. 323.

SEC. 372. In case the authorities of the District neglect or refuse to comply with the provisions of the preceding section, after having been thereto requested by the board of police, then the board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursements thereof against the city whose proper authorities so neglected or refused to make the provision required.

Power of board in case of neglect.

Ibid.

Residence of members of police force.

SEC. 373. There shall be no limitation or restriction of place of residence to any member of the police force, other than residence within the metropolitan police district.

16 July, 1862, c. 181, s. 7, v. 12, p. 581.

Details for duty.

6 Aug., 1861, c. 62, s. 10, v. 12, p. 322.
16 July, 1862, c. 181, s. 7, v. 12, p. 581.

SEC. 374. The board of police may, from time to time, detail and change, without regard to or limitation of residence, the lieutenants, sergeants, or privates to such parts of the District, or to such of the police or criminal courts, and to the public offices of the Government of the United States and of the District, as the board may deem advisable; and it shall be the duty of the board to cause the location of privates to be changed, from time to time, as the efficiency of the force shall require.

SPECIAL POLICEMEN.

Additional privates, how appointed.

6 Aug., 1861, c. 62, s. 11, v. 12, p. 322.

SEC. 375. The board of police may, on the application of any person showing the necessity thereof, appoint any additional number of privates to duty at any place within the District, at the charge and expense of the person by whom the application is made, but not to exceed the yearly sum provided for privates of the general police force.

Powers and duties.

Ibid.

SEC. 376. The privates appointed as provided in the preceding section shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges, and duties of the police force.

How removed.

Ibid.

SEC. 377. The persons employed, as provided in the two preceding sections, may be removed at any time by the board of police, without assigning cause thereof, upon one month's notice of the intention so to do, given to the person who applied for the appointment.

Special policemen without pay.

Ibid., s. 12, p. 322.

SEC. 378. The board of police may also, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony, or celebration, appoint as many special privates without pay, from among the citizens, as it may deem advisable, and for a specified time.

Powers and duties; badge.

Ibid., pp. 322, 323.

SEC. 379. During the term of service of such special privates, they shall possess all the powers and privileges, and perform all the duties of the privates of the standing police force of the District. And such special privates shall wear an emblem, to be presented by the police commissioners.

SANITARY COMPANY.

Aid to be given to board of health.

Ibid., s. 19, p. 324.

SEC. 380. The board of health, or proper health-officer, of the District shall have power to call upon any of the police force, to a number not exceeding six, to aid upon any necessary emergency in enforcing the powers and duties conferred upon their office by law; and it shall be the duty of any such number of police so called upon to obey such call, but such service shall not continue longer than twenty-four hours.

Sanitary police company.

16 July, 1862, c. 181, s. 2, v. 12, p. 579.

SEC. 381. It shall be the duty of the board of 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.

Powers of sanitary company.

Ibid.

SEC. 382. The sanitary police company is 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, and to take all necessary legal measures for promoting the security of life or health

generally upon or in said boats, manufactories, houses, and edifices, and to make report of inspection and action in the premises to the board of police.

SEC. 383. Whenever the board of police is satisfied by such report that any ferry-boat, manufactory, slaughter-house, tenement-house, or edifice is maintained, or that any other act is 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 the proper court of the District.

Reports and complaints.

16 July, 1862, c. 181, s. 2, v. 12, p. 579.

SEC. 384. Upon such complaint being made, under oath, the court shall, in a summary way, issue the proper warrant, reciting therein the name of the member or members of the sanitary police company, for the arrest of the person in charge of such ferry-boat, manufactory, slaughter-house, tenement-house, or edifice, or otherwise committing any act that may be derogatory to the public health, to the end that he may be brought before the court 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.

Proceedings of court on complaint.

Ibid.

SEC. 385. If satisfied, on a summary hearing of the case, that such charge of insecurity of the lives or health of the public is founded on reasonable and probable cause, the court may, by an 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 offense upon the person so offending, until the cause of complaint shall be removed to the satisfaction of the board of police. [See § 72.]

Proceedings upon hearing.

Ibid.

BOOKS AND RECORDS.

SEC. 386. The board of police shall cause to be kept the following books and records, namely:

Books and records, what to be kept.

6 Aug., 1861, c. 62, s. 14, v. 12, p. 323.

First. General complaint-books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant.

General complaint book.

Second. Books of registry of lost, missing, or stolen property, for the general convenience of the public and of the police of the District.

Registry of lost, missing, or stolen property.

Third. Books of records of the police, wherein shall be entered the name of every member of the police-force, with the time and place of his nativity, and the time when he became a citizen if he was born out of the United States; his age; his former occupation; number and residence of family; the date of appointment or dismissal from office, with the cause of the latter. And in every such record sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such member of the police-force, or of any special services deemed meritorious by the commissioners of police.

Records of the police.

Record of services.

SEC. 387. The board of police shall also cause to be kept in proper books the accounts of the treasurer of the board; and all receipts of moneys, or warrants or checks for moneys, shall be written in books kept for the purpose, and the receipts shall be signed in every case by the person receiving money, warrants, or checks from the treasurer.

Treasurer's accounts.

6 August, 1861, c. 62, s. 14, v. 12, p. 323.

SEC. 388. The board of police shall also cause to be kept in proper books the number of the several meetings of the board.

Record of meetings of the board.

Ibid.

SEC. 389. All the books mentioned in the three preceding sections shall be, at all business hours, and when not in actual use, open to public inspection.

Books to be open to public inspection.

Ibid.

SEC. 390. The board of police shall also cause to be kept and bound all police returns and reports of the District.

Public returns and reports.

Ibid.

POLICE HEARINGS.

Power of board
to issue subpoenas.

6 Aug., 1861, c. 62,
s. 20, v. 12, p. 324.

Who may ad-
minister oaths to
witnesses.

Ibid.

Perjury in such
cases; penalty.

Ibid.

SEC. 391. The board of police shall have power to issue subpoenas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations.

SEC. 392. Each commissioner of police, the major and the secretary of the board of police, have power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized by the preceding section, and to any depositions necessary by the rules and regulations of the board of police.

SEC. 393. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers mentioned in the preceding section, to any material fact in any necessary proceeding under the rules and regulations of the board of police, shall be deemed perjury, and shall be punished in the manner prescribed by law for such offense.

ARRESTS AND SEARCHES.

Police to have
powers of con-
stables.

16 July, 1862, c.
181, s. 5, v. 12, p. 580.

United States vs.
Pignel, 1 Cranch,
C. C., 310; United
States vs. Faw, 1 Cranch, C. C., 487; United States vs. Gours, 4 Cranch, C. C., 488.

6 Aug., 1861, c.
62, s. 9, v. 12, p. 322.

Discriminating
laws not to be en-
forced.

Arrests without
warrant; when.

Ibid., s. 10, p. 581.

Powers of officers
in case of suspect-
ed felonies.

6 Aug., 1861, c.
62, s. 9, v. 12, p. 322.

Information and
return of arrests.

Ibid., s. 16, pp.
323, 324.

SEC. 394. The members of the board of police, and of the police force, shall possess in every part of the District 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 the ordinances in force in the District, shall not be included. [See §§ 1065-1067.]

SEC. 395. Any warrant for search or arrest, issued by any magistrate of the District, may be executed in any part of the District by any member of the police force, without any backing or indorsement of the warrant, and according to the terms thereof; and all provisions of law in relation to bail in the District shall apply to this chapter.

SEC. 396. The said board of police shall not enforce any law or ordinance discriminating between persons in the administration of justice.

16 July, 1862, c. 181, s. 5, v. 12, p. 580.

SEC. 397. 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 offense directly prohibited by act of Congress, or by any law or ordinance in force in the District, but such member of the police-force shall immediately, and without delay, upon such arrest convey in person such offender before the proper court, that he may be dealt with according to law.

SEC. 398. The major of police and the lieutenants of police, having just cause to suspect that any felony has been, or is being, or is about to be, committed within any building, or on board of any ship, boat, or vessel within the said District, may enter upon the same at all hours of day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen.

SEC. 399. Every case of arrest shall be made known within six hours thereafter to the lieutenant of police on duty in the precinct in which the arrest is made, by the person making the same; and it shall be the duty of the lieutenant within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention.

SEC. 400. If any member of the police-force shall neglect making any arrest for an offense against the laws of the United States committed in his presence, he shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment in the District jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars.

* Penalty for neglect to make arrests.

6 Aug., 1861, c. 62, s. 21, v. 12, p. 324.

SEC. 401. The board of police shall provide suitable accommodations within the district for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates in committing witnesses to have regard to the rules and regulations of the board of police in reference to their detention.

Detention of witnesses.

Ibid., s. 16, p. 324.

SEC. 402. If any member of the police force, or if any two or more house-holders shall report in writing, under his or their signature, to the major of police that there are good grounds, stating the same, for believing any house, room, or premises within the police-district to be kept or used for any of the following purposes, namely:

Authority of search and arrest in certain cases.

16 July, 1862, c. 181, s. 3, v. 12, pp. 579, 580.

First. 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,

Second. As a bawdy-house, or as a house of prostitution, or for purposes of prostitution; or,

Third. For lewd and obscene public amusement or entertainment; or,

Fourth. For the deposit or sale of lottery-tickets or lottery-policies, it shall be lawful for the major of 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 proper court, and bring the articles so seized to the office of the board of police. [See § 1174.]

SEC. 403. It shall be the duty of the major of police to cause all persons arrested in pursuance of the provisions of the preceding section to be rigorously prosecuted, the articles seized to be destroyed, and such room or house to be closed, and not again used for such unlawful purpose.

Duty of major to prosecute, &c.

Ibid.

LICENSED PAWNBROKERS, ETC.

SEC. 404. The board of police shall possess powers of general police supervision and inspection over all—

Supervision of doubtful establishments.

Licensed pawnbrokers.

Licensed venders.

Licensed hackmen and cartmen.

Dealers in second-hand merchandise.

Intelligence-office keepers.

Auctioneers of watches and jewelry.

Suspected private banking-houses, and other doubtful establishments within the metropolitan police district; and in the exercise and furtherance of said supervision may, from time to time, empower members of the police-force to fulfill such special duties in the premises, as may be ordained by the board of police.

Ibid., s. 4, p. 580.

SEC. 405. The board of police may direct the major to empower any member of the 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.

Examination of books and premises.

Ibid.

Examination of property.

16 July, 1862, c. 181, s. 4, v. 12, p. 580.

Interference punishable as a misdemeanor.

Ibid.

SEC. 406. Any member of the police-force, when thereto authorized in writing by the major of police, and having in his possession a pawn-broker'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.

SEC. 407. Any willfull interference with the major of police, or with any member of the police-force, by any of the persons named in section four hundred and four, while in official and due discharge of duty, shall be punishable as a misdemeanor.

STOLEN, LOST, AND ABANDONED PROPERTY.

Property clerk.

Ibid., s. 1, pp. 578, 579.

Custody of stolen, lost, or abandoned property.

Ibid.

Record to be kept.

Ibid., p. 578.
6 Aug., 1861, c. 62, s. 14, v. 12, p. 323.

Property clerk to have powers of notary public.Oaths and depositions.

23 July, 1866, c. 215, s. 5, v. 14, p. 213.

May return certain property to owners, how.

Ibid.

Property taken from arrested persons; how restored.

16 July, 1862, c. 181, s. 1, v. 12, p. 578.

Retention, when claimed by other than accused person.

Ibid.

SEC. 408. There shall be an officer known as "property clerk" of the metropolitan police-district, who shall be appointed and may be removed by the board of police, and who shall receive an annual compensation of twelve hundred dollars, payable monthly.

SEC. 409. 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 police force, or the police or criminal court of the district, or which shall come into such custody, shall be, by such member, or by order of the court, given into the custody of the property clerk and kept by him.

SEC. 410. All such property and money shall be particularly registered by the 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 place where found, the time of the seizure, the date of the receipt, the general circumstances connected therewith, and any final disposal of such property and money.

SEC. 411. The property clerk is vested with all the powers conferred by law upon notaries public in the district.

23 July, 1866, c. 215, s. 5, v. 14, p. 213.

SEC. 412. He may administer oaths and certify depositions which may be necessary to establish the ownership of any property or money lost, abandoned, or returned to him under the directions of the board of police, other than such as may be so returned as the proceeds of crime.

SEC. 413. Upon satisfactory evidence of the ownership of property described in the preceding section he shall deliver the same to the owner, his heirs and legal representatives, and to him or them only, except it be proven impracticable for such owner, heir, or representatives to appear, when the same may be delivered and receipted for upon such proof of ownership and the filing in the office of the property clerk of a duly executed power of attorney from the owner or his heirs or legal representatives.

SEC. 414. 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 any court for trial, and the court shall be satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, said court may, 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.

SEC. 415. If any claim to the ownership of such property or money shall be made on oath before the court, by or in behalf of any other persons than the persons arrested, and the 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.

SEC. 416. 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 police force, and all property and money taken from pawn-brokers as the proceeds of crime, or 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, to be duly registered and advertised for the benefit of all 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.

Taken on suspicion, &c., how disposed of.

16 July, 1862, c. 181, s. 1, v. 12, p. 578.

SEC. 417. All property, except perishable property and animals, and all 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 police-men's fund.

Sale of unclaimed property.

Ibid., pp. 578, 579.

SEC. 418. Horses and other animals taken by the police and remaining unclaimed for twenty days may be advertised and sold upon ten days' public notice.

Of unclaimed animals.

Ibid.

SEC. 419. All perishable property so taken and unclaimed shall be sold at once.

Sale of perishable property.

Ibid.

SEC. 420. When animals or articles of property, (except perishable property,) other than money, returned to the property clerk as the proceeds of crime, are shown by sufficient evidence to be necessary for the current use of the owner and not for sale, the board of police has power, in its discretion, to authorize the property clerk to place the same in the custody of the owner, upon sufficient bonds being given by the owner in the sum of twice the value of the property, conditioned for the production of the same at any time within one year, when required for use in court as evidence in any proceedings thereon.

When animals, &c., may be placed in custody of owners.

23 July, 1866, c. 215, s. 6, v. 14, pp. 213, 214.

SEC. 421. Perishable property, returned to the property clerk as the proceeds of crime, may be delivered to the owner on ample security being taken by the court for his appearance to prosecute the case.

When perishable property may be delivered to owner.

Ibid.

SEC. 422. When large quantities of goods held for sale by the owner, come into the possession of the property clerk as the proceeds of crime, the same may be delivered to the owner, his heirs or representatives, as provided in section four hundred and thirteen, upon ample security to prosecute the case. But in such cases goods to the estimated value of fifty dollars shall be retained by the property clerk until the discharge or conviction of the accused.

When large quantities of goods held for sale may be delivered to owner.

Ibid.

SEC. 423. 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; but such property shall not be retained in the court, but shall be returned to the property clerk, to be disposed of according to the provisions of this chapter.

Property desired as evidence in court.

16 July, 1862, c. 181, s. 1, v. 12, p. 579.

SEC. 424. Any property or money returned to the property clerk as the proceeds of crime, and which shall not be called for as evidence by any proceeding in the courts of the District within one year from the date of such return, may, unless specially claimed by the owner within that time, be thereafter treated as other unclaimed, abandoned, or lost property or money, as provided in this chapter.

Unclaimed property not called for.

23 July, 1866, c. 215, s. 5, v. 14, p. 213.

PRIVATE DETECTIVES.

SEC. 425. No person shall assume or practice the occupation of detective within the limits of the District who shall not first receive a specific

Private detectives, who may practice as.

23 July, 1866, c. 215, s. 7, v. 14, p. 214.

To give bond.

Ibid.

To report to secretary of board of police.

Ibid., s. 8, p. 214.

Forfeiture of bond, duty of United States attorney.

Ibid., s. 7, p. 214.

Duty of private detective making arrests.

Ibid.

All police laws applicable to private detectives.

Ibid.

appointment for that purpose, unless pursuing the detection of criminals as a private business outside of such authority, and not otherwise specifically authorized by law.

SEC. 426. Any person practicing as a private detective shall enter into bonds to the board of police, with surety, in a sum not less than ten thousand dollars, to be approved by the board, for a faithful and correct return to the board, in such manner and at such times as the board shall direct, of all business transacted by such private detective.

SEC. 427. Upon the execution of a private detective's bond, it shall be the duty of such private detective to report to the secretary of the board of police, who shall file such bond and record the name, age, description, nationality, and residence of such private detective.

SEC. 428. In every case of a forfeiture of a private detective's bond for failure to make such returns to the board of police as required, or for failure of persons accused by bonded private detective to appear to answer charges in court, it shall be the duty of the attorney of the United States for the District to immediately prosecute the sureties upon such bond to the full extent of a recovery of the forfeitures.

SEC. 429. It shall be the duty of every person prosecuting the business of a private detective, who may arrest a person for crime, to bring the person arrested, with all evidence of the alleged crime, including property or money which may become evidence, immediately to the office of the major of police, or to the proper court, where the case shall undergo an examination.

SEC. 430. All laws which govern the police force in the matters of persons, property, or money shall be applicable to all private detectives, (or to persons practicing as detectives, whatever other name they may assume,) and such detectives or persons shall make like returns and dispositions of such matters as required by law and the rules of the board of police governing the police force.

COMPROMISE OF FELONY, ETC.

Compromise of felony, &c., prohibited.

Ibid., s. 8, p. 214.

Failing to give facts.

Withholding information.

Receiving money from persons arrested or liable to arrest.

Permitting such persons to escape.

Penalty for violation of this section.

SEC. 431. It is unlawful for any private detective, or any member of the police force, or for any other person to compromise a felony or any other unlawful act, or to participate in, assent to, aid or assist any person suspected of crime to escape a full judicial examination by failing to give known facts or reasonable causes of suspicion, or withholding any information relative to the charge or suspicion from the proper judicial authorities;

Or in any manner to receive any money, property, favor, or other compensation from, or on account of, any person arrested or subject to arrest for any crime or supposed crime;

Or to permit any such person to go at large without due effort to secure an investigation of such supposed crime.

And for any violation of the provisions of this section, or either of them, such member of the police force, or private detective, or other person guilty thereof, shall be deemed as having compromised a felony, and shall be thereafter prohibited from acting as an officer of said police force, or as a private detective, and shall be prosecuted to the extent of the law for aiding criminals to escape the ends of justice.

MISCELLANEOUS PROVISIONS.

Penalty for using personal violence on officer in discharge of his duty.

6 Aug., 1861, c. 62, s. 21, v. 12, p. 324.

SEC. 432. If any person, without justifiable and excusable cause, shall use personal violence upon any member of the police force, when in the discharge of his duty, such person shall be deemed guilty of a misdemeanor, and shall be punishable by imprisonment in the district jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars.

SEC. 433. It shall be a misdemeanor, punishable as provided in the preceding section, for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

Penalty for falsely pretending to be member of police force.

SEC. 434. Any officer who uses unnecessary and wanton severity in arresting or imprisoning any person shall be deemed guilty of assault and battery, and, upon conviction, punished therefor. [See § 103.]

6 Aug., 1861, c. 62, s. 21, v. 12, p. 324.

Unnecessary severity punishable.

SEC. 435. It shall be unlawful for any person or persons keeping an ordinary, restaurant, saloon, or other place where spirituous liquors are sold within the District, to give, sell, or dispose of any intoxicating drinks without a license, approved by the board of police, and no license shall be considered legal by any of the authorities having jurisdiction within the District, until the same has been approved by the board of police, and so certified by the secretary thereof under the office seal.

22 Feb., 1867, c. 63, s. 5, v. 14, p. 402. Licenses for sale of intoxicating drinks.

23 July, 1866, c. 215, s. 3, v. 14, p. 213.

SEC. 436. The ownership and use of all telegraphic apparatus, public police property, books, records, and accouterments in the possession of the police departments of the cities of Washington and Georgetown, on the sixth day of August, one thousand eight hundred and sixty-one, shall be according to the laws or ordinances of the District.

[See §§ 1181-1183.]

Certain telegraphic apparatus and police property.

6 Aug., 1861, c. 62, s. 17, v. 12, p. 324.

Police code.

SEC. 437. The board of police is authorized, from time to time, without expense to the United States, to cause to be collected into compact form all the laws and ordinances in force in the District having relation and applicable to police and health, and to publish the same in a form easily accessible to all members of the community as the police code of the District.

16 July, 1862, c. 181, s. 11, v. 12, p. 581.

SEC. 438. The police code, prepared in accordance with the preceding section, and such rules as the board of police may from time to time adopt for the purpose of enforcing and carrying out the provisions thereof, shall constitute the law of the District upon the matters therein contained.

Its authority.

Ibid., pp. 581, 582.

CHAPTER FOURTEEN.

CONVEYANCE OF REAL ESTATE.

Sec.

439. Method of description.
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453. Certain conveyances for religious purposes not void for want of trustees.
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466. Certain exceptions abrogated.

SEC. 439. The legislative assembly has power to prescribe and regulate the manner in which description shall be made of all real estate sold or transferred in the District. [See § 476.]

Method of description.

17 May, 1848, c. 42, s. 8, v. 9, p. 228.

Spratt vs. Deeds to be recorded.

31 May, 1832, c. 112, s. 3, v. 4, p. 520.

SEC. 440. The recorder of deeds shall admit to record any deed for the conveyance of real estate or interest therein within the District, or declaring or limiting any use or trust of any such real estate, which is

21 Feb., 1871, c. 62, v. 16, p. 419. Spratt vs.