

In appeals to federal Supreme Court by both parties, a transcript of the record filed by either party may be used in both appeals.

which have been or may hereafter be duly taken by both parties from the judgment or decree of any district or circuit court to the Supreme Court of the United States, a transcript of the record filed in the Supreme Court of the United States by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party in the said Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases.

Federal district attorneys in California may certify, &c., records in land cases.

SEC. 2. *And be it further enacted,* That the district attorney of the United States of any district in California may transcribe and certify to the Supreme Court of the United States the records of the district court of his proper district in all land cases wherein the United States is a party, upon which appeals have been or may be taken to the Supreme Court of the United States; and records so certified by such district attorney under his hand, and filed in the Supreme Court of the United States, shall be taken as true and valid transcripts, to the same intent and purpose as if certified by the clerk of the proper district court; and the said district attorneys for the districts of California shall be authorized to employ such clerks, not exceeding three in number, as may be necessary to transcribe such records, at a compensation, for each of such clerks, not exceeding one hundred and fifty dollars per month, which shall be paid out of the appropriation for special and other extraordinary expenses of California land claims; and it shall be the duty of the clerk of any district court in California, on request of the district attorney of that district, to deliver to him the records in the cases before-mentioned on which appeals have been or may be taken, for the purpose of having them transcribed; and upon refusal or failure to do so, such clerk shall forfeit and pay to the United States the sum of five thousand dollars for each offence, to be recovered in an action of debt in any court of competent jurisdiction; and such clerk shall, moreover, be incapable of holding his said office of clerk, or any office under the United States.

Effect of such transcript of record.

Such attorneys may employ clerks.

Duty of clerks of courts in such cases.

Penalty.

APPROVED, August 6, 1861.

August 6, 1861.
1862, ch. 181.
Post, p. 578.

CHAP. LXII.—*An Act to create a Metropolitan Police District of the District of Columbia, and to establish a Police therefor.*

Metropolitan Police District of the District of Columbia established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Corporations of Washington and Georgetown, and the county of Washington, outside of the limits of said corporations, are hereby constituted, for the purposes of this act, into one district, to be called "The Metropolitan Police District of the District of Columbia."

Board of Police, who constitute and how appointed.

SEC. 2. *And be it further enacted,* That immediately upon the passage of this act, and thereafter from time to time, as required by this act, there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, five Commissioners of Police, who shall be the chief officers of the said "Metropolitan Police District," and who shall severally possess and perform therein the powers and duties authorized and enjoined by this act. The said commissioners, together with the mayors of the cities of Washington and Georgetown, ex officio, shall form the board of police for the said district, and a majority of them shall constitute a quorum of such board for the transaction of business.

Quorum.

Appointment.

Term of office.

How qualified.

SEC. 3. *And be it further enacted,* That three of said commissioners shall be appointed from the city of Washington, one from Georgetown and one from the county of Washington at large, for the term of three years, and until their successors are appointed and qualified, unless sooner removed by the President. The said commissioners shall meet at such time and place as may be designated by the President of the United States; and after being duly qualified, by taking and subscribing an oath

or affirmation before some person duly authorized to administer oaths in said District, to support the Constitution of the United States, and faithfully to discharge the duties of his office, shall proceed to discharge such duties as [are] prescribed by this act.

SEC. 4. *And be it further enacted,* That the officers of the board of police shall be a president and a treasurer, who shall each be selected from among said commissioners by themselves, who shall discharge such duties as the board may prescribe. The treasurer shall give a bond, with two sureties, to the satisfaction of said board, in the penal sum of ten thousand dollars, for the faithful discharge of the duties of his office. The board may also appoint a clerk, to hold his office during the pleasure of the board, and to receive a compensation to be fixed by the board, not to exceed the rate of one thousand dollars per annum, and who shall perform such duties as may be required by said board of police.

Officers of board of police.

Bond of treasurer.

Clerk; salary.

SEC. 5. *And be it further enacted,* That it shall be the duty of the board of police hereby constituted, at all times of the day and night, within the boundaries of the said police district, to preserve the public peace; to prevent crime, and arrest offenders; to protect the rights of persons and of property; to guard the public health; to preserve order at every public election; to remove nuisances existing in the public streets, roads, alleys, highways, and other places; to provide a proper police force at every fire, in order that thereby the firemen and property may be protected; to protect strangers and travellers at steamboat and ship landings and railway stations; 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 to enforce and obey all laws and ordinances of the city councils of the cities of Washington and Georgetown which are properly applicable to police or health, and not inconsistent with the provisions of this act.

Duty of board of police.

SEC. 6. *And be it further enacted,* That the duties of the board of police shall be more especially executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass, from time to time, for the proper government and discipline of its subordinate officers, by a police force for the whole of said police district, and authorized to do duty in any part thereof, without regard to residence or corporation lines.

Board may pass rules and regulations.

Police may act throughout the district.

SEC. 7. *And be it further enacted,* That the said police force shall consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem necessary, not exceeding, for the regular service, one hundred and fifty. The said offices hereby created for the said police force shall be severally filled by appointment from 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 said board, the laws of the United States, and the laws or ordinances existing within the District, enacted by the city or county authorities within the same, and which laws or ordinances apply to such part of the District where the members of the police force may be on duty.

Police force, of what to consist.

Officers, how appointed; tenure of office.

SEC. 8. *And be it further enacted,* That the qualifications, enumeration, and distribution of duties, mode of trial, and removal from office, of each officer of said 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: *Provided, however,* That no person shall be so appointed to office, or hold office in the police force aforesaid, 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 provided,* That no person shall be removed therefrom except upon written charges preferred against him to

Qualifications, duties, removal, &c.

Proviso.

Proviso.

the board of police, and after an opportunity shall have been afforded him of being heard in his defence.

Authority of police.

SEC. 9. *And be it further enacted,* That the members of the said police force 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 any warrant for search or arrest, issued by any magistrate of said District of Columbia, may be executed in any part of said district by any member of said police force, without any backing or indorsement of the said warrant, and according to the terms thereof; and all the provisions of law in relation to the giving and taking of bail in said district shall apply to this act. The superintendent of police and the sergeants 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.

Power to serve warrants.

Bail.

In cases of suspected felony.

District may be divided into precincts.

SEC. 10. *And be it further enacted,* That the board of police may divide the said district into precincts, not exceeding ten, and may assign one sergeant of police to each of said precincts. The board may, from time to time, establish a station or sub-station in each precinct for the accommodation of the police force on duty therein. It may, from time to time, detail and change, without regard to or limitation of residence, the sergeants or patrolmen 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, or of the cities of Washington and Georgetown, as it may deem advisable. It shall promulgate all regulations and orders through the superintendent of police, who shall take the place of the Mayor of the city of Washington or Georgetown, as being the head of the police departments or force in the said cities, but always subject to the orders and regulations of the board of police; and it shall be the duty of the police force to respect and obey the said superintendent of police, as the head and chief of the same, subject to the rules and regulations and general orders of the board of police.

Stations, details for duty.

Orders how promulgated.

Superintendent of police, authority, &c. of.

Board of police may employ additional patrolmen,

at whose expense, &c.

SEC. 11. *And be it further enacted,* That the board of police, whenever it shall see fit, shall, on the application of any person or persons, showing the necessity thereof, appoint and swear any additional number of patrolmen to duty at any place within the said district, at the charge and expense of the person or persons by whom the application shall be made, (but not to exceed the yearly sum provided for patrolmen of the force provided by this act as the general police force,) and the patrolmen so appointed 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 patrol force heretofore prescribed. The persons so employed 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 or persons who applied for the appointment aforesaid.

Special patrolmen; powers and duties.

SEC. 12. *And be it further enacted,* That 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 patrolmen, without pay, from among the citizens as it may deem advisable, and for a specified time, and during the term of service of such special patrolmen, he shall possess all the powers and privileges, and per-

form all the duties of the patrolmen of the standing police force of the District. And such special patrol shall wear an emblem, to be presented by the police commissioners.

Badge.

SEC. 13. *And be it further enacted,* That no member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one month's notice thereof, in writing, to the superintendent of police; and no person who shall ever have been removed from the police force established by this act, for cause, shall be reappointed by the board of police to any office in the said police force.

Resignation of policemen.

Who may not be reappointed.

SEC. 14. *And be it further enacted,* That all stolen property taken by the members of the police force shall be kept in a place and by a person to be designated by the board of police. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances, and the date of its receipt, and the name of the officer recovering the same. The board of police shall also cause to be kept 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. It shall also cause to be kept books of registry of lost, missing, or stolen property, for the general convenience of the public and of the police of the district. It shall also cause to be kept books of records of the police, wherein shall be entered the name of every member of the police force, with his time and place of 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 commissioner. It shall also cause to be kept in proper books the accounts of the treasurer of the board, and number of the several meetings thereof, and all receipts of moneys, or warrants or checks for moneys, shall be written in books kept for the purpose, and the said receipts signed by the person or persons in every case receiving money, warrants, or checks from the treasurer. All such books shall be, at all business hours, and when not in actual use, open to public inspection. The board of police shall also cause to be kept and bound all police returns and reports of the district.

Custody of stolen property.

General complaint books.

Registry of lost, &c., property.

Records of police, contents.

Treasurer's account.

Books to be open to public inspection.

Police reports and returns.

SEC. 15. *And be it further enacted,* That it shall be the duty of the common councils of the cities of Washington and Georgetown to provide at the expense of said cities, 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 offences, and the same suitably to warm and light. In case the said common councils, or either of them, neglect or refuse to do so, after having been thereto requested by the board of police, then the said 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 said city or cities whose common councils have so neglected or refused to make provision as aforesaid.

Cities of Washington and Georgetown to provide station-houses, &c.

Provision in case the city councils neglect or refuse so to do

SEC. 16. *And be it further enacted,* That in every case of arrest, the same shall be made known within six hours thereafter to the sergeant 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 said sergeant of police, within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police,

In cases of arrest.

together with the name of the party arrested, the offence, the place of arrest, and the place of detention. The board of police shall provide suitable accommodations within said 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 those 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.

Accommodations for detention of witnesses.

Telegraphic apparatus and public police property to be for use of board of police.

SEC. 17. *And be it further enacted,* That all telegraphic apparatus, public police property, books, records, and accoutrements, now in the possession of the police departments of the cities of Washington and Georgetown, are hereby given for the use of the board of police herein authorized; but the ownership of the same, and the use thereof as aforesaid, shall be according to the laws or ordinances which the city councils of said cities, respectively, in which said property is situated have enacted or may hereafter enact.

Expenses of criminal process, how borne.

SEC. 18. *And be it further enacted,* That the necessary expenses incurred in the execution of criminal processes within the said district shall be chargeable to the United States, as under existing laws.

Board of Health may call on police for aid.

SEC. 19. *And be it further enacted,* That the Board of Health, or proper health officer of the city of Washington or of Georgetown, shall have power to call upon any of the police force of the District to a number not exceeding six, to aid him, 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 him; but such service shall not continue longer than twenty-four hours. The board of police shall at all times, cause the ordinances and laws of the cities of Washington and Georgetown to be properly enforced; and it shall be the duty of said board, at all times, when consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired and comply with all requests made by the city councils of said cities, or by the mayors thereof.

Limit of such service.

Ordinances and by-laws to be enforced.

Board of police may call for military assistance to aid the civil authorities.

SEC. 20. *And be it further enacted,* That the board of police is hereby invested with all the powers now conferred by law upon the mayors of Washington or of Georgetown in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect the property, and preserve the public tranquillity. 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. Each commissioner of police, the superintendent of police, and the clerk of the board of police, are hereby given power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized, as aforesaid, and to any depositions necessary by the rules and regulations of the board of police. Any wilful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offence.

May compel attendance of witnesses.

Who may administer, &c., oaths.

What shall be perjury.

Penalty for using personal violence upon any elector or member of the police, &c.

SEC. 21. *And be it further enacted,* That it shall be a misdemeanor, punishable by imprisonment in the county jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars, for any person without justifiable or excusable cause, to use personal violence upon any elector in said district, or upon any member of the police force thereof when in the discharge of his duty, or for any such member to neglect making any arrest for an offence against the law of the United States committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

SEC. 22. *And be it further enacted,* That the treasurer of the board of police shall receive a stated salary of six hundred dollars per annum, and each commissioner shall receive an allowance of five dollars per day for each day of actual attendance upon the meetings or 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. The superintendent of police shall receive a salary of fifteen hundred dollars per annum, each sergeant of police six hundred dollars per annum, and each police patrolman forty dollars per month, as compensation for their services, respectively.

Pay of commissioners, treasurer, superintendent, officers and men.

SEC. 23. *And be it further enacted,* That from and after the first meeting of the board of police, under the provisions of this act, it shall possess all the power and authority heretofore conferred by law upon the auxiliary guard of the city of Washington, established by an act entitled "An Act to establish an auxiliary watch for the protection of public and private property in the city of Washington," approved August twenty-three, eighteen hundred and forty-two, and all acts in amendment thereto, and said auxiliary guard or watch is hereby abolished; and said board of police shall also possess all the power and authority heretofore conferred by law upon the mayor or any other officer or officers 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 shall relate to or in any way be connected with the police government or police discipline within either of said cities; and from and after the said first meeting and due organization of said board of police, the duty and authority and power of each and all of the aforementioned officers in relation to the police government, appointment, and discipline, shall wholly cease and vest as aforesaid in the said board of police constituted by this act, except that the mayors of Washington and Georgetown shall be, with the commissioners, members ex-officio of the board of police, and entitled to one vote each at every session thereof when present at its meetings.

Auxiliary guard abolished, &c.

1842, ch. 184. Vol. v. p. 511.

Authority of board of police.

SEC. 24. *And be it further enacted,* That the superintendent 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; and 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 Secretary of the Interior.

Superintendent of police to make quarterly report.

Board to make annual report.

SEC. 25. *And be it further enacted,* That no member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretence whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by this act, except by consent of the board of police.

Board of police and police, not to receive fees, &c., unless, &c.

SEC. 26. *And be it further enacted,* That all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid and given for extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall constitute the "policeman's fund," of which the board of police shall be the trustee, and may invest as they shall see fit. And whenever any member of the police force, in the actual discharge of his duty, shall become bodily disabled, his necessary expenses, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, during the time of his disabling, as aforesaid, continues, may become a charge upon the said fund. But the board of police may discontinue said allowance for any satisfactory reason.

Rewards, &c., to constitute the "Policeman's fund."

Who may enjoy the fund.

SEC. 27. *And be it further enacted,* That the board of police shall require and make suitable provisions respecting security to be entered into

Board to make regulations as to

security to be given by the superintendent, &c. and as to an oath of office.

Appropriation.

1861, ch. 44.
Ante, p. 144.

Repealing clause.

by the superintendent of police and by the sergeants of police, and for the taking by members of the police force of an oath of office, and the registry of the same, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer the same.

SEC. 28. *And be it further enacted*, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, including the payment of salaries and all other necessary charges and expenses of the "Metropolitan Police," for the year ending June thirty, eighteen hundred and sixty-two, in addition to the balance of the appropriation made by the act approved February twenty, eighteen hundred and sixty [one,] "for the compensation of the auxiliary guard, and one lieutenant, and for fuel, oil, and lamps, and for twenty policemen," which balance is hereby directed to be applied to the purposes of this act, the sum of sixty thousand dollars.

SEC. 29. *And be it further enacted*, That all statutes, parts of statutes, and provisions of law inconsistent with the provisions of this act, are hereby repealed.

APPROVED, August 6, 1861.

August 6, 1861.

CHAP. LXIII. — *An Act to increase the Pay of the Privates in the Regular Army and in the Volunteers in the Service of the United States, and for other Purposes.*

Pay of privates in regular army.
Post, p. 594.

When pay of volunteers to commence.

1861, ch. 16.
Ante, p. 274.

Acts, proclamations, and orders of the President legalized.

Procl. Nos. 3-7.
Post, pp. 1258-1261.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pay of the privates in the regular army and volunteers in the service of the United States be thirteen dollars per month for three years from and after the passage of this act and until otherwise fixed by law.

SEC. 2. *And be it further enacted*, That the provisions of the act entitled "An Act for the Relief of the Ohio and other Volunteers," approved July twenty-fourth, eighteen hundred and sixty one, be and the same are hereby extended to all volunteers mustered into the service of the United States, whether for one, two, or three years, or for and during the war.

SEC. 3. *And be it further enacted*, That all the acts, proclamations, and orders of the President of the United States after the fourth of March, eighteen hundred and sixty-one, respecting the army and navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

APPROVED, August 6, 1861.

August 6, 1861.

CHAP. LXIV. — *An Act requiring an Oath of Allegiance, and to Support the Constitution of the United States, to be administered to certain Persons in the civil Service of the United States.*

Persons in the civil service of the government to take oath of allegiance.

Form of oath.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the heads of the several departments to cause to be administered to each and every officer, clerk, or employé, now in their respective departments, or in any way connected therewith, or who shall hereafter in any way become connected therewith, the following oath, viz.: "I do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that