

Examination of
persons arrest-
ed in day time.

826. All persons arrested in the day time under the provisions of this act shall be taken by the officer or officers making the arrest, immediately before the nearest magistrate for examination previous to their incarceration in either of the watch houses or jail of the city of Baltimore.

In force from March 8, 1867.

Notes—1861 c 46 relating to closing bar-rooms unrepealed by above act, is incorporated in said act, with modifications, as section 818 thereof 1861, c 6, relating to the constabular and justiciary power of the board over negroes and mulattoes is also unrepealed by 1867, c. 367, but was rendered obsolete by 1865, c 106, relating to negroes.

1867. c 117 provides for the liquidation and settlement of arrearages of pay, due to the officers and men of the police force appointed and organized under act of 1860 c 7.

It was held, under the acts of 1860, c 7, 1862, c. 111 and 1862, c 131, relating to the former Board of Police that, as a board of state officers, possessing the power, among others, to make disbursements, they could not be disturbed or their power suspended, except by the Legislature, and the disbursement of a portion of the fund for the payment of the salary of one of the board, was a legal exercise of their official duty. A check given to one of the board, and accepted by him in payment of his salary, must be held to be a legal appropriation and disbursement, excluding to that extent the board from any further control over the amount thus appropriated. Though displaced by a force to which they yielded and could not resist, their powers and rights under their organization were still preserved and they were amenable for any dereliction of official duty, except in so far as they were excused by uncontrollable events. They were a board of state officers, strictly within the jurisdiction of the state authorities, and the courts in determining their rights and obligations, have no other guide than the statute law of the state applicable to the case and the parties presenting the appeal. Mayor, &c, of Balt v. Howard et al, 20 Md. 335. The validity and constitutionality of the act of 1861 c 7 by which the Board of Police was created, was determined in Mayor, &c, Balt v State ex rel. of the Board of Police of Balt 15 Md. 376.

STREETS.

1864, c. 163 s. 353 repeals and re-enacts the same as follows:

1864, c 163
Corporation
may compel
owners of prop-
erty binding
on Jones' Falls
to build walls

853. The mayor and city council of Baltimore may, whenever they deem it necessary, compel any individuals, companies, or bodies politic owning property binding on Jones' Falls, within the limits of the city, to wall up such property, so far as the same may bind on the falls, with a good and sufficient stone wall, to such height as in their judgment the public good may require, and to have the same backed up or filled in with earth, so as to secure the same and the adjacent property from danger of being inundated with water; and the said mayor and city council may, whenever they deem it necessary, compel any individuals, companies or bodies politic to rebuild or repair, in a good and sufficient manner, any stone wall owned