

CHAP. 960.—An Act To create a juvenile court in and for the District of Columbia.

March 19, 1906.
[S. 51.]

[Public, No. 56.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created and established in and for the District of Columbia a court, to be known as "The juvenile court of the District of Columbia."

District of Columbia.
Juvenile court established.

SEC. 2. That the judge of said court shall be known as the judge of the juvenile court, and shall be appointed by the President of the United States, subject to removal by the President for cause, and by and with the advice and consent of the Senate for a term of six years, or until his successor is appointed and confirmed. No person shall be appointed to the office of judge of the said court who is not learned in law. Said judge shall receive an annual salary of three thousand dollars, and he shall be entitled to thirty days' leave of absence without deduction from salary. Said judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States.

Judge.

Term.

Salary.

Oath.

SEC. 3. That in cases of sickness, absence, disability, expiration of term of service, or death of the judge of the juvenile court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace of said District to discharge the duties of said judge of the juvenile court until such disability be removed or vacancy filled, and the justice of the peace so designated shall, before entering upon his duties as such acting judge, take the oath prescribed for judges of courts of the United States; and said acting judge shall receive five dollars per day in addition to his salary as justice of the peace for the term that he shall serve, to be paid in the same manner as the salary of the judge of the juvenile court.

Filling vacancy in case of sickness, etc.

Compensation.

SEC. 4. That the said court shall also have power to appoint two discreet persons of good character as probation officers, one male and one female, and one shall be designated as chief probation officer, who shall receive an annual salary of one thousand five hundred dollars, and the other shall be designated as assistant probation officer, who shall receive an annual salary of nine hundred dollars. Such probation officers shall perform such duties and be governed by such regulations as may be prescribed by the presiding judge, and such presiding judge is authorized to remove such probation officers or either of them, for cause.

Probation officers.

Salaries.

Duties.

SEC. 5. That the said court shall also have power, and is hereby authorized, to defer sentence, at its discretion, in the case of any juvenile offender under the age of seventeen years, and parole such child under the care of the chief probation officer for a probation period discretionary with him, who shall cause said child to return to court at the end of such term either for sentence or dismissal. Such paroled child shall be under the jurisdiction of the juvenile court for such period and shall be subject to such reasonable rules and regulations touching the welfare of the child as may be prescribed by it. In case such paroled child shall fail to keep or shall disregard the terms of his or her parole the said court shall have full power to cause such child to be brought before it for further proceedings.

Sentence may be deferred and parole granted.

SEC. 6. That the said court shall have power to appoint a clerk at a salary of two thousand dollars per annum, who shall hold his office during the pleasure of the court.

Clerk.

SEC. 7. That the clerk shall give bond, with surety, and take the oath of office prescribed by law for clerks of district courts of the United States. He shall have power to administer oaths and affirmations, and shall perform such duties and keep such records as may be prescribed by the judge of said court.

Bond, etc.

SEC. 8. That the juvenile court of the District of Columbia shall have original and exclusive jurisdiction of all crimes and offenses of persons under seventeen years of age hereafter committed against the

Jurisdiction. Offenders under 17 years of age.

Crimes, etc.	United States, not capital or otherwise infamous, and not punishable by imprisonment in the penitentiary, committed within the District of Columbia, except libel, conspiracy, and violations of the post-office and pension laws of the United States, and also of all offenses of persons under seventeen years of age hereafter committed against the laws, ordinances, and regulations of the District of Columbia, and shall have power to examine and commit or hold to bail all persons under seventeen years of age, either for trial or further examination, in all cases, whether cognizable therein or in the supreme court of the District of Columbia.
Exceptions.	Said juvenile court shall have all the powers and jurisdiction conferred by the Act entitled "An Act for the protection of children, and so forth," approved February thirteenth, eighteen hundred and eighty-five, upon the police court of the District of Columbia, and shall also have original and exclusive jurisdiction of all cases involving the legal punishment of children under the provisions of "An Act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July twenty-sixth, eighteen hundred and ninety-two (Twenty-seventh Statutes, page two hundred and sixty-eight), and of the Acts amendatory thereof; also of all cases under the provisions of "An Act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes," approved March third, nineteen hundred and one (Thirty-first Statutes, page ten hundred and ninety-three), and said juvenile court may hereafter, concurrently with the criminal court, have and exercise all the powers and jurisdiction conferred by said last-mentioned Act upon the police court of the District of Columbia in the case of parents or guardians who shall refuse or neglect to provide food, clothing, and shelter for any child under the age of fourteen years: <i>And it is further provided,</i>
Protection of children. Vol. 23, p. 302.	That the court may impose conditions upon any person found guilty under the said last-mentioned Act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended, and may impose similar conditions in all cases of dependent or delinquent children cognizable under existing laws in any court of the District of Columbia, except in the cases hereinbefore already excepted; and the said juvenile court may also hear, try, and determine all cases of persons less than seventeen years of age charged with habitual truancy from school, and in its discretion to commit them to the Board of Children's Guardians, who are hereby given the care and supervision thereof when so committed. No person under seventeen years of age shall hereafter be placed in any institution supported wholly or in part at the public expense until the fact of delinquency or dependency has been first ascertained and declared by the said juvenile court. All children of the class now liable to be committed to the Reform School for Boys and the Reform School for Girls shall hereafter be committed by the juvenile court to said schools respectively. All other children delinquent, neglected, or dependent (with the exceptions hereinbefore stated) shall hereafter be committed by the juvenile court to the care of the Board of Children's Guardians, either for a limited period on probation or during minority, as circumstances may require, and no child once committed to any public institution by the order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of the said court.
Dependent children, etc. Vol. 27, p. 268.	SEC. 9. That the terms "dependent" or "neglected" children as used in this Act shall be held to mean and include any child who is destitute or homeless or abandoned or dependent upon the public for support, or who has not the proper parental care or guardianship, or who habitually begs or receives alms, or whose home, by reason of neglect or cruelty or depravity of the parents, is an unfit place for
Delinquent children, etc. Vol. 31, p. 1095.	
Nonsupport by parents, etc.	
<i>Proviso.</i> Suspension of sentence.	
Habitual truancy.	
Commitments. To reform schools.	
To Board of Children's Guardians.	
Meaning of "dependent" or "neglected" children.	

such a child, or any child under eight years of age found peddling on the streets. The term "delinquent" child or children as used in this Act shall be held to mean and include any child who has been convicted more than once of violating any law of the United States, or any laws, ordinances, or regulations in force in the District of Columbia.

Meaning of "delinquent" child.

SEC. 10. That any unlawful removal or attempt to remove any child committed by the juvenile court to any institution or agency shall be a misdemeanor, which, if committed by any person or persons over seventeen years of age, shall be punishable, on conviction in the police court, by a fine not exceeding fifty dollars, or imprisonment not more than three months; but if committed by a person or persons under seventeen years of age, shall be punishable, on conviction in the juvenile court, by a like fine, or by imprisonment in some correctional institution to be designated by said court, other than the jail or workhouse, for such reasonable period as such court shall direct.

Punishment for unlawful removals, etc.

SEC. 11. That there shall be no fee charged for any service by the clerk.

Clerk fees prohibited.

SEC. 12. That prosecutions in the juvenile court shall be on information by the corporation counsel or his assistant. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury. In all cases where the accused would not under the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be fifty dollars or more, or imprisonment as punishment for the offense may be thirty days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

Prosecutions.

Jury trial.

Penalties.

SEC. 13. That in all cases of riot, general disorder, conspiracy, and the like, where two or more persons are charged with the commission of a joint offense, and one or more of the persons so charged shall be under the age of seventeen years, it shall not be necessary to hold the trial of such case or cases in the said juvenile court, but the trial of such offenders shall be conducted as heretofore, anything in this Act to the contrary notwithstanding.

Riots, etc.

SEC. 14. That the jury for service in said court shall consist of twelve men, who shall have the legal qualifications necessary for jurors in the supreme court of the District, and shall receive a like compensation for their services, and such jurors shall be known and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said juvenile court shall be for three successive monthly terms of said court, and in any case on trial at the expiration of such time until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the Saturday prior to the beginning of the following term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court

Jury.

Term of service.

Terms.

shall proceed with the trial by the same jury as if said term had not commenced.

Empaneling the jury.

SEC. 15. That at least ten days before the term of service of said jurors shall begin, as herein provided for, such jurors shall be drawn as hereinbefore directed, and at least twenty-six names so drawn shall be certified by the clerk of the supreme court of said District of Columbia to the said juvenile court for service as jurors for the then ensuing term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose the judge of said juvenile court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term. No person shall be eligible for service on a jury in said juvenile court for more than one jury term in any period of twelve consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. The marshal of said District, by himself or deputy, shall have charge of said jury, and may appoint a deputy for that purpose, who shall be paid three dollars a day while so employed.

Judgments.

SEC. 16. That in all cases tried before said court the judgment of the court shall be final, except as hereinafter provided.

Process for arrest.

SEC. 17. That the said court shall have power to issue process for the arrest of persons against whom information may be filed or complaint under oath made, and to compel the attendance of witnesses; to punish contempts by fine not exceeding twenty dollars and imprisonment for not more than forty-eight hours, or either, and to enforce any of its judgments by fine or imprisonment, or both, and to make such rules and regulations as may be deemed necessary and proper for conducting business in said court. In all cases where the said court shall impose a fine, it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year. That every person charged with an offense triable in the juvenile court of the District of Columbia may give security for his appearance for trial or for further hearing, either by giving bond to the satisfaction of the court or by depositing money as collateral security with the appropriate officer of the said juvenile court or the station keeper of the police precinct within which such person may be apprehended. And whenever any sum of money shall be deposited as collateral security as hereby provided it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America, or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or of the said District, and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money. And all fines payable and paid under judgment of the said juvenile court shall, upon their payment immediately become, in contemplation of law, the property of the United States or the said District, according to the charge upon which such fine may be adjudged, and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District, as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both.

Punishment for contempt.

Penalty.

Bail.

Forfeiture.

Fines.

Wrongful conversion of funds.

Penalty.

Oaths, etc.

SEC. 18. That the said court shall have a seal, and the judge or the acting judge thereof shall have power to administer oaths and affirmations.

SEC. 19. That the said court shall hold a term on the first Monday of every month and continue the same from day to day as long as it may be necessary for the transaction of its business.

Terms.

SEC. 20. That all fines, penalties, costs, and forfeitures imposed or taxed by the said juvenile court shall be paid to the clerk of said court, either with or without process, or on process ordered by said court. The clerk of said court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs, and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia. The said clerk shall render an itemized statement of each deposit aforesaid upon such forms and in such manner as shall be prescribed by the auditor of the District of Columbia.

Fines, etc., paid to clerk.

Deposit of fines, etc.

Statement.

SEC. 21. That it shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the juvenile court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. The auditor of the District shall have free access to all books, papers, and records of the said court.

Audit of accounts.

SEC. 22. That all appeals from the juvenile court shall be heard and determined in the court of appeals of the District of Columbia. If, upon the trial of any cause in the juvenile court, an exception be taken by or on behalf of the United States, the District of Columbia, or any defendant, to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the said court of appeals for the transaction of business to be brought before it under this section, and for the time and method for the entry of appeals and for giving notice of writs of error thereto from the said juvenile court; and if upon presentation to any justice of the said court of appeals of a petition which, in the case of a defendant, shall be verified, setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said court of appeals addressed to the said juvenile court, which shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of his said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals as hereinbefore provided. Any party desiring the benefit of the provisions of this section shall give notice in open court of his, her, or its intention to apply for a writ of error upon such exceptions, and thereupon proceedings therein shall be stayed for ten days: *Provided*, That the defendant seeking an appeal shall there and then enter into recognizance, with sufficient surety, to be approved by the judge of the juvenile court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days, appear in said juvenile court and abide by and perform its judgment, and that in the event of the granting of such writ of error he will appear in said court of appeals and prosecute the writ of error and abide by and perform its judgment in the premises. Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the juvenile court shall stand and be executed; otherwise execution shall be stayed pending proceedings upon his or her application for a writ of error and until final disposition thereof by the said court of appeals.

Appeals.

Bill of exceptions.

Review.

Notice of writ of error.

Proviso.
Bonds.

Failure to provide security.

Marshal's deputies to serve.

SEC. 23. That the marshal of the District of Columbia is authorized and directed to designate one of his deputies to serve at the juvenile court, where he shall perform such services as are required by the presiding judge.

Encouraging delinquency a misdemeanor.

SEC. 24. That in all cases where any child shall be found to be a delinquent child, as defined in section nine of this Act, the parent or parents, legal guardian, or person having the custody of such child, or any other person responsible for or by any act encouraging, causing, or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof in the juvenile court of the District of Columbia, which is hereby given jurisdiction, shall be fined in a sum not exceeding two hundred dollars or imprisoned in the District jail for a period not exceeding three months, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this Act, and as long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

Penalty.

Suspension of sentence.

Effect.

SEC. 25. That the provisions of this Act shall be in full force and effect on and after July first, nineteen hundred and six, and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

One-half from District revenues.

SEC. 26. That one-half of the expenses hereby incurred under the provisions of this Act shall be paid by the District of Columbia and one-half by the United States.

Approved, March 19, 1906.

March 19, 1906.
[H. R. 8107.]

CHAP. 961.—An Act Extending the public-land laws to certain lands in Wyoming.

[Public, No. 57.]

Wyoming.
Land laws extended to cession of Shoshone and Arapaho Indians in.
Vol. 30, p. 93.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the public-land laws of the United States be, and the same are hereby, extended to the lands embraced within the territory ten miles square ceded to the United States by the Shoshone and Arapaho Indians by the agreement ratified by the Act approved June seventh, eighteen hundred and ninety-seven.

Approved, March 19, 1906.

March 19, 1906.
[H. R. 10101.]

CHAP. 962.—An Act Authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota.

[Public, No. 58.]

Minnesota.
Sale of lands to, in Dakota County.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to sell and convey unto the State of Minnesota, under such provision as he may direct, and for such compensation as he may deem adequate, the following tract of land, which was heretofore purchased by the United States for the purpose of allotting the same to certain Sioux Indians, residing in the State of Minnesota, situated in the county of Dakota and State of Minnesota, described as follows, to wit: Southeast quarter of the southeast quarter of section twenty-seven, township numbered one hundred and fifteen, range seventeen: *Provided,* That the land shall not be sold at less than the appraised value.

Description.

Proviso.
Minimum price.

Use of proceeds, etc.

SEC. 2. That the proceeds arising from the sale of such land shall, if the Secretary of the Interior so elect, be paid to said proposed allottees or their representatives, or lieu lands purchased for them elsewhere.

Approved, March 19, 1906.