

CHAP. 460.—An Act To provide for commitments to, maintenance in, and discharges from the District Training School, and for other purposes.

March 3, 1925.
[H. R. 9435.]
[Public, No. 578.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the institution for the custody, care, education, training, and treatment of feeble-minded persons, established by the 1924 District of Columbia Appropriation Act, shall be under the control and supervision of the Board of Charities of the District, and shall be known as the District Training School.

District of Columbia.
District Training
School established for
feeble-minded persons.
Vol. 42, p. 1360.

SEC. 2. The words "feeble-minded persons" in this Act shall be construed to mean any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of managing himself and his affairs, or being taught to do so, and who requires supervision, control, and care for his own welfare, or for the welfare of others, or for the welfare of the community, and is not insane or of unsound mind to such an extent as to require his commitment to Saint Elizabeths Hospital, as provided by the Act of April 27, 1904 (Thirty-third Statutes at Large, page 316), or other laws now in effect with respect to the commitment and custody of insane persons.

Persons construed as
feeble-minded.

Vol. 33, p. 316

SEC. 3. The Board of Charities shall make all necessary rules and regulations for enforcing discipline, for imparting instruction or preserving health, and for the physical, intellectual, and moral training of the inmates of said institution. The said board shall make annually to the Commissioners of the District of Columbia a report for the preceding fiscal year ending the 30th day of June. Said report shall show for such period the number and names of the superintendent, officers, teachers, and all other regular employees, and the salaries paid to each, and what, if any, other emoluments are allowed and to whom. Said board shall also cause a full and accurate inventory to be taken at the close of each fiscal year, showing the number of acres of land and the value thereof, the number, kind, and value of buildings, the various kinds of personal property and the value thereof, and a copy of said inventory, duly verified on oath by the officer making said inventory, shall accompany said report.

Rules and regula-
tions to be prescribed.

Annual report to
Commissioners.
Details.

Inventory to accom-
pany.

SEC. 4. The Board of Charities shall appoint a superintendent, who shall be experienced in the care, training, and treatment of the feeble-minded. He shall be the chief executive officer of the institution and may be removed by the said board.

Superintendent to be
appointed as chief ex-
ecutive officer.

SEC. 5. The superintendent of the said institution may sell such of the farm, greenhouse, and garden products, and the products of the industrial shops as may not be required in the maintenance and conduct of the home and school, and the funds so secured shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the proportion required by law.

Sale of products.

SEC. 6. There shall be received into the said institution, subject to such rules and regulations as the Board of Charities may adopt, and pursuant to the provisions of this Act, feeble-minded persons of not more than forty-five years of age.

Age limitation.

SEC. 7. When any person who is a resident of the District of Columbia shall be supposed to be feeble-minded his guardian, or any relative, or any reputable citizen of the District of Columbia may file with the clerk of the Supreme Court of the District of Columbia a petition, in writing, setting forth that the person therein named is feeble-minded, and such other facts as are necessary to bring such person within the purview of this Act; also the name and residence of some person, if any there be, actually supervising, caring for, or

Petition by guardian,
etc., for admission of
feeble-minded person.

Contents.

supporting such person and of at least one person, if any there be, legally chargeable with such supervision, care, or support, or that such names and residence are unknown to the petitioner, and also the names and residences, or that the same are unknown, of the parents or guardians.

The petition shall also allege whether or not such person has been examined by a qualified physician having personal knowledge of the condition of such alleged feeble-minded person. There shall be indorsed on such petition the names and residences of witnesses known to the petitioner, by whom the truth of the allegations of the petition may be proved, as well as the name and residence of a qualified physician, if any is known to the petitioner, having personal knowledge of the case.

All persons named in such petition or whose names are indorsed thereon shall be notified of such proceedings by proper summons issued by the clerk of said court. The petition shall be verified by affidavit, which shall be sufficient if it states that it is based upon information and belief. Process shall be issued against such persons as are mentioned in the petition but whose names are unknown to the petitioner, by the designation "To all whom it may concern," and such designation and notice shall be sufficient to authorize the court to hear and determine the proceedings as though the parties had been summoned by their proper names.

SEC. 8. The summons shall require all persons upon whom served to personally appear at the time and place stated therein and to bring into court the alleged feeble-minded person. No written answer shall be required to the petition, but the cause shall stand for hearing upon the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof. No service of process shall be necessary upon any of the persons named in the petition or whose names are indorsed thereon if they appear or are brought before the court personally without service of summons. Summons in proceedings hereunder may be served by any officer authorized by law to serve processes of the Supreme Court of the District of Columbia.

SEC. 9. Upon the filing of such petition the court shall appoint two physicians, at least one of whom shall be skilled in the diagnosis and treatment of mental diseases to make an examination of the alleged feeble-minded person to determine his mental and physical condition, and their certificate shall be filed with the court on or before the hearing on the petition. The persons so appointed are empowered to go where such alleged feeble-minded person may be and make such personal examination of him as will enable them to offer an opinion as to his physical and mental condition, and no certificate shall be made by them except after such examination.

SEC. 10. That upon the filing of the petition, or upon motion at any time thereafter, if it shall be made to appear to the court by evidence given under oath that it is for the best interest of the alleged feeble-minded person or of other persons or of the community that such person be at once taken into custody, or that the service of summons will be ineffectual to secure the presence of such person, a warrant may issue on the order of the court directing that such person be taken into custody and brought before the court forthwith or at such time and place as the judge may appoint, and, pending the hearing of the petition, the court may make any order for the detention of such feeble-minded person, or the placing of such feeble-minded person under temporary guardianship of some suitable person, on such person entering into a recognizance for his appearance, as the court shall deem proper. But no such alleged feeble-minded person shall, during the pendency of the hearing of

Further statements,
etc.

Notification of pro-
ceedings.

Issue of process.

Service of summons,
etc.

Court to appoint two
physicians to examine
as to mental and physi-
cal condition.

Certificate after per-
sonal examination.

Order of court to take
the person into cus-
tody.

Detention pending
hearings.

Place restricted.

the petition, be detained in any place provided for the detention of persons charged with or convicted of any criminal or quasi-criminal offense.

SEC. 11. At any time after the filing of the petition and pending the final disposition of the case the court may continue the hearing from time to time. The court shall in all cases take proofs as to the financial circumstances of the patient and his relatives legally liable for his support, and shall take proofs as to the alleged condition of such person and his personal and family history, and shall fully investigate the facts before making an order, and if no jury is required the court shall determine the question of whether such person is a feeble-minded person. If the court shall deem it necessary, or if such alleged feeble-minded person or any relative or any person with whom he may reside shall so demand, a jury shall be summoned to determine the question of whether such person is feeble-minded. Such jury shall be selected from the jurors in attendance upon the court or a special jury may be summoned to determine such question.

Proofs to be taken by the court before determination.

Summoning of jury.

SEC. 12. If the court or the jury shall find such alleged feeble-minded person not to be feeble-minded as defined in this Act, he shall order the petition dismissed and the person discharged. If the court shall find such alleged feeble-minded person to be feeble-minded and subject to be dealt with under this Act, having due regard to all the circumstances appearing on the hearing, the guiding and controlling thought throughout the proceedings to be the welfare of the feeble-minded person and the welfare of the community, the court shall enter a decree directing that such feeble-minded person be placed in the said institution, and such decree so entered shall stand and continue binding upon all persons whom it may concern until rescinded or otherwise regularly superseded or set aside.

Petition dismissed and person discharged if not found feeble-minded.

Decree placing party in institution if found feeble-minded.

SEC. 13. If at the time of or before the making of such order a bond in the penal sum of \$1,000, executed by a surety company authorized to do business in the District of Columbia, or by two or more sureties to be approved by the court, running to the United States and conditioned for the payment of the support and maintenance of the patient in the manner prescribed by law, shall be delivered to the court, together with the sum of \$50 as an advance payment toward the support of such patient, admission shall be ordered as a private patient, otherwise as a public patient. Such bond and advance payment, together with the order of admission and bond, shall be transmitted by the clerk of the court to the superintendent of the institution. Until such bond and advance payment are delivered to the superintendent the person shall be admitted to the home and training school only as a public patient. At the request of the superintendent the court shall require the sureties on such bond to justify their responsibility anew or order that a new bond be given in place of the original, which justification or new bond shall be transmitted to the superintendent, and unless such justification or bond shall be delivered to the superintendent within thirty days the patient shall from the time of such request be regarded as a public patient.

If bond furnished for support, to be ordered as a private patient, otherwise a public.

Transmission of bond, etc.

Renewal of bond, etc.

SEC. 14. If the order for admission is as a public patient and it shall appear from the proofs taken in writing as aforesaid that the patient has an estate out of which the Government may be reimbursed for his maintenance, in whole or in part, the court shall direct in its order of admission the payment out of such estate of the whole or such part of the cost of maintenance of said patient at said institution as it shall deem just, regard being had for the needs of those having a legal right to support out of said estate,

If admitted as a public patient, but has an estate, payment may be ordered therefrom, etc.

which said order shall remain in full force and effect until modified by proceedings under section 20 of this Act, or until the patient shall be discharged from said institution, and the court committing such patient shall be notified of such discharge.

Proceedings if there are relatives legally liable for support of patient.

Order for payment to be issued.

Duty of Board of Charities to receive sums due, etc.

Enforcement of order.

Person admitted as public may have order changed to private patient upon delivery of bond, etc.

Discharges restricted.

Petition to court for discharge, etc., allowed.

Action of court.

Causes for discharges, etc.

SEC. 15. If the order for admission is as a public patient and the court finds that the patient has not an estate out of which the Government may be fully reimbursed for his maintenance, and if it appears that there are relatives who are legally liable for his support, the court shall issue to such relatives a citation to show cause why they should not be adjudged to pay a portion or all of the expense of maintenance of such patient in the said institution. The citation shall be served at least ten days before the hearing on said citation. If it shall, upon such hearing, appear to the court that such patient has not sufficient estate out of which the Government may properly be fully reimbursed and that he has relatives who are parties to the proceedings and who are legally liable for his support, and who are able to contribute thereto, the court may make an order requiring payment by such relatives of such sum or sums as it may find they are reasonably able to pay and as may be necessary to reimburse the Government for the maintenance of such patient. Said order shall require the payment of such sums to the Board of Charities annually, semiannually, or quarterly as the court may direct. It shall be the duty of the board to collect the said sums due under sections 14 and 15 and under this section, and to turn the same into the Treasury of the United States to the credit of the District of Columbia and the United States in the proportion required by law. Any such order may be enforced against any property of the feeble-minded person or of the person liable or undertaking to maintain him in the same way as if it were a judgment or decree for temporary alimony in a divorce case.

SEC. 16. If any person shall be admitted as a public patient, his order for admission may be changed to that of a private patient by executing and delivering to the court the bond and advance payment for his support mentioned in section 14. Thereupon the court shall make an order changing the admission of said person from a public to a private patient.

SEC. 17. No feeble-minded person admitted to the said institution pursuant to an order of court as herein provided shall be discharged therefrom except as herein provided, except that nothing herein contained shall abridge the right of petition for the writ of habeas corpus. At any time after the admission of the feeble-minded person pursuant to an order of court as herein provided, any of the relatives or friends of the feeble-minded person, or any reputable citizen, or the superintendent of the institution having the feeble-minded person in charge, or the Board of Charities, may petition the court that entered the order of admission to discharge the feeble-minded person, or to vary the order of the court sending the feeble-minded person to the institution. If on the hearing of the petition the court is satisfied that the welfare of the feeble-minded person or the welfare of others or the welfare of the community requires his discharge or a variation of the order, the court may enter such order of discharge or variation as the court thinks proper. Discharges and variations of orders may be made for either of the following causes: Because the person adjudged to be feeble-minded is not feeble-minded; because he has so far improved as to be capable of caring for himself; because the relatives or friends of the feeble-minded person are able and willing to supervise, control, care for, and support him, and request his discharge, and in the judgment of the superintendent of the institution having the person in charge no evil consequences are

likely to follow such discharge; but the enumeration of grounds of discharge or variation herein shall not exclude other grounds of discharge or variation which the court, in its discretion, may deem adequate, having due regard for the welfare of the person concerned or the welfare of others or the welfare of the community. On any petition of discharge or variation the court may discharge the feeble-minded person from all supervision, control, and care, or make such variation of the order as to maintenance as the court thinks fit under all the circumstances appearing on the hearing of the petition. The superintendent of the institution having the feeble-minded person in charge must be notified of the time and place of hearing on any petition for discharge or variation, as the court shall direct, and no order of discharge or variation shall be entered without giving such superintendent a reasonable opportunity to be heard; and the court may notify such other persons, relatives, and friends of the feeble-minded person as the court may think proper of the time and place of the hearing on any petition for discharge or variation of prior order. No person shall be charged with any greater degree of financial responsibility for the support of such feeble-minded person by variation of the order as to maintenance without notice and a reasonable opportunity to be heard. The denial of one petition for discharge or variation shall be no bar to another on the same or different grounds within a reasonable time thereafter, such reasonable time to be determined by the court in its discretion, discouraging frequent, repeated, frivolous, ill-founded petitions for discharge or variation of prior order.

Superintendent, etc., to be notified of hearings.

Notice of variation of order.

Denial of one petition not a bar to another.

SEC. 18. Any person who shall knowingly contrive or who shall conspire to have any person adjudged feeble-minded under this Act, unlawfully and improperly, or any person who shall violate any provision of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding \$1,000 or imprisoned not exceeding one year, or both, in the discretion of the court in which such conviction is had.

Contriving to have a person improperly adjudged feeble-minded, a misdemeanor.

Punishment for.

SEC. 19. When a child is brought before the juvenile court of the District of Columbia as a dependent or delinquent child, if it appears to the court, on the testimony of a physician or psychologist or other evidence, that such person or child is feeble-minded within the meaning of this Act, the court may adjourn the proceedings and direct some suitable officer of the court or other suitable reputable person to file a petition under this Act; and the court may order that pending the preparation, filing, and hearing of such petition the person or child be detained in a place of safety or be placed under the guardianship of some suitable person on that person entering into recognizance for his appearance.

Delinquent child before juvenile court, if apparently feeble-minded, to have petition filed under this Act.

Detention pending action of court.

SEC. 20. On the conviction by a court of record of competent jurisdiction of any person of any crime, misdemeanor, or any violation of any ordinance which is in whole or in part a violation of any statute of the District of Columbia, the court, if satisfied on the testimony of a physician or a psychologist or other evidence that the person or child is feeble-minded within the meaning of this Act, may suspend sentence, or suspend entering an order sending the child to a reformatory, training, or industrial school, and direct that a petition be filed under this Act. When the court directs a petition to be filed it may order that pending the preparation, filing, and hearing of the petition, the person or child be detained in a place of safety, or be placed under the guardianship of any suitable person on that person entering into a recognizance for his appearance. If upon the hearing of said petition or upon any subsequent hearing under this Act the person is found not to be feeble-minded, the court shall impose sentence.

On conviction of any crime, etc., the court, if satisfied that the person is feeble-minded, may direct filing petition.

Retention pending action of court.

Sentence imposed if person not feeble-minded.

Transfer to Saint Elizabeths Hospital if patient becomes insane.

Support, etc.

Docket to be kept of all proceedings in feeble-mindedness.

Inmates of Boys or Girls Training Schools, if found feeble-minded, may be transferred.

Removal of persons not legal residents of the District.

Paroles, etc., may be granted.

Expense by guardians, etc.

Service on inmates to be only by superintendent.

Return, etc.

No contract by patient allowed unless first approved and entered of record by District Supreme Court.

SEC. 21. When any person shall become insane while confined in said institution and the superintendent shall certify in writing that such patient is insane and is not a fit subject for care and maintenance at said institution, the said Supreme Court shall issue an order for his admission to Saint Elizabeths Hospital. Such transfer shall not affect the liability on any bond for private support, or any order for reimbursement for public support, but all such bonds and orders for reimbursement shall be liable and in full force for the cost of maintenance at the said asylum.

SEC. 22. The Supreme Court of the District of Columbia shall keep a separate docket of proceedings in feeble-mindedness, upon which shall be made such entries as will, together with the papers filed, preserve a complete and perfect record of each case, the original petitions, writs, and returns made thereto, and the reports of commissions shall be filed with the clerk of the court.

SEC. 23. Whenever the superintendent of the National Training School for Boys or of the National Training School for Girls shall certify to the said court that in his opinion any inmate thereof has become or is feeble-minded, the court shall permit such superintendent or any other reputable citizen of the District of Columbia to file a petition as provided in section 9 of this Act. If such inmate shall be found and adjudged to be feeble-minded, the court shall immediately issue an order for his admission as a public patient to the District Training School.

SEC. 24. The District Training School is intended for the benefit of bona fide residents of the District of Columbia. The Board of Charities shall cause any person who has been admitted, but who has not acquired a legal residence in the District, to be removed as soon as possible to the State in which he belongs.

SEC. 25. It shall be within the discretion of the superintendent, under general conditions prescribed by the Board of Charities, to grant paroles to patients where the conditions in the homes in which they are to reside are satisfactory and where such paroles are deemed by the superintendent as not injurious to the interest of the patients or the public. The expense of such a vacation shall in every case be borne by the guardian, relatives, or other persons responsible for the care of such patient while on such vacation. It shall be within the discretion of the superintendent to grant a parole for an indefinite period to a patient who has improved sufficiently to warrant such opportunity and when satisfactory supervision for such patient while on such leave is assured. If the conditions of any parole granted under this Act are violated, the patient may be taken up and returned the same as an escaped patient.

SEC. 26. Any citation, order, or process required by law to be served on an inmate of the institution shall be served only by the superintendent or by some one designated in writing by him. Return thereof to the court from which the same issued may be made by the person making such service and such service and return shall have the same force and effect as if it had been made by the United States marshal of the District of Columbia or by the sheriff of the county in which the institution may be located.

SEC. 27. No public or private patient in said institution shall be allowed to execute any contract, deed, will, or other instrument unless such execution shall have first been allowed and approved by an order to be entered of record by the said Supreme Court of the District of Columbia, and a certified copy of such order shall be furnished to the superintendent at the time of the execution of such instrument. Such order of the court shall be evidence only of the capacity of such patient to make such instrument.

SEC. 28. The invalidity of any part of this Act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part.

Invalidity of any part not to affect remainder of Act.

SEC. 29. All Acts and parts of Acts inconsistent with this Act are hereby repealed

Inconsistent laws repealed.

Approved, March 3, 1925.

CHAP. 461.—An Act To extend the time for the construction of a bridge across Pearl River at approximately one and one-half miles north of Georgetown, in the State of Mississippi.

March 3, 1925.
[H. R. 9825.]
[Public, No. 579.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved January 31, 1923, to be built by the Great Southern Lumber Company across the Pearl River at approximately one and one-half miles north of Georgetown, in the State of Mississippi, are hereby extended one and three years, respectively, from the date of approval hereof.

Pearl River. Time extended for bridging near Georgetown, Miss. Vol. 42, p. 1220, amended.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 3, 1925.

CHAP. 462.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

March 3, 1925
[H. R. 10020.]
[Public, No. 580.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1926, namely:

Interior Department appropriations.

OFFICE OF THE SECRETARY

Secretary's Office.

SALARIES

Secretary of the Interior, \$12,000; First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia in accordance with "The Classification Act of 1923," \$302,835; in all, \$314,835: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with "The Classification Act of 1923," the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by "The

Secretary, Assistants, and office personnel.

Proviso.
Salaries limited to average rates under Classification Act.
Vol. 42, p. 1488.

If only one position in a grade.

Restriction not applicable to clerical-mechanical service.

No fixed salary reduced.
Vol. 44, p. 1490.

Transfers to another position without reduction.

Payment under higher rates permitted.