

CHAP. 131.—An Act To promote the administration of justice in the Navy.

February 16, 1909.  
[H. R. 6252.]

[Public, No. 230.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority.

Navy.  
Administration of justice in.  
Courts to try enlisted men for minor offenses.

SEC. 2. That such courts shall be known as "deck courts;" and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article thirty of the Articles for the Government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement of forfeiture of pay for a longer period than twenty days.

Deck courts.  
Composition of.  
Powers.

*Proviso.*  
Limitations.

SEC. 3. That any person in the Navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof.

Recorder to be detailed.

SEC. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated, and such officer shall have power to pardon any punishment such court may adjudge.

Review, etc., of sentence.

SEC. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe.

Procedure, etc.

SEC. 6. That the records of the proceedings of the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record or so much as he desires shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filed in, the Office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action.

Record of proceedings.

Review of record by Judge-Advocate-General.

SEC. 7. That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-martial, as may be appropriate.

Right of objection, etc.

SEC. 8. That the courts authorized to impose the punishments prescribed by article thirty of the Articles for the Government of the Navy may adjudge either a part or the whole, as may be appropriate, of any one of the punishments therein enumerated: *Provided*, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

Adjudging punishments.

*Proviso.*  
Use of irons abolished.  
Exceptions.

SEC. 9. That the Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the Navy or Marine Corps.

Court-martial proceedings may be set aside.

SEC. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States.

Authority to convene.

SEC. 11. That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State,

Court of inquiry etc., may issue process, etc.

Territory, or District where such naval court shall be ordered to sit may lawfully issue.

Witnesses.

Punishment for failure to appear.

SEC. 12. That any person duly subpoenaed to appear as a witness before a general court-martial or court of inquiry of the Navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence, which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States District Attorney, on the certification of the facts to him by such naval court to file an information against and prosecute the persons so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witnesses and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

*Provisos.*  
Exceptions.

Fees, etc.

Incriminating testimony not compulsory.

Allowance to prisoners.

SEC. 13. That persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed three dollars per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed twenty-five dollars: *Provided*, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

*Proviso.*  
Restriction.

Procedure in summary courts.  
R. S., sec. 1624, p. 282, amended.

SEC. 14. That section sixteen hundred and twenty-four, article thirty-four, Revised Statutes of the United States, is hereby amended as follows: "The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed in the discretion of the Secretary of the Navy."

Record may be destroyed after two years.

Arrest of deserters by civil officers.

SEC. 15. That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the Navy or Marine Corps of the United States and deliver him into the custody of the naval authorities.

Depositions accepted as evidence.

Exceptions.

Of whom accepted.

SEC. 16. That the depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year as follows: First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein

provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance.

SEC. 17. That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office.

Approval of sentences.

SEC. 18. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Repeal.

Approved, February 16, 1909.

CHAP. 132. An Act To amend section eight of the Act approved May twenty-eighth, nineteen hundred and eight, entitled "An Act to amend the laws relating to navigation, and for other purposes."

February 16, 1909.  
[H. R. 27970.]

[Public, No. 231.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the requirements in regard to life line or rope contained in section eight of the Act approved May twenty-eighth, nineteen hundred and eight (being chapter two hundred and twelve of the Statutes at Large, first session Sixtieth Congress) entitled "An Act to amend the laws relating to navigation, and for other purposes," shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed one foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least fourteen inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name.

New York Harbor. Life lines not required on certain scows carrying garbage, etc.

Public Laws, 1st sess., p. 427, amended.

Names, etc., may be painted on ends of boats.

Approved, February 16, 1909.

CHAP. 134.—An Act To change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

February 17, 1909.  
[S. 6355.]

[Public, No. 232.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the inferior court known as "justice of the peace" in the District of Columbia shall remain as now constituted, but shall hereafter be known as "the municipal court of the District of Columbia." It shall consist of the present justices of the peace of said District, who shall serve as the judges of said court for the unexpired terms of their now existing commissions, and who shall not be required to be recommissioned for said unexpired terms. Thereafter, and upon the expiration of the commission of any of said members, his successor shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of four years, unless sooner removed as provided by law: *Provided,* That no person shall be appointed to said office unless he shall have been a bona fide citizen and resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have been a judge of said court for at least one year, or shall have been engaged in the actual practice of law before the supreme court of the District of Columbia for a period of at least five years prior to his appointment. Each judge, when appointed, shall take an oath for the faithful and impartial performance of the duties of his office. The judges of said court shall no longer be required to give bond as heretofore, but a bond shall be given by the

Municipal court, District of Columbia. Justice of the peace court to be known as. Present justices to serve unexpired terms.

Appointments.

Terms.

Provisos. Qualifications.

Oath.

Bond of clerk.