

SCOPE OF JUVENILE COURT

Question of Jurisdiction Comes Up Before Judge Berka. BOY CHARGED WITH STABBING IS SUBJECT

Complications resulting from the passage of the new juvenile court law have arisen in police court in which the question of jurisdiction is involved. An animated discussion in court Wednesday between Judge Berka, Prosecuting Attorney Foster and Attorney E. F. Morearty, failed to unravel the tangle.

The case is this. Edward Flood was stabbed in a fight with the Valine brothers while returning home from a dance early on the morning of Sunday, March 5. They had quarreled at the dance and the Valines had lain in wait for Flood. Emil Valine was arrested Monday and charged with the cutting. Flood has not been able to appear against him until today.

The evidence introduced showed a probability that Valine was guilty and it was the intention of the court to bind him over. But when Valine took the stand for himself he swore that he was under 16 years of age. His mother corroborated his testimony.

Two questions then arose. Does the police court have jurisdiction in felony cases where the defendant is less than 16 or does it have jurisdiction in no case at all under that age? Would the fact that the deed had been committed before the law was passed leave the jurisdiction with the police court if it otherwise would not have been?

Judge Berka is of the opinion that felony cases were not included among those with which the juvenile court has to deal. If not, it is his duty to bind Valine over to the district court.

If the juvenile court deals with this class of cases, then it is a matter to know which court would have jurisdiction in this particular case, in which the deed was committed before the juvenile court law was passed and the preliminary examination deferred until after the passage of the law.

Judge John W. Finehout of the juvenile court in St. Paul, Minn., writing to a friend in Omaha concerning the new juvenile court, says: "From November 1, 1899, to February 1, 1905, there were 2,419 boys and young men in this court. The number placed on probation was 1,007; committed to the State Training school, commonly called Reform school, 175; released from the State Training school, or favorably disposed of, 75; remaining on probation, January 1, 1905, 97."

"Of the total number only 5 per cent were brought in for the second offense and only 8 per cent for the third offense. During the year 1900 seventy prisoners were released on probation, and only forty-two were committed to the State Training school. It will be noticed that this is a reduction in percentage from 68% to 6%."

"Not only that, it represents in reduction of cost to the county of Ramsey, in which St. Paul is located, of over \$10,000 in four years. This is in money alone. Think of the gain in fairly well trained citizens and in broad citizenship."

"You will notice that there were 735 released or favorably disposed of. Think of the good this heaven can do. Compare the number possibly saved to the total number. There are two classes of parents. The first class, and the smallest, is that which cannot control children. The second and largest class is that which will not control them. This latter class comes from the higher kind of homes. It is accounted for on the ground of presumption, no need, no chance, to go wrong, but when they do they are more independent, more stubborn than any others, and hence more difficult to handle."

"Thieves, unlike poets, are not born. They are made on the streets, by carelessness, drunkenness, neglect. A properly managed juvenile court ought to save 90 per cent of the abandoned or vicious children."

"The Nebraska law ought to be better than the Minnesota law, because in Minnesota the care of these children is committed to the police court—most crude and embryonic of all courts—while there it is vested in the district court."

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