

No. 165, A.]

[Published April 21, 1903.]

CHAPTER 97.

AN ACT to amend chapter 90 of the laws of 1901 entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children in counties having over one hundred and fifty thousand population."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Dependent and neglected children defined, sec. 1, ch. 90, 1901.

SECTION 1. Section 1 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 1. The provisions of this act shall only apply to counties in this state having over one hundred and fifty thousand population, as ascertained by the last state or United States census. For the purposes of this act the words "dependent child," and "neglected child," shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person, or whose whome by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight years who is found peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment without a permit therefor, to be issued in his discretion by the judge of the juvenile court hereinafter provided for. The words "delinquent child" shall include any child, under the age of sixteen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral person, or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated. Where a parental school is available, a juvenile disorderly person shall be classed as a delinquent.

Who to preside; style of court; jury, how obtained. SECTION 2. Section 2 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 2. The judges of the several state and county courts of record in counties where this act shall be in force shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear at such place, and time as he may set apart for such purpose, all cases coming under this act, and in case of the absence, sickness or other disability of such judge he shall designate a judge of any court of record, whose duty it shall be to act temporarily in his place. The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record," and the court shall be called for convenience the "Juvenile Court," and the clerk of the court of which such judge is a member shall be the clerk of such "Juvenile Court." In all trials under this act of any dependent or delinquent child, any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Such jury when demanded or ordered shall be obtained in the manner provided in chapter 194 of the statutes of 1898, and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

Who may bring action. SECTION 3. Section 4 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 4. Any reputable person being a resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of the court having jurisdiction in the matter, a petition in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief. The person making such affidavit shall suffer no personal risk greater than when the proceeding is upon warrant, providing said affidavit is made in good faith.

Custody of child during hearing. SECTION 4. Section 6 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 6. When any child shall be found delinquent within the meaning of this act such finding shall be entered by the clerk, and the court may continue the hearing from time to time until such child is sixteen (16) years of age, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation

of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court on the original charge for further proceedings whenever such action may appear necessary until the probation officer has filed a final report, or is dismissed from the case; or the court may commit the child to the care and guardianship of the probation officer to be placed in a suitable family, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the child in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to an industrial school for boys, or if a girl, to an industrial school for girls; or the court may commit the child to the care and custody of some association or institution that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. No conviction in a juvenile court shall be receivable in evidence in any other court. No costs shall be taxed against nor fines imposed upon the defendant in any case in a juvenile court.

Preliminary hearing may be held, when; bail. SECTION 5. Section 8 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 8. When in any county where a juvenile court is held as provided in section two (2) of this act, a child under the age of sixteen years is arrested with or without a warrant, charged with the violation of any law of this state, the penalty for which is imprisonment in the state prison, the magistrate before whom the prisoner is brought shall, as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the statutes of 1898, relative to the arrest and examination of offenders, shall be applicable, except that in case it shall appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall immediately be placed on the calendar for trial, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such court; provided, however, that such court may in its discretion commit such offenders as provided in section six (6) of this act.

Child under fourteen not to be committed to police station.

SECTION 6. Section 9 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 9. No court or magistrate shall commit a child under fourteen (14) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place which shall be provided by the county outside of the building or enclosure of any jail or police station. When any child under sixteen (16) years of age shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same room with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard, hall or room in which such adult convicts may be present.

Conflicting laws repealed. SECTION 7. Chapter 90 of the laws of 1901 is hereby amended by the insertion therein of a new section after section 10, to read as follows: Section 10a. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 233, S.]

[Published April 21, 1903.

CHAPTER 98.

AN ACT to amend section 1941---13 of the statutes of 1898 relating to mutual insurance companies in cities and villages.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Non-resident membership. SECTION 1. Section 1941—13 of the statutes of 1898 is hereby amended by striking out therefrom the last three words of line two and the first word of line three, viz.: "who owns property therein," and by striking out