cated to the maker and they are so communicated. Schultz v. Catlin, 78 W 611, 47 NW 946.

The defense that notes were given to avoid prosecution for crime cannot be sustained without allegation or proof that at the time the notes were given a criminal prosecution was pending against the defendant, or that he was in fact guilty of any criminal offense. Rueping L. Co. v. Watke, 135 W 616, 116 NW 174.

946.68 History: 1955 c. 696; Stats. 1955 s. 946.68.

Under 348.60 (1), Stats. 1947, it is illegal to use a form for collecting debts that simulates legal process and it is immaterial that the form in question contains words to the effect that it is not a legal process. 38 Atty. Gen. 61.

946.69 History: 1955 c. 696; Stats. 1955 s. 946.69.

A conviction in the municipal court for impersonating an assistant fire chief of the city of Ripon in violation of 346.49, Stats. 1949, is set aside for failure of proof that an assistant fire chief of that city is a public officer. State v. Hackbarth, 256 W 545, 41 NW (2d) 594, 42 NW (2d) 358.

There can be no accessory to the offense of assuming to be an officer, for that crime is but a misdemeanor. A person conspiring with and aiding another in assuming to be an officer and in arresting a third person and extorting money for his release, sharing money, may be guilty of the common-law crime of false imprisonment, common-law conspiracy, concealing offense for money, extortion, or accessory to extortion. 21 Atty. Gen. 27.

946.70 History: 1955 c. 696; Stats. 1955 s. 946.70.

946.71 History: 1955 c. 696; Stats. 1955 s. 946.71; 1967 c. 226.

Sec. 4587b does not refer to children living at home with their parents, but to children that have been "committed" to some custody by a legal commitment. Meyers v. State, 167 W 278, 167 NW 255.

See note to 940.31, citing 4 Atty. Gen. 802.

946.72 History: 1955 c. 696; Stats. 1955 s. 946.72.

946.73 History: 1955 c. 696; Stats. 1955 s. 946.73.

See note to 46.03, citing 46 Atty. Gen. 280.

946.74 History: 1957 c. 171; Stats. 1957 s. 946.74.

946.75 History: 1961 c. 107; Stats. 1961 s. 946.75.

946.76 History: 1969 c. 255; Stats. 1969 s. 946.76.

946.80 History: 1969 c. 150; Stats. 1969 s. 946.80.

CHAPTER 947.

Crimes Against Public Peace, Order and Other Interests.

947.01 History: 1955 c. 696; Stats. 1955 s. 947.01; 1969 c. 73.

Defendant could be convicted of vagrancy as a "common drunkard," though he was intoxicated only in his own home, and not in a public place. Pollon v. State, 218 W 466, 261 NW 224.

348.35, Stats. 1949, does not merely prohibit offensive language but makes it an offense to use such language or to engage by acts in disorderly conduct tending to the result described. The term "disorderly conduct" embraces all such acts and conduct as are of a nature to corrupt the public morals or to outrage the sense of public decency, whether committed by words or by acts. Teske v. State, 256 W 440, 41 NW (2d) 642.

See note to 975.06, citing Wood v. Hansen, 268 W 165, 66 NW (2d) 722.

See note to sec. 8, art. I, on limitations imposed by the Fourteenth Amendment, citing State v. Givens, 28 W (2d) 109, 135 NW (2d) 780.

The catchall clause in 947.01 (1), Stats. 1963, prescribing "otherwise disorderly conduct" (following the specific enumeration of 6 types of affirmative conduct—all of which tend to disrupt good order and to provoke a disturbance) is construed as connoting conduct of a type not previously mentioned but similar thereto. State v. Givens, 28 W (2d) 109, 135 NW (2d) 780.

The fact that abusive language is directed to a policeman and is not overheard by others does not prevent it from being a breach of the peace, but a police officer cannot provoke a person into a breach of the peace and then arrest him without a warrant. Lane v. Collins, 29 W (2d) 66, 138 NW (2d) 264.

See note to sec. 8, art. I, on limitations imposed by the Fourteenth Amendment, citing State v. Zwicker, 41 W (2d) 497, 164 NW (2d) 512.

947.01, Stats. 1965, does not imply that all conduct which tends to annoy another is disorderly conduct; only such conduct as unreasonably offends the sense of decency or propriety of the community is included. State v. Zwicker, 41 W (2d) 497, 164 NW (2d) 512.

To call a person a "slob" is abusive language, tending to promote a breach of the peace. 5 Atty. Gen. 695.

Services conducted by "Holy Rollers" are no violation of our criminal laws. A missionary of such church supported by one of his disciples is not a vagrant. 12 Atty. Gen. 29.

Wisconsin's disorderly conduct statute. Garvey, 1969 WLR 602.

947.015 History: 1965 c. 180; 1965 c. 433 s. 118; Stats. 1965 s. 947.015.

947.02 History: 1955 c. 696; Stats. 1955 s. 947.02.

947.03 History: 1955 c. 696; Stats. 1955 s. 947.03.

947.04 History: 1955 c. 696; Stats. 1955 s. 947.04.

947.045 History: 1957 c. 577; Stats. 1957 s. 947.045.

947.047 History: 1961 c. 384 ss. 2, 3; 1961 c. 621 s. 28; Stats. 1961 s. 947.047; 1967 c. 224.

947.06 History: 1955 c. 696; Stats. 1955 s. 947.06; 1967 c. 215; 1969 c. 262; 1969 c. 392 s. 79.

The allegations that a time and place designated the defendants, to the number of 3, and more, "then and there being together, did then and there in a violent, unlawful and tumultuous manner, to the disturbance of the peace, and to the terror and disturbance of others then and there present, assault," charge an offense under sec. 4511, R. S. 1878. State v. Dean, 71 W 678, 38 NW 341.

See note to 66.091, citing Aron v. Wausau, 98 W 592, 74 NW 354.

A parade of 100 members of the Ku Klux Klan, clad in regulation regalia of white robes and masks, marching silently with folded arms, in double column through the streets of Boscobel at 9:45 P.M., while 6,000 or 7,000 people were assembled along the streets to watch the parade, was not an unlawful assemblage. Shields v. State, 187 W 448, 204 NW 486.

A verdict finding defendants guilty of engaging in unlawful assembly and riots was justified under evidence showing that they wilfully participated in assembling and keeping together on a public highway a large number of persons who unlawfully and in violent manner blockaded entrance to a building and lawful passage along a street, and refused to disperse peaceably when commanded to do so by police officers. Koss v. State, 217 W 325, 258 NW 860.

The evidence was sufficient to sustain conviction for unlawfully injuring and interfering with lawful operation of an automobile, and for rioting. Sekat v. State, 218 W 91, 260 NW 246.

See note to 66.091, citing Febock v. Jefferson County, 219 W 154, 262 NW 588.

See note to 103.53, citing 23 Atty. Gen. 279.

947.07 History: 1955 c. 696; Stats. 1955 s. 947.07.

947.08 History: 1957 c. 648; Stats. 1957 s. 947.08.

947.10 History: 1955 c. 696; Stats. 1955 s. 947.10; 1961 c. 665.

The purpose of the provision in 174.10 (1), Stats. 1951, that "no action" shall be maintained for injury to or destruction of a dog without a tag unless it appears affirmatively that the dog was duly licensed and that a tag had been properly attached to its collar, etc., was to penalize the dog owner who fails to purchase a license, and not to relieve from criminal liability the person who cruelly maims or tortures a dog, and the words "no action" as used therein refer to civil actions only, so that such provision does not preclude a criminal prosecution under 343.47 for maliciously maiming and killing a dog although the dog did not have a license tag affixed to its collar at the time of the commission of the offense. (State v. Garbe, 256 W 86, overruled so far as construing 174.10 (1) as applying to criminal as well as to civil actions.) State v. Surma, 263 W 388, 57 NW (2d) 370.

A person may be criminally convicted of cruelty to animals for injury to a dog, although no license for the dog has been secured. 13 Atty. Gen. 134.

947.15 History: 1955 c. 575; Stats. 1955 s. 48.45 (4); 1957 c. 38; Stats. 1957 s. 947.15; 1961 c. 485.

Editor's Note: The subject of this section was dealt with in a prior statute, sec. 351.20, which was derived from ch. 444, Laws 1905, amended by three later enactments, and repealed by ch. 575, Laws 1955. The statute was cited in Gutenkunst v. State, 218 W 96, 259 NW 610, in State v. Driscoll, 263 W 230, 56 NW (2d) 788, and in 37 Atty. Gen. 401.

See note to sec. 8, art. I, on limitations imposed by the Fourteenth Amendment, citing State ex rel. Schulter v. Roraff, 39 W (2d) 342, 159 NW (2d) 25.

The term "child" in 947.15, Stats. 1965, while not specifically defined therein, means a person under 18 years of age. State ex rel. Schulter v. Roraff, 39 W (2d) 342, 159 NW (2d) 25.

THE CODE OF CRIMINAL PROCEDURE

Editor's Notes: (1) Over the years since 1848, criminal procedure has been the subject of six major enactments of a comprehensive nature as well as numerous special enactments. The first was the legislation which enacted the Revised Statutes, 1849; title XXXI of that codification had to do with proceedings in criminal cases. The second was the legislation which enacted the Revised Statutes, 1858; title XXVII thereof covered proceedings in criminal cases as well as the substantive law of crimes. The third was the legislation which enacted the Revised Statutes, 1878; title XXVII thereof had the same coverage as the 1858 codification. The fourth was the legislation which enacted Wis. Statutes, 1898; title XXXIII thereof covered proceedings in criminal cases, but the provisions on that subject conformed essentially to those of 1878. The fifth was chap. 631, Laws 1949, which was drafted by the Advisory Committee on Rules of Pleading, Practice and Procedure; the comments of the committee were published in Wis. Annotations, 1950, and Wis. Annotations, 1960. The sixth was chap. 255, Laws 1969, which was prepared and submitted to the legislature by the Judicial Council; the comments relating to numerous sections of the 1969 code of criminal procedure are set out under the legislative histories.

(2) The following conversion tables were designed to serve as aids in ascertaining the origins of the numerous sections comprising the 1969 code of criminal procedure. Table I shows what happened to the sections of Wis. Statutes, 1967, which had to do with the subject of criminal procedure and which were either incorporated in the 1969 codification or repealed and not replaced (indicated by the word "deleted"). Table II shows the immediate sources of the 1969 codification; in this table there is listed each section of the 1969 codification and its counterpart in Wis. Statutes, 1967.

CONVERSION TABLE I

1967 Stats.	*1969 Stats.*
885.32	976.01
885.33	976.02