

No. 190, A.]

[Published May 4, 1907.]

CHAPTER 72.

AN ACT to amend chapter 218, laws of 1899, as amended, relating to the district court for Milwaukee county.

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

Appeal within ten days. SECTION 1. Section 18, chapter 218, laws of 1899, is amended to read: Section 18. Every person convicted before said district court may appeal from the sentence or judgment against him to the municipal court of said city and county of Milwaukee, within * * * *ten days from the date of sentence or judgment against him.* Said municipal court is empowered to hear, try and determine such appeals and all provisions of law relating to appeals in criminal cases from justices' courts, and the trial and determination thereof shall apply to appeals from said district court to the municipal court.

Approved May 3, 1907.

(In effect July 1, 1907.)

No. 248, A.]

[Published May 6, 1907.]

CHAPTER 73.

AN ACT to amend sections 1, 2, 3, 5, 6 and 9, chapter 90, laws of 1901, as amended, making the same sections 573—1, 573—2, 573—3, 573—5, 573—6 and 573—9, statutes of 1898, relating to dependent, neglected and delinquent children in counties containing cities of the first, second, or third classes.

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

SECTION 1. Section 1, chapter 90, laws of 1901, as amended by section 1, chapter 97 and chapter 359, laws of 1903, as amended by section 1, chapter 496, laws of 1905, is amended

and made a section of the statutes of 1898, to read: (Sec. 573—1.)

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SECTION 2. Section 2, chapter 90, laws of 1901, as amended by section 2, chapter 97, laws of 1903, as amended by section 2, chapter 496, laws of 1905, is amended and made a section of the statutes of 1898 to read: (Sec. 573—2.)

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SECTION 3. Section 3, chapter 90, laws of 1901, is amended and made a section of the statutes of 1898 to read: (Sec. 573—3.)

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SECTION 4. Section 5, chapter 90, laws of 1901, is amended and made a section of the statutes of 1898 to read: (Sec. 573—5.)

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SECTION 5. Section 6, chapter 90, laws of 1901, as amended by section 4, chapter 97, laws of 1903, is amended and made a section of the statutes of 1898 to read: (Sec. 573—6.)

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SECTION 6. Section 9, chapter 90, laws of 1901, as amended by section 6, chapter 97, laws of 1903, is amended and made a section of the statutes of 1898 to read: (Sec. 573—9.)

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Approved May 3, 1907.

(In effect July 1, 1907.)

No. 513, A.]

[Published May 6, 1907.

CHAPTER 74.

AN ACT fixing the amount of money to be kept on hand in the treasuries of cities of the first class.

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

Maximum \$100,000; power to draw from banks. SECTION 1. The city treasurer of any city of the first class in this state, whether organized under the general laws or incorporated by special act of the legislature, may keep on hand in the treas-

quainted with such applicant and know that he has been a bona fide resident of this state for ten years and of said county for three years immediately preceding the filing of such application.

(Ch. 283, 1907.)

Filing of application. SECTION 572l. The county clerk shall, upon receiving such application, file the same with the examiner of the blind.

(Ch. 283, 1907.)

County clerk to register and certify. SECTION 572m. The county clerk shall register the name and address of each applicant and the date of the examination, and on or before the first day of November of each year he shall certify to the county board of the county the name and residence of each applicant who has been found blind by the examiner of the blind.

(Ch. 283, 1907.)

County tax for blind relief. SECTION 572n. The county board of any county in which such application has been made, may, in its discretion annually levy a tax upon the taxable property in the county sufficient to pay said benefits to the persons entitled to the same, and who have complied with the provisions of this act.

(Ch. 283, 1907.)

False affidavit perjury. SECTION 572o. Any person who shall make a false affidavit in order to secure the benefit herein provided, shall, upon conviction, be deemed guilty of perjury.

(Ch. 283, 1907.)

Truant and insubordinate school children classed as delinquent. SECTION 573—1. 1. The provisions of this act shall only apply to counties containing cities of the first, second or third classes, as ascertained by the last state or United States census.

2. 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 home 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 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.

3. 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 persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits or enters a house of ill-repute; or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yard or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse; or who is habitually truant, or habitually insubordinate in any school.

4. Where a parental school is available, a juvenile disorderly person may be classed as a delinquent.

(Ch. 73, 1907.)

Jurisdiction of juvenile court; method of appointing probation officers. SECTION 573—2.

1. The judges of the several 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.

2. 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 shall have original jurisdiction of all cases coming within the terms of this act, and for the purposes of this act shall have jurisdiction concurrent with that of the circuit court, and the clerk of the court of which such judge is a member shall be the clerk of such "juvenile court."

3. The stenographic reporter of the court of which such judge is a member shall be the reporter of such "juvenile court," and shall attend all sessions thereof and take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same and forthwith file a copy with the clerk of such court, and also furnish such other copies as the judge shall order.

4. The judges of the several courts of record in counties having over 150,000 population shall * * * appoint biennially to take effect on the first of July, 1907, and on the first day of July of every second year thereafter, four or more probation officers of said "juvenile court," one of whom shall be named as chief probation officer. At least one of said officers shall be a woman over twenty-five years of age. Said probation officers shall be appointed from an eligible list obtained in the following manner: On or before the first of June of each alternate year and at such other times as may be necessary, an examination shall be held under the direction of an examining commission appointed by said judges; said commission to consist of three competent persons, one of whom shall be an experienced educator. The standard of efficiency shall be fixed by said examining commission. Provided, however, that the chief probation officer now in office and any probation officer receiving compensation under this act, hereafter in office, shall be eligible for immediate reappointment without such examination.

5. Such * * * probation * * * officers shall receive per year such compensation for * * * their services as shall be determined by the county board of said county, and said county board is empowered to fix the compensation of the * * * said officers; * * * and the compensation of the * * * said probation * * * officers or * * * their substitutes provided for in this section, shall be paid monthly by the county in which such "juvenile court" shall be situated. In case of the absence or disability of any of said * * * probation * * * officers for more than three * * * weeks. * * * the judge of the "juvenile court" shall designate some competent person to act temporarily in his stead;

* * * *said substitute to be chosen from the eligible list under this act, * * * and to receive during such appointment, as compensation for his services such sum as shall be determined by said county board. * * **

6. *Any probation officer or his substitute may be removed by the judges of the courts of record of such county for incompetence, or wilful or habitual neglect to perform the duties of his office. A reasonable amount for postage and stationery shall be allowed the said probation office upon requisition therefor made to the county clerk.*

7. In the 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, statutes of 1898, and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

(Ch. 73, 1907.)

Designation of juvenile court and books. SECTION 573—
2. 2. 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" or "*juvenile branch of the court*" * * * and the clerk of the court of which such judge is a member shall be the clerk of such "juvenile court" or "*juvenile branch of the court.*"

(Ch. 515, 1907.)

Stenographic reporter; jurisdiction in counties of 250,000. SECTION 573—2. 3. The stenographic reporter of the court of which such judge is a member shall be the reporter of such "juvenile court", and shall attend all sessions thereof and take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same and forthwith file a copy with the clerk of such court, and also furnish such other copies as the judge shall order. *For the purposes of this act, all of said courts of record in counties having over 250,000 population shall have original jurisdiction of all cases coming within the terms of this act and for the purposes of this act, shall have jurisdiction concurrent with that of the circuit courts of this state.*

(Ch. 515, 1907.)

County special clerk for juvenile court. SECTION 573—2.
3m. In counties containing one or more cities of the second or third class the county judge is hereby authorized to appoint, in the manner provided in section 2464a, of the statutes, a clerk at a salary, to be fixed by the county board, which salary shall be seven hundred and twenty dollars (\$720.00) per annum until otherwise fixed by the county board, payable by said county as other county officers are paid, whenever said county judge shall have been designated to hear the cases coming under this act and there shall be no clerk of the county court other than the register in probate. Such clerk shall be a stenographer and shall perform the duties of clerk and stenographer of said court and such other duties as may be required.

(Ch. 324, 1907.)

Probation officers: reports, investigations, attendance, powers. SECTION 573—3. 1. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court if practicable to notify said probation officer in advance when any child is to be brought before said court; it shall be the duty of said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child, when the case is heard; to furnish the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

2. *It shall be the duty of any probation officer appointed for a particular child, to become thoroughly conversant with the conditions surrounding the child; to be ready to report upon the child's progress at any time until dismissed from the case; and to file with the chief probation officer at least monthly, and at such other time as may be required written, particularized reports in regard to the case.*

3. *In counties where a chief probation officer is appointed, said officer shall have office hours daily during the same hours as the clerk of the courts, in an office which shall be furnished and equipped for the use of said officer and his assistants by the board of supervisors of said county, in the building in which said "juvenile court" is held.*

4. *It shall be the duty of said chief probation officer to at-*

tend all sessions of the "juvenile court," and to take such action as shall be for the best interests of the children brought before such court; to know before each session of the "juvenile court" the full list of cases to appear before the court, and through his assistants to secure before trial such investigation of the conditions surrounding each child's life, as shall be necessary for the protection of the child in court; to receive all persons having business before the "juvenile court" and assist them in procuring necessary and suitable papers, and, in general, to advise all persons needing information in regard to cases in which children are concerned, and to assist in the proper disposition of such matters coming before the courts; to supervise the work of all probation officers appointed to serve the court; and to receive and file in his office, in systematic order, their monthly and final reports; and to supervise the records of the probation office. But it shall not be part of the duties of such chief probation officer to visit families or to perform the ordinary duties of a probation officer especially appointed for an individual child.

5. It shall be the duty of every other probation officer receiving compensation under this act, to attend all sessions of the "juvenile court;" to perform such work of investigation and office work pertaining to said court, as the chief probation officer or the judge may direct; and in addition thereto, to act as probation officer for an individual child when appointment to such case is made by the court, such duty to be performed in the same manner as above prescribed for probation officers serving without compensation from the public treasury.

6. Probation officers receiving compensation under this act, shall have the powers of police officers and constables for the purpose of apprehending dependent, neglected and delinquent children coming under this act.

(Ch. 73, 1907.)

Custody and guardianship of the child. SECTION 573—5. 1. Upon the filing of the petition, a summons shall issue from the court, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at the place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence known, or its legal guardian if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative if there be one and his residence is known, shall be noti-

fied of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court.

2. In case the summons cannot be served, or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may be issued on the order of the court, either against the parent, or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon hereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner.

3. When any child under the age of sixteen years shall be found to be dependent or neglected within the meaning of this act, the court may make an order committing the child to the care, *custody and guardianship* of some suitable state or county institution as provided by law, or to the care, *custody and guardianship* of some incorporated association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or committed to the care * * * of the probation officer, or may be kept in some suitable place provided by the proper authorities.

(Ch. 73, 1907.)

Judge may place child in home; direct appeal to supreme court. SECTION 573—6. 1. 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 * * * 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 * * * *cause the child to be placed in a suitable family home or institu-*

tion, subject to the friendly supervision of a probation officer and the further order of the court; 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.

2. 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.

3. *In any case where a child is found, determined or adjudged to be dependent, neglected or delinquent under this act, appeal may be taken directly to the supreme court within twenty days from date of said finding, determination or judgment in the same manner as appeals are taken in civil actions in the circuit court from judgments therein. No undertaking shall be required on such appeal. The finding, determination or judgment of said juvenile court shall stand, pending the determination of said appeal, except the court may upon application and in its discretion stay said finding, determination or judgment pending said appeal upon the giving of suitable bond for the care and maintenance of said child in wholesome and proper surroundings to be approved by the court.*

(Ch. 73, 1907.)

Detention and confinement of children. SECTION 573—9.

1. No court or * * * officer shall commit a child under fourteen years of age to a jail or police station, but if such child is unable to give * * * bond and there is probable reason to believe that a summons will be ineffectual, the child may be placed in * * * the care of the sheriff, police officer, or probation officer, who shall * * * deliver the child * * * to some suitable place which shall be provided by the county outside of the building or enclosure of any jail or police station.

2. *In the case of a child, being under arrest or against whom a petition has been filed, the written order of a sheriff, police lieutenant, or chief probation officer, and in the case of a child*

subject to the court by reason of probation, the written order of a chief probation officer, shall be sufficient for the holding of such child in a duly appointed detention home until the next session of the juvenile court.

3. When any child under sixteen years of age shall be * * * *confined* in any institution * * * *in* which adult convicts are * * * *held*, 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.

(Ch. 73, 1907.)

State public school: who may petition for commitment of neglected children. SECTION 573f. *a.* Before any child shall be sent to said school the county superintendent of the poor, * * * an agent of the Wisconsin humane society, * * * *chairman of any town, superintendent of the poor in any city or village, or any relative or friend of such child,* shall present to the county judge of * * * *the county within which said child may be* an application in writing, signed by the person who presents it, which shall state that the child named therein is dependent upon the public for support * * * *or that said child is neglected.* It shall be the duty of such * * * *petitioner* to cause the child named in such application to be brought before such judge for examination as to his alleged dependence. * * * *Application* * * * *may be made in like manner* to said judge for any child of proper age and condition who is an inmate of a poorhouse, or who shall be found in a state of want, abandoned or improperly exposed, or in an orphan asylum the officers of which desire to surrender such child to the care of the state.

b. On filing such application and the production before the judge of the child named therein, * * * *said judge* shall investigate the facts and ascertain whether the child is dependent, its age, the names and * * * *residence* of its parents. if living. and in what institution or other place the child has been kept, if any, and for what length of time. Said judge may compel the attendance of witnesses and request the district attorney to attend on such examination, and it shall be his duty to comply with such request. The parents or any friend of the child may appear on its behalf, and the judge may request such appearance by either * * * *the county superintendent of the poor, chairman of any town or superintendent of the poor*