

of Richmond shall be chargeable to the town of Richmond, and what portion to the town of Wescott, and shall also determine what portion of the assets and credits of the existing town of Richmond, together with such road moneys as shall be payable to said town, shall be due to the towns of Wescott and Richmond respectively.

SECTION 7. This act shall take effect and be in force, from and after its passage and publication.

Approved March 26, 1901.

No. 116, A.]

[Published March 28, 1901.

CHAPTER 90.

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 child defined. 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 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 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.

Who to preside; style of court; jury, how obtained. 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, they shall designate some other of their number to act temporarily in his place. The finding 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 Wisconsin statutes of 1898 and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

Court to appoint probation officer; duty of. SECTION 3. 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.

Who may bring action. 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, veri-

fied by affidavit. It shall be sufficient that the affidavit is upon information and belief.

Summons to issue; notice to parents; committment. SECTION 5. 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 or guardian, or if his or her residence is not known, then some relative if there be one and his residence is known, shall be notified 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. 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 thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. 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 of some suitable state or county institution as provided by law, or to the care of some incorporated association willing to receive it, embracing in its objects the purpose of caring 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 and guardianship of the probation officer, or may be kept in some suitable place provided by the proper authorities.

Custody of child during hearing. SECTION 6. In case of a delinquent child the court may continue the hearing from time to time, 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 re-

turned to the court for further proceedings whenever such action may appear to be necessary; 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.

When child to be brought before juvenile court instead of justice of peace. SECTION 7. When in any county where a juvenile court is held as provided in section 2 of this act, a child under the age of sixteen years is arrested, with or without warrant, charged with the violation of any law of this state the penalty for which is not imprisonment in the state prison, or the violation of any city or village ordinance, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court, or if the child be taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take such child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

Preliminary hearing may be held, when; bail. SECTION 8. When in any county where a juvenile court is held as provided in section 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 Wisconsin 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, 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 juvenile court; provided however that such court may in its discretion commit such offenders as provided in section 6 of this act.

Child under fourteen not to be committed to police station. SECTION 9. No court or magistrate shall commit a child under fourteen 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 city or county outside of the enclosure of any jail or police station. When any child under sixteen 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.

Board of visitation; report of. SECTION 10. The judge of such juvenile court may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year, all institutions, societies and associations receiving children under this act; said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the condition of the children received by or in charge of such associations, and institutions, and shall make an annual report to the state board of control in such form as the board may prescribe. The county board may at its discretion, make appropriations for the payment of the actual necessary expenses incurred by the visitors in the discharge of their official duties.

SECTION 11. This act shall take effect and be in force, from and after three months next after its passage and publication.

Approved March 26, 1901.