

No. 1, A.]

[Published March 15, 1897.]

CHAPTER 38.

1897 c. 38
1901 c. 137

AN ACT to amend chapter 152, of the laws of 1852, entitled, "An act to incorporate the Milwaukee orphans' asylum," as amended by chapter 10, of the private and local laws of 1861, entitled, "An act to amend an act entitled, 'An act to incorporate the Milwaukee orphan asylum,'" approved March 24, 1852.

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

SECTION 1. Section 1, of chapter 152, of the laws of 1852, entitled, "An act to incorporate the Milwaukee orphans' asylum," is hereby amended by striking out the words "or hereafter shall become" where the same occur in the second line thereof; by inserting after the word "association" where the same occurs in the fourth line of said section, the following words: "and all such as shall hereafter become and continue members thereof as herein provided;" by striking out the words "and shall by that name and style be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation," where the same occur in the eleventh, twelfth, thirteenth and fourteenth lines of said section, and inserting in lieu thereof the following words: "and shall so exist for the purposes and objects of the establishment and maintenance of an orphan asylum at or near the city of Milwaukee, in the county of Milwaukee, and the care, custody, maintenance, education of, and procuring homes for, orphans, half-orphans, homeless, abandoned, neglected or grossly ill-treated minor children. Such corporation shall have power to, at any time and from time to time, take, receive, acquire by purchase, gift, grant, donation, bequest, devise,

Created a corporate body.

deed or otherwise, any estate, real, personal or mixed of whatever name or character; to have, hold, manage, use and enjoy the same; to at any time and from time to time invest, reinvest and keep invested any money or funds of said corporation to the same extent as a natural person could or might lawfully do; provided, that such estate shall never be applied to any other purposes than those for which this corporation is formed;" by inserting after the end of said section and as an addition thereto the following: "to at any time and from time to time sell, assign, transfer and convey by deed, mortgage, lease or in any other manner, any estate, real, personal or mixed, then owned by said corporation; and any deed or mortgage of any such estate, when executed by the proper officers with the corporate seal thereto affixed, pursuant to a resolution duly adopted by its board of directors authorizing the same, shall be valid and shall effectually pass the title or interest in the real estate belonging to said corporation thereby conveyed. Except, as by this act is otherwise provided, such corporation shall also have all the powers granted to corporations by section 1748, of the revised statutes of Wisconsin. Such corporation shall have the power to receive into its charge and under its control, by commitment or otherwise, any and all such children aforesaid as may be lawfully placed therein, and may so receive any such child or children as shall be assigned or committed to the care and custody of said corporation by an instrument in writing signed by the living parent or parents of such child if any; provided, however, that in case any such child shall have been abandoned or shall have been without a home, or dependent, or shall have no living parent, then such instrument shall be sufficient if signed by the person or persons having or exercising the custody, care or control over such child. Such corporation shall have and maintain the custody, care and control of all such children aforesaid as shall be lawfully placed in said asylum until lawfully

discharged therefrom, and may contract with any person, county or municipal corporation for the care, maintenance and education of such children, and recover from any person or persons, county or municipal corporation, responsible therefor, a reasonable price for the same if no contract be made, not exceeding, however, the amount, if any, fixed by its by-laws; the proper officers of said corporation may, in their discretion, at any time discharge any such child when, in their judgment, it shall be for his interests, or the interests of the corporation so to do. And such corporation is hereby authorized and empowered to procure suitable and proper homes for any and all such children, and to give away by adoption, or place in families upon written contracts, any and all such children, during their minority; and such corporation is hereby constituted the legal guardian of all children committed to or received by it, and is hereby authorized and empowered, through its duly authorized officers, to consent in the courts of this state to the adoption of any such child by any person or persons, pursuant to the provisions of law, in the same manner and with the same force and effect as such consent could be given by the parent or parents of such child. Such corporation shall have the power and authority to enter into a written contract with any person or persons who shall take or receive any such child from such corporation otherwise than by adoption; and such contract shall provide for the proper care, education and maintenance of such child during his minority and shall specify the amount to be paid to such child at the expiration of the period of such contract; provided, however, such corporation shall in no case charge or receive from the person or persons adopting any child through such corporation, any compensation therefor, except the actual expense of taking such child to the home of such person or persons, and a reasonable fee for preparing and furnishing such papers and

documents as may be requisite and necessary to secure the legal adoption of such child by such person or persons. And the authorized officers and agents of such corporation shall have the right and authority to visit all such persons and families and personally investigate, as often as such corporation shall deem it necessary, the condition and welfare of any child taken, either by adoption or otherwise; and if such corporation shall become satisfied, upon a careful and proper investigation, that any such child is subjected to vicious or harmful influences, or is seriously lacking in wise and considerate care and attention, then such corporation shall have the authority to require the return of such child to the care and custody of such corporation at its principal office at the expense of the person or persons so required to return the same."

Affairs to be managed by a board of directors.

SECTION 2. Section 2, of said chapter 152, is hereby amended by striking out the whole thereof, and inserting in lieu thereof the following: Section 2. The estate, concerns, property, affairs and business of said corporation shall be under the care of, and be managed, directed and disposed of by a board of twenty-eight directors, to be from time to time elected from among the members of the corporation by a plurality vote of the members voting in person or by proxy, at each election, as hereinafter provided, which board of directors shall possess, have and exercise all the powers of this corporation. The present directors shall hold their offices until the next annual election, at which time the directors to be elected shall be classified into seven classes, so that one-seventh thereof shall hold office for one year, one-seventh for two years, one-seventh for three years, one-seventh for four years, one-seventh for five years, one-seventh for six years and one-seventh for seven years; and all directors elected subsequent to said first next election shall hold their offices for seven years. Except, as hereinbefore otherwise provided for the next annual election, there shall be here-

after elected at each annual meeting of the corporation, four directors to hold for the term of seven years; provided, however, that the board of directors may by appointment fill all vacancies in the board occasioned by death, resignation, removal or otherwise, for the unexpired terms thereof, respectively; and further provided, that each director shall hold her office until her successor is so elected or appointed as aforesaid. A majority of the board of directors, at any and all meetings thereof, shall constitute a quorum for the transaction of any and all business of the corporation.

SECTION 3. Section 3, of said chapter 152, is hereby amended by striking out the whole thereof and inserting in lieu thereof the following: Section 3. The annual meeting of the corporation shall be held on the first Tuesday of December in each year, at such hour and place in the city of Milwaukee as the board of directors may by by-law or resolution designate, and of which public notice shall be given by publishing the same at least once in some daily newspaper published and in general circulation in said city, not more than seven nor less than two days prior to said meeting. At the time and place fixed for the annual meeting of the corporation, and immediately after the annual election held at such meeting, the board of directors shall convene and elect officers for the ensuing year.

Annual election, when to be held.

SECTION 4. Section 5, of said chapter 152, is hereby amended by striking out the last four and one-half lines thereof, commencing at the words, "and shall have the power to bind out," etc., and inserting in lieu thereof the following: "and shall have the power, by by-law, to fix and establish the conditions upon which any person of the female sex may become and continue a member of such corporation and entitled to vote at the election of its directors, and may also establish honorary membership and life membership, under such conditions as they may deem proper."

Women may become members of the corporation.

Officers named
and their
duties.

SECTION 5. Section 6, of said chapter 152, as amended by chapter 10, of the private and local laws of 1861, is hereby amended by striking out the whole thereof, and inserting in lieu thereof the following: Section 6. The officers of said corporation shall consist of a president, first vice-president, second vice-president, secretary, corresponding secretary and treasurer, each and all of whom shall be annually elected by the board of directors from among their number, excepting only that the treasurer shall be such person or corporation, whether a member of said corporation or not, as said board of directors may, from time to time, choose or elect. Except when otherwise provided by the by-laws of this corporation, the principal duties of the said several general officers, and their powers, shall be such as is customary and usual in the case of officers of like corporations and as is implied by the name used to designate such general officers respectively. Each such officer shall hold her office for one year and until her successor is elected; provided, however, that the board of directors may at any time fill any vacancy in any such office for the unexpired term thereof.

Exemption of
property from
taxation.

SECTION 6. Section 7, of said chapter 152, is hereby amended by striking out the whole thereof and inserting in lieu thereof the following: Section 7. The lands and all property of every name at any time owned by this corporation and applied to the purposes for which it is formed, shall not be subject to assessment or taxation and shall be exempt therefrom; so that said chapter 152, of the laws of 1852, amended by chapter 10, of the private and local laws of 1861, when so amended, shall read as follows: Section 1. All such persons of the female sex as now are annual subscribers to the amount of not less than fifty cents per annum to the said association, and all such as shall hereafter become and continue members thereof as herein provided, shall be and are hereby constituted a body corporate and politic

in fact and in name, by the name of "The Milwaukee Orphans' Asylum," and by that name shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places and in all manner of actions and causes whatsoever, and may have a common seal and change the same at their pleasure; and shall so exist for the purposes and objects of the establishment and maintenance of an orphan asylum at or near the city of Milwaukee, in the county of Milwaukee, and the care, custody, maintenance, education of, and procuring homes for orphans, half-orphans, homeless, abandoned, neglected or grossly ill-treated minor children. Such corporation shall have power to, at any time and from time to time, take, receive, acquire by purchase, gift, grant, donation, bequest, devise, deed or otherwise, any estate, real, personal or mixed, of whatever name or character; to have, hold, manage, use and enjoy the same; to at any time and from time to time invest, reinvest and keep invested any money or funds of said corporation to the same extent as a natural person could or might lawfully do; provided, that such estate shall never be applied to any other purposes than those for which this corporation is formed; to at any time and from time to time sell, assign, transfer and convey by deed, mortgage, lease or in any other manner, any estate, real, personal or mixed, then owned by said corporation; and any deed or mortgage of any such estate, when executed by the proper officers with the corporate seal thereto affixed, pursuant to a resolution duly adopted by its board of directors authorizing the same, shall be valid and shall effectually pass the title or interest in the real estate belonging to said corporation thereby conveyed. Except, as by this act is otherwise provided, such corporation shall also have all the powers granted to corporations by section 1748, of the revised statutes of Wisconsin. Such corporation shall have

Corporate authority and organization.

the power to receive into its charge and under its control, by commitment or otherwise, any and all such children aforesaid as may be lawfully placed therein, and may so receive any such child or children as shall be assigned or committed to the care and custody of said corporation by an instrument in writing signed by the living parent or parents of such child, if any; provided, however, that in case any such child shall have been abandoned or shall have been without a home, or dependent, or shall have no living parent, then such instrument shall be sufficient if signed by the person or persons having or exercising the custody, care or control over such child. Such corporation shall have and maintain the custody, care and control of all such children aforesaid as shall be lawfully placed in said asylum until lawfully discharged therefrom, and may contract with any person, county or municipal corporation for the care, maintenance and education of such children, and recover from any person or persons, county or municipal corporation, responsible therefor, a reasonable price for the same if no contract be made, not exceeding, however, the amount if any, fixed by its by-laws; the proper officers of said corporation may, in their discretion, at any time discharge any such child when in their judgment, it shall be for his interests or the interests of the corporation so to do. And such corporation is hereby authorized and empowered to procure suitable and proper homes for any and all such children, and to give away by adoption, or place in families upon written contracts, any and all such children during their minority; and such corporation is hereby constituted the legal guardian of all children committed to or received by it, and is hereby authorized and empowered, through its duly authorized officers, to consent in the courts of this state to the adoption of any such child by any person or persons, pursuant to the provisions of law, in the same manner and with the same force and effect as such consent could be given by the parent or parents of such child. Such

corporation shall have the power and authority to enter into a written contract with any person or persons who shall take or receive any such child from such corporation otherwise than by adoption; and such contract shall provide for the proper care, education and maintenance of such child during his minority, and shall specify the amount to be paid to such child at the expiration of the period of such contract; provided, however, such corporation shall in no case charge or receive from the person or persons adopting any child through such corporation, any compensation therefor except the actual expense of taking such child to the home of such person or persons, and a reasonable fee for preparing and furnishing such papers and documents as may be requisite and necessary to secure the legal adoption of such child by such person or persons. And the authorized officers and agents of such corporation shall have the right and authority to visit all such persons and families and personally investigate, as often as such corporation shall deem it necessary, the condition and welfare of any child taken either by adoption or otherwise; and if such corporation shall become satisfied upon a careful and proper investigation that any such child is subjected to vicious or harmful influences, or is seriously lacking in wise and considerate care and attention, then such corporation shall have the authority to require the return of such child to the care and custody of such corporation at its principal office at the expense of the person or persons so required to return the same. Section 2. The estate, concerns, property, affairs and business of said corporation shall be under the care of and be managed, directed and disposed of by a board of twenty-eight directors, to be from time to time elected from among the members of the corporation by a plurality vote of the members voting in person or by proxy at each election, as hereinafter provided, which board of directors shall possess, have and exercise all the powers

Affairs managed by a board of directors.

of this corporation. The present directors shall hold their offices until the next annual election, at which time the directors to be elected shall be classified into seven classes, so that one seventh thereof shall hold office for one year, one-seventh for two years, one-seventh for three years, one-seventh for four years, one-seventh for five years, one-seventh for six years and one-seventh for seven years; and all directors elected subsequent to said first next election shall hold their offices for seven years. Except as hereinbefore otherwise provided for the next annual election, there shall be hereafter elected at each annual meeting of the corporation four directors to hold for the term of seven years; provided, however, that the board of directors may by appointment fill all vacancies in the board occasioned by death, resignation, removal or otherwise, for the unexpired terms thereof respectively; and further provided that each director shall hold her office until her successor is so elected or appointed as aforesaid. A majority of the board of directors, at any and all meetings thereof, shall constitute a quorum for the transaction of any and all business of the corporation. Section 3. The annual meeting of the corporation shall be held on the first Tuesday of December in each year, at such hour and place in the city of Milwaukee as the board of directors may by by-law or resolution designate, and of which public notice shall be given by publishing the same at least once in some daily newspaper published and in general circulation in said city, not more than seven nor less than two days prior to said meeting. At the time and place fixed for the annual meeting of the corporation, and immediately after the annual election held at such meeting, the board of directors shall convene and elect officers for the ensuing year. Section 4. The said board shall, at least at every annual election, exhibit to the members of said corporation an exact account of the receipts and disbursements of the preceding year. Section 5. The said board may from time to time make by-laws, or

Annual meetings, when to be held.

Exact account be rendered annually.

dinances and resolutions relative to the management and disposition of the estate and concerns of the said corporation and the regulation of the persons exercising the offices aforesaid, not contrary to law, and may appoint such other officers, agents or servants as they deem necessary to transact the business of said corporation, and designate their duties; and shall have the power by by-law to fix and establish the conditions upon which any person of the female sex may become and continue a member of such corporation, and entitled to vote at the election of its directors, and may also establish honorary membership and life membership, under such conditions as they may deem proper. Section 6. The officers of said corporation shall consist of a president, first vice-president, second vice-president, secretary, corresponding secretary and treasurer, each and all of whom shall be annually elected by the board of directors from among their number, excepting only that the treasurer shall be such person or corporation, whether a member of said corporation or not, as said board of directors may from time to time choose or elect. Except when otherwise provided by the by-laws of this corporation, the principal duties of the said several general officers, and their powers, shall be such as is customary and usual in the case of officers of like corporations and as is implied by the name used to designate such general officers respectively. Each such officer shall hold her office for one year and until her successor is elected; provided, however, that the board of directors may at any time fill any vacancy in any such office for the unexpired term thereof. Section 7. The lands and all property of every name at any time owned by this corporation and applied to the purposes for which it is formed, shall not be subject to assessment or taxation and shall be exempt therefrom. Section 8. This act shall be and is hereby declared a public act, and the same shall be construed in all courts and places benignly and favorably for every humane, charitable and laudable purpose therein contained.

Powers of board defined.

Officers of the corporation, how elected and when.

Property exempt from taxation.

Declared a public act.

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

Approved March 12, 1897.

No. 42, A.]

[Published March 15, 1897.

CHAPTER 39.

AN ACT to authorize George C. Schmidt to keep and maintain a ferry across the St. Croix river.

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

Authorized to maintain a ferry for fifteen years.

SECTION 1. George C. Schmidt, of the town of Somerset, St. Croix county, Wisconsin, his executors, administrators and assigns shall have the exclusive right and privilege, for the term of fifteen years, of keeping and maintaining a ferry across the St. Croix river, at section six, in township thirty-one, of range nineteen west, St. Croix county.

SECTION 2. The ferry shall be subject to such regulations as other ferries are, or may be by law, and the proprietors thereof shall be entitled to receive for crossing, any vehicle drawn by two horses or mules, or one yoke of oxen, thirty cents; for any vehicle drawn by a single horse or mule, twenty cents; for every single horse and rider, fifteen cents; for each single cow, ox, mule, calf, horse or bull, fifteen cents; for each foot passenger, ten cents; for sheep or swine in droves of ten or more, five cents each; for freight, lumber and merchandise, not with team, per one hundred pounds weight, five cents; per hundred feet of lumber, five cents.