

[No. 62, S.]

[Published April 17, 1885.]

CHAPTER 377.

AN ACT to establish a state public school for dependent and neglected children; to appropriate certain sums of money therein named.

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

Authorized to erect buildings.

SECTION 1. The state board of supervision shall select a suitable site and erect thereon buildings for a state school or temporary home for dependent and neglected children. Such institution to be known as the "state public school."

May receive donations of land, etc.

SECTION 2. The state board of supervision shall have power to receive proposals for the donation of land to the state for such site, and to receive the same by gift, or they may purchase such site, if no proper location shall be given for that purpose, and they may receive proposals for donations of money or other securities in behalf of this state for the benefit of such school and they may locate the same, by and with the consent of the governor of the state, at such point as they, together with the governor, shall deem for the best interests of this state. Said board shall as soon as practicable after the location of said institution, cause to be erected on the site so selected, suitable buildings, and make thereon the improvements necessary to carry into effect the provisions of this act. The buildings shall be erected upon the cottage or family plan, and no contract shall be made that will involve a greater expenditure than the sum appropriated by this act for that purpose. The site selected shall comprise not less than forty acres of land, possessing good facilities for drainage and sewage, [sewerage] and an abundant supply of pure water.

Deeds shall be executed to the state.

SECTION 3. The deeds for such site shall be duly executed to the state of Wisconsin and delivered to (the) secretary of state, and the state treasurer thereupon is hereby directed to pay on the warrant of the secretary of state, to such grantors, of whom such site may be purchased such sums of money as may be required to pay for the site; said

sums to be attested by said commissioners as necessary therefor; provided, that not over three thousand dollars shall be paid for that purpose.

SECTION 4. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, and may be drawn by the said commissioners upon warrants made by the secretary of state, on certificates approved by the commissioners, as hereinafter provided.

Appropriation
for said object.

SECTION 5. The said commissioners shall have the superintendence of the grounds and the design and construction of the necessary buildings, with power to appoint an architect, superintendent and other necessary agents and assistants, to fix the compensation for their services, and to make all necessary contracts, subject to the approval of the governor.

Commissioners
shall have su-
perintendence
of grounds.

SECTION 6. The architect or superintendent so employed shall, at the close of each month, make out estimates in detail of all materials furnished and labor performed during said month, duly certified, to the board of commissioners, who, after having examined and approved and recorded the same in their record of proceedings, and after deducting ten per cent. of the total amount to be retained until the completion of the contract, shall certify to the correctness of the same to the secretary of state, who shall hereupon draw his warrant on the state treasurer for payment. Upon the final completion of contracts the said board shall in like manner certify to the total amount due, including percentage.

Architect to
make out es-
timates.

SECTION 7. When the said buildings shall be completed for use as herein required, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the governor, who shall thereupon give public notice by proclamation, that the same is ready for the reception of dependent and neglected children.

Certificate of
completion to
be made.

SECTION 8. The general supervision and government of said state public school, shall be vested in the state board of supervision, pursuant to the law creating and defining the duties of said board, and said board shall establish a system of government for the institution, and shall make all neces-

General su-
pervision to be
vested in the
state board of
supervision.

sary rules and regulations for enforcing discipline, imparting instruction, preserving health, and for the proper physical, intellectual and moral training of the children. The said board shall appoint a superintendent, a matron, and such other officers, teachers and employes as shall be necessary, who shall severally hold their offices or places during the pleasure of said board, and said board shall prescribe their duties and fix their salaries.

Who shall be received in said schools.

SECTION 9. There shall be received as pupils in said schools those children who are declared dependent on the public for support as provided in this act, who are over three and under fourteen years of age, and who are in suitable condition of body and mind to receive instruction. That said board is authorized in admitting children, to give preference to those under twelve years of age. That those admitted, unless sent from the institution as provided by this act, shall be retained until they are sixteen years of age and may be retained after that age in the option of said board, until a home is procured for them. That said board is authorized to return to the county sending it, any child when it shall become sixteen years of age, and no home has been procured, or whenever, after its admission it shall be ascertained to the satisfaction of said board that the child was of unsound mind, or unsound body, at the time of its admission, or if for any other reason said board shall consider said child an improper inmate of said school, that, in the case of the return of any child, as herein provided, to the county sending it, the guardianship of this board shall cease, and the child shall again become a charge on the county sending it. The said board of supervision shall report in writing to the superintendents of the county poor of the proper county, the reason for returning the child.

The children who shall be considered eligible.

SECTION 10. All children now confined in the state industrial school for boys, or the state industrial school for girls, within the state, who, upon the proper examination by the state board of supervision, shall be found to be of the condition and qualification described by this act, shall, by order of said board, be transferred to the state public school, to be kept and dealt with as prescribed by this act, and the rules and regulations made pursuant thereto; and whenever any court

or magistrate shall hereafter commit any vagrant child, over three and under fourteen years of age, to either said industrial school for boys or girls, such court or magistrate shall forthwith report the case of such child to said board of supervision, together with the charge upon which such child was arrested, and such facts as may be developed on the examination or trial, pertaining to the age or previous condition of such child, and upon the receipt of such report, it shall be the duty of said board of supervision to make the same investigation as to condition and qualification, to be sent to the state public school; and if such child shall be found to possess the conditions and qualifications for admission, prescribed in this act, then said board shall make the necessary order, transferring said child to said state public school.

SECTION 11. The children in such school shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training. Course of education required.

SECTION 12. It is declared to be the object of this act, to provide for such children a temporary home only, in said school, until homes can be procured for them in good families. The said board of supervision is hereby made the legal guardian of all children who shall become inmates of said school. It shall be the duty of said board to use special diligence in providing suitable homes for such children, and it is hereby authorized to place them in such families on a written contract during minority, or until eighteen years of age, in the discretion of said board, providing for their education, in the public schools where they may reside, for teaching them some useful occupation, for kind and proper treatment, as members of the family where placed, and for the payment on the termination of such contract, to said board of supervision, for the use of the child, any sum of money that may be provided for in said instrument. That, in receiving such children into such school, preference shall be given to dependent and indigent orphans, or half orphans of deceased soldiers and sailors of this state. Object of act to be a temporary home.

SECTION 13. As soon as the state public school buildings are ready for the admission of inmates, and whenever inquired of by the superintendents When the school is completed; requirements.

of the poor of any county, or of the town board of supervisors of any town in counties where the county poor system has not been adopted, and whenever there is room for one or more children in said school from any county, it shall be the duty of the superintendent of said school to notify the superintendents of the poor of such county, or the supervisors of said towns, how many children they can send to said school; that whenever there are more admissible children in the several counties, including those towns not having the county poor system, than can be so received in said school, it shall be the duty of the superintendent of said school to divide such admissions *pro rata* among the counties, according to the number of dependent children in each, at the time of such admission, giving preference to counties of the same or larger population that have had less admitted into said school; that whenever the superintendents of the poor of any county, or the supervisors of any such town shall be informed by the superintendent of said school that any dependent children from their county or town can be admitted into said school, it shall be their duty to forward them to said school, as provided in this act, as soon as practicable; that the expense of transportation of children to said school, pursuant to law, and the expense of returning any of said children to their counties or towns, after their admission by said board of supervision, as improper inmates of said school, shall be audited by the secretary of state and paid from the general fund.

Child to be brought before county judge for examination.

SECTION 14. Before the superintendents of the poor, or the supervisors of such towns, shall send any child to said school, they shall cause him to be brought before the county judge in the county where the child belongs, for examination by the county judge as to his alleged dependence; and it shall be the duty of the superintendents of the poor of each county, or the supervisors of such towns, in the case of children in the poor houses or other children who shall be found in a state of want or suffering, or being abandoned or improperly exposed, or children in any orphan asylum where the officers thereof desire to surrender them to the care of the state, whenever there shall be a vacancy for their county in said school,

to bring such children before the county judge for said examination, and it shall thereupon be the duty of the said county judge to investigate the facts in each case and ascertain whether such children are dependent, their ages, names and residence of parents, and in what county, poorhouse, orphan asylum, or other place they have been kept, if any, and for how long a time; and said county judge shall have power to compel the attendance of witnesses, and may in his discretion request the attendance of the district attorney of his county on such examinations, and if so requested, it shall be the duty of such district attorney to attend in behalf of the county, or in behalf of any town where the county poor system has not been adopted. The parents or any friend may appear in behalf of any child, and in his discretion the said county judge may request any supervisor of any town or ward to appear in behalf of any child, and if, on such examination, the said county judge shall find that any child is dependent and neglected, he shall enter such finding by a proper order in the journal of the county court in his office, and shall deliver to the superintendent of the poor, or supervisors of such towns, procuring such examination, a certified copy of such order which shall contain, besides said findings, a statement of the facts so far as ascertained as to the age of the child, names and residence of parents, and name of county poorhouse, orphan asylum or other place where the child has been maintained, and the length of time of such maintenance; and in the case of the examination of two or more children at the same time, only one order need be made; and said certified copy of said order shall be delivered with the child at said school, to the superintendent thereof.

SECTION 15. It shall be the duty of the state board of supervision to provide and keep in said institution a record in which shall be entered the names, residence and ages of the children received, the residence, business, habits and character of the parents, if living and known, the date of reception in school, the date of indenture contract, and the name, occupation and residence of the person with whom the child is placed. A brief history of each child shall be maintained during its minority.

Records to be kept.

Officer to be designated by state board of supervision.

SECTION 16. The state board of supervision is authorized to designate some officer, teacher or other employe connected with said school to act as agent thereof, and who shall act in that capacity during the pleasure of said board, and shall be known as the agent of the state public school; and his duties as such agent shall be prescribed by said board, and shall include the visiting as often and at such times as the board shall determine, any and all children placed in charge of any person by said board; to inquire into the condition of such children and make such investigation as may be necessary in relation thereto, and report the same to said board of supervision; to investigate all applications to take such children, by adoption or otherwise, and such suitable persons who are willing to adopt, take charge of or otherwise take and keep any children sent to said school; and to enter into a contract in writing in behalf and under the instruction of said board, with the persons taking such child; and all such contracts shall contain a clause reserving to said board of supervision the right to withdraw the child from any person having him, when, in the opinion of the board, the welfare of the child requires it. The said agent, while acting as such, shall be paid his necessary traveling expenses by the state treasurer, after being allowed and certified by said board of supervision and audited by the secretary of state.

Biennial report to be made to the governor, etc.

SECTION 17. The said board of supervision shall biennially report to the governor, legislature and superintendent of public instruction, presenting a detailed statement of the operations of said institution for the two fiscal years preceding the regular session of the legislature, which shall include the report of all receipts and disbursements of said school for the same period, and the report of the superintendent of said school for the same period, setting forth the condition of said school, the names of regular employes and the salary of each, the number of children who have received instruction, the average number during each year in the school, the discipline prescribed, the studies pursued, the books used, the expense per capita for average attendance, the expense per capita estimating therein the expenses additional for those indentured, and such other informa-

tion as he may deem important, or the governor or superintendent of public instruction may request.

SECTION 18. That whenever the superintendent of the poor of any county, or the supervisors of any such town, shall bring any child before the county judge for examination as to his alleged dependence, as provided in this act, they shall present to said judge an application in writing, which shall be filed in his office, for such examination, which shall be signed by at least two of said superintendents or supervisors, in which they shall certify that in their opinion the child named is dependent on the public for support, and that he has no parents against whom his support can be enforced, under the laws of this state.

Application shall be filed.

SECTION 19. That the superintendent or agent of the state public school, or the state board of supervision is hereby authorized to consent to the adoption of any child who shall become an inmate of said institution, by any person or persons, pursuant to the provisions of chapter 173, of the revised statutes of 1878, and that on such adoption the said board of supervision shall cease to be the guardian of the child so adopted.

Adoption of children may be consented to.

SECTION 20. That whenever on the examination provided for in this act the county judge shall determine that the child is dependent on the public for support, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician, and shall in no case enter the order in his journal showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is, in his opinion, of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the county judge. That a copy of such certificate shall be attached to the other papers provided by this act, to accompany each child to this school.

Child to be examined by physician.

SECTION 21. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1885.