

No. 14, S.]

[Published June 16, 1919.]

CHAPTER 345.

AN ACT to renumber chapter 63 of the statutes to be chapter 49 thereof; and to renumber, amend and revise the sections of said chapter, and other sections, enumerated in the bill; all relating to the relief and support of the poor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 63 of the statutes is renumbered to be chapter 49, THE RELIEF AND SUPPORT OF THE POOR.

SECTION 2. Sections 1499 and 1501 are consolidated and renumbered to be section 49.01, and amended to read:

49.01 MUNICIPALITIES MUST SUPPORT THE POOR.

* * * Every town, *village and city* shall relieve and support all poor and indigent persons lawfully settled therein whenever they shall stand in need thereof, except as hereinafter provided. * * * The * * * *town board, village trustees, or common council, respectively*, in each town, *village, or city* shall have the oversight and care of all *such* poor persons and *indigents* * * * so long as they remain * * * *public charges*; and * * * shall see that they are properly relieved and taken care of in the manner required in this chapter.

SECTION 3. Section 1500 is renumbered to be section 49.02, and amended to read:

49.02 LEGAL SETTLEMENTS. * * * Legal settlements may be acquired in any town, *village, or city* so as to oblige such * * * *municipality* to relieve and support the persons acquiring the same in case they are poor and stand in need of relief, as follows:

(1) A married woman shall always follow and have the settlement of her husband if he have any within the state; otherwise her own at the time of marriage, and if she then had any settlement it shall not be lost or suspended by the marriage; and in case the wife shall be removed to the place of her settlement and the husband shall want relief he shall receive it in the place where his wife shall have her settlement.

(2) Legitimate children shall follow and have the settlement of their father if he have any within the state until they gain a settlement of their own; but if the father have no settlement they shall in like manner follow and have the settlement of their mother if she have any.

(3) Illegitimate children shall follow and have the settlement of their mother at the time of their birth if she then have any within the state; but neither legitimate or illegitimate chil-

dren shall gain a settlement by birth in the place where they were born unless their parent or parents had a settlement therein at the time.

(4) Every person of full age who shall have resided in any town, *village*, or *city* in this state one whole year shall thereby gain a settlement * * * *therein*; but no residence of a person in any town, *village*, or *city* while supported therein as a pauper shall operate to give such person a settlement * * * *therein*.

(5) Every minor whose parent and every married woman whose husband has no settlement in this state who shall have resided one whole year in any town, *village*, or *city* in this state shall thereby gain a settlement * * * *therein*.

(6) Every minor who shall be bound as an apprentice to any person shall, immediately upon such binding, if done in good faith, thereby gain a settlement where his or her master or mistress has a settlement.

(7) Every settlement when once legally acquired shall continue until it be lost or defeated by acquiring a new one in this state or by voluntary and uninterrupted absence from the town, *village*, or *city* in which such legal settlement shall have been gained for one whole year or upward; and upon acquiring a new settlement or upon the happening of such voluntary and uninterrupted absence all former settlements shall be defeated and lost.

(8) Whenever any territory shall be organized into or attached to any town, *village*, or *city* every person having a legal settlement in such territory, and who actually dwells or has him home, or if absent, had his last dwelling place or home therein, shall thereafter have a legal settlement in such new town, *village*, or *city* or in the town, *village*, or *city* to which such territory is so attached, as the case may be. The organization into or attachment to any town, *village*, or *city* of any territory shall not prevent any person from acquiring a legal settlement therein within the time and by the means by which he would have gained it there if no such new town, *village*, or *city* had been organized or such territory had not been attached.

* * *

SECTION 4. Sections 1512 and 1512a are consolidated and renumbered to be section 49.03, and amended to read:

49.03 LOCAL RELIEF OF TRANSIENT PAUPERS. (1)
* * * When any person not having a legal settlement therein shall be taken sick, lame, or otherwise disabled in any town, *city* or *village*, or from any other cause shall be in need of relief as a poor person and shall not have money or property to

pay his board, maintenance, attendance and medical aid, the * * * *town board, village board or common council* shall provide such assistance to such persons as * * * *it* may deem just and necessary, and if he shall die, * * * *it* shall give him a decent burial. * * * *It* shall make such allowance for such board, maintenance, nursing, medical aid and burial expenses as * * * *it* shall deem just, and order the same to be paid out of the town, city, or village treasury.

(2) The expenses so incurred shall be a charge against the county. The account therefor shall be audited by the county board and paid out of the county treasury, and * * * *may be recovered by said county* of the town, city or village in which such person so relieved has a legal settlement; * * * *or if such settlement be* in a county * * * *operating under* the county system of maintaining its poor, * * * *the recovery may be from such county.*

(3) * * * *The clerk of the municipality furnishing such relief shall* ascertain, if possible, the * * * *municipality* in which such * * * *settlement is located*, and within ten days after such person becomes a public charge, shall * * * *serve upon* the county clerk of his county a written notice which shall state the name of the person who has received public aid, the name of the * * * *municipality* where such person claims a legal settlement, or, if such place could not, after due diligence, be ascertained, a statement of such fact, and the date on which the first aid or support was furnished. In case such notice is not given within ten days, the same may be given at any other time, but * * * *the county shall be liable only for the expense incurred for the support of such person from and after the time of the giving of such notice.*

(4) The county clerk shall file such notice in his office, and shall within ten days after the receipt thereof serve a written notice, containing the information so received, upon the county clerk of the county in which such person claims a legal settlement, and, if such county is not under the county system of maintaining its poor, the county clerk thereof shall at once forward such notice to the clerk of the town, city, or village in which such person claims a legal settlement. In case such notice is not given within such ten days the same may be given * * * *at any other time*, but * * * *the * * * municipality so notified shall only be liable for the expense incurred by such county for the support of such person from and after the time of the giving of such notice.*

(5) The * * * *authorities having charge of the poor of* * * * *the municipality* in which such person claims a legal

settlement, and until they shall do so, the * * * authorities *having charge of the poor* of the county in which such person may be, may take charge of such poor person and relieve him in such other manner as they deem proper.

(6) The * * * clerk of any * * * *municipality* which may disallow a claim for *such* expenses * * * or any part thereof, shall within ten days after such disallowance, notify in writing the county clerk of the county making such claim of the action * * * thereon, and until such notice is received by such county clerk, the * * * *time* in which an * * * *action may be brought to recover the amount disallowed* shall not begin to run. * * *

(7) * * * Upon receipt of notice of the disallowance of the claim of any county, the county clerk receiving such notice shall forthwith notify the district attorney of his county, who shall be authorized and empowered to institute an action * * * in the name of the county, * * * for the recovery of so much of said claim as shall * * * *have been* disallowed, and * * * *in such action* no county shall be required to give bond for the faithful prosecution * * * *thereof* or payment of costs adjudged therein.

(8) * * * The mailing within such ten days, * * * of any notice herein provided for, in the manner provided by section 2821 * * * shall be a sufficient service of such notice.

SECTION 5. Section 1517 is renumbered to be section 49.04, and amended to read:

49.04 COUNTY RELIEF OF TRANSIENT AND LOCAL PAUPERS. * * * (1) The county board *of each county* shall have the care of all poor persons in * * * *said county* who have no legal settlement in the town, city or village where they may be, except as provided in section * * * 49.03, and shall see that they are properly relieved and taken care of at the expense of the county.

(2) * * * *The board* may make * * * regulations, not inconsistent with law, in relation to the support and maintenance of such persons and may also contract with * * * any town, *village, or city* in * * * *said county* to keep and maintain at the place where the poor supported by the county are kept, such poor persons as may be a charge upon such * * * *municipality*, at a stipulated price, the amount of which shall be levied and collected in such * * * *municipality* in the manner county taxes are levied and collected therein.

(3) *The board* * * * may also, by resolution adopted at its annual or special meeting, *at the expense of the county*, relieve and take care of * * * all permanent poor persons who may be a charge upon any * * * *municipality* in such county and *cause them to be committed* to the poorhouse of such county, pursuant to section * * * 49.07.

SECTION 6. Section 1511 is renumbered to be section 49.05, and amended to read:

49.05 APPRENTICESHIP OF MINORS BY MUNICIPAL BOARDS. * * * When any minor *who is not a neglected, dependent or delinquent child as defined in section 48.01* shall become or be likely to become chargeable to any * * * *municipality*, either because of being an orphan or because the parents or other relations are unable or refuse to support such minor, the * * * *authorities having charge of the poor of such municipality* shall bind such minor as an apprentice to some respectable householder of the county by written indenture, which * * * shall be executed in like manner and shall be of the same tenor and effect as indentures executed pursuant to chapter 110; and every minor so bound, and the * * * *authorities* binding him, and his master shall be subject to all the provisions of said chapter.

SECTION 7. Section 1515 is renumbered to be section 49.06, and amended to read:

49.06 BRINGING PAUPERS INTO THE STATE. * * * Any person who shall bring or remove or cause to be brought or removed any poor person from any place without this state into any * * * *municipality* within it, with intent to make such * * * *municipality* chargeable with his support, shall forfeit fifty dollars; and the justice or court before whom such person shall be * * * *proceeded against* for a violation of the provisions of this section shall, by its judgment, require of such person satisfactory surety that he will, within a reasonable time to be fixed, transport such poor person out of the state or indemnify such * * * *municipality* for all charges and expenses which have been or may be incurred in his support; and in case of neglect or refusal so to do commit such person to the county jail *until he shall comply with said judgment*, but for a term not exceeding three months.

SECTION 8. Section 1513 is renumbered to be section 49.07 COMMITMENTS TO THE POORHOUSE.

SECTION 9. Section 1514 is renumbered to be section 49.08, and is amended to read:

49.08 REPORTS TO COUNTY JUDGE. * * * *Any officer charged with the care of a poor person whose support*

*may be chargeable in whole or in part to any county or any municipality therein and who shall place such person in any institution shall forthwith report to the county judge of the * * * said county the name and age of said person, the institution in which he is placed, the terms of the contract made for his support or care, and any other information necessary to show the extent of the liability which may thereby rest upon the municipality * * * liable for such * * * support or care; and * * * shall also report to said judge the fact that such person has ceased to be a public charge as soon as he is aware thereof. Each such judge shall keep a record of the information received by him pursuant to the above provisions.*

SECTION 10. Section 1516 is renumbered to be section 49.09 ESTIMATES AND EXPENDITURES FOR TOWN POOR RELIEF.

PROCEEDINGS AGAINST INDIGENTS AND THEIR RELATIVES FOR SUPPORT.

SECTION 11. Sections 600 and 604g are repealed.

SECTION 12. Section 1505a is renumbered to be section 49.10, and amended to read:

49.10 PROPERTY OF INDIGENT CHARGEABLE; RECOVERY. * * * If any person who has * * * received any relief, * * * support, or maintenance at public charge, under this chapter * * * or as an inmate of any state or municipal institution, was at the time of receiving such relief, * * * support, or maintenance the owner of property, * * * the authorities charged with the care of the poor of the municipality, or the board in charge of the institution, * * * chargeable with such relief, * * * support, or maintenance may sue for and collect the value of the same against such person and against his estate. In * * * and such action * * * or proceeding * * * the statutes of limitation shall not be pleaded in defense; * * * but the court may, in its discretion, refuse to render judgment or allow the claim in favor of the claimant in any case where a parent, wife, or child is dependent on such property for future support. The * * * records kept by the * * * state or municipality for the purpose of showing the names and the value of the relief, * * * support, or maintenance furnished * * * shall be prima facie evidence. * * *

SECTION 13. Sections 1502, 1502a, 1502b, 1503 and 1504 are consolidated and renumbered to be section 49.11, and amended to read:

49.11 LIABILITY OF RELATIVES; ENFORCEMENT
(1) * * * The father, mother, husband, children and wife * * * of any poor person who is blind, old, lame, impotent,

or decrepit so as to be unable to maintain himself, shall, * * * relieve and maintain such poor person, * * * *so far as they are able*, in * * * a manner * * * approved by the * * * authorities * * * *having charge of the poor in the municipality, or by the board in charge of the institution*, where such poor person * * * may be; * * * *but no child of school age shall be compelled * * * by * * * this * * * section to labor contrary to the * * * child labor laws.* * * *

(2) * * * Upon failure of any such relative so to do the * * * *said authorities or board* shall apply to the county judge of the county * * * of *which* such poor person * * * *is a resident* for an order to compel such relief.

(3) * * * At least fourteen days prior to the hearing * * * *on said application notice thereof* * * * shall be served upon the person to whom it is directed in the * * * manner provided * * * for the service of summons in courts of record. * * *

(4) * * * *At the time and place fixed in said notice* the county judge shall *in a summary way* hear the allegations and proofs of the parties and by order require relief and maintenance * * * from such relatives, *if living and of sufficient ability*, in the following order: *First the husband or wife; then the father; * * * then the children; * * * and lastly the mother.* * * * *Such order shall specify a sum which will be sufficient for the support of such poor person, to be paid weekly, during a period fixed therein, or until the further order of the court.* If satisfied that any such relative is unable wholly to maintain such poor person, but is able to contribute to his support, the judge may, in his discretion, direct two or more such relatives to maintain him and * * * prescribe the proportion each shall contribute * * * and if satisfied that such relatives are unable together wholly to maintain such poor person, but are able to contribute something therefor, the judge shall direct a sum to be paid weekly by each such relative in proportion to his ability. * * * *At any time during the pendency of said order, upon application of any party affected thereby and upon like notice and procedure*, the said judge may * * * modify such order. * * * The costs and expenses of the original application shall be * * * paid by such relative or relatives. Full obedience to every such order may be enforced by proceedings as for a contempt.

(5) Any party aggrieved by any such order * * * may appeal therefrom to the circuit court * * * pursuant to the provisions of chapter 175, * * * *so far as applicable and*

*necessary; but * * * when the appeal is taken by the * * * authorities having charge of the poor person an undertaking need not be filed. * * **

SECTION 14. Section 1505 is renumbered to be section 49.12, and amended to read:

49.12 ACTION AGAINST RELATIVES. * * * If any relative who shall have been required by such order to relieve or maintain * * * such poor person shall neglect to do so * * * as prescribed * * * in said order, the said * * * authorities or board may recover in an action * * * on behalf of the * * * municipality or institution against such relative * * * the sum so prescribed for every week the said order shall have been disobeyed up to the time of judgment, with costs of suit, for the use of the poor.

SECTION 15. Sections 1506, 1507, 1508, 1509 and 1510 are consolidated and renumbered to be section 49.13, and amended to read:

49.13 ABANDONMENT OF WIFE OR CHILDREN. (1) * * * Whenever the father, or mother, being a widow or living separate from her husband, shall abscond or be about to abscond from his or her children, or a husband from his wife, or when such father, mother, or husband shall be about * * * to remove *permanently* from the town, *village*, or *city* in which he or she may reside, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or * * * shall neglect or refuse to support or provide for such wife or children, the mayor of the city, president of the village or supervisors of the town where such wife or children may be may apply to the county judge or any justice of the peace of any county in which any estate, real or personal, of the said father, mother or husband may be situated for a warrant to seize the same.

(2) * * * Upon due proof of the facts aforesaid such judge or justice shall issue his warrant authorizing such mayor, president or supervisors, *respectively*, to take and seize the goods, chattels, effects, things in action, * * * lands and tenements of such person, * * * wherever found in * * * said county; and they shall, *respectively*, be vested with all the rights and title, *as limited in this section*, to any such property and things in action which such person had at the time of his departure; *and may seize and take the same into their possession.* * * * They shall immediately make an inventory thereof and return the same with said warrant and their proceedings thereon to the county court. All sales and transfers of any real or personal property or things in action left in the county from which

any such person shall have absconded, made by him after the issuing of such warrant, whether in payment of an antecedent debt or otherwise, shall be absolutely void.

(3) * * * Upon such return the county court may inquire into the facts and circumstances and may confirm such seizure or discharge the same; and if the same be confirmed shall from time to time direct what part of the personal property shall be sold and how much of the proceeds of such sales and the rents and profits of the real estate shall be applied toward the maintenance of the wife or children of such person. All such sales shall be at public auction.

(4) * * * The mayor, president or supervisors, *respectively*, shall receive the proceeds of all property so sold and the rents and profits of the real estate of such person and apply the same to the maintenance and support of the wife or children of such person; and they shall account to the said * * * court for the moneys so received and for the application thereof from time to time. * * *

(5) * * * If the person whose property shall have been so seized shall return and support the wife or children so abandoned or give security to the mayor, president or supervisors, *respectively*, to be approved by them, that such wife or children shall not * * * thereafter be chargeable to such city, village, or town the * * * *said court* shall discharge such warrant and *order the restoration of* the property seized by virtue thereof and remaining unappropriated, or the unappropriated proceeds thereof, after deducting the expenses of such proceedings. * * *

COUNTY ADMINISTRATION OF POOR RELIEF.

SECTION 16. Sections 1518, 1522, 1523 and 1526 are consolidated and renumbered to be section 49.14, and revised to read:

49.14 COUNTY POORHOUSE; OFFICERS OF THE POOR. (1) Each county, whether having abolished the distinction between county poor and town, village or city poor or not, may establish a county poorhouse for the relief and support of the county poor, pursuant to the provisions of section 46.17.

(2) In all counties whose population is less than two hundred and fifty thousand such poorhouse shall be governed pursuant to sections 46.18, 46.19 and 46.20; and the trustees and superintendent of the poorhouse shall also have charge of all county poor relief outside of the poorhouse, and may administer oaths concerning any matter submitted to them, or either of them, in connection with their functions.

(3) In all counties in which a county poorhouse is not established the county board may place all county relief of the poor in charge of a board of trustees and superintendent governed pursuant to sections 46.18 and 46.19, so far as applicable; or may provide for the support and maintenance of the county poor in such other manner as they shall direct.

(4) Each municipality in which a poorhouse is established shall not contract with any person to conduct the same or to support and maintain the inmates thereof; and all agreements in violation of this subsection are void.

COUNTY SYSTEM OF POOR RELIEF.

SECTION 17. Section 1519 is renumbered to be section 49.15, and amended to read:

49.15 ADOPTION OF COUNTY SYSTEM. * * * The county board of any county may, at an annual meeting or *at a special meeting called for that purpose*, by a resolution adopted by * * * *an affirmative vote of a majority of all the supervisors entitled to a seat in such board, abolish all distinction between county poor and town, village and city poor in such county and have the expense of maintaining all the poor therein a county charge; and * * * thereupon the county shall relieve and support the poor in said county, and all the powers conferred and duties imposed by this chapter upon towns, villages, and cities shall be exercised and provided for pursuant to section 49.14.*

SECTION 18. Section 1524 is renumbered to be section 45.20, and amended to read:

45.20 TEMPORARY AID TO SOLDIERS, SAILORS AND MARINES, AND THEIR DEPENDENTS. * * * Temporary aid shall be given, granted, furnished and provided, *according to the provisions of chapter 49*, to and for any honorably discharged indigent soldier, sailor, or marine of any war of the United States and the indigent wife, widow or minor child of any such, without requiring the removal of any such person to any poorhouse, but such temporary aid shall not continue longer than three months at any one time or in any one year unless the * * * *authorities charged with the relief of the poor shall determine otherwise.* * * *

SECTION 19. Section 1525 is renumbered to be section 49.16, and amended to read:

49.16 ABANDONMENT OF COUNTY SYSTEM. * * * *Any such county may, at * * * an annual meeting or at a special meeting called for that purpose, by * * * a*

*similar vote repeal said resolution; and thereafter the poor of such county shall be supported in the same manner as if such distinction had never been abolished. * * **

SECTION 20. Section 1529 is renumbered to be section 49.17
SPECIAL LAWS NOT REPEALED.

SECTION 21. This act shall take effect upon passage and publication.

Approved June 12, 1919.

No. 15, S.]

[Published June 16, 1919.

CHAPTER 346.

AN ACT to renumber and amend chapter 57b of the statutes to be chapter 50; and to rearrange, renumber, revise and amend the sections of said chapter, all relating to tuberculosis sanatoriums.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 57b of the statutes is renumbered to be chapter 50, TUBERCULOSIS SANATORIUMS.

STATE TUBERCULOSIS INSTITUTIONS.

SECTION 2. Sections 1421—1, 1421—5, 1421—31, 1421—32, and 1421—33 are consolidated and renumbered to be section 50.01, and amended to read:

50.01 ESTABLISHMENT OF STATE SANATORIUMS.

(1) * * * The Wisconsin state tuberculosis sanatorium is established for the treatment of persons afflicted with pulmonary tuberculosis, especially * * * in * * * its incipient stages. * * *

(2) * * * The state board of control shall establish an institution, to be located north of the center line of the state, and to be known as the Northern state tuberculosis sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis, * * * especially * * * in * * * its incipient and moderately advanced stages. The * * * board * * * shall construct the necessary buildings for such sanatorium on lands owned by the state if in * * * its judgment any such lands will furnish a site which is appropriate and practicable; otherwise said board is authorized to purchase a suitable site at a price of not to exceed twenty-five dollars an acre, * * * and erect on such site, and equip, such buildings as it deems proper * * * for the purposes of said institution. * * *