

ant; and in each and every case where service is required to be made on any person or persons, the summons and complaint shall be personally delivered to each and every person hereinbefore required to be served with the same, wherever such person may be found, and proof of such service may be made by affidavit taken before any notary public, who shall attach thereto his official seal, or before a commissioner of Wisconsin, or a clerk of a court of record: provided, that when any such person so served resides out of the state of Wisconsin, no default shall be taken or proceedings had on the case until forty days after such service.

Court shall appoint guardian.

SECTION 5. In every case under this act the court shall appoint a guardian ad litem, who shall be a respectable and competent attorney of such court, not interested in the said cause on the part of the plaintiff, who shall appear for the said defendant, and diligently protect and care for the rights and interests of said defendant in such cause, and for such service shall be paid such compensation as the court shall deem reasonable, the same to be taxed against and paid by the plaintiff. In case any appearance is made in such cause, by or on behalf of the defendant by any parent, child or relation, such guardian shall be selected and appointed by the court upon due personal notice to such person so appearing, of not less than ten days, and when there shall be no such appearance, such guardian shall be selected by the court from the attorneys thereof, in the manner and for the purposes aforesaid: provided, however, that such guardian shall not be liable for costs in any such action.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 185, S.]

[Published April 7, 1881.]

CHAPTER 298.

AN ACT relating to the charitable, reformatory and penal institutions of Wisconsin, and to provide for the more efficient supervision and management thereof, and to repeal certain provisions of law relating thereto.

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

Boards abolished.

SECTION 1. The board of trustees of the Wisconsin state hospital for the insane, the board of trustees of the northern hospital for the insane, the board of di-

rectors of the Wisconsin state prison, the board of managers of the Wisconsin industrial school for boys, the board of trustees of the Wisconsin institution for the education of the blind, and the board of trustees of the Wisconsin institution for the education of the deaf and dumb, as now constituted and appointed, are hereby abolished, and said boards shall go out of office and cease to discharge their respective duties, sixty days after the passage and publication of this act.

SECTION 2. The governor, by and with the advice and consent of the senate, shall appoint five persons, citizens of Wisconsin, no two of whom shall be residents of the same congressional district, a "state board of supervision of Wisconsin charitable, reformatory and penal institutions," who shall be a body corporate, under and by said name, and shall have and possess all the powers, and may exercise all the functions of the several boards abolished by section one of this act. Said board shall devote its entire time and attention to its duties, as provided in this act.

Governor to
appoint state
board of super-
vision.

SECTION 3. Said board shall meet and organize within sixty days from the passage and publication of this act, and shall enter upon the discharge of its duties at the expiration of said sixty days. Each member of said board, before entering upon the discharge of his duties, shall take and subscribe an oath to support the constitution of the United States, the constitution of the state of Wisconsin, and honestly and faithfully to discharge his duties as a member of said board to the best of his ability, which oath shall be filed in the office of the secretary of state.

Organization of
board.

SECTION 4. The members of said board shall hold office for the term of five years, except that the members first appointed shall go out of office, one in one, one in two, one in three, one in four and one in five years from the date of appointment, the member to go out to be determined by lot. Appointments to fill vacancies occasioned by death, resignation or removal, shall be for the unexpired term. Upon the expiration of any regular term, or the occurring of any vacancy, the governor shall appoint in like manner as above.

Terms of office.

SECTION 5. Said board shall be provided with a room in the capitol building at Madison, as its office, and shall hold thereat regular meetings for the transaction of business, at least once in each month; the board shall be furnished with all necessary furniture and stationery by the superintendent of public property, and also all necessary blanks, blank books and printing, by the commissioners of public printing.

Office of board.

Compensation
of members of
board.

SECTION 6. Each member of said board shall receive a compensation of two thousand dollars per annum, and also all actual and necessary disbursements paid out in the discharge of the duties of his office. Said board shall also have power to expend a sum not exceeding two thousand dollars per annum, as salary for a secretary of said board, and for clerk hire. All accounts for salary, clerk hire and disbursements, provided for in this act, shall be rendered under oath, and shall be audited and allowed by the board, and then drawn from the state treasury upon the warrant of the secretary of state, out of the funds appropriated to the said several institutions, in relative proportion, as near as may be, to the sums appropriated to each for current expenses, and the sums credited to each by the secretary of state, as herein provided.

Commissioners
of lunacy.

SECTION 7. Said board shall act as commissioners of lunacy, with power to investigate and examine into, with or without expert assistance, the question of the insanity and condition of any person committed or confined in any lunatic hospital or asylum, public or private, or restrained of his liberty by reason of alleged insanity, at any place within this state, and shall take the proper and legal steps for the discharge of any person so committed or restrained, if in its opinion such person is not insane, or can be cared for after such discharge without danger to others, and with benefit to such person.

Powers of
board.

SECTION 8. Said board shall have power to fully investigate all complaints against any of the institutions above named, or against the official conduct or the management thereof; to send for books and papers; summon, compel the attendance of, and swear witnesses; and conduct, at any time, thorough investigation into the affairs of any such institution, in such manner as to it shall seem best. Any letter, communication or complaint addressed to such board, or to any member thereof, by any inmate, employe or subordinate officer in any of said institutions, shall be forthwith forwarded as addressed, without interference therewith, or the breaking of the seal, or the reading thereof by any officer or employe of such institution.

Duties of board.

SECTION 9. The duties of such board shall be: 1. To maintain and govern the Wisconsin state hospital for the insane, the northern hospital for the insane, the Wisconsin state prison, the Wisconsin industrial school for boys, the Wisconsin institution for the education of the blind, and the Wisconsin institution

for the education of the deaf and dumb; and such other charitable, reformatory and penal institutions as may hereafter be established or maintained by the state. 2. To carefully supervise and direct the management and affairs of said institutions, and faithfully and diligently promote the objects for which the same have been established. 3. To preserve and care for the buildings, grounds and all property connected with said institutions. 4. To take and hold in trust for the said several institutions, any land conveyed or devised, or money or property given or bequeathed, to be applied for any purpose connected therewith, and faithfully to apply the same as directed by the donor, and faithfully to apply all funds, effects and property which may be received for the use of such institutions. 5. To make, on or before October first in each year, full and complete annual inventories and appraisals of all the property of each of said institutions, which inventories and appraisals shall be recorded, and shall be so classified as to separately show the amount, kind and value of all real and personal property belonging to such institutions. 6. To make such by-laws, rules and regulations, not incompatible with law, as it shall deem convenient or necessary for the government of the said institutions and for its own government, and cause the same to be printed. 7. To visit and carefully inspect each of said institutions as often as once in each month, either by the full board or by some member thereof, and ascertain whether all officers, teachers, servants and employes in such institutions are competent and faithful in the discharge of their duties, and all inmates thereof properly cared for and governed, and all accounts, account books and vouchers, properly kept, and all the business affairs thereof properly conducted. 8. To fix the number of subordinate officers, teachers, servants and employes in each of said institutions, and prescribe the duties and compensation of each, and to employ the same upon the nomination of the respective superintendents and wardens. 9. To promptly remove or discharge any officer, teacher, servant or employe in any of said institutions, who shall be guilty of any malfeasance or misbehavior in office, or of neglect, or improper discharge of duty. 10. To annually appoint for the Wisconsin state hospital for the insane and for the northern hospital for the insane, for each, a superintendent, one assistant physician, a matron, a steward, and a treasurer; and for the institution for the education of

Supervise institutions.

Care of property.

Property bequeathed.

Inventories.

By-laws, rules and regulations

Inspection of institutions.

Officers, teachers and employes.

Malfeasance and misbehavior.

Superintendents, etc.

the blind, and the institution for the education of the deaf and dumb, and the industrial school for boys, for each, a superintendent, a steward, a treasurer, and all necessary teachers; and for the state prison, a warden, a steward and a treasurer, who shall be the officers of said institutions respectively, and whose duties shall be fixed by said board, except as herein otherwise provided. 11. To maintain and govern the school, prescribe the course of study, and provide the necessary apparatus and means of instruction for the institution for the education of the blind, and for the institution for the education of the deaf and dumb. 12. To prescribe and collect such charges as it may think just, for tuition and maintenance of pupils not entitled to the same, free of charge, in the institution for the education of the blind and in the institution for the education of the deaf and dumb. 13. To fix the period of the academic year, not less than forty weeks, and prescribe the school terms in the institution for the education of the blind, and in the institution for the education of the deaf and dumb. 14. To confer, in its discretion, upon meritorious pupils, such academic and literary degrees as are usually conferred by similar institutions, and grant diplomas accordingly, in the institution for the education of the blind, and in the institution for the education of the deaf and dumb.

Blind, deaf and dumb. **Charges for tuition.** **Academic year.** **Literary degrees.** **Secretary of board.**

SECTION 10. Said board may employ a secretary, who shall be a competent and experienced book-keeper, and such assistant book-keeper or clerks, as may be necessary. The secretary shall keep the books, records and accounts of the board, under such rules and regulations as the board may prescribe. He shall keep a clear, distinct and separate book account with all the several departments of the several institutions, including all items purchased or sold on account thereof, and the products thereof, with an estimate of the value of all such products, in such manner as to always show the relative cost and expenditure on account of each such department, and the income thereof, and in case the income or profits of any one department shall be made to contribute to the income or support of any other department of any such institution, the same shall be made to appear upon the books of such board.

Salaries. SECTION 11. The salaries of the officers of the said institutions, not now fixed by law, shall be prescribed by the board, which in no case shall exceed twenty-five hundred dollars per annum, except that the several treasurers aforesaid shall receive no salary. The sev-

eral stewards and treasurers aforesaid, before entering upon the discharge of their duties, shall execute sufficient bonds, to the state of Wisconsin, to be filed with the secretary of state, in such penal sum, and with such sureties, as the board may prescribe, conditioned for the faithful performance of their duties, and the faithful accounting for all moneys, or other property which may come to their hands, respectively, as such officers.

SECTION 12. The steward of each institution shall Duty of steward be the local business manager and purchasing agent of such institution, subject to the direction and the rules and regulations of the board. Under the direction of the board, and within the limits of the monthly estimates made by the board, he shall purchase all materials and supplies required to be purchased for the institution to which he belongs. He shall have the immediate charge of all books, accounts, papers and records relating to the financial management of the institution to which he belongs, and shall keep detailed accounts of all receipts and expenditures pertaining to the same. He shall be responsible for the safe keeping and economical use of all stores and supplies purchased for such institution. For all articles purchased he shall require bills. On the receipt of goods purchased, he shall carefully compare the articles received, with the bills, and shall see that they are correct, as to quality, quantity and amount charged therefor, and to every bill thus examined, he shall attach a certificate, setting forth the fact that he has made such examination, and that he has examined the extensions and footings, and that the bill is in all respects just and correct. All said bills shall be laid before the board at its next meeting, for allowance, and no bill or account shall be audited by the board, or appropriation made therefor, which shall not first be so certified and presented. All materials and supplies shall be purchased at the lowest practicable price, and when economy of expenditure can be promoted thereby, such materials and supplies shall be purchased in quantity, or of the lowest bidder, in bulk, for all of said institutions, by the stewards of such institutions, and under such regulations as the board may direct.

SECTION 13. The board, once in each month, with the assistance of such of the officers of the several institutions as it may require, shall prepare an estimate for each institution, of the expenditures necessary to be made during the month next ensuing, and such estimate shall be made out in detail and certified, and Monthly estimates of institutions.

filed with the secretary of the board, and a duplicate with the steward of each institution, respectively, and no member of said board, and no officer of either of said institutions, shall incur any liability without such estimate being first made. Said board shall also fix a regular time, as often as once in each month, for the auditing, and also for the issue of its warrants, for the payment of all accounts and charges against each of said institutions.

Payment of ac-
counts.

SECTION. 14. No accounts for purchases made shall be paid until the same shall have been audited by the board, and an appropriation made therefor; and all such accounts, when so audited and appropriated, shall be paid by an order or warrant on the treasurer of the institution for which the same has been appropriated, signed by the secretary and by the president of the board; and stubs of all such orders or warrants issued, shall be preserved in the office of the board. All accounts so paid shall be receipted by the payee, and filed in the office of the board, and no money, for any purpose, shall be drawn from the treasurer, except upon such order or warrant of the board, and in the manner in this section prescribed: provided, however, that said board, in its discretion, may draw upon the treasurer of each institution each month, and deliver and charge to the steward, a sum not exceeding one hundred dollars in any one month, which sum may be used by said steward, under the direction of the board, for necessary and contingent expenditures not previously estimated; and all amounts so paid by the steward from said sum so drawn, shall be reported to the board at its ensuing meeting, with the purposes for which the same was expended, and when so reported and allowed by the board, the same shall be credited to the steward: provided further, that the aggregate amount due and payable monthly to the officers and employes of either institution, may be drawn from the treasurer of said institution, on the order of said board, monthly, in one sum, and made payable to the steward of said institution, who shall disburse the same in amounts corresponding with the respective amounts entered on the monthly pay roll previously approved by the board, filing full receipts for all amounts so paid.

Duty of secre-
tary of state.

SECTION 15. Whenever any estimate has been made for either of said institutions as provided in section thirteen of this act, the secretary of state shall draw his warrant upon the state treasurer for the amount of money so estimated to be required for dis-

bursement during the ensuing month, in favor of the treasurer of each such institution, and such order shall be paid by such state treasurer to the treasurer of such institution.

SECTION 16. All moneys paid to any officer of either of said institutions for the benefit of any inmate thereof, shall be paid or transmitted to the steward of such institution, who shall enter the same upon the books of the institution, to the credit of the person or persons for whose benefit the same was designed, and report the same to the board at its next regular meeting; and all such moneys so paid, shall be deposited with the treasurer of such institution, and paid out only under the direction and with the advice and approval of the superintendent or warden of such institution, for the benefit of the parties for whom the same was designed, in the same manner that other moneys are paid by said board. And all property contributed or donated for the benefit of any inmate of either of said institutions, shall be received by the superintendent or warden, and the amount and estimated value thereof be reported to the board at the next regular meeting thereof, and the secretary shall keep a record of all such property and of the disposition made of the same.

Moneys for use of inmates to be strictly accounted for.

SECTION 17. The superintendent of each hospital, under the direction of the board, shall have immediate supervision of the interior administration of the hospital in which he is employed, and he shall be personally responsible for the sanitary condition, care, health and treatment of the inmates thereof. He shall cause to be kept for the hospital, a daily record of each inmate. At as early a day in the month of June next, as may be practicable, he shall report to the board the name, age and place of residence of each inmate, upon such day, together with a brief statement as to the special form of insanity and physical condition of each of said inmates, and such other facts of value relating thereto as may be known to him. He shall also state, in said report, the name and place of residence of the guardian of each inmate, or of the person or county chargeable for his or her support. And he shall thereafter, on the first Monday of each month, report to the board such information as the board may require, with:

1. The name, age, place of residence and date of admission of each person admitted as an inmate to the hospital, during the next preceding month, with a brief statement of his or her mental and physical condition

Duty and authority of superintendents of hospitals.

and form of insanity, and with the name and place of residence of the guardian or person chargeable for the support of such inmate. 2. The name, age and residence of each inmate discharged or removed, during each month, the condition of such inmate when so discharged or removed, the reason for such discharge or removal, and the place, if any, to which such inmate was sent or taken. 3. The name, age and residence of any inmate dying during the preceding month, the immediate cause of death, and the disposition made of the body. 4. A statement of any unusual restraint or confinement to which any inmate was subjected, during such month, and of the necessity therefor. 5. The name and particular service of each person discharged from service in such hospital, or quitting such service during such month, with the reasons therefor and the date thereof.

Monthly report
of institutions.

SECTION 18. Each of the institutions herein committed to the charge of the said board, shall, by its proper officer, make monthly reports to such board, giving detailed and itemized accounts of all receipts and disbursements, and also showing the daily number of inmates, officers, teachers, servants and employes in each, and the wages paid to each such officer, teacher servant or employe, and also an annual report on the first day of October in each year, giving a summarized statement of the management of each of said institutions, in every department, for the preceding fiscal year ending on the thirtieth day of September.

Visiting com-
mittee.

SECTION 19. The board may, from time to time, appoint, for each institution, a visiting committee of not more than three persons, to visit and inspect the interior management of one or all of said institutions; and such committee shall have access to all parts of either of said institutions, and to all the inmates thereof; it may visit, inquire into and examine as to the condition and management thereof, and shall make a full report in writing to the president of the board, of the result of such inquiry and examination. Each member of such committee shall be allowed his or her necessary and actual expenses in making such visit, and the same shall be paid as other bills against said institutions are paid. The governor shall, also, after each election of members of the legislature, and before the first of December following, appoint a visiting committee of three: one from the members of the senate elect, and two from the members of the assembly elect, who shall visit each of the institutions above

named, before the assembling of the legislature, who shall have the same powers, perform the same duties, and be paid the same compensation, as is provided by the preceding terms of this section.

SECTION 20. On or before the first day of December in each year, the board shall make a report to the governor, for the preceding fiscal year. Such report shall show the kind and estimated value of all the property of each institution at the commencement of such year; the kind and cost of all permanent additions and improvements during such year; the receipts of money during such year, from all public sources; the receipts of money or property from all private sources for the benefit of inmates, and the disposition thereof; the amount and estimated value of all products of the farm, shop, and other sources of support and supply in the charge of said board, for each institution, and the cost and application thereof respectively; the number of inmates of each institution at the commencement and at the close of each such year, with the average number maintained in each institution during such year, with the average weekly cost of such maintenance for each such inmate, such cost to be based upon the total amount appropriated by the board for the support of each institution during such year, including all appropriations by the board for subsistence and repairs or renewals of property, together with the net value of all the products of the farm and garden, and the net value of all labor expended in the care and repair of the property of each institution, but not including the cost of permanent additions to property, or private contributions for inmates; and such report shall contain such further facts, relating to the financial condition of each said institutions, as said board may deem necessary for the information of the legislature, together with an estimate of expenses for the ensuing year. Such report shall be accompanied by such parts of the report of the superintendent and steward of each of the two insane asylums, the report of the warden and steward of the state prison, the report of the superintendent and steward of the institution for the education of the blind, the report of the superintendent and steward of the institution for the education of the deaf and dumb, and the report of the superintendent and steward of the industrial school for boys, as said board shall deem proper to lay before the governor; and the reports now provided by law to be submitted by the said several institutions, or by the officers thereof, to the governor, are hereby abolished.

Annual report
of board.

Board to file statement containing list of names of inmates of each institution.

SECTION 21. On the twentieth day of October in each year, the board shall file with the secretary of state, a certified statement attested by the president and secretary of the board, setting forth the name of every inmate in either of the two hospitals, or in the industrial school for boys, at any time during the fiscal year ending on the thirtieth of September next preceding, for whose support, either in whole or in part, any county in the state is legally chargeable, the length of time for which such support is charged, and the amount due such hospital or industrial school from such county, for the support of such inmate, stating separately, the amount due for board and the amount due for clothing. The secretary of state shall, upon the receipt of such certified statement, charge to the respective counties, the amount so due such hospital or industrial school from such counties, which amount shall be a special charge upon said counties respectively, and shall be certified, levied and collected with the state tax, and paid into the state treasury therewith. On the first day of January in each year, the secretary of state shall pass said amount to the credit of the proper hospital or industrial school, for the use, maintenance and support of such hospital or industrial school, as provided by law. The board shall, at the time it is required to file such certified statement with the secretary of state, send by mail to the county clerk of each county so indebted, a duplicate of the statement so filed with the secretary of state.

Repealed.

SECTION 22. So much of chapter twenty-nine of the revised statutes, relating to the state board of charities and reform, as relates to the institutions above named; chapter ninety-six of the laws of 1880, relating to the government of the Wisconsin hospital for the insane; and section four thousand nine hundred and sixty-four of the revised statutes, relating to the Wisconsin industrial school for boys, are hereby repealed.

Laws to apply.

SECTION 23. The provisions of section three of chapter two hundred and eighty-nine of the laws of Wisconsin for 1880, shall be construed as applying to the board created by this act.

Repealed.

SECTION 24. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, but only so far as the same are so inconsistent.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.