

- Fees.** **SEC. 2.** Said coroner shall be entitled to the same fee for said services as justices of the peace are by law entitled to in such cases.
- Take effect.** **SEC. 3.** This act shall take effect and be in force from and after its passage.
- Approved March 19, 1859.

[Published April 11, 1859.]

CHAPTER 217.

AN ACT to change the name of S. Elias to that of S. E. Stamreich.

- Preamble.** *Whereas*, Jacob Stamreich proposes to constitute S. Elias an heir at law, on condition of his assuming the name of Stamreich; and whereas, said S. Elias proposes to leave the state at an early day, which will render it impossible to attain the object of the following act, under the general laws of the state; therefore,

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

- Change of name.** **SECTION 1.** The name of S. Elias, of the city of Madison, in Dane county, is hereby changed to that of S. E. Stamreich, by which name he shall hereafter be known in all courts and places.

- Take effect.** **SEC. 2.** This act shall take effect and be in force from and after its passage.
- Approved March 19, 1859.

[Published April 4, 1859.]

CHAPTER 218.

AN ACT to provide for the government of the Wisconsin state hospital for the insane.

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

- Trustees, how appointed.** **SECTION 1.** The governor shall nominate, and, with the consent of the senate, appoint seven persons to be trustees of the Wisconsin state hospital for the insane, all of whom shall be residents of this state; and three of whom shall be residents of Dane county. They shall be styled the "board of trustees of the Wisconsin state hospital for the insane," and a majority of them shall

constitute a quorum for the transaction of business. Three members of those first appointed, shall serve for three years; two for two years, and two for one year, as may be designated by the governor; and upon the expiration of these successive terms, the vacancies shall be filled by appointment for three years; the appointing power being always vested in the governor and senate alone; and should any vacancy occur in the board, by death, resignation, or otherwise, such vacancy shall be filled by appointment of the governor for the unexpired portion of the time. The said board of trustees shall manage and direct the affairs and concerns of the hospital, and shall have charge of its general interests, and shall make, subject to the approval of the governor, all necessary by-laws, rules and regulations for the administration of the affairs of the hospital, not inconsistent with the constitution and laws of the state. They shall appoint a superintendent of the hospital, who shall be a skillful physician, of acknowledged ability and experience in the treatment of the insane; and who shall be a married man, and shall, during the term of his appointment, reside with his family in the hospital. They shall also appoint a treasurer, who shall be a resident of the city of Madison, and who shall give bonds to the state in such sum as the trustees shall prescribe for the faithful performance of his duties. Upon the nomination of the superintendent they shall appoint an assistant physician, and such other officers as shall be provided for in the by-laws which they shall adopt; and they shall fix the amount of salary for the superintendent and all other officers. It shall be obligatory upon the board to designate two of their number, whose duty it shall be to visit and inspect every month; a majority of the board shall visit the hospital once every three months, and the entire board annually on the first Tuesday in October, at which time it shall be their duty to make a full report to the governor, of their proceedings, and of all matters pertaining to the hospital. They are to serve without compensation, except that they shall be repaid any expenses actually incurred by them in the performance of their duties, as members of the said board; and such payments shall be made out of the state treasury, upon the warrant of the secretary of state.

Term of office

Their duties.

Superintendent.

Treasurer.

Other officers

Inspectors.

SEC. 2. The said trustees, and their successors in office, shall have power to take and hold in trust, for the use and benefit of said hospital, any grant or demise of real estate, and any donation or bequest of money or other personal

Power of trustees.

property, to be applied to the maintenance of insane persons in, or to the general use of the hospital.

Superintending physician. SEC. 3. The superintending physician shall be the chief executive officer of the hospital; he shall nominate and exercise entire control over the subordinate officers, and he shall employ and designate the duties of all assistants connected with the institution, and may at pleasure discharge them. He shall not be compelled to obey the

Proviso.

command of any subpoena issued in any civil or criminal case, except for capital offences; *Provided*, he shall make and subscribe to an oath or affidavit, setting forth that to do so would be a serious detriment to the institution under his charge; nor in any case, unless the court, or a judge thereof, in vacation, shall make a special order that the subpoena issue, and in such case, a memorandum of the order shall be endorsed upon the subpoena.

Expense of treatment.

SEC. 4. All persons, residents of this state, who may be admitted into the hospital for treatment, shall be maintained therein at the expense of the state.

How admitted

SEC. 5. The trustees may admit to the hospital, patients from without the state whenever there is room, not required by the citizens of Wisconsin, upon such terms and conditions as shall be provided for in the by-laws of the institution. The admission of insane patients from the several counties of the state, shall be in the ratio of their insane population; *Provided*, each county shall be entitled to send at least one such patient. In no case shall a county have more patients in the hospital than its just proportion, unless there be some other county which has not its proportionate number of insane which it is entitled to in the order of admission. The indigent insane of the state, shall have preference over the rich; and when the finances of the state do not permit full provisions for all cases of insanity, recent cases shall have preference over those of long standing.

Proviso.

Conditions.

Question of insanity.

SEC. 6. All persons confined as insane shall be entitled to the benefit of the writ of *Habeas Corpus*, and the question of insanity shall be decided at the hearing; and if the judge shall decide that the person is insane, such decision shall be no bar to the issuing of the said writ the second time, if it shall be alleged that such person has been restored to reason.

Persons convicted of capital offences.

SEC. 7. The courts of this state shall have power to commit to the hospital for the insane, any person who having been charged with an offence punishable with death or imprisonment, shall have been found to have been insane, in the manner now provided by law, at the

time the offence was committed, and who still continues insane; *Provided*, it shall be the duty of the court which first committed such patient to the hospital, to remove him therefrom and make other provisions for his safe detention when satisfied by the superintendent that he cannot be retained in the hospital conveniently [consistently] with the safety of the other patients. Proviso.

SEC. 8. For the admission of patients into the state hospital for the insane, it shall be necessary that some respectable physician, resident of the county in which the patient may have a legal residence, certify that he has examined the person, and found him or her insane, and in case such patient be in indigent circumstances, application may be made to the chairman of the board of supervisors of the town in which such patient resides, and he shall make an order for his or her removal to the state hospital for the insane, and shall appoint some suitable person, the friends of the patient having the preference, to convey him or her thereto; and all expenses incurred in conveying such persons to and removing them from the hospital, as provided hereinafter, shall be paid by the county in which such person shall have a legal residence. Certificate of insanity.
Expenses incurred.

SEC. 9. The chairman of the board of supervisors of any town in which an indigent patient may reside, shall, upon notification by the superintendent of the "state hospital for the insane," cause to be removed such indigent patient from the hospital. He shall appoint some suitable person to perform the said duty. Removal of patients.

SEC. 10. No idiot, by which is meant a person idiotic from birth, shall be admitted into the hospital. Idiots.

SEC. 11. The board of trustees provided for in this act shall have power to act, though appointed by the governor after the adjournment of the present legislature, but the appointment thus made shall be confirmed by the senate during the next succeeding session of the legislature. First board of trustees.

SEC. 12. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eight thousand dollars, to be drawn and expended by the superintendent, upon the order of the trustees in fencing and improving the grounds belonging to said institution, and in the purchase of furniture and materials for furnishing the building. Appropriation for what purpose.

SEC. 13. This act shall take effect and be in force from and after its passage. Take effect

Approved March 19, 1859.