

No. 404, A.]

[Published April 28, 1897.

CHAPTER 319.

AN ACT to prescribe and regulate the procedure for determining insanity, for committing persons to the insane hospitals and asylums, and for paroling and discharging them therefrom.

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

Respecting
the commit-
ment of the
insane. Form
of application,
etc.

SECTION 1. When a resident of this state, or any person found therein, whose residence has not been ascertained, shall be or be supposed to be insane, application may be made in his behalf, by any three respectable citizens to the judge of the county court, or in his absence or disability, to the judge of the circuit court or a judge of any court of record, in and for the county in which such supposed insane person is found, for a judicial inquiry as to the mental condition of such supposed insane person, and for an order of commitment to some hospital or asylum for the insane. Such application shall be in writing, and substantially in the following form:

To — County Judge of — County, Wisconsin:

The undersigned, citizens of the said state, hereby make application in behalf of —, a person supposed to be insane, now at — (naming the city, town or village) in the county of —, for a judicial inquiry as to the mental condition of said person, and for an order committing such person to the hospital or asylum for the insane, if found to be insane.

Dated this — day of —, 18—.

On receipt of such application, the judge to whom it is directed, or in case of his absence or other disability to act, any other judge of a court of record in said county, shall appoint two disinterested physicians, of good repute for medical skill and moral integrity, to examine the person alleged or supposed to be insane. No physician shall be appointed such examiner in lunacy, unless he shall be a graduate of a legally incorporated medical school, and shall have had at least three years' experience in the practice of his profession, or shall have had one year's experience as physician in an insane hospital, after his graduation, and shall be registered by such county judge as thus qualified, on a list to be kept for that purpose in his office. Said judge may, in his discretion, cause the person named in such application to be brought before him, and said physician shall, in the presence of the judge, if he so desires, by personal examination of such person, and inquiry, satisfy themselves fully as to his mental condition, and report the result of their examination to said judge.

SECTION 2. Such physicians shall, before he makes such examination, give notice to the person under examination, that application has been made for an inquiry into his mental condition, withholding the names of the applicants if they shall deem it wise, and that he can be heard in respect to the same, or, if in the judgment of such physicians, such notice would be injurious to such person or of no advantage to him, they may withhold such notice, and shall set forth at length their reasons for so doing, in their report to the judge by whom they were appointed. The report of the physicians shall consist of the following questions, and the answers of said physicians thereto:

Physicians
to give notice
to the person.

Questions
to be asked.

1. What is the age of the patient?
2. Where was the patient born?
3. Present place of residence?
4. Married, widowed or single?
5. If children, how many, and the age of the youngest?

6. What has been the occupation of the patient, and the pecuniary circumstances?

7. When were the first symptoms of the disease manifested, and what were they?

8. Is this the first attack? If not, when did others occur, and what was their duration?

9. What was the cause of this attack?

10. Is the disease increasing or stationary?

11. Are there rational intervals? If so, how often and what is their duration?

12. Have any changes occurred in condition of body or mind since the attack?

13. On what subject or in what way is derangement now manifested? State fully. Are there any permanent hallucinations or delusions?

14. Has the patient shown any disposition to injure others, and if so, was it from sudden passion or premeditation?

15. Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?

16. Has the patient any disposition to destroy clothing or other property?

17. Is there any disposition to filthy habits?

18. What treatment was pursued for the relief of the patient? Mention fully, particulars and effect.

19. Have you made a physical examination of patient? State fully what is the present physical condition.

20. Has restraint or confinement ever been employed? If so, what, and how long?

21. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; and predominant passions, religious impressions, etc.?

22. Was the patient ever addicted to the intemperate use of intoxicating drinks, drugs or tobacco, or any improper habits?

23. Has the patient ever had any injury to the head, paralysis, epilepsy or other fits, any sign of tubercular or syphilitic disease, any suppressed eruptions, discharges or sores, or any strong predisposition to hereditary disease?

24. Has the patient been successfully vaccinated?

25. If epileptic, state duration and frequency of paroxysms and duration of disease.

26. Has the patient served in the army or navy of this or any other country?

27. What relatives, including grandparents, and cousins, have been insane?

28. Were the parents blood relations?

29. State any other matter supposed to have a bearing on the case.

30. To whom should letters be addressed in case of death, need of clothing, etc.?

31. Has the patient any infectious disease?

32. In your opinion is the patient insane? If such is your opinion, state fully the grounds upon which it is founded, unless you have so stated in your answer to question 13.

33. Should the person be placed in temporary detention quarters, or be sent to an insane hospital or asylum for treatment?

34. Have you given notice to the patient that application has been made for an examination into his or her mental condition, and of the opportunity of a hearing? If not, state fully your reasons for withholding such notice.

35. Does the patient desire a hearing in person?

To such report shall be attached the oath of the examining physicians, which shall be substantially in the following form:

State of Wisconsin, — county—ss. —
 — and —, being each duly sworn, each for himself says that he has made personal examination and inquiry as to the mental condition of —, and that the answers to the foregoing questions are true, to the best of his knowledge and belief.

(Signature of physicians.)

 _____.

Subscribed and sworn to before me this —
 day of —, 18—.

_____;

Such report of the physicians shall be made in each case, whether the question of insanity is tried before a jury or otherwise, and shall be forwarded with the commitment to the superintendent of the hospital.

When notice hereinbefore provided for has not been given, the judge may appoint, etc.

SECTION 3. If it appears from the report of the examining physicians that the notice, hereinbefore provided for, was not given by them to the person supposed to be insane, the judge may appoint a time and place for hearing the application, and shall cause notice thereof to be served upon such person, by some respectable person appointed to make such service, and a copy of such notice to be left with some member of the family of the person supposed to be insane, or with some person with whom he has his abode, if there be such persons found in the county, which notice shall state that application has been made for an examination into the mental condition of such supposed insane person, withholding, however, the names of the applicants, and that such application will be heard at time and place named in such notice; provided, however, that if it shall be made to appear to the satisfaction of said judge, by the report of such physicians or otherwise, that such hearing, and the service of such notice thereof on such supposed insane person, would be injurious or without advantage to him by reason of his mental condition, it shall not be necessary to serve such notice upon him; if such notice be ordered by the judge and served upon either of the persons hereinbefore mentioned, and no jury trial is awarded, the judge may proceed at the time and place specified in such notice, or if no such notice is ordered, then after receiving the report of the physicians, he may proceed summarily to make such further investigation of the case as may seem to him to be necessary and proper, and if he shall be satisfied thereby, or by the report of such physicians, that said person is insane, he may make and enter his order of commitment of such insane person to the hospital or asylum for the insane,

of the district to which the county belongs, stating in such order of commitment that the same was made without personal notice to the person adjudged insane, and the reasons, in brief, for failure to require such notice. In any proceeding under this act, whether at its commencement or in any stage thereof, the county judge may, if he thinks the best interest of the person alleged to be insane requires it, appoint a guardian ad litem for such person; the expenses thereof, and such reasonable compensation of the guardian as may be allowed by the county judge, to be paid by the county in which the proceedings were had.

SECTION 4. If a jury trial be demanded in the manner required by law, either before or after commitment, and there shall appear to be a reasonable doubt as to the insanity of the person to be examined, or who has been adjudged insane, the judge shall direct that a jury be summoned to hear and determine the question whether such person is insane, and the procedure thereon shall be as now prescribed by sections 593 and 593a, of the annotated statutes.

When a jury trial is demanded.

SECTION 5. If the jury finds that the person thus alleged to be insane, is a fit subject to be sent to the hospital or asylum for the insane, or if the judge acting without a jury, shall so find, the judge shall make and enter on his records an order that such person shall be committed to the state hospital for the insane, in the district of which the county in which the proceedings were had is a part; provided, if such person is a resident of such county, and there is therein a county asylum for the chronic insane, and the judge is satisfied by the examination and proofs that the insanity of such person has become chronic, he may commit such person to such asylum; but in such case no payment will be made by the state toward the maintenance of such person, until the expiration of twenty days after the state board of control shall have received copies of the commitment papers, together with a certificate of the judge

When a person is adjudged insane, the judge shall commit to a state hospital for the insane.

stating the reasons for sending such persons to the county asylum in the first instance, instead of to the hospital. Provided, further, that in the county of Milwaukee the commitment shall be either to the Milwaukee county hospital for the insane, or the Milwaukee county asylum for the chronic insane, in the discretion of the judge, having due regard to the condition of the person committed, and the nature of his or her malady. All commitments from any county, except Milwaukee county, or transient or non-resident insane persons, and all commitments of insane persons, from any county not having a county asylum for the chronic insane, shall be to one of the state hospitals.

Warrant may be executed by a relative of the insane.

SECTION 6. If any relative or friend, being of legal age, and competent to perform the duty of any person committed to any hospital or asylum for the insane, shall so request, the warrant for such commitment may be delivered to and executed by him, for which he shall be paid his necessary expenses, not exceeding the fees and expenses now allowed to sheriffs according to law; otherwise it shall be delivered to the sheriff, who, taking such assistants as the court issuing such warrant may deem necessary, shall receive such insane person and convey him to the hospital or asylum. Every female over ten years of age so committed, shall be accompanied by a competent female.

Fee of county judge.

SECTION 7. The county judge, except the county judge of Milwaukee county, shall receive a fee of five dollars for the hearing of an application to commit a person alleged to be insane, which fee shall include the making of necessary copies of the order to commit such person, and the commitment papers, together with the certificate required by section 5, when the insane person is committed to the county asylum; and each of the examining physicians shall receive a fee of four dollars for his examination and certificate, and ten cents per mile for necessary travel in complying with the requirements of his appointment. All expense of the proceed-

ings, from the presentation of the application to the actual commitment or discharge of the alleged insane person, whether such person is a resident or non-resident of the county in which the proceedings are had, shall be allowed and paid by the county from which such person is committed, in the same manner as the expense of a criminal prosecution in a justice's court are allowed and paid, and if any county is chargeable with some portion of the expense of maintaining such insane person so committed, such county shall pay the expense of such commitment, payment thereof to be enforced in the same manner that charges for the maintenance of such persons are enforced. If the insane person is a resident of any county in this state, other than the county from which he was committed, the commitment shall not be invalid for that reason, and the county in which such person resides shall reimburse the county from which he was committed, all lawful expenses of the examination and commitment paid by that county.

SECTION 8. Any person who may be insane, may, upon his written application, stating his mental condition, supported by the certificate of at least two competent and reputable physicians, based upon personal examination of such person, be admitted as a voluntary patient, to any hospital for the insane in this state, in the discretion of the superintendent thereof, for treatment. Such person, if so admitted, to either of the state hospitals, shall be a private patient, and shall be required to pay such sum for his maintenance, and at such times, as the state board of control may, by rule or by-law prescribe, and no charge for his maintenance shall be made against any county, if so admitted, to any other public institution for the insane; he shall also be a private patient, and the trustees of such hospital shall, in like manner, fix the compensation to be paid for such maintenance, and the times of payment thereof, and no part thereof shall be paid by the state. Otherwise, such person, if so admitted, shall

Admission of
voluntary pa-
tients, how
made.

have the same standing and be subject to the same laws, rules and regulations, as other patients, except that he shall have the right to leave such hospital at any time, if in the judgment of the superintendent, he is in fit condition, on giving five days' notice to the superintendent of his desire to do so.

Transfer of patients from one hospital to another.

SECTION 9. The state board of control is hereby authorized to transfer patients from one hospital or asylum for the insane to another, if in their judgment it is for the best interest of the patient to be so transferred.

Detention of the violent insane.

SECTION 10. Should an insane person who is violent or dangerous, be brought to any hospital or asylum under a commitment, which, for any reason, is void or irregular, the superintendent may detain such person until a valid and regular commitment can be obtained; provided, that within ten days after the commencement of such detention, such valid commitment be presented to such superintendent.

Permission to go in parole by whom given.

SECTION 11. The superintendent of the state and northern hospitals for the insane, and the Milwaukee county hospital for the insane, are each authorized to permit any inmate in his hospital to go at large on parole, if in his opinion it is safe and proper to do so. Whenever, within two years after granting such parole, it becomes unsafe or improper to allow such person to remain longer at large, the superintendent shall require his return to the hospital, unless before such requirement is made, such person shall have been adjudged sane by competent authority. The provisions of 593a, of the annotated statutes, chapter 202, laws of 1881, authorizing a further judicial inquiry as to the mental condition of any person, confined upon commitment as insane, is hereby extended to all persons who have been so confined, who are at large upon parole. Upon the expiration of two years from the time of granting such parole, the authority of the superintendent to require the return to the hospital of the person paroled, shall end, and the presumption of insanity

against such person because of the original adjudication that he was insane, shall cease, and until a new adjudication to the contrary, he shall be presumed sane, the same as though his sanity had been established by an effectual judicial determination.

SECTION 12. In cases wherein no jury is demanded, the state board of control, acting as a commission in lunacy, may by like procedure determine the sanity or insanity of any person committed to either of the state hospitals for the insane, whether an actual inmate thereof or at large on parole, or committed to any other hospital or asylum for the insane, and its determination shall be recorded in the office of the proper county judge, and shall have the same force and effect as though made by such judge. Or such board may, if it has reason to doubt the insanity of such person, request the proper county judge to make due inquiry and determine the mental condition of such person, pursuant to said section 593a, and it shall be the duty of said judge to do so.

State board of control may act as a commission in lunacy.

SECTION 13. In addition to the power given by section 593a, annotated statutes, to the judge to order the confinement temporarily and until further order, of a person alleged to be insane, if in the opinion of the judge the public safety require it, the judge may also, in his discretion, order the detention of any person whose sanity is being investigated by him, during the investigation, and for such reasonable time thereafter as he may deem necessary for proper medical observation of such person, to afford sufficient opportunity to determine the necessity of committing such person to a hospital for the insane: provided, that no such person shall be confined in a jail or lockup or other prison for the confinement of criminals, or in any poorhouse, unless it shall appear to the judge that confinement therein is essential to the safety of such persons, or some other person or persons, or to the maintenance of the public peace and safety: and provided, further, that the period of confine-

Detention of insane persons by the county judge.

ment under this section shall not exceed ten days unless otherwise ordered by the judge. The board of supervisors of such county is hereby authorized to erect, purchase, or in some other manner provide and maintain, suitable buildings for the purpose of such temporary detention of the alleged insane.

Repealing
section.

SECTION 14. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1897.

No. 649, A.]

[Published April 27, 1897.

CHAPTER 320.

AN ACT to legalize the acts of the officers of the Protestant Cemetery Grounds Association, of Briggsville, Marquette county, Wisconsin.

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

Cemetery as-
sociation
officials' acts
legalized.

SECTION 1. All the acts of James A. Briggs, as president de facto, and of Charles Waldo, as treasurer de facto, of the Protestant Cemetery Grounds Association, of Briggsville, Marquette county, Wisconsin, relating to the sale and conveyance, and purporting to sell and convey any and all lots, or parts of lots, for burial purposes, in the grounds of the said Protestant Cemetery Grounds Association, of Briggsville, Marquette