

[No. 221, A.]

[Published April 6, 1883.]

## CHAPTER 164.

AN ACT relating to trials in criminal cases, and amendatory of section 4697 of the revised statutes.

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

Relating to trials in criminal cases.

SECTION 1. Section 4697 of the revised statutes is hereby amended so as to read as follows: Section 4697. When any person is indicted or informed against for any offense, and such person or counsel in his behalf shall, at the time and before the commencement of the trial, claim or pretend that such person, at the time of the commission of such alleged offense was insane, and for that reason, not responsible for his acts, the court shall order a special plea, setting up and alleging such insanity, to be filed on his behalf with the plea of not guilty; and the special issue thereby made shall first be tried by the jury selected and sworn to try said cause; and if such jury shall find upon such special issue that such accused person was so insane, or that there is reasonable doubt of his sanity at the time of the commission of such alleged offense, they shall also find him not guilty of such offense for that reason, and when such insanity is found the jury shall also find whether such accused person has recovered from such insanity, and is of sound mind at the time of such trial; and if they find that he has so recovered and is of sound mind, then such accused person shall be discharged and go at large. If the jury shall be unable to agree upon a verdict on the trial of such special issue, the court shall for that reason discharge them from the further consideration of such special issue as such, and unless such special plea be withdrawn by such accused person or counsel in his behalf, the court shall forthwith order the trial upon the plea of not guilty to proceed, and the question of insanity involved in such special issue shall be tried and determined by the jury with the plea of not guilty. If on the trial of such special issue with the plea of not guilty, the jury find such accused not guilty for the reason that he was insane at the time of the commission of the alleged offense, they shall also find whether such accused person has recovered from such insanity, and is of sound mind at the time of such trial; and if the jury

find that he has so recovered and is of sound mind, then such accused person shall be discharged and go at large. The presumption of such accused person's sanity, at the time of the commission of such alleged offense, shall prevail and be sufficient proof thereof on the trial of such special issue, whether the same be tried alone or with the plea of not guilty, unless the evidence produced on such trial shall create in the minds of the jury a reasonable doubt of the sanity of such accused person at the time of the commission of such alleged offense.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1883.

[No. 213, A.]

[Published April 6, 1883.]

#### CHAPTER 165.

AN ACT relating to the acquisition of lands by cities, villages and corporations for the construction of water works, and amendatory of chapter 325 of the laws of 1882.

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

SECTION 1. The title of chapter 325 of the laws of 1882 is hereby amended so as to read as follows: "An act to authorize the acquisition of lands and interests therein by cities, villages and corporations for the construction and maintenance of water works." Construction of water works in villages.

SECTION 2. Section 1 of said act is hereby amended so as to read as follows: Section 1. For the construction and maintenance of water works for the supply of any city or village in this state, or the inhabitants of any city or village, with water for protection against fire or for domestic use or sanitary purposes, every such city or village, and every corporation formed for such purpose under the laws of this state, is hereby authorized to acquire the title in fee simple to, or such easement in, or servitude upon all such lands as may be necessary for the construction or maintenance of such works, and to hold and use the same for that purpose.

SECTION 3. Section 2 of said chapter 325 is hereby amended so as to read as follows: Section 2. Such lands and interests therein may be ac-