

(2) *Any such person who is indigent may be admitted and maintained in such institution at the charge of the county in which he has his legal residence, pursuant to subsection (2) of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged.*

(3) *Each county maintaining such an institution shall be credited by the state, to be adjusted as provided in section 46.10, for each patient cared for therein at public charge, as follows:*

(a) *For each such patient whose support is chargeable against said county, such amount of state aid as shall have been appropriated therefor by the legislature.*

(b) *For each such patient whose support is chargeable against some other county, the total cost of his maintenance as determined by the board of trustees of the institution; and the state shall charge over to such other county the difference between such total cost and the amount of state aid so appropriated.*

SECTION 12. Sections 1421—12 and 1421—13 are repealed.

SECTION 13. Subsections 2, 3 and 4 of section 1421—14 are repealed.

SECTION 14. Chapters 295 laws of 1885; 238 laws of 1893; 154 laws of 1897; 24 laws of 1899; 200 laws of 1901; 29, 192, and 333 laws of 1905; 93, 113, and 209 laws of 1907; 85 laws of 1909; 44, 69, and 248 laws of 1911; 328, 516, and 544 laws of 1913; and 395 laws of 1915 are repealed.

SECTION 15. This act shall take effect upon passage and publication.

Approved June 12, 1919.

No. 52, S.]

[Published June 16, 1919.

## CHAPTER 347.

AN ACT to renumber and amend chapter 45j of the statutes to be chapter 51; and to rearrange, renumber, revise and amend the sections of said chapter, all relating to hospitals and asylums for the insane.

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

SECTION 1. Chapter 45j of the statutes is renumbered, and the title thereof amended to read:

### CHAPTER \* \* \* 51.

### \* \* \* HOSPITALS AND \* \* \* ASYLUMS FOR THE INSANE.

SECTION 2. Subsections 1, 2, 3, 4, 5, and 6 of section 585, and section 604u are consolidated and renumbered to be section 51.01, and amended to read:

51.01 JUDICIAL DETERMINATION OF INSANITY; APPLICATION AND EXAMINATION. \* \* \* (1) \* \* \*

*Whenever any person \* \* \* within this state shall be \* \* \* believed to be insane, application may be made \* \* \* in the manner prescribed in subsection (2), by any three \* \* \* citizens to the judge of the county court or of a district court which is a court of record, or in \* \* \* the absence or disability of such judge to the judge of any court of record acting in his place, for the county in which such \* \* \* person is found, for a judicial inquiry as to \* \* \* his mental condition \* \* \* and for an order of commitment \* \* \*.*

\* \* \* (2) Such application shall be in writing, and substantially in the following form:

To ----, County (or District) Judge of ----- County, Wisconsin:

The undersigned, citizens of the said state, hereby make application in behalf of ---, \* \* \* whom we believe 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 \* \* \* him to \* \* \* a hospital or asylum for the insane, if found to be insane.

Dated this ---- day of ----, 19--

-----  
-----  
-----

(3) 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 \* \* \* to examine the person \* \* \* believed to be insane, \* \* \* who shall have been duly licensed to practice \* \* \* and shall have had at least two years experience in the practice of \* \* \* their profession \* \* \* or \* \* \* one year's experience after graduation as \* \* \* physicians in an insane hospital \* \* \* and shall be registered by \* \* \* the county judge as thus qualified on a list \* \* \* which shall be kept for that purpose in his office.

(4) \* \* \* Said physicians shall, either in the presence of the judge \* \* \* or elsewhere, as he may direct, by personal examination of such person and inquiry, satisfy themselves as to his mental condition, and report, as prescribed in subsection (6), the result of their examination to said judge.

(5) \* \* \* *Said* physicians shall, before making such examination, give notice to the person \* \* \* *to be examined* that application has been made for an inquiry into his mental condition, withholding the names of the applicants if they \* \* \* deem \* \* \* wise, and that he can be heard in respect to the same; \* \* \* *but* if in \* \* \* *their judgment* 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 \* \* \*

SECTION 3. Subsection 7, 8 and 9 of section 585 are renumbered to be, respectively, subsections (6), (7) and (8) of section 51.01.

SECTION 4. The last sentence of section 585b is renumbered to be subsection (9) of section 51.01, and amended to read:

(51.01) (9) \* \* \* All proceedings *hereunder* to determine the question of sanity of any \* \* \* person and for his commitment shall be filed with the \* \* \* judge \* \* \* *to whom the application is directed*; and each such judge shall keep a record book in which all applications for judicial inquiries, orders, verdicts, judgments and commitments shall be recorded.

SECTION 5. Section 585a is renumbered to be section 51.02, and amended to read:

#### 51.02 NOTICE AND HEARING; GUARDIAN AD LITEM.

\* \* \* (1) If it appears from the report of the examining physicians that the notice \* \* \* *prescribed by subsection (5) of section 51.01* was not given by them \* \* \* the judge may appoint a time and place for hearing the application, and shall cause notice thereof to be served upon \* \* \* *the alleged insane person* \* \* \* *in the manner a summons is required to be served as prescribed in subsection (1) of section 2636*, which notice shall state that application has been made for an examination into \* \* \* *his* mental condition, \* \* \* withholding \* \* \* the names of the applicants, and that such application will be heard at *the* time and place named in such notice; \* \* \* *but* 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 \* \* \* would be injurious or without advantage to \* \* \* *the alleged insane person* by reason of his mental condition, \* \* \* such service of notice \* \* \* *may be omitted.*

(2) If such notice be ordered \* \* \* and served \* \* \* and \* \* \* a jury trial be not awarded, as *provided in section 51.03*, the judge may proceed at the time and



## 51.04 DETENTION, PENDING THE INQUIRY. \* \* \*

(1) On receipt by any such judge of the application or the report of the physicians provided for by section \* \* \* 51.01, such judge may, if in his opinion the public safety requires it, deliver to the sheriff a written order requiring him forthwith to take and confine the alleged insane person in some specified place until the further proceedings provided for by said section can be had or until further order \* \* \*.

(2) The judge may also 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 \* \* \* *to enable him to determine the necessity of committing him* \* \* \*.

(3) \* \* \* Such person shall *not* be confined in \* \* \* *any place established* 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 person \* \* \* or some other person or persons or to the maintenance of the public peace and safety; \* \* \* *and* the period of confinement under this section shall not exceed ten days unless otherwise ordered by the judge, \* \* \*.

SECTION 8. Section 585c, the first and second clauses of section 584, and section 587b are consolidated and renumbered to be section 51.05, and amended to read:

51.05 COMMITMENTS. (1) \* \* \* If the *judge or a jury* find that the person thus alleged to be insane is a fit subject to be sent to a hospital or asylum for the insane, \* \* \* the judge shall \* \* \* order \* \* \* *him to be committed* \* \* \* *as hereinafter provided.*

(2) *All commitments, from any county except Milwaukee, of insane persons whose insanity has not become chronic, or of transient or nonresident insane persons, and all commitments of chronic insane persons from any county not having an asylum for the chronic insane, shall be to the state hospital for the insane in the district of which the county in which the proceedings were had is a part.*

(3) \* \* \* If such person is a resident of \* \* \* *the county in which the proceedings are had* 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 \* \* \* *five days* after the state board of control shall have received copies of the commitment papers, together with a certificate of

the judge stating the reasons for sending such person \* \* \* to the county asylum in the first instance instead of to the *state* hospital.

(4) \* \* \* 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.  
\* \* \*

(5) \* \* \* No person idiotic from birth shall be \* \* \* committed to either *state* hospital for the insane; neither shall any person physically infirm or mentally imbecile and not deemed dangerous when at large be committed solely because of such infirmity or imbecility.

(6) \* \* \* Should an insane person who is violent or dangerous, or about to become so, be brought to any hospital or asylum under a commitment which for any reason is void or irregular, the superintendent may detain \* \* \* *him for a period not exceeding ten days to permit the procurement of a valid and regular commitment* \* \* \*.

SECTION 9. Sections 601 and 602 are renumbered to be respectively subsections (1) and (2) of a new section to be numbered section 51.06 EXECUTION OF COMMITMENT; EXPENSES AND FEES.

SECTION 10. Section 585d is renumbered to be section 51.07, and amended to read:

51.07 FEES OF JUDGE AND EXAMINING PHYSICIANS; COSTS AND EXPENSES OF PROCEEDINGS.

\* \* \* (1) The \* \* \* judge, except \* \* \* in 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 \* \* \* 51.05 when the insane person is committed to the county asylum.

(2) \* \* \* 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; and in any contested matter arising under this chapter or in any case where the judge, in his discretion, shall postpone the examination of such person, a fee of four dollars for each day he may be required by the county judge to attend before him on such examination.

(3) All expense of the proceedings, from the presentation of the application to the actual commitment or discharge of the

alleged insane person, whether such person is a resident or nonresident of the county in which the proceedings are had, shall be allowed and paid by the county from which such person is committed or discharged, in the same manner as the expenses of a criminal prosecution in a justice's court are allowed and paid \* \* \*.

(4) 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, \* \* \* *payment thereof to be enforced in the manner that charges for the maintenance of such persons are enforced.*

SECTION 11. Section 589 is renumbered to be section 51.08, and amended to read:

#### 51.08 MAINTENANCE AND CLOTHING OF INMATES.

(1) *The expense of the maintenance, care, and treatment of each inmate in any state or county hospital or asylum for the insane shall be computed at the rate of three dollars and fifty cents per week. For each such inmate maintained at public charge elsewhere than in the county of his residence the whole rate shall be chargeable to the state and one-half thereof chargeable over by the state against the county, if any, of which such inmate is a resident. For all other such inmates maintained at public charge one-half of said rate shall be chargeable to the state and one-half to the county of which such inmate is a resident. All such charges shall be adjusted as provided in section 46.10.*

(2) \* \* \* *Whenever any insane person is committed or transferred to any state hospital, or to any hospital or asylum in any county other than the county of his residence, he shall, in addition to the maintenance charge, be furnished with all necessary clothing. On his admission this shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pairs of pantaloons of woolen cloth, two undershirts, two pairs of drawers, three pairs of socks, a black or dark stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two nightgowns, cloak or shawl and a decent bonnet. Unless such clothing be delivered in good order the superintendent shall not be bound to receive the patient; but he may receive and furnish him with proper*

clothing. \* \* \* *The expense of furnishing all such clothing shall be chargeable to the state, and chargeable over to the county, if any, of which such inmate is a resident, and shall be adjusted as provided in section 46.10, but in addition to the clothing required on admission no county shall be liable for more than forty dollars for clothing for any one patient in any one year.*

SECTION 12. Section 1528 is renumbered to be section 51.09  
 CONFINEMENT OF INSANE PAUPERS.

SECTION 13. Section 587a is renumbered to be section 51.10  
 VOLUNTARY PATIENTS IN INSTITUTIONS FOR THE  
 INSANE, and is amended by striking out the section number  
 "585" and inserting in place thereof the section number  
 "51.01".

SECTION 14. Section 587 is renumbered to be section 51.11,  
 and amended to read:

51.11 RE-EXAMINATION OF PERSONS ADJUDGED IN-  
 SANE. (1) \* \* \* *Except as otherwise provided in sec-  
 tions 46.97, 47.00 and 51.22, any person \* \* \* adjudged in-  
 sane by any court, tribunal, or officer having lawful authority  
 so to adjudge, or \* \* \* restrained of his liberty because  
 of his alleged insanity, may on his own verified petition or that  
 of his guardian or \* \* \* some relative or friend \* \* \*  
 have a retrial or re-examination of the question whether such  
 person is sane or insane before the judge of \* \* \* any  
 \* \* \* court of record of the county in which such person  
 resides or in which he was \* \* \* adjudged \* \* \* in-  
 sane.*

(2) *The petition shall state the facts necessary to show that  
 the judge to whom it is addressed and presented has jurisdiction  
 to retry or re-examine the question of the present mental condi-  
 tion as to sanity or insanity of the person in whose behalf such  
 petition is presented. It shall also state whether such person  
 has a general guardian and if so, the name and residence of  
 such guardian, and whether such person is detained in any  
 hospital or asylum for the insane, and if so, its name and loca-  
 tion and the name of the superintendent thereof.*

(3) \* \* \* *The judge \* \* \* shall thereupon by  
 order appoint two physicians, each having the qualifications  
 prescribed by section \* \* \* 51.01, to examine and report  
 to him whether in their opinion the person in whose behalf the  
 petition is made is sane or insane; and \* \* \* shall \* \* \*  
 fix the time and place of such examination and \* \* \* cause  
 reasonable notice thereof to be given to the guardian of the  
 person to be examined, if he has a general guardian, and to*



the superintendent of the hospital or asylum in which the person is detained, if he is so detained.

(4) \* \* \* *The petitioner and parties notified and any relative or friend of the person to be examined, \* \* \* may appear at such examination, \* \* \* offer testimony, \* \* \* and be heard.* Should the state board of control certify that such superintendent cannot attend such examination without danger of injury to his institution, his deposition may be taken and \* \* \* *received pursuant to law.*

(5) If such physicians report such person sane and the judge is satisfied that he is sane and no demand for a jury trial is made, \* \* \* *the judge shall forthwith cause judgment to be entered to that effect and order his immediate discharge;* but if the judge shall direct, or the person examined \* \* \* or his guardian or any \* \* \* of his friends or relatives shall demand, a trial by jury, an order for such \* \* \* trial shall forthwith be entered, *and thereupon the procedure \* \* \* shall be, as near as may be, \* \* \* as prescribed in section 51.03.* \* \* \* If \* \* \* *the judge or jury find that such person is insane, \* \* \* the judge shall order him returned \* \* \* to the hospital or asylum or other place of detention of which he is an inmate; but if at large on parole or leave of absence, he shall be allowed to remain at large, unless the judge is satisfied that it will be unsafe to do so, in which case the judge may order him \* \* \* to be so returned.*

(6) All persons who render services in such proceedings shall receive the same compensation as is allowed by law to persons rendering similar services in a judicial inquiry as to the mental condition of a person alleged to be insane, \* \* \* and all expenses of such proceedings shall be allowed, \* \* \* paid \* \* \* *and adjusted as provided in section 51.07.*

(7) \* \* \* *When a proceeding for such retrial or re-examination is not pending in a court of record and a jury trial is not desired by the persons authorized to commence such proceeding, the state board of control acting as a commission in lunacy may, on application, by like procedure determine the sanity or insanity of any such person committed \* \* \* to any \* \* \* hospital or asylum for the insane, and its determination shall be recorded in the office of the \* \* \* county judge of the county in which such inmate resides or was adjudged insane, and shall have the same force and effect as though made by such judge. \* \* \* The board may also, on or without application, if it has reason to doubt the insanity of any such \* \* \* inmate, request the \* \* \* county judge of the county in which such inmate resides or was adjudged*

*insane* to \* \* \* determine \* \* \* *his* mental condition, \* \* \* pursuant to this section; and it shall be the duty of said judge to do so.

\* \* \*

SECTION 15. Section 561f is repealed.

SECTION 16. Sections 599, 604f, 596, 566, 594 and 587d and the third clause of section 584 are consolidated and renumbered to be section 51.12, and amended to read:

51.12 TRANSFER AND DISCHARGE OF PATIENTS; INSANE SOLDIERS; NON-RESIDENTS; TUBERCULAR PATIENTS. (1) \* \* \* The state board of control may transfer patients from one hospital or asylum to another if in \* \* \* *its* judgment it is for the best interest of the patient to be so transferred; and \* \* \* whenever in \* \* \* *its* opinion it would be for the benefit of patients in either of the state hospitals to remove therefrom any of the chronic insane not chargeable to any county, it may \* \* \* cause their removal to some county hospital or asylum. \* \* \*

(2) \* \* \* The \* \* \* board \* \* \* may, whenever in its opinion any county has not made provision for the proper care of its acute or chronic insane, direct the removal of either class thereof to the asylum of some other county, or to any county possessing suitable accommodations for them; and such removal shall be made at the expense of the county \* \* \* in which such persons \* \* \* *reside*. Any county whose asylum can accommodate a larger number of chronic insane than are resident therein may receive such insane persons. \* \* \*

(3) \* \* \* Whenever, by a fair trial, it shall have become reasonably certain that \* \* \* *any patient in either state hospital* is incurably insane, \* \* \* and such \* \* \* *patient* is retained to the exclusion of others whose cases are of a more hopeful character, *the board may transfer him to some county asylum authorized by law to receive such patients.*

(4) \* \* \* If the relatives or friends of any patient \* \* \* in either *state hospital* shall ask the discharge of such patient, \* \* \* before such patient has recovered from insanity, the \* \* \* board \* \* \* may, in its discretion, *discharge such patient, and may require such relatives or friends or either of them to give a bond to be executed to the state of Wisconsin, in such sum and with such sureties as it may deem proper, conditioned for the safekeeping of such patient.* \* \* \*

(5) \* \* \* Whenever it shall be brought to the notice of the \* \* \* board \* \* \* that any insane person \* \* \* *within the state* is legally entitled to receive care and support in the national hospital for insane soldiers, it shall

take \* \* \* proper measures \* \* \* to procure his admission to said hospital and to transport him there.

(6) \* \* \* Whenever it shall be found that any inmate of \* \* \* any hospital or asylum for the insane is a non-resident of the state \* \* \* the \* \* \* board \* \* \* shall, if possible, ascertain the state, \* \* \* country, or other political division \* \* \* in which such inmate has his legal residence or is entitled to support, \* \* \* and \* \* \* cause him to be \* \* \* transported \* \* \* there if that can be done at a cost not exceeding one hundred dollars.

(7) \* \* \* The \* \* \* board \* \* \* shall make provision for the segregation, care and treatment of tubercular insane patients in the state and northern hospitals for the insane, and for that purpose \* \* \* may set apart one ward for male patients, and one ward for female patients, in \* \* \* said hospitals and \* \* \* equip said wards for the care and treatment of such patients. Said board \* \* \* shall transfer from any other parts of the said institutions any tubercular patients who are liable to spread the disease or whose association with other patients is dangerous to them.

SECTION 17. Sections 587c and 604p are consolidated and renumbered to be section 51.13, and amended to read:

51.13 PAROLE OF INMATES; LEAVE OF ABSENCE; PRESUMPTION OF SANITY AND DISCHARGE BY LAPSE OF TIME. (1) \* \* \* Each superintendent \* \* \* of the state and northern hospitals for the insane and the Milwaukee county hospital for the insane may 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 persons to remain longer at large, the superintendent shall require his return to the hospital, unless \* \* \* such person shall have been adjudged sane by competent authority. \* \* \*

(2) \* \* \* The superintendent of any county asylum may, upon the written recommendation of the visiting physician thereof, allow any of its inmates to go therefrom on leave of absence for such time and under such conditions as such physician may direct. \* \* \*

(3) \* \* \* Upon the expiration of two years from the time of granting such parole or such leave of absence the authority of the superintendent to require the return to the hospital or asylum of the person paroled or granted leave 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 pre-

sumed sane the same as though his sanity had been established by a judicial determination. \* \* \*

SECTION 18. The sentence stricken from section 604p by the preceding section of this bill is re-enacted and revised to be section 51.14, to read:

51.14 REPORTS TO COUNTY JUDGE; RECORD. Whenever any person is committed to any hospital or asylum for the insane from any county other than the county of his residence, the superintendent of such hospital or asylum shall immediately notify the county judge of the county of which such person is a resident of the fact of such commitment. Said superintendent shall also notify such judge of the fact whenever any such inmate dies, is discharged, transferred to any other institution, escapes, is paroled or granted leave of absence, or returns from such parole or leave. The county judge shall keep a record of the facts so reported.

SECTION 19. Section 3407 is renumbered to be subsection (1) of said section; and section 595 is renumbered to be subsection (2) of said section 3407, and is amended to read:

(Section 3407) (2) \* \* \* All persons confined in \* \* \* *any hospital or asylum* as insane patients, except persons \* \* \* *so confined* \* \* \* *in the central state hospital for the insane* \* \* \* *may prosecute such writ*, and the question of insanity shall be determined by the court or judge issuing \* \* \* *the same*; and if such court or judge shall decide that the person is insane such decision shall be no bar to the \* \* \* prosecution of \* \* \* *such writ* a second time if it shall be claimed that such person \* \* \* has been restored to reason.

#### The state hospitals.

SECTION 20. Sections 580 and 581 are renumbered to be, respectively, subsections (1) and (2) of a section to be numbered 51.15, and amended to read:

51.15 LOCATION AND NAME; HOSPITAL DISTRICTS.  
(1) \* \* \* The hospital for the insane located near the city of Madison shall be known as "The Wisconsin State Hospital for the Insane," and the hospital for the insane located near the city of Oshkosh shall be known as "The Northern Hospital for the Insane." \* \* \*

(2) \* \* \* The governor *and the state board of control* shall constitute a special board who shall divide the state by counties into two districts, all the insane persons from one district to be sent to the hospital \* \* \* *near Madison*, all from

the other to the hospital \* \* \* *near* Oshkosh; and from time to time shall change the bounds of these districts as may be necessary, arranging them in reference to the number of insane persons supposed to be in them, the capacity of the hospitals and the convenience of access to them. \* \* \*

SECTION 21. Section 582 is renumbered to be section 51.16, and amended to read:

51.16 SUPERINTENDENT'S OATH AND DUTIES; SUBPOENAS ON. \* \* \* (1) The superintendent of each *said* hospital shall \* \* \* take and \* \* \* *file the official* oath, \* \* \* *and* shall devote all his time and attention to his *official* duties \* \* \*.

(2) The superintendent shall not be compelled to obey the subpoena of any court in any case, civil or criminal, if he shall file with the magistrate or clerk his affidavit that to obey the same would be seriously detrimental and hazardous to the welfare of the hospital under his charge, except when an accusation of murder is to be tried; nor in such case unless the judge shall make a special order therefor, and the subpoena, with a memorandum thereof indorsed thereon, be served one week before the time when he shall be required to appear; \* \* \* *but* no \* \* \* *superintendent* shall be entitled in any case to make and file such affidavit, \* \* \* who shall, upon tender of the usual fees of witnesses in courts of record, refuse to be present and to give his deposition at his office, usual place of business, \* \* \* or usual place of abode; and \* \* \* any \* \* \* *superintendent* so present and giving his deposition who shall be detained four hours from the time fixed for the taking thereof or from the time to which the taking of the same may have been adjourned may make affidavit that further detention would be seriously detrimental or hazardous to the welfare of the persons or business in \* \* \* his charge \* \* \* *whereupon* the officer before whom such deposition is being given shall \* \* \* adjourn further proceedings thereon to a future day.

SECTION 22. Sections 583 and 588 are consolidated and renumbered to be section 51.17 and revised to read:

51.17 ADMISSION OF PATIENTS. (1) Patients shall be admitted into said hospitals from the several counties as provided in sections 51.05, 51.08, 51.10 and 51.15.

(2) Whenever it shall appear by the commitment to a state hospital for the insane that the residence of a person lawfully adjudged insane is unknown and cannot with due diligence be ascertained such person shall be received by the superintendent into the hospital as a patient from the state at large, and not

charged to any county; but such person shall be charged to the proper county when his residence therein shall have been ascertained.

(3) The relatives, friends, or guardian of any patient may pay for his maintenance and clothing, or any part thereof, and the account of such patient shall be credited with any sums so paid; and they may provide him with special care or a special attendant as may be agreed upon with the superintendent upon payment quarterly in advance of the charges and expenses thereof.

SECTION 23. Section 598 is renumbered to be section 51.18 and amended to read:

51.18 FUND AND CLOTHING ON DISCHARGE. \* \* \*

When any patient is discharged *from either of said hospitals* as cured the superintendent shall furnish him with suitable clothing and a sum of money not exceeding twenty dollars, unless otherwise supplied, all of which shall be charged to the county, \* \* \* *if any, of which such patient \* \* \* is a resident.*

SECTION 24. Section 590 is renumbered to be section 51.19, and amended to read:

51.19 CHILD BORN IN HOSPITAL. \* \* \*

If any patient shall give birth to a living child while such patient is an inmate of \* \* \* *either hospital* and has not been such for more than nine months, such child shall be immediately removed from the hospital by her friends or by the county in which \* \* \* *the patient* resided when admitted. The superintendent shall notify the county judge to make such removal, and if such child be not immediately thereafter removed he shall make suitable provision for its care and comfort, and charge all expenses thereof to such county, \* \* \* *to be adjusted as provided in section 46.10.*

SECTION 25. Section 561q is renumbered to be section 51.20 and amended to read:

51.20 RECORD OF INMATES. \* \* \* The superintendent of each *state hospital* for the insane \* \* \* shall cause to be kept a daily record of each inmate, and shall on the first Monday of each month report to the board such information as it may require, \* \* \* *showing:*

(1) The name, age, residence and date of admission of each person received as an inmate of the hospital during the next preceding month, with a brief statement of his or her mental and physical condition and form of insanity, and name and 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 such month, the condition of each at such time, the reason for each discharge or removal and the place to which each inmate was sent or taken.

(3) The name, age and residence of each inmate who died 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 the necessity therefor.

(5) The name and particular service required of each person discharged from or who quit his employment during such month, with the reasons for his discharge and the date thereof or of his voluntary retirement from service.

#### Central state hospital for the insane.

SECTION 26. Sections 604—1 and 604—3 are consolidated and renumbered to be section 51.21, and amended to read:

51.21 LOCATION AND NAME; OBJECT. (1) \* \* \*  
The \* \* \* hospital for the criminal insane, *located at Waupun* is hereby \* \* \* *designated* the "Central state hospital for the insane." \* \* \*

(2) \* \* \* The said institution shall be used for the custody, care, and special treatment of insane persons \* \* \*

\* \* \*  
\* \* \*  
\* \* \*  
\* \* \*

\* \* \* *Committed thereto pursuant to sections 4697, 4700 and 51.22.*

SECTION 27. Section 604—2 is repealed.

SECTION 28. Section 604—5 is repealed.

SECTION 29. Section 4697 is amended to read: **INSANITY AT THE TIME OF COMMITTING THE OFFENSE.** Section 4697. (1) When any person is indicted or informed against for any offense and such person or counsel in his behalf shall \* \* \* before the commencement of the trial, \* \* \* *inform the court* that such person, at the time of the commission of such alleged offense, was insane or feeble-minded and for that reason not responsible for his acts, the court shall order a special plea, setting up and alleging such insanity, or feeble-mindedness, to be filed on his behalf with the plea of not guilty; and the special issue thereby made shall be tried and determined by the jury with the plea of not guilty; and if such jury

shall find upon such special issue that such accused person was so insane, or feeble-minded, or that there is reasonable doubt of his sanity or mental responsibility at the time of the commission of such alleged offense, they shall return a verdict of not guilty because insane, or feeble-minded.

(2) The presumption of such accused person's sanity and mental normality, at the time of the commission of such alleged offense, shall prevail and be sufficient proof thereof on the trial of such special issue, unless the evidence produced on such trial shall create in the minds of the jury a reasonable doubt of the sanity or mental responsibility of such accused person at the time of the commission of such alleged offense.

(3) If the defendant shall be found by the jury "not guilty because insane" or "not guilty because feeble-minded," he shall forthwith be committed by the court to \* \* \* *the central state hospital* for the insane or to the home for the feeble-minded, there to be detained and treated until he shall be discharged according to law.

(4) A re-examination of his sanity or mental condition may be had as \* \* \* *provided in section 51.11*; but no such person so committed shall be discharged from detention unless the magistrate or the jury upon whom devolves the duty to pass upon his sanity and mental condition shall, in addition to finding him sane and mentally responsible, also find that he is not likely to have such recurrence of insanity or mental irresponsibility as would result in acts which, but for insanity or mental irresponsibility, would constitute crimes. \* \* \*

SECTION 30. Section 4700 and the last clause of section 584 are consolidated and amended to read:

#### INSANITY AT THE TIME OF TRIAL OR CONVICTION.

Section 4700. (1) \* \* \* If the court shall be informed, in any manner, that \* \* \* *any person indicted or informed against for any offense probably is*, at the time of his trial, or after his conviction and before commitment, insane, or feeble-minded and thereby incapacitated to act for himself, the court shall, in a summary manner, make inquiry thereof by a jury or otherwise as it deems most proper.

(2) \* \* \* If it shall be \* \* \* determined by such inquiry that such accused person is \* \* \* insane or feeble-minded his trial, sentence, or commitment for such offense shall be postponed indefinitely, and the court shall thereupon order that he be confined in \* \* \* *the central state hospital* for the insane or in the home for feeble-minded.  
\* \* \*



(3) \* \* \* Upon the recovery of such person from his insanity or feeble-mindedness the said superintendent shall notify the \* \* \* court in which such indictment or information \* \* \* is pending of such recovery, and said \* \* \* court shall thereupon issue to the sheriff of the county a warrant requiring him to take such accused person into his custody and \* \* \* confine him in the county jail of said county \* \* \* pending trial, sentence, or commitment for such offense; but such person may be released on recognizance or bail as provided in chapter 195.

(4) \* \* \* If it shall be determined, \* \* \* pursuant to section 51.11, that the insanity or feeble-mindedness of such accused person is incurable he shall \* \* \* be treated and disposed of as \* \* \* persons incurably insane or feeble-minded are required by law to be treated; \* \* \* but no such person shall be removed or discharged \* \* \* from said hospital or home except upon the order of the court having jurisdiction of such person for \* \* \* trial, \* \* \* sentence \* \* \* or commitment. \* \* \*

SECTION 31. Sections 604—4 and 4944 are consolidated and renumbered to be section 51.22, and amended to read:

51.22 TRANSFER OF INSANE CONVICTS AND DANGEROUS PATIENTS. \* \* \* The state board of control, acting as a commission in lunacy, as provided in section 51.11, may adjudge any prisoner in the state prison, the state reformatory, the industrial home for women, any county jail or in the Milwaukee house of correction to be insane, or feeble-minded, and may, with the approval of the governor, remove him to \* \* \* the central state hospital for the insane \* \* \* or to one of the homes for the feeble-minded. Said board may likewise transfer to said hospital any insane person confined in any state or county hospital or asylum for the insane who, because of suicidal or homicidal tendencies, is dangerous to himself or others. When a prisoner thus removed recovers his reason before the expiration of his sentence he shall, by order of the board, be returned to the prison from whence he was taken.  
\* \* \*

SECTION 32. Sections 604—6 and 604r are consolidated and renumbered to be section 51.23, and amended to read:

51.23 GENERAL STATUTES APPLICABLE; EXCEPTIONS; CONTRACTS WITH MILWAUKEE HOSPITAL.

(1) \* \* \* The provisions of \* \* \* all statutes relating to state hospitals for the insane, except subsections (1), (2), (4), (5), and (6) of section 51.12 and section 51.13, are applicable to the central state hospital for the \* \* \* insane.

(2) \* \* \* With the approval of the governor the state board of control may contract, at a price not exceeding four dollars and twenty-five cents a week for each person, with the \* \* \* *board of administration in charge* of the Milwaukee hospital for the insane for the care and maintenance of \* \* \* *persons who have been committed to the central state hospital for the insane, pursuant to law; and when any such person shall be transferred to such hospital he shall be cared for and maintained under such rules and regulations as may be prescribed by said board of control. \* \* \* All such persons shall be subject to the statutes governing inmates of the central state hospital for the insane. \* \* \**

(3) *All persons required by law to be committed or transferred to the central state hospital for the insane, but remaining or confined in any other state hospital because sufficient provision has not been made for their care and treatment at said central state hospital, shall be subject to the statutes governing inmates of the said central state hospital.*

Milwaukee hospital for the insane.

SECTION 33. Section 604v is renumbered to be section 51.24. and amended to read:

51.24 COMPENSATION FROM STATE FOR CARE OF INDIGENT PATIENTS. \* \* \* (1) The state shall compensate the county of Milwaukee for all insane persons maintained at public cost at the Milwaukee hospital for the insane, commencing July first, nineteen hundred twelve, at the rate of three dollars and fifty cents per week for each acute insane person, and one dollar and seventy-five cents per week for each chronic insane person. The first period of computation for such compensation shall be the year ending June thirtieth, nineteen hundred thirteen, and each succeeding period of computation for such compensation shall be each succeeding six months next after the expiration of said year.

(2) The number of weeks that each insane person has been so maintained during each period of computation, shall be ascertained; and the state board of control of Wisconsin shall determine the number of weeks that acute patients have been maintained and the number of weeks that chronic insane patients have been maintained in said institution, and the compensation for the maintenance of such patients shall be based upon the determination made by said board.

(3) The superintendent of said hospital shall, as soon as practicable after the expiration of each such period of compu-

tation, prepare a statement giving the name of each insane person maintained at public cost at said hospital during the next preceding period of computation and the number of weeks he or she has been maintained during said period, also showing the aggregate of such weeks for all insane persons so maintained during said period and the amount of compensation to be made by the state to said county therefor, at the rates and upon the basis above fixed by said board, which statement shall be verified by said superintendent *and approved by the board of administration in charge of said hospital* as correct and true in all respects \* \* \* and delivered to the state board of control

(4) \* \* \* Said board of control shall attach to said statement a certificate showing the number of weeks' maintenance furnished to acute insane patients and the number of weeks' maintenance furnished to chronic insane patients, \* \* \* *which* shall be certified \* \* \* by the secretary and president of said board and \* \* \* filed with the secretary of state, who shall thereupon draw his warrant for the aggregate amount of compensation specified in \* \* \* *said* certificate \* \* \* and \* \* \* deliver said warrant to the state treasurer who shall thereupon pay the amount of said warrant to said Milwaukee county.

(5) \* \* \* The county of Milwaukee shall not be entitled to such credit or any compensation whatever from the state for the care of any person who has not been duly adjudged to be insane and properly committed as such, nor for the care of any insane person whose support is not properly a public charge.  
\* \* \*

#### County asylums for the insane.

SECTION 34. Sections 603, 604, 604a, 604h, 604x—1 and 604x—2 are consolidated and renumbered to be section 51.25, and revised to read:

51.25 ESTABLISHMENT. Every county may, pursuant to section 46.17, establish a county asylum for the chronic insane for the detention and care of persons adjudged or alleged to be insane pursuant to law; and in connection therewith a separate hospital or pavilion for the care of the chronic insane who are affected by pulmonary tuberculosis. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20; but the trustees shall, in addition to the superintendent, appoint a visiting physician of said asylum; and they shall re-

ceive the same compensation for their services as is allowed members of the county board.

SECTION 35. Sections 604b, 604c, and 604d, are consolidated and renumbered to be section 51.26, and amended to read:

51.26 ADMISSION OF PATIENTS; STATE AID; PRIVATE PATIENTS. (1) \* \* \* *Upon completion of the building for such asylum patients may be admitted thereto as provided in sections 51.05, 51.08 and 51.10, and as hereinafter provided, subject to all statutes relating to the supervision of the insane by the state board of control.*

(2) \* \* \* *The trustees \* \* \* may transfer to and receive into said asylum all inmates of the state institutions for the insane \* \* \* who are residents of said county and held as chronic or incurable, \* \* \* all insane inmates of the poorhouse thereof, \* \* \* all \* \* \* inebriate persons and persons adjudged to be insane according to law, \* \* \* resident in said county \* \* \* and who may be \* \* \* lawfully committed to said asylum. \* \* \**

(3) \* \* \* *The trustees may \* \* \* receive into said asylum, \* \* \* any inebriate or insane person \* \* \* resident in any other county in the state, not admitted to either of the state hospitals, and such \* \* \* person \* \* \* shall be subject to the \* \* \* provisions of law \* \* \* governing inebriates and insane persons resident in the county in which such asylum is located; \* \* \* but the cost of maintaining such inebriate or insane person shall be \* \* \* adjusted on the basis prescribed in section 51.08.*

(4) *The trustees may receive into said asylum, for care and treatment at private charge, any inebriate person and any person adjudged to be insane according to the laws of this state, but without extra expense to the state or the county in which the asylum is located.*

SECTION 36. Section 585e is repealed.

SECTION 37. Sections 604x—3, 604x—4 and 604x—5 are consolidated and renumbered to be section 51.27, and amended to read:

51.27—TUBERCULAR PATIENTS; SEGREGATION AND SEPARATE MAINTENANCE; STATE AID. (1) \* \* \* *Whenever any county has erected a separate hospital or pavilion for chronic tubercular insane, the state board of control \* \* \* may transfer \* \* \* thereto such chronic insane persons \* \* \* as it may be satisfied are afflicted with pulmonary tuberculosis \* \* \* to such a degree as to render them carriers or spreaders of that disease.*

(2) \* \* \* *In lieu of the rates prescribed by section 51.08, the state shall be chargeable at the rate of three dollars per week for each such patient resident in the county which maintains said hospital, and four dollars and fifty cents per week for each other patient; and of the latter rate one dollar and fifty cents for each such patient shall be chargeable over to the county, if any, of which such patient is a resident. \* \* \* All such charges shall be adjusted as provided in section 46.10.*

SECTION 38. Section 604x is renumbered to be section 51.28 and amended to read:

51.28 BURIAL OF DECEASED INMATES. (1) \* \* \* Whenever a patient in any county asylum for the \* \* \* insane, whose maintenance is chargeable to the state \* \* \* or to any other county, shall die, *the superintendent shall immediately notify one or more of the relatives or friends of the deceased of the fact, if such notification be possible by ordinary means; and if \* \* \* such relatives or friends cannot be so notified or will not make provision for \* \* \* the burial \* \* \* of the deceased \* \* \* the superintendent \* \* \* shall provide for the decent and proper burial of his remains.\* \* \**

(2) The reasonable and proper expenses of such notification \* \* \* and \* \* \* burial, not exceeding in the aggregate, twenty dollars, shall be \* \* \* *chargeable to the state and chargeable over to the county, if any, of which such patient was a resident at the time of his death, and adjusted as provided in section 46.10. \* \* \**

SECTION 39. Chapters 59 laws of 1855; 113 laws of 1856; 64 laws of 1857; 146 laws of 1858; 97 and 193 laws of 1859; 266 laws of 1860; 217 and 261 laws of 1861; 226 and 265 laws of 1862; supplemental chapters 246 and 266 private and local laws of 1862; 144 and 277 laws of 1863; 511 laws of 1865; 90 laws of 1866; 211 private and local laws of 1866; 1 laws of 1867; 124 laws of 1868; 39 and 111 laws of 1870; 2, 39, 68 and 99 laws of 1871; 16, 47, 88 and 165 laws of 1872; 6, 7 and 58 laws of 1873; 56, 208, 326, 339, 344 and 346 laws of 1874; 63, 64, 65, 95 and 122 laws of 1875; 148, 277, 279, 280 and 409 laws of 1876; 54, 56, 58, 207 and 275 laws of 1877; 168 and 177, laws of 1878; 130 and 131 laws of 1879; 258 and 259 laws of 1880; 282 and 283 laws of 1881; 18 laws of 1882; 68 laws of 1885; 175 laws of 1893; 371 laws of 1897; 228 and 327 laws of 1899; 65, 77, 163, 324, 367 and 382 laws of 1901; 16 laws of 1903; 285 laws of 1905; 80, 624 and 660 laws of 1907; 197, 342, 409, and 499 laws of 1909; and 526 laws of 1911 are repealed.

SECTION 40. This act shall take effect upon passage and publication.

Approved June 12, 1919.

No. 54, S.]

[Published June 16, 1919.

## CHAPTER 348.

AN ACT to repeal the title of Title XXXIV; to renumber chapter 201; and to rearrange, renumber and revise the sections of said chapter relating to the state prison.

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

SECTION 1. The title of the Title XXXIV of the statutes is repealed.

SECTION 2. Chapter 201 is renumbered to be chapter 53 THE STATE PRISON.

SECTION 3. Sections 4883, 4884, and 4885 are consolidated and renumbered to be section 53.01 and amended to read:

53.01 OBJECT; VENUE. (1) \* \* \* The state prison \* \* \* shall be the general penitentiary and prison \* \* \* for the punishment and reformation of \* \* \* all offenders \* \* \* committed and sentenced according to law by any court of the state of Wisconsin or any court of the United States held in the district of Wisconsin to \* \* \* imprisonment \* \* \* therein.

(2) \* \* \* For the purpose of all judicial proceedings the prison and precincts thereof shall be deemed to be within and a part of the county of Dodge, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same.

(3) \* \* \* All process \* \* \* served within the precincts of the prison, either upon convicts or upon persons or officers employed \* \* \* therein, except the warden and deputy warden, shall be served and returned by the warden or deputy warden; and all officers and employes of the prison \* \* \* are exempt from military duty, from serving on juries in any court and from any highway poll tax.

SECTION 4. Sections 4895, 4896, 4897, 4898, and 4899 are consolidated and renumbered to be section 53.02 and amended to read:

53.02 WARDEN; DUTIES, BOND, OATH AND REPORT.

(1) \* \* \* The warden shall, under the direction of the state board of control, have the charge and custody of the prison, with all lands, buildings, furniture, tools, implements, stock and provisions and every other species of property pertaining