

record evidence of the existence of such claim or unless a notice of renewal pursuant hereto has been filed. This section does not apply to any action commenced by any person who is in possession of the real estate involved as owner at the time the action is commenced.

(5) Actions to enforce easements, or covenants restricting the use of real estate set forth in any instrument of public record shall not be barred by this section for a period of 60 years after the date of record of such instrument, and the timely filing of notices of renewal shall extend such time for 60-year periods from such filing.

Approved June 25, 1941.

No. 215, S.]

[Published June 27, 1941.

CHAPTER 294.

AN ACT to amend 340.01 and 340.26; and to create 340.271 of the statutes, relating to negligent homicide and providing penalties.

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

SECTION 1. Section 340.01 of the statutes is amended to read:

340.01 The killing of a human being, without the authority of law, by poison, shooting, stabbing, or any other means or in any other manner is either murder, manslaughter, *negligent homicide*, or excusable or justifiable homicide, according to the facts and circumstances of each case.

SECTION 2. Section 340.26 of the statutes is amended to read:

340.26 Every other killing of a human being by the act, procurement, or gross negligence of another, *except negligent homicide*, where such killing is not justifiable or excusable, or is not declared in this chapter murder or manslaughter of some other degree, shall be deemed manslaughter in the fourth degree.

SECTION 3. Section 340.271 of the statutes is created to read:

340.271 NEGLIGENT HOMICIDE. (1) Any person who by operation of any vehicle while under the influence of alco-

holic beverages or narcotic drugs shall cause the death of another shall be deemed guilty of negligent homicide and upon conviction thereof shall be punished by imprisonment in the state prison not more than 5 years nor less than one year, or by imprisonment in the county jail not more than one year, or by fine of not more than \$2,500, or by both such fine and imprisonment. This subsection shall not limit the right of criminal action against any person who by the operation of any vehicle while under the influence of alcoholic beverages or narcotic drugs shall cause the death of another, to proceedings under this section, but such person may be proceeded against under any appropriate homicide statute.

(2) Any person who, by the operation of any vehicle at an excessive rate of speed or in a careless, reckless, or negligent manner constituting or amounting to a high degree of negligence, but not wilfully or wantonly, shall cause the death of another, shall be deemed guilty of negligent homicide and upon conviction thereof shall be punished by imprisonment in the county jail not more than one year or by a fine of not more than \$1,000, or by both such fine and imprisonment.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 25, 1941.

No. 216, S.]

[Published June 28, 1941.

CHAPTER 295.

AN ACT to confer upon the judge of the district court of any county having a district court, which is a court of record, the powers conferred by sections 357.11 and 357.13 of the statutes, relating to the examination and commitment of persons who are insane either at the time of the commission of an offense or at the time of trial.

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

SECTION 1. JURISDICTION OF DISTRICT JUDGE AS TO EXAMINATION FOR INSANITY. There is conferred upon the judge of the district court in any county having a district court which is a court of record, all of the powers with respect to the examin-