

out the word "directed" where it appears in the last line of said subdivision 4, and inserting in lieu thereof the word "delivered" so that said subdivision 4 when amended shall read as follows: 4. To personally, or by his under sheriff or deputies, serve or execute according to law all processes, writs, precepts and orders, issued or made by lawful authority, and to him delivered.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved April 3, 1891.

No. 319, S.]

[Published April 8, 1891.]

CHAPTER 153.

AN ACT to amend section 593 of the revised statutes for the year 1878, as amended by chapter 266 of the laws of 1880, as amended by section 2, of chapter 202, of the laws of 1881, as amended by section 1, of chapter 35, of the laws of 1883, and chapter 228 of the laws of 1889, relating to fees of county judges.

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

SECTION 1. Section 593 of the revised statutes for the year 1878, as amended by chapter 266 of the laws of 1880, as amended by section 2, of chapter 202 of the laws of 1881, as amended by section 1 of chapter 35 of the laws of 1883, and chapter 228 of the laws of 1889, is hereby amended by striking out all of said section 1 of chapter 35, laws of 1883, after the word "courts" in the eighth line from the end of said section, and inserting in lieu thereof the words, "and the fees of every county judge acting hereunder, shall be the sum of five dollars per day for each day actually engaged in such examination. The said judge shall transmit to the hospital or asylum to which any person is so committed, the certificate or findings of the physicians provided for in this act," so that said section when so

Amends sec.
593, R. S. 1878,
as amended.

Proceedings to
determine in-
sanity.

amended, shall read as follows: Section 593. Whenever any resident of this state or any person found therein, whose residence cannot be ascertained, shall be, or be supposed to be insane, application may be made in his behalf by any respectable citizen to the judge of the county court, judge of the circuit court, or any judge of a court of record, in and for the county in which he resides, or in case his residence is unknown, the county in which he is found for a judicial inquiry, as to his mental condition, and for an order of commitment to some hospital or asylum for the insane. The application shall be in writing, and shall specify whether or not a trial by jury is desired by the applicant. On receipt of said petition, the judge to whom it is addressed shall appoint two disinterested physicians of good repute for medical skill and moral integrity, to visit and examine the person alleged to be insane, and such physicians shall proceed without unnecessary delay to the residence of the person supposed to be insane, and shall, by personal examination and inquiry, satisfy themselves fully as to his condition, and report the result of their examination to the judge. Such report shall be substantially as follows:

1. What is the age of the patient?
2. Where was the patient born?
3. Present place of residence?
4. Married, single or widowed?
5. If children, how many, and the age of the youngest?
6. What has been the occupation of the patient, and the reputed 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 is 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 the condition of the body and mind since the attack?
13. On what subject or in what way is derangement now manifested? Are there any permanent hallucinations?
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 particulars and effects.

19. 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; any predominant passions, religious impressions, etc.?

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

23. Has the patient ever had any injury on the head, paralysis, epileptic or other fits; any hereditary disease, suppressed eruptions, discharges or sores?

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

25. Were the parents blood relations?

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

27. State any other matter supposed to have a bearing on the case. If epileptic, state duration and frequency of paroxysms.

28. Has the patient any infectious disease?

29. In your opinion is he insane?

30. If you say "yes," to the preceding question, then state your opinion whether the person named in this report should be committed to a hospital for treatment, or to the county asylum. If, upon the receipt of the report of the examining physicians, the judge shall find and adjudge the person therein named insane, he may commit such insane person either to the state hospital for the district to which the county belongs, or to the county asylum for the county, and the superintendents of such institutions shall receive all persons so committed.

Said physicians shall be entitled to a fee of

three dollars each, and ten cents a mile for each mile necessarily traveled in complying with said order, to be paid by the county in which the supposed insane person resides. Upon the receipt of the report of the examining physicians, the judge may, if no demand has been made for a jury, make and enter his order of commitment to the hospital or asylum of the district to which the county belongs, or if not fully satisfied, he may make such additional investigation of the case as may seem to him to be necessary and proper, and at any stage of the proceedings and before the actual confinement of the person alleged to be insane, he, or any relative or friend acting in his behalf, shall have the right to demand that the question of sanity be tried by a jury, and when such demand is made, the judge shall forthwith enter an order for a jury trial. In case a trial by jury is demanded, the forms of procedure shall be the same as in trials by jury in justices' courts, and the trial shall be in the presence of the person supposed to be insane, and his counsel and immediate friends and the medical witnesses. All other persons shall be excluded.

State of Wisconsin, }
County of ———. } ss.

We, the undersigned jurors in the case of ———, having heard the evidence in the case, are satisfied that the said ——— is a fit person to be sent to a hospital or asylum for the insane.

If the jury find that the supposed insane person is sane, they shall simply so state by their verdict. In case the jury find by their verdict that the supposed insane person is sane, the judge shall forthwith enter an order for the discharge of such person. The verdict of the jury shall be recorded at length, together with an abstract of all such proceedings, in a book to be kept for that purpose by the said judge. The costs of the proceedings herein provided for shall be paid in like manner as provided by law in criminal trials in justices' courts and the fees of every county judge acting hereunder, shall be the sum of five dollars per day for each day actually engaged in such examination. The said judge shall transmit to the hospital or asylum to which any person is so committed, the certificate

or findings of the physicians provided for in this act.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 285, S.]

[Published April 9, 1891.]

CHAPTER 154.

AN ACT relating to the removal of encroachments from highways.

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

SECTION 1. In all cases where an action shall be commenced against any occupant of land, to recover the penalty for an encroachment in or upon any highway fixed by section 1331, of chapter 52, of the revised statutes, and a judgment shall be rendered for such penalty, the court shall, in and by such judgment, adjudge and direct, that the occupant of such land remove or cause to be removed such encroachment, within the time fixed by said court in such judgment, and if the occupant of such land refuse or neglect to remove such encroachment, within the time so fixed therefor, by such court in such judgment, the supervisors of said town may immediately after the expiration of the time so fixed by said court, as aforesaid, remove or cause to be removed such encroachment from such highway, and said town may, in an action commenced for that purpose, recover of such occupant, the costs of removing such encroachment, together with the costs of such action.

Judge shall make order for removal of encroachment, when.

SECTION 2. If a jury shall find that an encroachment in or upon a highway has been made by an occupant of land, as provided in section 1334, of chapter 52, of the revised statutes, and

Same.