

No. 768, A.]

[Published June 16, 1905.

## CHAPTER 376.

AN ACT to amend sections 604e and 604q of the statutes of 1898 providing for the support, by the husband when of sufficient ability, of an insane wife when committed to an asylum.

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

**Accounts, rendition and approval of.** SECTION 1. Section 604e of the statutes of 1898 is hereby amended so as to read as follows: Section 604e. On the first day of each October the trustees of any county asylum which has been so completed and certified shall certify to the secretary of state the names of all insane persons necessarily cared for and supported by the county in which the asylum is situated, the date when such persons were committed thereto and the number of weeks each of them was cared for during the preceding year, which certificate shall be verified by the affidavits of such trustees and delivered by said secretary to the state board of control; and if such board of control shall approve the same and cause its approval to be endorsed thereon by the president and secretary thereof, the secretary of state shall credit the amount so certified to be due such county on the state tax next due therefrom. No county shall 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. The provisions of sections 1500 and 1505, both inclusive, are hereby made applicable to the support of insane persons, *including the support of an insane wife by her husband.*

**Collection of cost of support from estate.** SECTION 2. Section 604q of the statutes of 1898 is hereby amended so as to read as follows: Section 604q. The property and estate of any insane person kept in any state or county hospital or county asylum or kept by any county at its charge shall be liable for his support and maintenance and chargeable for the payment thereof, and upon failure of the person having the charge or

custody of such property or estate to pay therefrom for such support and maintenance, the state board of control, the board of trustees of the asylum or the chairman of the board of the county furnishing such support may apply to the proper county judge to compel such payment; such judge shall have the jurisdiction and authority conferred by chapter 63 and shall exercise the same in the manner provided by said chapter, and may enforce obedience to his orders by proceedings as for a contempt. If any order or orders made by such judge requiring such payment shall not be complied with, either such board or chairman may recover in an action against the person having the charge or custody of such property or estate, brought in the circuit court against him in his representative character, the amount directed to be paid by such order or orders, and any judgment so recovered may be satisfied out of such property or estate, and such court may, in its discretion, direct that the costs in said action, if the plaintiff recover, be paid out of such property or estate or by the person having the charge or custody thereof; provided, that the judge may, in his discretion, refuse to render judgment for the plaintiff in any case where a parent, wife or child is dependent on such property or estate for future support, and that the amount to be paid, when ordered by such county judge, shall be a reasonable compensation for such support and maintenance, but in no case to exceed the sum of three dollars per person per week; and any party to any proceeding under this section may appeal to the circuit court from any order or determination of the county judge in such proceeding in the manner and according to the provisions of section 4031. *The husband when of sufficient ability, shall be liable for the support of an insane wife when committed to a state or county hospital or asylum for the insane and the provisions of this section and chapter shall be applicable for the collection of the costs of such support.*

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

Approved June 14, 1905.