

No. 168, S.]

[Published April 18, 1921.]

CHAPTER 125

AN ACT to amend subdivision (1) of section 4697 of the statutes, relating to the plea of insanity or feeble-mindedness in criminal cases.

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

SECTION 1. Subdivision (1) of section 4697 of the statutes is amended to read: (Section 4697) (1) * * * *No plea that the person indicted or informed against was insane or feeble-minded at the time of the commission of the alleged offense, and for that reason not responsible for his acts, shall be received unless such plea is interposed at the time of arraignment and entry of plea of not guilty, unless the court for good cause shown shall otherwise order. When such plea is interposed 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.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 172, S.]

[Published April 18, 1921]

CHAPTER 126.

AN ACT to create sections 4066—1, 4066—2, 4066—3 and 4066—4 of the statutes, relating to the appointment of expert witnesses in criminal cases.

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

SECTION 1. Four new sections are added to the statutes to read: Section 4066—1. Whenever, in any criminal case, expert opinion evidence becomes necessary or desirable the judge of the trial court may after notice to the parties and a hearing, appoint one or more disinterested qualified experts, not exceeding three, to testify at the trial. Before entering upon such investigation

such experts shall take and subscribe the following oath, before the judge making the appointment or some officer designated by him: "I do solemnly swear that I will make a faithful and impartial examination of the matters to be investigated by me and that I will make a true report thereon according to the best of my knowledge, belief and understanding. So help me God." The compensation of such expert witnesses shall be fixed by the court and paid by the county upon the order of the court as a part of the costs of the action. The receipt by any expert witness summoned under this section of any other compensation than so fixed by the court and paid by the county, or the offer or promise by any person to pay such other compensation shall be unlawful and punishable as contempt of court. The fact that such expert witnesses have been appointed by the court shall be made known to the jury, but they shall be subject to cross examination by both parties, who may also summon other expert witnesses at the trial, but the court may impose reasonable limitations upon the number of witnesses who may give opinion evidence on the same subject.

Section 4066—2. No testimony regarding the mental condition of the accused shall be received from witnesses summoned by the accused until the expert witnesses summoned by the prosecution have been given an opportunity to examine and observe the accused, if such opportunity shall have been seasonably demanded.

Section 4066—3. Whenever the existence of mental disease on the part of the accused, at the time of the trial, is suggested or becomes the subject of inquiry, the presiding judge of the court before which the accused is to be tried or is being tried may, after reasonable notice and opportunity for hearing, commit the accused to a state or county hospital or asylum for the insane to be detained there for a reasonable time, to be fixed by the court, for the purpose of observation, but the court may proceed under section 4700. In case of commitment to a hospital the court shall direct the superintendent of the hospital to permit all the expert witnesses summoned in the case to have free access to the accused for the purpose of observation. The court may also direct the chief physician of the hospital to prepare a report regarding the mental condition of the accused. This report may be introduced in evidence at the trial under the oath of the said chief

physician who may be cross examined regarding the report by counsel for both parties.

Section 4066—4. Each expert witness appointed by the court may be required by the court to prepare a written brief report under oath upon the mental condition of the person in question and such report shall be filed with the clerk at such time as may be fixed by the court. Such report may with the permission of the court be read by the witness at the trial.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 185, S.]

[Published April 19, 1921.

CHAPTER 127.

AN ACT to amend sections 925—1 and 926—1 of the statutes, relating to the classification of cities.

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

SECTION 1. Sections 925—1 and 926—1 of the statutes are amended to read: Section 925—1. For the exercise of the corporate powers herein mentioned the cities of the state now existing or that may be created under the provisions of this chapter shall be divided into classes as follows: Cities containing a population of one hundred and fifty thousand or over shall constitute the first class; cities containing a population of * * * *thirty-nine* thousand or over and under one hundred and fifty thousand, the second class; cities containing ten thousand or over and under * * * *thirty-nine* thousand, the third class; cities containing less than ten thousand, the fourth class. The population, as affecting the class to which any city shall belong, shall be determined by the last national * * * census, unless a census is taken under the direction of the trustees of a village seeking to be incorporated as a city under the provisions of this chapter, or under the direction of the board of a town which contains an unincorporated village which, alone or in connection with adjacent territory, seeks to become so incorporated, or of the common council of any city now incorporated seeking to adopt such provisions for its government. Any city incorporated hereunder shall pass from one class to another when it has sufficient popula-