

nal contract or agreement: *provided*, that such sub-contractor, mechanic, workman or other person shall give notice to the owner of the building aforesaid within thirty days after the performance of such labor or the furnishing of such materials of his claim for a lien against such building under the provisions of this act.

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

Approved March 21, 1878.

[No. 510, A.]

[Published April 8, 1878.]

CHAPTER 336.

AN ACT to amend chapter one hundred and seventy-six of the laws of 1872, entitled "An act to provide for the government of the Wisconsin hospitals for the insane.

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

SECTION 1. Section nine of chapter one hundred and seventy-six of the laws of 1872, entitled "An act to provide for the government of the Wisconsin hospitals for the insane," is hereby amended so as to read as follows: Section 9. All persons confined in either hospital as insane patients, except persons confined therein in the cases, in the manner and by the authority provided in section seventeen of the above mentioned act as hereinafter amended, shall be entitled to the benefits of the writ of *habeas corpus*, and the question of insanity shall be determined by the court issuing such writ; and if the court before whom such case is brought shall decide that the person is insane, such decision shall be no bar to the issuing of said writ a second time, if it shall be claimed that such person other than as above excepted, has been restored to reason: *and it is hereby further provided*, that if it be alleged that any person is improperly confined in either of said hospitals as an insane person by reason of not being then insane, the board of trustees shall have power to examine into such case, in such manner as in their opinion its necessities demand; and if after such examination shall have been carefully and critically made, aided by at least two skillful and experienced physicians, who shall have been designated by said board, it shall appear to them that such person is not

insane, and should not be thus confined, they shall issue an order for his or her immediate release from such confinement, except in cases where such person has been committed to, and is confined in, either of said hospitals under the provisions of section seventeen aforesaid, as amended as aforesaid; in which latter case the said board of trustees shall immediately notify the judge of the court having jurisdiction of such person as provided in said section seventeen as so amended, and the district attorney of the proper county, of their said determination and finding, and it shall thereupon be the duty of the court so having such jurisdiction of such person, to make an order for the removal of such person to the common jail of the county from which such person was so sent to either of said hospitals to be further dealt with according to law in the action wherein he is under charge of, or conviction of, a crime as provided in said section seventeen, as so amended; and in case of all other such persons so determined and found to be not insane, the aforesaid order shall be forthwith executed by the superintendent of the proper hospital.

Amended.

Idiots shall not be retained in certain cases.

SECTION 2. Section ten of said chapter one hundred and seventy-six is hereby amended so as to read as follows: "Section 10. No person, idiotic from birth, shall be admitted into either hospital for the insane, and no person shall be retained, except in the cases arising under said section seventeen as so amended, in either hospital after, by a fair trial, it shall have become reasonably certain that such person is incurably insane, if such person is retained to the exclusion of others whose cases are of a more hopeful character; and no person confined in either of said hospitals, who shall have been committed thereto and is confined therein, under the order and commitment of any of the courts of record of this state, in or before which such person shall be under charge of, or conviction of, a crime punishable by imprisonment in the state prison, and awaiting hearing, trial, conviction or sentence, on account of alleged insanity, either at the time of the commission of such crime, or at any time afterwards, shall be removed or discharged therefrom, except upon the order of the court having jurisdiction of such person for hearing, trial, conviction or sentence as aforesaid.

Amended.

Bond for safe-keeping.

SECTION 3. Section seventeen of said chapter one hundred and seventy-six is hereby amended so as to read as follows: Section 17. If the relatives or friends of any patient kept in the hospital shall ask the discharge of such patient, except in the cases provided in

this section, before such patient has recovered from insanity, the superintendent may, in his discretion, require a bond to be issued to the state of Wisconsin, in such sum and such sureties as he may deem proper, conditioned for the safe keeping of such patient. The several courts of record in this state shall be authorized to commit for safe keeping and treatment to either hospital for the insane, any person who shall be under charge of, or conviction of, before such court, any crime punishable by imprisonment in the state prison and awaiting hearing, trial, conviction or sentence on account of alleged insanity at the time of the commission of such crime or at any time afterwards and prior to sentence. Other patients may be discharged from the hospital upon application to the superintendent, or by order of the trustees, as provided in section nine in this act. Incurable and harmless patients shall be discharged whenever it is necessary to make room for recent or more hopeful cases, as ordered by the trustees, except in the cases of persons under the charge of or conviction of crime, as last aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 449, A.]

[Published April 10, 1878.]

CHAPTER 337.

AN ACT relating to the improvement of the Eau Claire river, in the county of Eau Claire, state of Wisconsin, and to allow William A. Rust, his associates and assigns, to build and maintain a dam thereon, and to drive logs on said river.

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

SECTION 1. For the purpose of improving the Eau Claire river, so as to improve the navigation thereof, and to facilitate and improve the driving and floating of logs and timber in and down said river, William A. Rust, his associates and assigns, are hereby authorized and empowered, and right and authority is to him, his associates or assigns, hereby granted, to build, erect and maintain a dam at least eighteen feet high from low water mark, in and across said Eau Claire river, on section five (5) or eight (8), in township twenty-six (26)

Construction of
dam authorized