

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.

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[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

range six (6) west, in Eau Claire county, Wisconsin. Also to improve said river for driving logs, by closing sloughs, clearing and straightening the channel thereof and building and maintaining side dams and booms, and to keep said dam and other improvements in repair and operate and use the same at all times for flooding and other purposes for the driving and floating of all logs and timber, that may be put in said river or tributaries thereof.

Tolls.

SECTION 2. Whenever the said William A. Rust, his associates or assigns, shall have built, erected and maintained a dam, eighteen feet high above low water mark, in and across said Eau Claire river, on section five (5) or eight (8) in township twenty-six (24), range six (6) west, in Eau Claire county, with gates so that the same can be used in flooding said river for the purpose of driving and floating logs and timber in and down said river, and shall maintain and operate said dam and other improvements so that logs and timber can be driven down said river from the forks thereof in town twenty-six (26), range five (5) west, also from the mouth of the Wolf river in town twenty-seven (27), range five (5) west, to the booms of the Eau Claire Lumber Company, near the mouth of said river, with reasonable certainty, on such freshets and with such rises of water as are necessary to float and drive logs and timber in connection with said dam and improvements, the said William A. Rust, his associates or assigns, in consideration of the building, maintaining and operating said dam and other improvements, and the facilities thereby obtained for floating and driving logs and timber on said river, shall be and are hereby authorized and permitted to charge, and entitled to collect and receive of any and all persons owning or controlling logs and timber, or either, in said river, ten cents per thousand feet, board measure, as toll: on all logs and timber designated and intended to be driven or floated down said river from the forks thereof, in town twenty-six (26) range five (5) west, and for all logs put in said river between the forks and the west side of section eleven (11), town twenty-six (26), range six (6) west, eight cents per thousand feet, board measure; and for all logs and timber designed or intended to be driven or floated down said river from section eleven (11), in town twenty-six (26), range six (6) west, five cents per thousand feet, board measure: *provided*, the cost of constructing such permanent improvements is equal to or exceeds the sum of twenty-five thousand

dollars, inclusive of the actual cost of the land upon which the improvements are made. And in case the cost of the improvements hereby authorized to be made, does not exceed the sum of eighteen thousand seven hundred and fifty dollars, the said William A. Rust, his associates and assigns, shall only be entitled to collect as toll three-fourths of the amount hereinbefore mentioned; and if such expenditures for permanent improvements do not exceed the sum of twelve thousand and five hundred dollars, they shall not be entitled to collect as toll more than one-half the amount herein named, and no tolls shall be collected or collectable until the sum of twelve thousand five hundred dollars shall have been expended for works, as authorized in section one of this act. The amount of said logs or timber to be determined by and under the direction of the lumber inspector of the district in which that portion of said river as aforesaid is situate, or by mutual agreement of the parties.

SECTION 3. The said William A. Rust, his associates and assigns, shall operate said dam and other improvements at all times during the season of driving logs, in an impartial manner, and in a way to afford the greatest facility to all parties driving logs down said river; and they shall construct and maintain booms in the slack water created by the erection of the dam hereby authorized to be erected, for the purpose of keeping logs in a narrow channel, and in the channel of any tributary emptying into said river, the banks of which, will be overflowed by such slack water. Impartially  
operated.

SECTION 4. The said William A. Rust, his associates and assigns, shall have a lien on all logs put in the Eau Claire river below the Wolf river, or that may be driven or floated down said river below that point, for and at the rate of the charges for toll mentioned and allowed to him or them in sections two and three of this act, and any and all charges for toll that said William A. Rust may have on account of the erection, maintaining and operating said dam and improvements, shall be a lien upon such logs or timber, and unless paid on or before ten days after the same are driven or floated down said river to the Eau Claire Lumber Company's booms near Eau Claire, all of such charges for toll may be enforced by said William A. Rust, his associates or assigns, in the same manner as other liens for services and labor performed on logs are enforced under the laws of this state, and for this purpose may hold and detain such logs or timber in the booms of Lien.

the Eau Claire Lumber Company, or elsewhere on said river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage

Approved March 21, 1878.

[No. 209, A.]

[Published March 27, 1878.]

### CHAPTER 338.

AN ACT to provide for auditing the accounts of the several state charitable and penal institutions, and for disbursing the funds appropriated thereto.

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

Moneys to remain in treasury.

SECTION 1. All moneys appropriated or that may be hereafter appropriated for the use, maintenance, support or expense of the state prison; the state hospital for the insane at Madison; the northern hospital for the insane at Oshkosh; the state institute for the blind at Janesville; the state institute for the education of the deaf and dumb at Delavan; and the state industrial school for boys at Waukesha, and all other state charitable and penal institutions that may now or hereafter exist or be created in this state, and all sums appropriated or that may be appropriated to any of the said institutions for any purpose, shall remain in the state treasury until drawn therefrom from time to time in the manner hereinafter specified.

Appropriations—how drawn.

SECTION 2. On or before the twenty-fifth day of each calendar month, the board of directors, trustees or managers of each of said institutions, either as an entire board or through a committee of its members authorized by the by-laws of such board, to transact such business in the name of such board, shall prepare an estimate as nearly in detail as practicable, of the amount of money that will be required to pay the current expenses of the institution for each succeeding calendar month, and forward the same to the secretary of state, who shall draw his warrant on the state treasurer for the amount so estimated, and the state treasurer shall pay to each such institution, upon application of the treasurer thereof, the amount stated in such warrant: *provided*, that such amount shall not be paid out of the state treasury before the beginning of the calendar month