

the state of Wisconsin, and any justice of the peace in any county through which the said streams run, or in which the said waters, marshes or bayous are situated is hereby empowered to try and, upon conviction, punish as herein provided, any person or persons violating any of the provisions of this act, and when any such fine shall be recovered under any of the provisions of this act one-half ($\frac{1}{2}$) of the same shall be paid to the person making the complaint, and the remainder shall be paid to the county treasurer of the proper county, as provided by law.

Repealed.

SECTION 5. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Received by the governor March 15, 1878.

Received by the secretary of state March 20, 1878.

NOTE BY THE SECRETARY OF STATE.— The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

[No. 177, 8.]

[Published April 10, 1878.]

CHAPTER 298.

AN ACT to further provide for the care of the insane.

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

Counties authorized to procure sites conditionally.

SECTION 1. Whenever the total number of insane persons in this state shall exceed the total number of such persons who can be conveniently and properly cared for in the state institutions for the insane already existing, under the laws of this state, the board of supervisors of any county in this state, upon the conditions hereinafter named, may purchase, or otherwise provide a proper site, within said county, for the erection of a county asylum for the care of insane and inebriate persons, said site to contain not less than forty acres; and when said site shall have been approved by the governor, such board of supervisors may proceed, as hereinafter provided, to erect thereon suitable buildings for the proper care of a number of insane and inebriate persons, not less than thirty nor more than fifty per centum greater than the entire number of insane

persons then belonging to such county, as such board of supervisors may determine.

SECTION 2. Whenever the board of Supervisors of any county shall determine to purchase a site, and erect buildings for an insane asylum, as provided in the preceding section of this act, it shall be the duty of the county clerk of said county to file with the governor and state board of charities and reform, a certified copy of the proceedings of such board of supervisors relating to such determination; but no county shall be authorized, under this act, to purchase the site or erect the buildings specified in the first section of this act, until the governor and said board of charities and reform shall have first ascertained and filed a certificate with the secretary of state that a necessity exists for such additional asylum; and it shall be the duty of the governor and said board of charities and reform in such case to make and file with the secretary of state such certificate as aforesaid, whenever it shall appear to the governor and said board that, for want of room or other cause, there is insufficient provision for the proper care of the total number of insane in this state in the hospitals previously existing under the laws of this state, and the asylums previously erected or proposed to be erected under the provisions of this act; but in making such certificate the governor and said board, as far as practicable, shall give preference to those counties containing the largest number of insane persons under public charge.

SECTION 3. Before proceeding to the construction of the buildings, provided for in the first section of this act, the board of supervisors of any county proposing to erect such buildings shall cause to be prepared complete plans, drawings and specifications of the buildings proposed to be erected, which plans, drawings and specifications shall be submitted to the governor and state board of charities and reform for their approval, in respect to the number and sanitary care of inmates to be provided for; and after the approval of said plans, drawings and specifications by the governor and said board, said board of supervisors may adopt said plans, drawings and specifications, and proceed to contract for the construction of said buildings with the lowest bidder or bidders for all the work and material required therefor.

SECTION 4. Upon the completion of said buildings, and their acceptance by the governor and state board of charities and reform as aforesaid, the governor

Necessity must
be shown to exist
before purchase of site.

Construction of
buildings.

Trustees.

shall appoint three trustees, and the board of supervisors of said county two trustees, all of whom shall be resident citizens of the county in which said asylum is located, who shall constitute a board of trustees for the government of said asylum, and whose terms of office respectively shall be first determined by lot, and thereafter conform with the terms of office provided by law for the trustees of the state institutions for the insane. The treasurer of the county shall be the treasurer of said asylum, upon such conditions as the board of supervisors of said county may prescribe, and said board of trustees shall report to said board of supervisors, as often as said board of supervisors may require, and also annually to the governor, the condition and wants of said asylum, and also to the state board of charities and reform, a full and detailed statement of all receipts and expenditures on account thereof, and all other facts concerning the management and administration of said asylum.

Transfer of inmates.

SECTION 5. Upon the completion of said county asylum, and the organization of said board of trustees, as hereinbefore provided, said board is hereby authorized to transfer to said county asylum, all inmates of the state institutions for the insane committed from or belonging to said county, held as chronic or incurable, and all insane inmates of the poor house of said county, and all other persons belonging to or residing in said county, and adjudged to be insane according to the laws of this state; and said board of trustees may thereafter receive into said asylum any inebriate person, and all persons belonging to said county adjudged to be insane under the laws of this state. *Provided, however,* that whenever any insane person, committed to said county asylum according to the provisions of this act, shall be found to belong to the class defined as acute insane, and to require permanent and special treatment for the purposes of cure, said person may be transferred to the state hospitals for the insane, and committed therein, in the same manner and on the same conditions as other patients are committed to said state hospitals.

Inebriates.

Treatment at private charge.

SECTION 6. Said board of trustees of said county asylum may also receive into said asylum, under such regulations as said board may prescribe, any inebriate person, and any person adjudged to be insane, according to the laws of this state, not chargeable to any county in this state, for care and treatment at private charge: *provided,* that the care and treatment of such

person shall be undertaken and maintained without extra expense to the state, or the county in which said asylum is located.

SECTION 7. Said board of trustees of said county asylum may also receive into said asylum, under such regulations as said board may prescribe, any inebriate or insane person, belonging to any other county in the state, not admitted to the state institutions for the insane, for want of room or other reason; and such insane person so admitted, shall be subject to the same provisions of law as the insane persons belonging to the county in which said asylum is located: *provided*, that the cost of maintaining such inebriate or insane person shall be apportioned to the county to which such insane person belongs, for the benefit of the county in which said county asylum is located, in the same manner, and to the same extent that the inmates of state institutions are chargeable to the counties to which they belong under the laws of this state, and the balance of such cost to the state, in the same manner as other inmates of said county asylum are chargeable to the state, under the provisions of this act.

Persons belonging to another county.

SECTION 8. The cost of the buildings for any such county asylum, as provided in this act, shall not exceed the amount determined upon and appropriated therefor by the board of supervisors of any county in which said asylum is located.

Cost of buildings.

SECTION 9. Whenever any county, as aforesaid, shall have completed the construction of proper buildings for the purposes, and according to the conditions of this act, it shall be the duty of the board of trustees of such asylum to certify such fact to the secretary of state, together with a statement of the cost of such buildings; whereupon the secretary of state, in consideration of the amounts previously paid by said county in the construction of the state institutions for the insane, shall issue to said county his lawful warrant upon the state treasurer for the payment and return to said county of an amount equal to one-half the cost of said buildings for said county asylums: *provided*, that the amount so paid to any such county shall in no case exceed the sum of three hundred dollars per capita for the whole number of insane persons such asylum is designed to accommodate and provide for, such number to be estimated and determined by the governor and board of charities and reform.

Rebate.

SECTION 10. The entire cost of constructing and maintaining any such county asylum shall devolve up-

Construction and maintenance.

on the county in which the asylum is located, except as provided in this act, and nothing in this act shall be deemed to exempt said county from the payment of its proportion of the total cost of maintaining the state institutions for the insane already existing: *provided, however*, that any county maintaining and supporting its own insane according to the provisions of this act, in consideration thereof shall be entitled to receive therefor the compensation hereinafter provided in this act.

Compensation. SECTION 11. During the month of January in each year, it shall be the duty of the secretary of state to compute the average cost per week per capita, of maintaining the insane inmates of the state institutions for the insane during the preceding fiscal year, for such purpose assuming the total cost of such inmates to be equal to the aggregate amount of payments from the state treasury, on account of legislative appropriations and not including payment by counties, on any account, in behalf of such institutions, during said fiscal year; and having thus ascertained the cost per week per capita of maintaining the insane inmates of said state institutions, for the preceding fiscal year, he shall compute the aggregate amount to which any such county maintaining its own insane shall be entitled to receive, on the basis of eighty per centum of an equal amount per capita per week, for all the insane persons maintained by such county at public cost, and shall thereupon draw his warrant upon the state treasurer for such aggregate amount, in behalf of said county, and shall deliver said warrant to the state treasurer, who shall thereupon place the amount of said warrant to the credit of said county, on the books of the treasury.

Laws to apply. SECTION 12. All laws of this state relating to the government and management of state institutions for the insane, or to the appointment, duties, terms of office, proceedings and powers of trustees therefor, now existing, or hereafter enacted, including the provisions of this act, are hereby declared to be in full force and effect as to any county asylum for the insane organized under this act, so far as the same shall be applicable, and in harmony with the provisions of this act, relating to county asylums.

Counties already owning site and buildings. SECTION 13. Any county in this state, now owning a suitable and sufficient site and buildings for the care and maintenance of its own insane, may organize and maintain a county asylum under the provisions of this act, with the previous consent and approval of the governor and state board of charities and reform, as pro-

vided in other cases by this act, but without cost to the state for such site or buildings: *provided*, that nothing in this act be construed to prevent any county in this state which now has buildings erected for the accommodation of the insane, from enlarging the same or from erecting new ones on any grounds belonging to the county, or upon any site the county board of supervisors may by resolution determine.

SECTION 14. All acts and parts of acts inconsistent with this act are hereby repealed. **Repealed.**

SECTION 15. There is hereby annually appropriated from the state treasury, out of any moneys not otherwise appropriated, a sufficient sum for the purposes of this act. **Appropriation.**

SECTION 16. This act shall take effect and be in force from and after its publication.

Approved March 20, 1878.

[No. 135, S.]

[Published March 26, 1878.]

CHAPTER 299.

AN ACT to appropriate to the fish commissioners of the state of Wisconsin a sum of money therein named.

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

SECTION 1. There is hereby appropriated to the fish commissioners of the state of Wisconsin, out of any money in the treasury not otherwise appropriated, the sum of eight thousand dollars, to be drawn and expended by them under and pursuant to the provisions of chapter three hundred and seven of the laws of Wisconsin of 1876, and acts amendatory thereof. **Appropriation.**

SECTION 2. Section seven of chapter three hundred and seven of the laws of Wisconsin of 1876, is hereby repealed, and a new section is hereby substituted in lieu thereof, which shall read as follows: Section 7. The fish interests of the state shall be entrusted to a board of seven commissioners, of which the governor shall be *ex-officio* one member and the remaining six commissioners shall be hereafter appointed by the governor, with the advice and consent of the senate, and in case of a vacancy when the legislature is not in session, the governor shall have power to fill such vacancy, and shall report his action therein to the senate at the next ses- **Substitution.** **Board of commissioners.**