

the property, real and personal therein, the mayor and council thereof, the assessors thereof, the city clerk thereof, the board of equalization thereof, and the city treasurer thereof, shall, as to any such city and the wards therein, respectively exercise all the powers, and perform all the duties, and proceed in the manner hereinbefore provided in respect to towns, villages and other cities, and exercise the powers and perform the duties devolved upon the board of supervisors, upon the assessors, upon the town clerk, upon the board of review, and upon the town treasurer respectively, for the re-assessment of taxes and the collection thereof.

SECTION 14. All real or personal property, the taxes upon which have been set aside by any court of this state within two years prior to the passage of this act, shall be re-assessed by the assessors of the several towns for the year 1878, upon the order of the county board of supervisors, giving a description of such real and personal property, with the names of the respective owners, if known. Such county boards are hereby authorized to charge back to the proper town, city or village, all taxes as aforesaid, set aside in the action or actions in which such assessment or assessments were adjudged void; such assessment and the levy of taxes thereon to be made in accordance with existing laws for assessment of lands omitted from any previous assessment. May be re-assessed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 405, A.]

[Published April 9, 1878.]

CHAPTER 335.

AN ACT to amend sections three and four of chapter one hundred and fifty-three of the revised statutes, entitled "Of the liens of mechanics and others,"

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

SECTION 1. Section two of chapter one hundred and fifty-three of the revised statutes, is hereby amended by adding the following: *And provided further, that in case any person shall order or contract for the purchase of any machinery to be placed in or connected to or* Amended.
Lien on machinery to be retained.

with any building or premises, and such person not having an interest in such building or premises in or connected with which such machinery is placed, sufficient for a lien as provided for in this chapter to secure payment for said machinery, the person furnishing such machinery shall have and retain a lien upon such machinery, and shall have the right to remove from such building or premises such machinery in case there shall be default in the payment of such machinery when due, leaving such building or premises in as good condition as they were before such machinery was placed in or on the same.

Amended.

Lien for material and labor.

SECTION 2. Section three of chapter one hundred and fifty-three of the revised statutes is hereby amended so as to read as follows: Every sub-contractor, mechanic, workman or other person, who shall hereafter, in pursuance of the purposes of the original contract between the owner of any lot or real estate, or his agent, and the original contractor, perform any labor or furnish any materials in building, altering, repairing, beautifying or ornamenting any house, or other building or appurtenance situated on such lot or real estate, or on any street or alley connected with such building or appurtenances, and upon the lot or real estate upon which the same stands, shall have a lien for the value of such labor and materials to the extent of the right, title and interest of such owner at the time of making the original contract or which he may subsequently acquire thereto on such house or the improvement, but the aggregate of all the lien hereby authorized shall not exceed the price stipulated in the original contract between such owner and the original contractor for such improvement. In no case shall the owner be compelled to pay a greater sum for or on account of such house, building, or other improvement than the price or sum stipulated in the original contract or agreement: *provided*, if it shall appear to the court that the owner and contractor fraudulently and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such building, then the court shall ascertain how much of a difference exists between a fair price for labor or material used in said building, or other improvement, and the sum named in said original contract. Said difference shall be considered a part of the contract and be subject to a lien, but in no case shall the original contractors' time or profits be secured by this lien, only so far as the sum named in the origi-

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