

in each week, in a newspaper printed in the English language, that has been established in Milwaukee county at least one year prior to such publication.

SECTION 3. The board of supervisors is hereby authorized, directed and required to assess, levy, and cause to be collected in the same manner as others taxes are assessed, levied and collected, the whole amount of the expenses accruing under this act upon the owners of the property fronting or abutting on said Howell avenue or road. Tax levy.

SECTION 4. The owner or owners of any property, fronting or abutting on Howell avenue or road, may do or cause to be done, the grading or other work required or authorized to be done, at their own expense or by their own labor: provided, the same be done in the manner, within the time, and with the kind of materials, required by the town board of supervisors, and if so done, no assessment shall be made upon the owners of, or upon the property of those complying with the provisions of this act. Property owners may grade at their own expense.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 25, 1881.

[No. 297, A.]

[Published April 15, 1881.]

CHAPTER 202.

AN ACT to amend section one of chapter two hundred and sixty-six of the general laws of 1880, entitled an act to repeal sections five hundred and nine-two and five hundred and ninety-four of the revised statutes of 1878, relating to public charities, and to amend section five hundred and ninety-three revised statutes of 1878, and to prescribe the procedure for committing persons to the insane hospitals.

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

SECTION 1. On the receipt by the county judge of the petition provided for by section one of chapter two hundred and sixty-six of the general laws of 1880, such judge may, if in his opinion the public safety require it, deliver to the sheriff of his county an order in writing, requiring him forthwith to take and confine such insane or supposed insane person in some place to be specified, until the further proceedings provided for by said chapter can be had, or until the further order of the judge, and after the receipt by such judge of the report of the examining physicians provided for in said chapter, such judge may, in his discretion, deliver Authority of county judge.

to such sheriff his order in writing, requiring him forthwith to take such person into custody, and keep him in some place to be specified, until the further order of such judge.

Report of examining physicians.

SECTION 2. The examining physicians provided for by said section one, of said chapter two hundred and sixty-six, in addition to the report required to be made by them, by said section, shall state as follows: 28. Has the patient any infectious disease? 29. In your opinion is he insane?

Rehearing in behalf of person committed to insane asylum.

SECTION 3. When any person shall be confined in any hospital, asylum, or other place of confinement, upon commitment as an insane person, application may be made in his behalf by any respectable citizen having reason to question the propriety or justice of such confinement, to the judge of the county court of the county in which such person is confined, or to the judge of the county court by whom he was so committed, for a rehearing and a further judicial inquiry as to the mental condition of such person. Such application shall be by petition, setting forth the facts upon which it is founded.

Proceeding upon rehearing.

SECTION 4. Upon the receipt of such application, the judge shall have and may exercise the authority and jurisdiction in the matter of such application, conferred by said chapter two hundred and sixty-six, as to the original commitment, and the same proceedings provided for in said chapter may be had in such matter. All the provisions of said chapter two hundred and sixty six, necessary to such rehearing and further inquiry, to the full determination thereof, and including those relating to costs, fees and expenses, shall be applicable thereto.

When person is determined to be sane.

SECTION 5. If, upon such rehearing and further inquiry, it shall be determined that the person so confined is sane, such judge shall make and enter an order requiring the officers or persons in charge of the hospital, asylum or place in which such person is confined, forthwith to set him at liberty, and such officers and persons shall comply with such order upon being served with a duly certified copy thereof; but if it shall be determined that such person is insane, no further action shall be taken upon such application.

No infirm and imbecile to be committed.

SECTION 6. From and after the time this act shall take effect, no physically infirm or mentally imbecile person, not deemed to be dangerous when at large, shall be committed as an insane person to any hospital or asylum for the insane, solely because of such infirmity or imbecility.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

[No. 144, S.]

[Published April 1, 1881.]

CHAPTER 203.

AN ACT relating to water powers, and amendatory of sections three thousand one hundred and forty-nine, three thousand one hundred and fifty, three thousand one hundred and fifty-one, three thousand one hundred and fifty-two, of chapter one hundred and thirty-four of the revised statutes.

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

SECTION 1. Section three thousand one hundred and forty-nine of the revised statutes, is hereby amended so as to read as follows: Section 3149. In case of disagreement between owners of water powers or between owners of any rights or interests therein, respecting their rights as such owners, or the use of the waters of such power, or the expense of repairs of dams or other structures required for the operation, maintenance or preservation of the same, or other necessary expenses incident to the care, management, maintenance or preservation of such water power, either party may bring an action in the circuit court, as hereinafter provided, for a determination of any or all such matters of disagreement or difference, or for a partition of any property, pertaining to such water power held by the party bringing such action, and any other of such owners, as joint tenants, or tenants in common.

Procedure in case of disagreement.

SECTION 2. Section three thousand one hundred and fifty of the revised statutes, is hereby amended so as to read as follows: Section 3150. Such action shall be brought, and the persons parties thereto shall be served with process therein, as in proceedings under this chapter for the partition of lands, and when so served, or having so appeared, upon its being shown to be necessary or expedient in order to determine the rights of the parties, the court may, by order, appoint one or more commissioners, and empower and direct them to examine into any matters complained of, and upon reasonable notice to the owners, or occupants of such water-power, to enter upon and take control of the mills, machinery, flumes, gates, wheels and other appurtenances of such water-power, and to exercise such reasonable control of the same for such reasonable time

When commissioners to take charge of property may be appointed.