

CHAPTER 6.

[Published May 27, 1851.]

AN ACT to provide for the purchasing of Arms and Equipments for the use of the State.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:***Governor authorized to procure 2000 stand of arms, &c.**

SECTION 1. The governor of this state is hereby authorized and empowered to procure from the United States, and if necessary, to purchase for the use of the state of Wisconsin, not more than two thousand stand of arms, consisting of rifles or rifle muskets, of the most improved construction, suitable in every respect to the use and for the instruction of the volunteer militia of this state, together with all necessary cartridge boxes, cap boxes, belts, plates, bullet moulds, and other appendages belonging to said arms, approaching as near as possible to the same class of arms, according to the latest improvements, in the service of the United States, and which, if obtained from private sources, shall be subjected to the same tests of efficiency as are used in the service of the United States.

Appropriation.

SECTION 2. For the purpose mentioned in the first section of this act, there is hereby appropriated a sum of money not exceeding fifty thousand dollars, to be drawn by warrant of the secretary of state on the treasurer, and to be paid out of the war fund in said treasury.

Governor may appoint commissioners to purchase said arms.

SECTION 3. If, in order to procure the said arms and equipments, as provided in section one of this act, it may be necessary to purchase the same, then the governor shall appoint one or more, but not to exceed three commissioners, who shall be authorized in the name of the state, to enter into contracts for the purchase of the several arms and equipments aforesaid, or such portions of them as the governor shall direct, which contract shall be in writing, and when approved by the governor, shall be binding on the state, for the several articles therein named, which contracts, or a copy thereof, duly certified, shall be deposited with the secretary of state: *provided*, no payments shall be made thereon until said arms and equipments, or a portion thereof, are delivered and received by the quar-

Proviso.

ter master general, and certified by him to correspond in quality with the terms of the contract.

SECTION 4. Upon receipt of any portion of the articles above contracted for, the quarter master general shall furnish to the governor his receipt or certificate therefor, detailing specifically what articles have been received by him, and the contract price therefor, and the governor shall thereupon file with the secretary of state said receipt or certificate, or a copy thereof, together with a written order directing said secretary to draw his warrant on the treasury, for the payment to the contractor of eighty per cent. of the contract price of the articles so certified to have been delivered, out of the war fund in the treasury, the state reserving the other twenty per cent. of the contract price until the contract shall be fully completed. When the said contract shall be fully completed, the residue remaining due and unpaid thereon, shall be fully paid to the contractor by the state, in the same manner as the like certificate, order and warrant, and from the same fund, as is in this section above provided. If such contract be not fully and completed performed, the said twenty per cent. retained as above, shall be forfeited to the state.

20 per cent may
be retained and
forfeited to the
state.

SECTION 5. Any commissioner appointed under the provisions of this act, who shall receive any benefit or advantage, directly or indirectly, from the contracts made by him in pursuance of this act, shall be deemed guilty of embezzlement, and be punished by imprisonment at hard labor in the penitentiary not less than one year nor more than five years.

SECTION 6. The commissioners appointed in pursuance of this act, shall receive for their services each, such sum as the governor shall fix and determine, not to exceed three hundred dollars, to be paid out of the war fund in the treasury, on the warrant of the secretary of state, who shall issue such warrant on the certificate of the governor being filed in the office of said secretary, certifying to the amount allowed to said commissioners as compensation for their services, and that such services have been performed.

Commissioners
not to be interested in contracts.

Pay of commissioners.

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

Approved May 25, 1861.