

of such waters, the owner of such logs, timber or lumber, may at any time within three years remove the same on paying or tendering to the owner or occupant of such land such reasonable damages as may be caused by reason of such removal or non-removal, and if the owner shall not within said time, make such payment or tender and take such logs, timber or lumber from such lands, unless he and the owner or occupant of such lands shall otherwise agree, the same shall be deemed the property of such owner or occupant of the lands: *Provided*, The owner or occupant of the lands may give written notice to the owner of such logs, timber or lumber to remove the same, giving a description of the marks, if any, or kind of logs, timber or lumber, and the description of the place where such logs, timber or lumber are, or if the owner be unknown or cannot be found, by publishing a notice in some newspaper published in the county where such logs, timber or lumber may be, if there be one, if not, in an adjoining county, at least once in each week for three successive weeks, and if such logs, timber or lumber be not claimed and removed from said land within six months after such notice, said logs, timber and lumber shall be deemed the property of the owner or occupant of said lands "

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1856.

CHAPTER 49.

Published April 5.

An Act to consolidate and amend an act entitled "an act providing more fully for the organization of the State Prison, and for repealing chapter 287 of the session laws of 1851," approved April 19, 1852, and of the several acts amendatory thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state prison at Waupun, in the county of State prison. Dodge, shall be the general penitentiary and prison of the state of Wisconsin, for the reformation as well as for the

CHAPTER 49.

punishment of offenders, in which shall be confined, employed in hard labor, and governed in the manner herein-after directed, all offenders who have been committed and sentenced according to law to the punishment of solitary imprisonment, or imprisonment and confinement therein at hard labor.

Commissioner. SEC. 2. The organization of the state prison shall consist of one commissioner, who shall be known and styled state prison commissioner, and who shall be elected by the people at the general election in November, at the same time and in the same manner as is the governor and other state officers, and who shall hold his office for the term of two years from the first day of January next succeeding said election, and until his successor shall be elected and qualified: said commissioner shall be warden and treasurer of the prison.

**Commissioner
to appoint offi-
cers, &c.** SEC. 3. The commissioner shall appoint one person to perform the duties of deputy warden and clerk: he shall also appoint one chaplain, one superintendent of the stone department, who shall be overseer; one gate keeper, one turnkey, eight guards, one overseer of cooking department, one overseer or keeper of each department of mechanical labor which is or may be established in the prison, and one matron for the female prison department: said commissioner is hereby further authorized in all cases of emergent necessity to appoint such other additions to the police force as the emergency may reasonably require, during the time such emergency may exist; all persons so appointed, shall hold their offices during the pleasure of the commissioner.

**Rules and re-
gulations:** SEC. 4. The commissioner shall make such rules and regulations not inconsistent with the laws of this state, for the government of the officers and convicts of the prison, as he may deem necessary and proper, subject to the approval of the governor.

**Commissioner
to reside with-
in prison, &c.** SEC. 5. The commissioner shall reside within the precincts of the prison, and neither the commissioner nor any prison officer appointed by him, or holding an office in the prison under him, shall directly or indirectly have any concern in, pecuniarily, nor hold any interest in any contract, either verbal or written, which may be entered into by said commissioner on the part of the state for any purpose whatever connected with the business or interests of the prison.

SEC. 6. The officers of the prison shall receive the following compensation for their services, to wit: the ^{Commissioner of officers.} commissioner shall receive the sum of two dollars and fifty cents per day, and 6 cents per mile for every mile actually traveled in the discharge of his duty; the deputy warden shall receive the sum of two dollars and fifty cents per day; the chaplain the sum of two hundred and fifty dollars per year; the superintendent of stone department shall receive the sum of two dollars per day; the gate-keeper shall receive the sum of one dollar and twenty-five cents per day; the turnkey the sum of one dollar and twenty-five cents per day; the overseer in cooking department the sum of one dollar and twenty-five cents per day; the keepers in the respective departments of mechanical labor one dollar and twenty-five cents per day each; the guards shall receive the sum of one dollar and fifty cents per day each; and the matron shall receive the sum of five dollars per week; and the money accruing to the aforesigned officers, by virtue of such compensation shall be paid in quarterly payments by the commissioner out of the treasury of the prison upon appropriations made by the legislature for that purpose.

SEC. 7. The commissioner shall be entitled, in addition to the compensation mentioned in the foregoing section, ^{Commissioner entitled to fuel} to all necessary fuel for his family use.

SEC. 8. The commissioner shall, on the 31st day of December in each year, make an annual detailed report to the governor, verified on oath, which shall contain a full and accurate statement of all the concerns of the prison, for the year ending on the said 31st day of December; also, a list of the convicts who have been discharged, pardoned, and died during the year, and an estimate of expenses for the ensuing year, which report shall be laid before the legislature by the governor.

SEC. 9. The commissioner shall have the charge and custody of the prison, with the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining thereto, or within the precincts thereof, and shall superintend the police of the prison, and discipline of convicts; he shall be treasurer of the prison, and shall receive and pay out all moneys granted by the legislature for the support of the prison, and such as may accrue from business in the shops, under contract or otherwise, rentage, or the sale of any article or articles of chattel property.

**Accounts of
prison, &c.—
how kept.**

SEC. 10. The deputy warden and clerk shall keep, in suitable books, regular and complete accounts of all the expenses, income, business and concern of the establishment; also, a register of all convicts received, discharged, pardoned, or died, and such other matters as may be necessary in statistics of the kind; he shall at all suitable hours permit the commissioner and all other authorized persons to examine all books in his office; it shall be his duty to perform the duties of the commissioner in his absence, and for the purpose of fully complying with the requisitions in this section, he shall be required to reside within the precincts of the prison grounds; he shall, under the direction of the commissioner, assist him in administering the government and discipline of the prison, and he shall perform all the duties and have all the powers and shall be subject to all the obligations and liabilities of the commissioner, in case of the disability of that officer or vacancy in that office.

**Sheriff's deliv-
ery of convicts,
&c.**

SEC. 11. It shall be the duty of the sheriff or deputy sheriff of each county in this state, to convey to the state prison all persons convicted in his county and sentenced to be confined in said prison, as soon as may be after such conviction and sentence shall have been had; and after delivering such convict or convicts to the commissioner, together with a copy of the sentence of the court ordering such imprisonment, said sheriff or deputy sheriff shall take a receipt of such delivery and file the same in the office of the clerk of the circuit where such conviction and sentence were had; and the sheriff or deputy shall be entitled for his services so rendered, the following fees, which shall be in full, viz: for conveying, guarding, boarding and lodging one prisoner, fifty cents per mile, and for each additional prisoner, twenty-five cents per mile.

**When deliver-
ed under the
influence of
liquor—com-
missioner's
duty.**

SEC. 12. Whenever a sheriff or deputy sheriff shall deliver to the commissioner a prisoner or prisoners, who shall be under the influence of spirituous liquors at the time of such delivery, said commissioner shall state in his receipt to the sheriff or deputy sheriff the condition in which such prisoner or prisoners were delivered, and he shall, in such case, make a duplicate receipt and send the same to the clerk of the circuit court, where the conviction and sentence of such prisoner or prisoners were had, who shall file the same in his office.

Chaplain.

SEC. 13. The chaplain shall hold divine service in the chapel of the prison at least once on each sabbath, instruct

the prisoners in their moral and religious duties, and visit the sick on all suitable occasions.

SEC. 14. Whenever any convict shall complain of any illness of such illness as requires medical aid, the warden shall employ some physician who shall visit such convict, and if in the opinion of such physician the illness is such as require his removal to the hospital, the warden may order such removal and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

SEC. 15. Before the commissioner enters upon the duties of his office he shall give a bond to the state of Wisconsin in the sum of twenty thousand dollars, with two or more sufficient sureties to be approved by the governor, conditioned that he will faithfully account for all moneys placed in his hands as prison treasurer, and perform all the duties incumbent on him as commissioner and warden of the prison; he shall also before entering on the duties of his office take and subscribe an oath to support the constitution of the United States, and of the state of Wisconsin, and that he will discharge the duties of his office faithfully and to the best of his ability, and such bonds with the approval of the governor endorsed thereon, and the oath aforesaid, shall be filed in the office of the secretary of state.

SEC. 16. Before the deputy warden and clerk enters up. on the duties of his office, he shall give bonds to the state of Wisconsin in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the governor, conditioned that he will faithfully perform all the duties incumbent on him as deputy warden and clerk of the said prison, and such bond when so approved shall be filed in the office of the secretary of state.

SEC. 17. All contracts made on the part of the state by the commissioner on account of the prison, shall be made in writing, and approved by the governor before taking effect, unless when the wants or necessities of the prison shall compel the commissioner to purchase supplies of any kind immediately, in which case he may purchase the same upon verbal agreement, and in either case the commissioner or his successor may sue or be sued thereon to final judgment and execution. No suit shall abate by reason of the office of commissioner becoming vacant, but any successor of the commissioner, pending such suit, may take upon himself the prosecution or defense thereof,

and upon the motion of the adverse party and notice he shall be required so to do.

Controversies respecting contracts— how settled.

SEC. 18. Whenever a controversy shall arise respecting any contract made by the commissioner, on account of the prison, or a suit shall be pending thereon, the commissioner may submit the same to the final determination of arbitrators or referees, to be appointed by the governor.

Contracts.

SEC. 19. Whenever the commissioner shall determine to contract for the furnishing of the principal articles purchased for the use of the prison, such as food, fuel, stone, iron and steel, the same shall be contracted for by the year, when such contracts can be advantageously made; and the commissioner shall give previous notice in at least two newspapers printed in the state of Wisconsin, of the articles wanted, the quantity and quality thereof, as nearly as the same can be ascertained, the time and manner of delivery, and the period during which proposals for furnishing such articles will be received. Such notice shall be published at least three successive weeks.

Proposals.

SEC. 20. All such proposals shall be in writing, and sealed up, and on the day appointed in the notice mentioned in the forgoing section, they shall be opened by the commissioner, who shall cause all offers made in such proposals to be entered in a book and compared. The person offering the best terms, together with satisfactory security for the performance, which shall be required by the commissioner in said notice, shall be entitled to the contract, unless it shall appear to the commissioner that no one of the offers are as low as the fair market price; in that case no offer shall be accepted, but the commissioner may, if he thinks necessary, advertise again and proceed as before provided for.

Contractor's bond.

SEC. 21. All persons contracting under the provisions of the preceding sections, shall give bonds to the commissioner in a reasonable sum, with satisfactory security, for the faithful performance of their contracts.

Bills of supplies to be compared.

SEC. 22. The commissioner shall take bills of the quantity and price of the supplies furnished in all cases where the same is practicable, at the time of their delivery, and the clerk, or such officer as the clerk shall direct shall compare the bill with the articles delivered, and if the same are found correct, he shall make a corresponding entry on the account books of the prison, and file the bill as a voucher of the fact of such delivery. If any bill so rendered for supplies shall be discovered to be incorrect,

on comparing it with the articles delivered, the clerk shall immediately give notice to the person furnishing the supplies.

SEC. 23. All processes to be served within the precincts of the prison, either upon convicts or upon persons or officers employed within the precincts of the prison, shall be served by the commissioner or deputy warden; and all officers of the prison shall be exempt from military duty, from serving on juries in any court, and from highway poll tax.

SEC. 24. All convicts in the prison shall be in the charge and custody of the commissioner, who shall govern and employ them in the manner prescribed by law, the rules and regulations of the prison, and in conformity to the respective sentences under which they shall be committed.

SEC. 25. All officers and persons employed in and about the prison, shall perform such duties in the charge and oversight of the prison, the care of the property belonging therenunto, and the custody, government, discipline and employment of the convicts, as shall be required of them by the commissioner in conformity to law, and the rules and regulations of the prison.

SEC. 26. The warden shall receive into the state prison all persons convicted before any court of the United States held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in the said prison, and he shall safely keep and employ such convicts pursuant to their sentence, and the rules and regulations of the prison, until such sentence shall be performed, or the said convicts shall be otherwise discharged by due course of law of the United States.

SEC. 27. Whenever any convict, sentenced by any court of this state or the United States, to be punished by imprisonment in the state prison, shall, at the time of conviction and sentence, hold any office under the constitution and laws of this state, such office shall be deemed vacated from the time of his commitment to said prison, but if the judgment against such convict shall be reversed on writ of error, he shall be restored to his office, with all its rights and emoluments; but if pardoned, he shall not, by reason thereof be restored, unless it shall be so expressly ordered by the terms of pardon.

SEC. 28. Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of court, or for violation of any of the rules and regulations

of the prison, shall be confined in one of the solitary cells, and during such confinement shall be fed on bread and water only, unless a physician called upon to ascertain the fact, shall certify to the warden that the health of such convict requires other diet.

Convict sentenced to hard labor.

SEC. 29. All convicts sentenced to the punishment of hard labor in the said prison, shall be constantly employed for the benefit of the state; no communication shall be allowed between them and any person without the prison; they shall be confined in separate cells in the night time, and in the day time all intercourse between them shall be as far as is practicable prevented.

Attempting to escape.

SEC. 30. If any convict committed to the state prison, under sentence for a limited time, shall escape therefrom, or shall attempt by violence to escape, or shall assault the commissioner or other officer or person employed in the government or custody of said prison, he shall be punished by imprisonment in said prison, not more than ten years in addition to his former sentence, and also by solitary imprisonment not more than one year, to be executed forthwith, or at such time or times either before or after the expiration of any former sentence, as the circuit court of Dodge county shall direct.

Escape.

SEC. 31. If any convict in the state prison under sentence of imprisonment for life, shall escape therefrom, or shall attempt by violence to escape, or shall commit any such assault as is mentioned in the preceding section, he shall be punished by solitary imprisonment not more than one year, to be executed at such time or times as the circuit court shall direct.

Officers aiding convict to escape.

SEC. 32. If any officer or other person employed in the state prison shall voluntarily suffer any convict therein to escape, or shall in any way consent to such escape, he shall be punished by imprisonment in the state prison not more than twenty years.

Employment of prisoners.

SEC. 33. If the commissioner of the prison shall at any time deem it for the interest of the state, he may employ the convicts outside the prison or yard, in quarrying and getting stone and cultivating the prison farm, when the same can be done with safety as regards the security of the convicts from escape, and in all such cases the commissioner shall detail a sufficient force of the prison police, to watch and guard the convicts when so employed.

Officers violating rules, &c.

SEC. 34. If any officer or person employed in the state prison, shall suffer any convict under sentence of solitary

confinement to be at large or out of the cell assigned him, or shall suffer any convict confined in said prison to be at large, except in accordance with the provisions of this act, or allow said convicts to be visited, conversed with, or in any manner to be relieved or comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

Sec. 35. Every person who shall convey into the state prison any disguise, instrument, tool, weapon, or thing, adapted or useful to aid any convict in making his escape therefrom, with intent to facilitate the escape of any convict there lawfully committed or detained, or who shall by any means aid any convict in his endeavor or escape, whether such escape be effected or not, and every person who shall forcibly or fraudulently rescue or attempt to rescue any convict held in custody by any officer or other person, shall refuse to assist in securing any convict when attempting to escape from an officer or from prison, shall be punished by imprisonment in the said prison not more than ten years, or by fine not exceeding five hundred dollars.

Punishment
for aiding to
escape.

Sec. 36. If any officer or other person shall deliver or procure to be delivered, or shall have in his or her possession with intent to deliver to any convict confined in the state prison, or shall deposit or conceal in or about said prison or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison, any article or thing whatever, with intent that any convict confined in said prison should obtain or receive the same, or if any officer or other person shall receive from any convict any article or thing whatever with intent to convey the same out of said prison contrary to the rules and regulations of said prison, and without the knowledge or permission of the warden or commissioner of the prison, every such person shall be punished by imprisonment in the state prison or in the county jail not more than two years, or by fine not exceeding five hundred dollars.

Delivering ar-
ticles to pris-
oners contrary
to rules, &c.

Sec. 37. The circuit court of Dodge county shall have jurisdiction of all crimes and offenses committed within the state prison and the precincts thereof, and for the purpose of all judicial proceedings, the said prison and the precincts thereof, shall be deemed in law to be within and a part of the county of Dodge. The daily sustenance of convicts not in solitary confinement, nor in the hospital,

Circuit court
of Dodge co.
to have juris-
diction, &c.

Articles forbidden convicts.

shall consist of healthy, coarse food, with such proportion of meat and vegetables as the commissioner shall deem best for the health of the convicts.

SEC. 38. No tea, sugar, coffee, tobacco, snuff, spirituous liquors, or any articles of indulgence, shall be allowed any convict, except by order of the physician, which order shall be in writing, and for a definite period, not exceeding one month.

Clothing and bedding.

SEC. 39. The clothing and bedding of convicts shall be of such quality and quantity as the judgment of the commissioner may direct, consulting the health and comfort of the convict, and the interest of the state.

Commissioner —duties.

SEC. 40. All necessary means shall be used, under the direction of the commissioner, to maintain order in the prison, enforce obedience, suppress insurrection, and effectually prevent escapes, even at the hazard of life, for which purpose he may at all times command the aid of all the officers of the institution, and of all the citizens outside the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties or forfeitures as apply to persons refusing to obey a sheriff or any other officer calling upon the aid of the county to assist in serving a process for quelling insurrection.

Governor to visit prison.

SEC. 41. The governor shall visit the prison, once at least in each year, and make such suggestions in regard to the management, government and discipline of the institution as he may deem for the interest of the same.

New bond.

SEC. 42. Whenever the governor shall deem it necessary he may require the commissioner to file new bonds, with satisfactory security, in a larger sum than that specified in section 15 of this act, subject to the approval of the governor; but such new bond shall not be larger than the necessities of the case may require.

Officers of prison.

SEC. 43. The commissioner shall require of the officers of the prison, that in the execution of their respective duties, they shall in all cases refrain from boisterous, harsh and unbecoming language, in giving their orders and commands.

Warden—duties.

SEC. 44. The warden shall prevent all communications between male and female convicts.

To guard against escape of convicts.

SEC. 45. The commissioner may adopt such measures as he may deem proper to aid in detecting and capturing escaped convicts.

SEC. 46. The money and effects, except the clothes in possession of such convict when committed to the state prison, shall be preserved by the warden, and restored to said convict when discharged or pardoned, unless otherwise ordered by the judge of the circuit court of Dodge county.

SEC. 47. Every convict when discharged or pardoned, shall be provided with a decent suit of clothes and a sum of money not exceeding five dollars.

SEC. 48. It shall be the duty of the warden in case of the death of any convict, to cause the body to be decently buried, or deliver it to the friends or relatives of such convict, if demanded by them, and if not so demanded, then to the representatives of any medical college in this state.

SEC. 49. Upon the filing of proper and reliable information with the governor, made upon oath, that the commissioner has been guilty of malfeasance, or misconduct in office, the governor shall cause to come before him on his warrant, said commissioner, on a day certain, to answer to the charge or charges contained in such information, and also the person or persons who have filed the same, together with such person or persons as may be designated by the informant or the commissioner, at any time during the pendency of the question involved in such information, to give evidence on a hearing of the charge or charges preferred. The governor shall proceed, as soon as may be, to hear and determine the charges upon evidence given under oath: and if such malfeasance and misconduct is substantially proved upon the commissioner, the governor may decide to remove him; which decision, together with the reason therefor, shall be written out at length, and shall be filed in the office of the secretary of state.

SEC. 50. The commissioner shall have power to do and perform any of the duties herein named.

SEC. 51. The warden shall act as librarian, and shall report to the governor, on the 31st day of December, in each year, the condition of the library and the number and title of all the books therein contained; such report to be communicated to the legislature next session.

SEC. 52. The warden shall make an inventory of all property belonging to the prison, annually, on the 31st day of December, and report the same to the governor as required in the preceding section.

CHAPTER 50—51.**Repealed,**

SEC. 53. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 54. This act shall take effect from and after its publication.

Approved March 29, 1856.

CHAPTER 50.

Published June 13.

An Act to change the name of Adam Jopst to Adam Jefferson.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Change name.

SECTION 1. The name of Adam Jopst is hereby changed to Adam Jefferson, by which name he shall be hereafter known in law for all purposes whatever.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1856.

CHAPTER 51.

Published May 9.

An Act to change the name of Thomas Wilson to Thomas Wheatly.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Change name.

SECTION 1. The name of Thomas Wilson, of the county of Iowa, in this state, is hereby changed to Thomas Wheatly, by which name of Thomas Wheatly, he shall be and hereby is authorized to sue and made liable to be sued in the same manner as though his name had not been changed.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 29, 1856.
