

to the clerk of the supreme court, such number of such revised rules as the judges of said court may direct, the account for printing to be audited by the secretary of state, and paid for by the treasurer as other printing done for the state.

Approved March 8, 1864.

CHAPTER 116.

[Published March 12, 1864.]

AN ACT to repeal section three of chapter one hundred and thirty-four of the general laws of this state for the year 1858, and embraced within chapter 137 of the revised statutes, entitled "of evidence."

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

SECTION 1. Section three of chapter one hundred and thirty-four of the general laws of this state for the year (A. D.) 1858, and section fifty-two of chapter one hundred and thirty-seven of the revised statutes, entitled "of evidence," are hereby repealed. Repeal.

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

Approved March 8, 1864.

CHAPTER 117.

[Published March 10, 1864.]

AN ACT revising, amending and consolidating the laws relating to extra pay to Wisconsin soldiers in the service of the United States or of this state, and providing for the relief of families of such soldiers in certain cases, and to prescribe severe penalties for frauds committed in procuring such extra pay.

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

SECTION 1. Each enlisted or drafted non-commissioned officer, musician and private heretofore or here- Additional pay to volunteers and drafted men.

after mustered into the military service of the United States or of this state, in pursuance of any law of congress or of this state, and having a family dependent on him for support, shall receive, from the time of being so mustered, in addition to the pay provided for like non-commissioned officers, musicians and privates in the army of the United States, the sum of five dollars per month: *provided, however*, that this act shall not be so construed as to extend said monthly pay to the family of any person who at the time of enlistment was not an actual resident of the state of Wisconsin, or who enlisted in any company or regiment not organized within this state, except in such cases as are provided for in section 14 of this act; *and provided, further*, that no non-commissioned officer, musician or private who shall desert or be dishonorably dismissed the service, shall be entitled to the benefits of this act; but any soldier who having once deserted, has returned or shall return to his regiment under the president's proclamation of pardon, shall be entitled to the benefits of this act from the time he was or shall be restored to his company.

Must be residents of this state.

Deserters, &c. not entitled.

Term "family" defined.

SECTION 2. The term "family" or "families," where it occurs in this act, shall be construed to mean the wife living with and actually dependent upon the soldier for support at the time of his enlistment or being drafted; or, having no wife as above, or if the wife shall have deserted his child or children, then his children under fourteen years of age; or, having no wife or children, then the widowed mother actually dependent upon the soldier for support at the time of his enlistment or being drafted; or, having no wife or children, or widowed mother, then the infirm or indigent father, actually and wholly disabled from supporting himself, and wholly dependent upon the labor of said soldier for support at the time of his enlistment or being drafted. In any case in which the dependence of a parent has been or shall be transferred from the husband to a son, by the death of said husband in service, or from one son, by the death of said son in service, to another son or sons still in service, the said parent or parents shall be entitled to receive the said five dollars per month so long as said parent or parents has or have any son in service upon whom said parent or parents is or are depend-

Transfer of dependence.

ent: *provided*, that no one family or person shall be entitled to draw more than five dollars per month under the provisions of this act; *and provided, also*, that nothing in this act shall authorize or require the payment of said extra compensation to be made to any person who has received the extra pay heretofore provided by law, for any time for which such person has heretofore received such extra pay.

No family entitled to more than \$5 per month.

SECTION 3. The additional pay provided in section one of this act, shall not be paid at the expiration of each month, but shall remain in the state treasury, and the amount there accumulated to the credit of any soldier shall be used and appropriated by the state treasurer to pay such orders as may be drawn on him, in accordance with law, for the support and maintenance of the family of such soldier; but if the pay so accumulated to the credit of any soldier shall not be drawn from the treasury on such orders, it shall be paid to such soldier or his legal representative at the expiration of his term of service.

Extra pay to be passed to credit of soldier.

SECTION 4. Upon the presentation to the secretary of state of an order of the wife or person having charge of the family of any soldier mustered into the service of this state or the United States, as aforesaid, upon which shall be a statement of a justice of the peace of the town or a court commissioner in the county in which such soldier shall reside, stating that the person drawing the order is the wife, or the person having charge of the family of such soldier, the secretary of state, if fully satisfied such wife or person is legally entitled to receive the extra pay authorized by section one of this act, shall draw his warrant upon the war fund in the state treasury for the amount of such order, or for such portion thereof as shall then be due to such soldier or family, and the state treasurer shall pay the same on presentation.

How the money may be drawn.

SECTION 5. In case there shall be no justice of the peace residing in the town in which the soldier shall reside, as required and provided in the preceding section, any justice of the peace residing in any adjoining city or town, within this state, shall be authorized to make the statement mentioned in said section; and if the wife or other person entitled to receive such extra pay, shall actually remove to some other town than that in which the soldier resided at the time of his

When statement may be made by justice of adjoining town or city.

enlistment or being drafted, any justice of the peace of the town to which such residence is changed, shall be authorized to make the statement mentioned in said section.

Extra pay to be continued six months after death of soldier.

SECTION 6. The families of all non-commissioned officers, musicians and privates, mustered into the military service of the United States or of this state, who are now entitled, or who have been or may become entitled, under the laws of this state, to receive five dollars per month, shall, in case such non-commissioned officer, musician or private shall have died, or shall hereafter die in the military service of the United States or of this state, or shall die within one month after having been honorably discharged from the military service of the United States or of this state, from disease or wounds contracted or received while in such service, continue to receive such five dollars per month for six months after the death of such non-commissioned officer, musician or private, or his honorable discharge as aforesaid: *provided*, that the same shall cease at such time, during said six months, as any such family shall commence receiving a pension from the United States government. Such payment shall be made in the same manner and to the same persons as is hereinbefore provided for the payment of the said five dollars per month to the families of soldiers.

Pay to cease when family commences receiving pension.

Secretary of state to prescribe rules of evidence.

SECTION 7. The secretary of state may prescribe rules of evidence, and require such proofs under oath, and such certificates and statements, as he shall deem necessary to carry out the provisions of this act; but in no case shall the claim of the father of a soldier to receive the extra pay aforesaid, be established, unless upon the sworn testimony of at least three credible and responsible persons, who shall state in their affidavit or affidavits, that the matters and facts sworn to by them in relation to such claim, are true of their own personal knowledge. The secretary of state may also provide all such blanks and blank forms as he shall deem necessary and proper to facilitate the transaction of the business imposed on him by this act. It shall also be the duty of the secretary of state, on the twentieth day of March and the twentieth day of October, in each and every year, to make out and forward to the town clerk of each town and the city clerk of each city in this state, lists containing the names of

Affidavit of three persons required in case of father.

Secretary to furnish necessary blanks, &c.

Secretary to send clerks of towns and cities semi-annual reports of parents drawing extra pay.

every parent in each of said towns and cities who may then be receiving aid from the volunteer aid fund, under the provisions of this act; and it is hereby made the duty of each of said clerks to file said lists in his office, for the examination of any tax-payer of his town or city who may desire to examine the same.

SECTION 8. If any officer or person shall willfully make a false certificate or statement to accompany any application for the extra pay provided by this act, or shall knowingly affix a jurat to a false statement or affidavit to be used in obtaining the aid provided by this act, he shall forfeit double the amount received from the state treasurer upon such application, to be recovered, with costs, on complaint of any person who shall bring a suit therefor in the name of the state, one-half the forfeit to go to the complainant, and the remainder to be paid to the county treasurer of the county where the suit is brought, to be placed to the credit of the state of Wisconsin; and such officer or person shall, in addition to the foregoing penalty, be liable to indictment as for a misdemeanor, and if convicted, shall be punished by fine and imprisonment, at the discretion of the court.

Penalty for false jurat.

SECTION 9. If any person shall willfully and knowingly swear falsely in regard to any fact or matter alleged or stated in any affidavit required or made in support of any application for the aid or extra pay authorized by this act, such person shall be deemed guilty of perjury, and upon conviction, shall be punished in the same manner and to the same extent as if convicted of willful and corrupt perjury committed in a judicial proceeding.

Penalty for false swearing in support of application.

SECTION 10. If any person shall sign, attach or affix the name of any other person or officer to any affidavit, certificate, statement or jurat, to be used in making or supporting any claim for the aid or extra pay aforesaid, unless the person or officer whose name is so signed, attached or affixed, be personally present at the time, and, after having first read or heard read such affidavit, certificate or statement, expressly authorize his name to be signed, attached or affixed thereto, shall be deemed guilty of forgery, and upon conviction thereof, shall be punished therefor in the manner and to the same extent as if convicted of any offense mentioned in section one of chapter one hundred and sixty-six of the revised statutes of this state.

Penalty for affixing name of any other person to affidavit, &c., unless authorized so to do.

Penalty for drawing extra pay when not entitled to it.

SECTION 11. Every person who shall apply for and receive any sum or sums of money, as extra pay to soldiers, without being legally entitled under this act to receive the same, shall forfeit double the amount so received upon any such application, to be recovered with costs, and applied in the manner provided in other cases by section eight of this act; and if such person shall make said application, knowing that he or she is not legally entitled to receive the extra pay aforesaid, or if any officer or other person shall counsel, aid or assist any such person to apply for the extra pay aforesaid, knowing that the person so applying is not legally entitled thereto, the person so offending, in addition to any civil liability therefor, shall be liable to indictment, as for a misdemeanor, and if convicted, shall be punished by fine and imprisonment, at the discretion of the court.

Commanding officers of regiments, &c. to make monthly reports to adjutant general, of deaths, desertions, &c.

SECTION 12. The commanding officers of all regiments, companies or other military organizations from this state, or in which are any soldiers whose residences are in this state, shall report to the adjutant-general of Wisconsin, on the first day of each month, or as soon thereafter as practicable, the names of all non-commissioned officers, musicians or privates who have died, deserted, been made prisoners by the enemy, or honorably discharged, or dishonorably dismissed the service, since their last report, with the respective dates of such deaths, desertions, discharges or dismissals, a copy of which report shall be forthwith transmitted by the adjutant-general to the secretary of state. If the commanding officers aforesaid, shall fail or neglect to make the report as aforesaid for the space of twenty days after the time appointed in this section, then the secretary of state shall withhold all warrants for such extra pay to the members of such delinquent regiment, company or body of volunteers, until full and complete returns shall have been received: *provided*, that whenever in the absence of any monthly report, as required in this section, the commanding officer of any regiment, company or battery shall certify, to the satisfaction of the adjutant-general, that any volunteer or drafted man was, at the date of his certificate, with his company, or in the line of duty, or whenever it shall appear from the allotment accounts in the office of the state treasurer, that allotment money has been received from any soldier to a date subsequently to that of the last monthly

If not made, secretary to withhold warrants.

When applications may be audited in absence of reports.

report, the secretary of state shall draw his warrant on the war fund for such amount as may be due to the date of said certificate, or the date to which said allotment money has been received.

SECTION 13. When the commanding officer of any regiment of infantry or cavalry, or battery of artillery, or company aforesaid, shall refuse or neglect to make the returns required by the provisions of this act, then the governor shall be required to notify the war department of such neglect or refusal, and request the said department to require the said commanding officers to make the requisite reports within a reasonable time, or be dismissed the service for such neglect or refusal.

Governor to notify war department of neglect of officers to report.

SECTION 14. Any enlisted or drafted man entitled to the benefits of this law, who may have been or may hereafter be assigned to duty in the invalid corps, U. S. A., by order of the war department, shall not, by reason of such order, be debarred from the same: *provided*, that the commanding officers of companies, battalions or regiments in the said invalid corps, in which he may be serving, shall make monthly to the adjutant-general of this state, such a report as is required of commanding officers of Wisconsin troops, by the preceding sections. And this act shall be taken and construed so as to apply to soldiers who have been or may be discharged, and who subsequently enlisted or [may] enlist in the invalid corps.

Members of invalid corps entitled to extra pay.

SECTION 15. The secretary of state shall cause copies of this act to be sent to the officers of every regiment and battery of Wisconsin volunteers, every regiment and battery of drafted men, any and every military organization in which are any volunteers or drafted men who reside in this state; and the governor shall transmit a copy hereof to the war department at Washington, and request that said department may order the proper commanding officers to make the reports mentioned in sections twelve, thirteen and fourteen of this act.

Secretary of state to cause copies of this act to be sent to officers of regiments, &c.

SECTION 16. There is hereby appropriated out of the war fund, not otherwise appropriated, a sum of money sufficient to pay all expenditures authorized by or incurred under this act.

Appropriation.

SECTION 17. Chapter eight of the laws passed at the extra session held in 1861, entitled "an act to pro-

Repeal.

vide for the aid of volunteers in the service of the United States or of this state," and chapters one hundred and twelve and three hundred and seventy-four of the general laws of 1862, chapter four of the laws passed at the extra session of 1862, and chapters one hundred and sixty-two and two hundred and sixty-four of the general laws of 1863, being amendatory and explanatory of and supplemental to said chapter eight of the laws of the extra session of 1861, aforesaid, having been revised and consolidated in this act, (*be and the same*) are hereby repealed: *provided, however,* that such repeal of said acts, or of any or either of them, shall not in any wise release or discharge any person or persons, officer or officers, from any liability, civil or criminal, incurred in violation of the provisions of said acts, or of any or either of them; but all such liabilities shall continue, and the secretary of state shall cause the same to be prosecuted to judgment, in like manner and to the same extent as if said act or acts had not been repealed.

Repeal not to release any person who may have violated provisions of acts repealed.

Secretary of state to prosecute such persons.

Printed copies of this act to be distributed, &c.

SECTION 18. The secretary of state shall cause this act to be published immediately, and shall forthwith send a printed copy hereof to each justice of the peace and to the chairman of each town board of supervisors in this state; and this act shall take effect and be in force from and after its passage.

Approved March 8, 1864.

CHAPTER 118.

[*Published March 12, 1864.*]

AN ACT to authorize the secretary of state to audit the account of Charles May.

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

Authority.

SECTION 1. The secretary of state is hereby authorized and directed to audit the account of Charles May, the same as though the account had been presented for payment within the time limited by law for the presentation of such accounts.