

part of said sum of six hundred dollars shall be drawn from the treasury, until upon account rendered, the Governor shall certify the true amount required for the objects intended to be provided for in the second section of this act, and for the amount so certified by the Governor, the Secretary of State shall draw his warrant on the Treasurer.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, March 13th, 1851.

NELSON DEWEY.

A n Act to provide for the location and erection of a State prison.

Chap. 287

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

SECTION 1. That on or before the first day of April next, the Governor of this State shall appoint three commissioners, who shall be known as State Prison commissioners.

Governor to appoint Commissioners.

SEC. 2. It shall be the duty of said commissioners as soon as may be after their election, and before the tenth day of April next, to cause an advertisement to be published at least four weeks in the newspapers printed at Madison, of the time and place of the first meeting of said commissioners, and that they will then and there decide upon all sealed communications, specifying the advantages of certain localities, and addressed to them by mail or otherwise : Provided, That [if] the said commissioners or a majority of them be not satisfied as to the best location proposed, they may examine personally the locations proposed, not to exceed those which are included within the limits of five counties of this State.

Commissioners to advertise for sealed communications.

Provide.

SEC. 3. In selecting the location, the said commissioners shall have in view the facility of access to said prison, the means of procuring material for the construction, and the industrial pursuits to be carried on within the same.

Advantages of location.

SEC. 4. The said commissioners are hereby empowered to purchase or accept as a donation on part of the State of Wisconsin, and receive all sufficient deeds and titles therefor ; such quantity of land not to exceed in the whole twenty acres, as may be deemed by them necessary, to erect thereon a temporary building, by contract or otherwise, sufficient to accommodate all the present State prisoners.

Commissioners authorised to procure land & erect building.

SEC. 5. Whenever said building shall be erected, the said commissioners shall report the same to the Governor of the State, whose duty shall be to immediately order the sheriffs of

When Governor to order sheriffs to transfer prisoners.

the several counties of the State, to deliver all the State prisoners in the several county jails into the custody of said commissioners.

Appointment of Superintendent of Prison.

SEC. 6. Said commissioners shall elect one of their number acting commissioner, who for the time being, shall be the superintendent of the State prison, and shall have full and complete charge of all said convicts, subject to the supervision and control of a majority of said commissioners.

Commissioners to procure plans

SEC. 7. It shall be the duty of said commissioners to procure plans for a prison, and to adopt one of convenient structure and form to accommodate two hundred prisoners with separate cells, to be erected in such manner that additions thereto may be conveniently made: Provided, That the plan of building adopted by said commissioners, shall be first approved by the Governor of the State.

Provided.

Manner of proceeding.

SEC. 8. It shall be the duty of said commissioners to proceed in the construction of said prison on the plan adopted as provided in section five, as rapidly as may be by the labor of the convicts, and those employed as overseers of the same.

Duty of sheriffs

SEC. 9. It shall be the duty of the Sheriffs of the several counties of the State, on the order of the Governor, to deliver the State prisoners in their custody to the custody of said commissioners at the said temporary State prison.

Majority to govern.

SEC. 10. A majority of said board of commissioners shall have power to do and perform any of the duties herein mentioned: Provided, All of said commissioners shall have had due and reasonable notice of the meeting at which any such action is had.

Provided.

What officers may be employed.

SEC. 11. Said commissioners shall have power to employ such Clerks, assistants and helpers, and guards as shall be necessary to the discharge of their duties, and the safe keeping of the convicts in their charge, and all such persons shall have full power to use such force as may be necessary to maintain order in and about said prison, and to securely keep said prisoners.

Sum appropriated.

SEC. 12. The sum of ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, which sum shall be paid to the said commissioners on monthly estimates of moneys to be expended during the month.

Commissioners to enter into bonds.

SEC. 13. Each of the said commissioners before entering upon the duties of their office, shall enter into bonds to the State Treasurer, with one or more securities to be approved by the said Treasurer, conditional for the faithful discharge of their duties respectively and they may choose a Treasurer, who shall also enter into like bonds to be approved as aforesaid.

SEC. 14. The commissioners elected under the provisions

of this act, shall receive for each day actually employed in discharge of their duties three dollars, and six cents per mile for each mile, necessarily travelled in the discharge of the same: Compensation of Commissioners. Proviso. Provided, There shall not be an amount exceeding four hundred dollars expended in the selection of the site for said State prison.

SEC. 15. The said commissioners shall make an annual report, verified by affidavit to the Governor, on or before the first day of January in each year, containing a full statement of the expenditures made by them, and an estimate of the amount of money necessary to continue the erection of said State prison as contemplated in the plan adopted by them, which report shall by the Governor be laid before the next legislature. Commissioners to make an annual statement:

FREDERICK W. HORN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 14th, 1851.

NELSON DEWEY.

An Act relating to the duties of Auctioneers.

Chap. 288

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

SECTION 1. That there shall be paid for the use of the county upon all sales by auction of goods, wares or merchandise, two per cent. of the moneys accruing from such sales, to be paid by the auctioneer or person making such sales, out of said moneys, to the Treasurer of the county in which such sales are made: Auctioneers to pay per centage to County treasurer Provided, that nothing in this act contained shall extend to any sale by auction of goods, wares and merchandise, made by virtue of any rule, order, decree or judgment of any court, or made by virtue of any law respecting the collection of any tax or duty, either of this State or of the United States, or to any sale by auction of property belonging either to this State or to the United States, or made in consequence of any general assignment of property or effects for the benefit of creditors, or made by or on behalf of any executor or administrator: Proviso. Provided further, that household furniture, having been used as such, shall not be made liable to the above tax, and: Provided further, that merchants who reside and trade in any county, city, or village in this State, and who have paid the taxes levied by law upon their stocks in trade, and who may desire to close up their business by disposing of their goods, wares and merchandise by auction, shall be exempt from paying the above tax.

SEC. 2. No person shall exercise the business of an auc-

STATE OF WISCONSIN, }

SECRETARY'S OFFICE, }

I have compared the Acts, Resolutions and Memorials contained in this book with the originals deposited in this office, and do hereby certify that the same appear to have been correctly printed, excepting such errors as are corrected in the following ERRATA, and such minor variations as do not change the meaning or sense of the original text.

Witness my hand and the Great Seal of the State at Madison, this fifteenth day of May,

L. S. A. D 1851.

WM. A. BARSTOW, SECRETARY OF STATE.

ERRATA.

- Page 9, Chap. 8, Sec 1, line five, for *forty-nine*: read "fifty-nine."
 Page 15, Chap. 21, Sec 1, for first three lines read, "It shall be the duty of the Commissioners of the School and University Lands to convey to the United States of America, in the same manner that other School lands are by them conveyed, the following described lands."
 Page 29, Chap. 37, in title, for *rejection*: read "ejection;" and for *Approved January 19th, 1851* read "Approved February 4th, 1851."
 Page 29, Chap. 38, for *Approved January 29th*: read "Approved February 4th"
 Page 38, Chap. 54, Sec. 1, last line, before *Iowa*, read Grant and also "in one printed in the county of"
 Page 198, Sec 1, for *John C. Holmes*, read John E. Holmes;" and for *E. W. Graves*, read "D. W. Graves"
 Page 223, Chap. 220, read "Sec 9 This act shall take effect from and after its passage."
 Page 232, Sec 289, for *Brigham*, read "Bingham"
 Page 233, Chap. 241, Sec 1, line six, for *Stowund*, read "Stow and."
 Page 243, line five, for *Kock* read "Bark"
 Page 256, Chap. 262, line six, for *Beard* read "Baird;" and for *Lay*, read "Loy."
 Page 268, Chap. 262, line six, Sec 7, for *the amount of tolls*, read "and determine the price for transportation of freight and the fare of passengers."
 Page 272, Chap. 268, line one, for *Zelotee*: read "Zelotus;" and line two, for *Brecker* read "Becker."
 Page 273, line thirty eight, for *examination* read "execution."
 Page 274, line five, for *such* read "each"
 Page 278, Chap. 280, for *D. Hultz*, read D Holt, Jr.
 Page " Chap. 281, for *Carmon & Ladd*, read "Cannon & Ladd."
 Page 279, Chap. 282, for *ten* read "two." in line two
 Page 280, Chap. 285, Sec. 1, line five, for *N. S* read "U. S."
 Page 280, Chap. 286, Sec 2, line six, for *executing* read "Executive"
 Page 281, Chap. 287, Sec. 2, line two, for *election* read "appointment;" and Sec 12, line one, for *ten* read "five;" and in the last line, for *elected* read "appointed"
 Page 284, Chap. 288, line nine, after *license*, read, "to be recovered in the name of the County Treasurer before any Justice of the Peace in an action of debt."
 Page 287, Chap. 291, Sec 1, line seven, for *sixty cents* read "sixteen cents"
 Page 290, Chap. 297, line two, for *Doussman*, read "Dousman;" and for *Olset*, read "Vliet;" in line three
 Page 292, Sec 6, for *Oliet* read "Vliet."
 Page 299, Chap. 303, line four, for *Waucoma* read "Waucoma"
 Page 345, Chap. 315, title, before *Contingent* read "payment of the"
 Page 318, Sec 13, line two, for *ninety-five* read "twenty-one"
 Page 319, Chap. 322, for *Halpin* read "Halpin."
 Page 351, Sec 4, line two, for *increase* read "income" and Sec. 5, line three, for *fifteen* read "fifty-four"
 Page 360, Sec 12, line six, for *member*, read "number"
 Page 361, Sec. 16, line three, for *already*, read "actually."
 Page 362, Sec 1, Chap. 323, line one, for *four*, read "[four]."
 Page 363, Chap. 340, for *Beloit*, read "Beloit"
 Page 372, Sec 1, line two, for *Charles E. Glinger*, read "Charles Hisinger"
 Page 383, line one, for *and* read "out."
 Page 388, line six, Chap. 354, for *suit*: read "suit;" and line ten, for *ret razit* read "ret razit."
 Page 393, Chap. 368, for *H Ladd*, read "H. Sadd"
 Page 395, Chap. 368, line four, strike out the word "five."
 Page 398, Sec 4, line eight, for *Appointed*, read "Approved."
 Page 408, line seven, for *balance*, read "ballot."
 Page 418, Sec. 7, line 7, after *transportation*, read "and to direct the mode and condition of transferring the stock aforesaid;" and Sec. 8, enclose all between the words *missor* in line eight and *person* in line nine, in brackets.
 Page 427, Sec 3, line five, for *Officers*, read "affairs."
 Page 437, for *Isaac J. Walker*, read "Isaac P. Walker."

[NOTE.—In preparing these acts for publication, where a superfluous word has been found in the enrolled bills, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus*). Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [*thus*]; thus adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity.]