

their indebtedness as certified to them by the secretary of state, upon all the taxable property therein as provided by law.

SECTION 5. All acts and parts of acts contravening the provisions of this act are hereby repealed and this act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 113.

[Published March 11, 1868.]

AN ACT to amend chapter 182 of the revised statutes of 1858, entitled "of pardons."

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

Amended.

SECTION 1. Chapter one hundred and eighty two of the revised statutes is hereby amended by striking out in said chapter all after the words "section one" and inserting the following: "All pardons hereafter applied for on behalf of any person or persons convicted in any court in this state of any crime punishable under the laws thereof by imprisonment in the state prison of the same, and sentenced to such imprisonment, shall be made and conducted in the manner and under the restrictions hereinafter prescribed.

How application for pardon to be made.

SECTION 2. Notice of the application for such pardon shall be given to the judge who presided at the trial, and to the district attorney of the county in which the indictment was found against such person or persons so convicted and sentenced, at least three weeks before such application shall be filed with the governor; copies of which notice acknowledged by such judge and district attorney, or certified under oath of a credible witness to be true copies thereof, shall accompany every such application to the governor; and a notice of such application, setting forth the name or names of the person or persons on whose behalf it is made, the crime of which he, she or they shall have been convicted, the time of

such conviction, and the term of sentence, shall also be published at least once each week for two successive weeks, in some newspaper of general circulation in the county where the offence for which pardon is sought was committed, or if there be no newspaper published therein, then such notice shall be posted in a conspicuous place on the door of the court house of such county for three weeks prior to such application; and such notice shall also be published once each week for two consecutive weeks in some newspaper published in a county adjoining; a copy of which notices, duly authenticated by some credible witness under oath, shall also accompany such application.

SEC. 3. Each application for pardon shall also be accompanied by the following papers:

What papers to accompany application.

1. A certified copy of the whole record, including docket entries, minutes of court, copy of indictment, pleas, and all other papers on file in court relating to the case.

2. A full statement of the reasons upon which the application is based, setting forth all the facts, such statement to be verified by affidavit, and also a letter from the district attorney, indicating his views upon the subject of the application and stating briefly any circumstances in aggravation or extenuation which he may have in his possession. All applications for the pardon of any person who shall have been convicted of the crime of murder shall in addition to the requirements hereinbefore indicated be accompanied by the recommendation of the judge who presided at the trial in which said conviction was had, or of the judge in office when the application is made in the circuit where the trial was had.

SECTION 4. It shall be the duty of any judge presiding at the trial of any person indicted for an offense, conviction of which would under the statutes of this state be followed by imprisonment in the state prison for not less than one year, to keep full minutes of all testimony given upon such trial, and at the close of the trial such minutes shall be delivered to and shall be filed by the clerk of the court in which such trial is had; and upon any application for pardon of the person convicted upon such trial, said minutes of testimony or a certified copy thereof shall accompany the application.

Judge to keep full minutes of testimony.

SECTION 5. In all cases in which the governor is

Governor may grant pardons upon convictions.

authorized to grant pardons, he may upon the petition of the person convicted grant a pardon upon such conditions and with such restrictions and under such limitations as he may think proper, and he may issue his warrant to all proper officers to carry into effect such conditional pardons, which warrant shall be obeyed and executed instead of the sentence, if any, which was originally awarded.

Officer to make return of warrant to governor.

SECTION 6. Whenever any convict is pardoned by the governor or his punishment commuted, the officer to whom the warrant for that purpose is issued, after executing the same, shall make return thereof under his hand with his doings therein to the governor as soon as may be, and he shall also file with the clerk of the court in which the offender was convicted an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of his conviction and sentence.

Pardons dependent upon behavior of convict.

SECTION 7. No pardon shall be granted unless the warden or keeper of the prison where such applicant shall have been confined shall certify to the governor that the applicant has during his confinement conducted himself in a peaceful and obedient manner: *provided*, that this chapter shall not be so construed as to render it obligatory upon the executive to pardon any convict, although the application for such pardon shall be made in accordance with the provisions hereof.

SECTION 8. The governor may in his discretion make such additional rules and regulations governing applications for pardons as may from time to time seem to him best.

Approved March 6, 1868.