

**Chap 476** An Act to authorize William Hood and Peter Burns to keep and maintain a Ferry across the Mississippi River.

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

**May keep ferry.** SECTION 1. That William Hood and Peter Burns, their heirs and assigns shall have the exclusive right to keep and maintain a ferry across the Mississippi river, from the public landing in the upper part of the village of LaCrosse, in this state, for the period of ten years.

**How regulated.** SEC. 2. Such ferry shall be subject to such regulations as other ferries according to law, fixing the rates of tolls in the manner in which licensed ferries shall be kept and attended, and no ferry shall be licensed within a half mile below or two miles above the point where said ferry shall be established.

**Rates of ferrings** SEC. 3. The said William Hood and Peter Burns shall be entitled for crossing any vehicle drawn by two or more horses or oxen, seventy-five cents; for any vehicle drawn by one horse, fifty cents; for a single horse, twenty-five cents; for each head of cattle or mules, fifteen cents; for each head of hogs or sheep, five cents.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved, April 19, 1852.

LEONARD J. FARWELL.

[Published June 9, 1852.]

**Chap 477** An Act providing more fully for the organization of the State Prison and for repealing chapter 287 of Session Laws of 1851.

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

**General penitentiary.** SECTION 1. The state prison at Waupun, in the county of Dodge, shall be the general penitentiary and prison of the state of Wisconsin, for the reformation as well as for the punishment of offenders, in which shall be securely confined, employed in hard labor, and governed in the manner hereinafter 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.

**Organization of prison.** SEC. 2. The organization of the state prison shall consist of one commissioner, who shall be appointed as provided for in an act approved April 1st, 1852, who shall be

warden and treasurer, and said commissioner shall appoint one person to perform the duties of deputy warden and clerk; he shall also appoint a chaplain and superintendent of stone department, who shall be overseer, one gate keeper and four guards, all of which officers appointed by the commissioner, shall hold their offices during the pleasure of said commissioner.

SEC. 3. 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 proper, subject to the approval of the governor. Commissioner to make rules.

SEC. 4. The warden shall reside constantly within the precincts of the prison, and neither the warden, the deputy warden and clerk, gate keeper, or guards shall, during the time of holding his office, be employed in any business for private emolument, nor in any business which does not pertain to the duties of his office. Warden to reside in precincts of prison.

SEC. 5. The officers of the prison shall receive the following salaries, to wit; the commissioner the sum of two dollars and fifty cents per day when actually employed in the duties pertaining to his office, and six cents per mile for each mile actually traveled in the discharge of duties; the clerk and deputy warden shall receive two dollars per day; the chaplain shall receive one hundred dollars per year; the superintendent of stone department and keeper shall receive six hundred and fifty dollars per year; the gate keeper shall receive three hundred and sixty-five dollars per year; and the guards shall receive three hundred and sixty-five dollars per year; all of which payments shall be paid in quarterly payments by the warden, out of the treasury of the prison, and shall be in full for all services, and no other perquisites, rewards, or emoluments shall be allowed to or received by any of them, except that the warden shall be allowed the necessary fuel for his family use. Commissioner.

SEC. 6. 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 next preceding; also, a list of convicts discharged, pardoned, and died, and the estimate for appropriation for the next year, which report shall be laid before the legislature by the governor. Report.

SEC. 7. The warden shall have the charge and custody of the prison, with the lands, building, furniture, tools, implements, stock, and provisions, and every other species of Powers of warden.

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 thereof.

**Duties of deputy** SEC. 8. The deputy warden and clerk shall keep, in suitable books, regular and complete accounts of all the expenses, income, business, and concerns of the establishment, also, a register of all convicts received, discharged, pardoned, or died, and such other matter 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 and have all the powers and shall be subject to all the obligations and liabilities of the warden, in case of the disability of that officer or vacancy in that office.

**Sheriff to take convicts to prison.** SEC. 9. 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 shall have been had, and after delivering such convict or convicts to the warden, together with a copy of the sentence of the court ordering such imprisonment, said sheriff or deputy sheriff shall take an acknowledged receipt of such delivery, and file the same in the office of the clerk of the circuit court, where such conviction shall have been 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.

**Divine services.** SEC. 10. The chaplain shall hold divine service in the the chapel of the prison at least once on each Sabbath instruct the convicts in their moral and religious duties, and visit the sick on suitable occasions.

**Female convicts** SEC. 11. When one or more female convicts shall be confined in said prison, the commissioner may appoint a matron as keeper for said females, and the matron may take charge of the duties of the cook. The female convicts shall labor in the cooking and washing department, or otherwise, as the commissioner may direct.

**When physician to be employed.** SEC. 12. Whenever any convict shall complain of any such illness as requires medicinal 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 to 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. 13. Before the warden 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 treasurer, and perform all the duties incumbent on him, as warden of the said prison, and such bond, with the approval of the sureties endorsed thereon, shall be filed in the office of the secretary of state. Warden to give bond,

SEC. 14. Before the deputy warden and clerk enters upon the duties of his office, he shall give bonds to the state of Wisconsin in the sum of ten thousand dollars, with 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 secretary of state. Deputy to give bond.

SEC. 15. All contracts on account of the prison shall be made by the warden in writing, and when approved by the governor, shall be binding in law, and all purchases and bargains shall be on contract, except supplies for the hospital; and the warden or his successor may sue or be sued thereon, to final judgment and execution. No such suit shall abate by reason of the office of warden becoming vacant, but any successor of the warden, 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. Contracts to be in writing.

SEC. 16. Whenever a controversy shall arise respecting any contract made by the warden on account of the prison or a suit shall be pending thereon, the warden may submit the same to the final determination of arbitrators or referees to be appointed by the governor. How controversies settled

SEC. 17. The principal articles purchased for the use of the prison, such as food, fuel, stone, iron, and steel, with the transportation and truckage, shall be contracted for by the year, when such contracts can be advantageously made; and the warden shall give previous notice in at least two newspapers, of the articles wanted, the quantity and quality thereof, the time and manner of delivery, and the period during which proposals will be received. Such notice shall be published at least three weeks in succession. How food, &c. provided.

SEC. 18. All such proposals shall be in writing, and sealed up, and on the day appointed they shall be opened Proposals:

by the warden, who shall cause all such offers to be entered in a book and compared. The person offering the best terms with satisfactory security for the performance, shall be entitled to the contract, unless it shall appear to the warden that none of the offers are as low as the fair market price; in that case no offer shall be accepted, and the warden may advertise again as before, and may proceed to make contracts for any of the articles wanted for said prison in the best way he can for the interest of the state, without further notice.

**To give bond.** SEC. 19. Every such contractor shall give bonds to the commissioner in a reasonable sum, with satisfactory security, for the faithful performance of his contract. No officer of the prison shall be concerned or interested, directly or indirectly, in any contract, purchase or sale made on account of the prison.

**Bills of purchase** SEC. 20. The warden shall take bills of the quantity and price of the supplies furnished for the prison, at the time of delivery: and the clerk or such officer as the clerk shall direct, shall compare the bill with the articles delivered; if the same are found correct, he shall enter them, with date of delivery, on a book to be kept for that purpose. In like manner bills shall be taken and entered of all services rendered for the prison. If any bill for supplies or services shall be discovered to be incorrect, the clerk shall immediately give notice to the person who furnished the supplies or rendered the services, that the error may be corrected.

**Process how served.** SEC. 21. All process to be served within the precincts of the prison shall be directed to and served and returned by the warden or deputy warden. All convicts in the prison shall be in the charge and custody of the warden, 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.

**Duties of officers** SEC. 22. The superintendent of the stone department, gate keeper, cook, and guards shall perform such duties in the charge and oversight of the prison, the care of the property thereunto belonging, and the custody, government, employment and discipline of the convicts as shall be required of them by the warden, in conformity to law and the rules and regulations of the prison.

**U S prisoners.** SEC. 23. 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 the law of the United States.

SEC. 24. 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 the pardon.

Office of convict vacated.

SEC. 25. Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of court, or for the violation of any of the rules and regulations of the prison, shall be confined in one of the solitary cells, and during such confinement he shall be fed on bread and water only, unless, physician of the prison shall certify to the warden that the health of such convict requires other diet.

Food during solitary confinement.

SEC. 26. 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 as far as is practicable be prevented.

How convicts employed

SEC. 27. 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 warden or commissioner or other officer or person employed in the government or custody of said prison, he shall be punished by imprisonment in the 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.

Penalty for escape by violence

SEC. 28. 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

Penalty for escape.

one year, to be executed at such time or times as the circuit court shall direct.

Permitting convict to escape.

SEC. 29. If any officer or other person employed in the state prison shall voluntarily suffer any convict confined 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.

Permitting convict to be at large.

SEC. 30. 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 to him, or shall suffer any convict confined in said prison to be at large or out of the prison, or to be visited, conversed with, or in any manner relieved or comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

Aiding prisoners to escape.

SEC. 31. 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 to 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, under sentence of imprisonment in the state prison, or 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.

Carrying articles to prison

SEC. 32. 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.

SEC. 33. The circuit court of Dodge county shall have jurisdiction of all crimes and offences 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.

Jurisdiction of  
Dodge county

SEC. 34. The daily sustenance of convicts not in solitary confinement nor in the hospital, 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 and interest of the state.

Food

SEC. 35. No tea, sugar, coffee, tobacco, snuff, spirituous liquors, or any article of indulgence, shall be allowed any convict, except by order of the physician of the prison, which order shall be in writing, and for a definite period not exceeding one month.

Tobacco &c, not  
allowed

SEC. 36. The clothing and bedding of convicts shall be of such quality and quantity as the judgment of the commissioner may direct, consulting the health of the convict and the interest of the state.

Clothing

SEC. 37. All necessary means shall be used under the direction of the warden 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 require the aid of all the officers of the institution.

Warden may en-  
force order

SEC. 38. The governor shall visit the state 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.

Governor to vis-  
it prison

SEC. 39. The commissioner with the consent of the governor may from time to time erect such buildings, make such alterations in those now erected as they shall think necessary for the convenience of the officers required by law to reside within the precincts of said prison, and to supply each convict with a separate cell.

Commissioner  
may erect build-  
ings

SEC. 40. The commissioner shall proceed to the erection of one wing of the permanent prison as rapidly as may be, with the labor of the convicts and those overseeing them; the plan of said prison to be chosen by the commissioner and approved by the governor; said wing shall be constructed of stone.

To build wing

SEC. 41. Whenever an appropriation of money is made by the legislature for the support of the state prison, the governor shall draw a warrant in favor of the warden for

How money to  
be drawn



such portions thereof from time to time or for the whole amount at one time as he shall think proper.

**Treatment of prisoners** SEC. 42. The warden and all the officers of the prison shall treat the convicts with kindness so long as they shall merit such treatment by their obedience, industry, and good conduct.

**Separation of the sexes** SEC. 43. The warden shall prevent all communications between male and female convicts.

**Escapes** SEC. 44. The commissioner may adopt such measures as he may deem proper to aid in detecting escaped convicts, but shall do them no physical injury.

**Property of convict** SEC. 45. The money and effects, except the clothes in possession of each 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.

**§ To what discharged prisoner entitled** SEC. 46. Every convict when discharged or pardoned, shall be provided with a decent suit of clothes and a sum of money not to exceed five dollars.

**Dead body** SEC. 47. 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 representative of any medical college in this state, or the friends or relatives of such convict, if demanded by them.

**Sabbath schools** SEC. 48. The warden may permit proper persons to organize a sabbath school in which the convicts may be instructed in their religious duties, under such rules and regulations as the commissioner may establish.

**Governor may remove commissioner** SEC. 49. The governor may remove the commissioner when he shall believe that the best interests of the state demand such removal.

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

**Librarian** SEC. 51. The warden shall act as librarian, and shall report to the governor on the thirty first 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 at its next session.

**Inventory of property** 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.

**Act repealed** SEC. 53. All of chapter 287 of session laws of 1851 is hereby repealed.

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

J. McM. SHAFER,  
*Speaker of the Assembly.*  
 E. B. DEAN, JR.,  
*President pro tem. of the Senate.*

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published, May 27, 1852.*]

An Act to regulate the collection of tolls on plank and turnpike roads.

Chap 478

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

SECTION 1. Every toll gatherer who at any gate of any plank or turnpike road company in this state, shall unreasonably hinder or delay any traveler after he shall have paid the tolls demanded, or shall demand and receive from any person more toll than by law he is authorized to collect, shall for each offence forfeit the sum of ten dollars. Toll gatherer liable to penalty

SEC. 2. Every plank and turnpike road company, now or hereafter to be formed or organized in this state, shall erect and maintain suitable mile posts on their respective roads, under the penalty of ten dollars for each month they shall refuse or neglect so to do; such posts to be erected on those roads on which toll gates have been already erected, within one year from the passage of this act, and as fast as any new toll gates shall be erected thereon; and on those roads on which no toll gates have been erected, as fast as toll gates shall be erected thereon. Mile stones.

SEC. 3. Every person traveling on any plank or turnpike road in this state, who shall untruly report or refuse to report, when requested so to do by any toll gatherer or other person employed on said road, the distance he shall have traveled or desires to travel on said road, or shall refuse or neglect to pay the legal tolls therefor, or shall run through or pass around any gate for the purpose of avoiding the payment of tolls, shall forfeit for each offence the sum of ten dollars. Penalty for making incorrect statement to toll gatherer.

SEC. 4. Whenever required by any person passing a gate on any plank or turnpike road, the toll gatherer at such gate shall give such person a receipt, specifying the amount of toll received, the kind of vehicle and number of animals, and the number of miles traveled or to be traveled on said road as represented to said toll gatherer by such person. Said receipt to be signed in duplicate by the Receipt for toll