

How remaining proceedings conducted.

SECTION 3. The remaining proceedings shall be conducted in like manner and in all respects conform to sections 62, 63, 64, 65 and 66 of said chapter 152; and *it is further provided*, that the word, "supervisors," in said sections 62, 63, 64, 65 and 66 of said chapter 152 shall be construed to mean town supervisors, and not county supervisors, for the purpose of determining on said damages.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1871.

CHAPTER 115.

[Published April 4, 1871.]

AN ACT to consolidate all acts now in force for the government and management of the State Prison, and to amend the same.

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

Shall be the general penitentiary and prison.

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 the punishment of offenders, in which shall be confined, employed at 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 therein at hard labor.

State prison commissioner.

SECTION 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 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 elections, and until his successor shall be elected and qualified. Said commissioner shall be warden and treasurer of the prison.

SECTION 3. The commissioner shall appoint one person to be deputy warden, and one person to perform the duties of prison clerk, neither of which office shall be held by the person holding the other; he shall also appoint one chaplain, one gate-keeper, one turnkey, eight guards, one overseer of cooking department, one overseer or keeper to 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, and the commissioner is hereby authorized and empowered to employ an additional chaplain of the Catholic faith, whenever there shall be imprisoned in the state prison any person or persons of the Catholic denomination, to visit and minister to the spiritual wants of such person or persons, at least once every month, or as often as the state prison commissioner may deem proper; and said additional chaplain shall be paid in the same manner and from the same fund as the other prison officers are paid; *provided*, that said additional chaplain shall not be paid for such services to exceed the sum of two hundred dollars per annum.

Office
appoi

SECTION 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.

Shall make
rules and regu-
lations.

SECTION 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.

Where commis-
sioner to reside
—to have no in-
terest in con-
tracts.

SECTION 6. The officers of the prison shall receive the following compensation for their services, to wit: the salary of the state prison commissioner shall be twelve hundred dollars per annum, payable quarterly,

Compensation
of officers.

and six cents per mile for every mile actually traveled in the discharge of his duty, and he shall also be entitled to all necessary fuel for his family use. The deputy warden shall receive the sum of three dollars per day; the prison clerk shall receive the sum of one thousand dollars per annum; the prison chaplain shall receive the sum of five hundred and fifty dollars per annum; the overseers of machinery in the respective departments of mechanical labor, and the turnkey and yard master shall each receive the sum of two dollars and fifty cents per day; and the overseer in the cooking department, and all keepers and guards shall each receive the sum of two dollars per day. Each of said officers shall be paid quarterly by the commissioner, out of the treasury of the prison, from money appropriated by the legislature for that purpose, or out of money received from other sources.

Annual report
of commission-
er.

SECTION 7. The commissioner shall, on the 30th day of September in each year, make an annual detailed report to the governor, verified on oath, which shall contain a full and accurate statement of all concerns of the prison, for the year ending on the said 30th day of September; also a list of the convicts who have been discharged, pardoned and died during the year, and an estimate of the expenses for the ensuing year, which report shall be laid before the legislature by the governor.

Shall have
charge of the
prison and be
treasurer.

SECTION 8. 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. It shall be the duty of the commissioner to keep an account of all moneys received for gate fees for admission to the prison, the amount of which, for each year, shall be embraced in his annual report, and shall constitute a part of the prison revenues.

How contracts
to be made.

SECTION 9. 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 motion of the adverse party and notice, he shall be required so to do, except in the purchase of annual supplies of food, fuel and such other articles as are required and used in large quantities for prison consumption or manufacturing purposes, the commissioner shall have power to make all purchases for the prison, on such conditions, and in such manner as in his opinion will best promote the interests of the state.

How suits perpetuated.

SECTION 10. 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.

May submit controversy to arbitrators or referees.

SECTION 11. Whenever the commissioners 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 quality and quantity thereof, as near as the same can be ascertained, the time and manner of delivery, and the period during which such articles shall be received. Such notice shall be published at least three successive weeks.

Contract for articles for use of prison by the year.

SECTION 12. All such proposals shall be in writing and sealed up, and on the day appointed in the notice mentioned in the foregoing 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, to-

Sealed proposals and award of contract.

gether 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 is 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 to
give bonds.

SECTION 13. 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 contract.

Shall take bills.

SECTION 14. 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.

Duties of deputy
warden.

SECTION 15. It shall be the duty of the deputy warden to perform the duties of the commissioner in his absence, and for the purpose of fully complying with the requirements of this section, he shall 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 of that office.

Of the clerk.

SECTION 16. It shall be the duty of the prison clerk to 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 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.

SECTION 17. 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 upon 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.

Commissioner's bond.

SECTION 18. Before either the deputy warden or prison clerk enters upon the duties of his office, each 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 or prison clerk, and such bond, when so approved, shall be filed in the office of the secretary of state.

Deputy warden and clerk to give bond.

SECTION 19. 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, the commissioner shall deliver to such sheriff or deputy sheriff a receipt, in which he shall acknowledge having received the prisoner or prisoners (naming them), which receipt the said sheriff or deputy sheriff shall file in the office of the clerk of the circuit court where such conviction and sentence were had. And such sheriff or deputy sheriff shall be entitled to receive from the treasurer of the proper county, the amount actually and necessarily expended by him in transporting such prisoner or prisoners, including the amount paid for boarding and lodging, and such guards as may have been necessarily employed by such sheriff or deputy sheriff, and

Duties of sheriffs and deputies, relating to prisoners.

Receipt for prisoners.

such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner or prisoners, to be fixed and allowed by the proper auditing officer or auditing board of the proper county.

Shall state condition of prisoners.

SECTION 20. 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 said 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.

Duties of chaplain.

SECTION 21. 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. He shall also act as librarian, and prepare a list of the number and title of the books in the library, with a statement of their condition, which information shall be embodied in the report of the commissioner to the governor, required by section seven of this act.

Medical attendance on convicts.

SECTION 22. Whenever any convict shall complain of any 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 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.

All processes to be served on commissioner.

SECTION 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.

Charge and custody of convicts.

SECTION 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.

SECTION 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 thereto, 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.

Duties of employes.

SECTION 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.

Shall receive convicts before United States courts.

SECTION 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.

If convict hold office, it shall be deemed vacated.

SECTION 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 he 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.

Solitary confinement.

SECTION 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

Employment and non-intercourse.

separate cells in the night time, and in the day time all intercourse between them shall, as far as practicable, be prevented.

Punishment for assault and attempt to escape, of convicts sentenced for limited time

SECTION 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 may direct.

Of those sentenced for life.

SECTION 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 of Dodge county shall direct.

Punishment of officers suffering convicts to escape.

SECTION 32. 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.

Employment of convicts outside the prison.

SECTION 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 or 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.

Punishment for showing favor to convicts.

SECTION 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 relieved o

comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

SECTION 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 the intent to facilitate the escape of any convict there lawfully convicted [committed] or detained, or who shall by any means aid any convict in his endeavors 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 an 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.

For assisting them to escape.

SECTION 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 could 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.

For the delivery of articles to them.

SECTION 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 proceeding, the said prison and 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, shall consist of healthy, coarse food, with such proportion of meat and vegeta-

Circuit court of Dodge county to have jurisdiction.

Quality of food.

bles as the commissioner shall deem best for the health of the convicts.

What articles prohibited.

SECTION 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: *providing, also,* that the commissioner may, in his discretion, make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior.

Clothing.

SECTION 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 convicts, and the interests of the state.

Maintenance of order.

SECTION 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 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 shall visit.

SECTION 41. 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.

May require new bonds.

SECTION 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 fifteen of this act, subject to the approval of the governor; but such new bonds shall not be larger than the necessities of the case may require.

Conduct of officers.

SECTION 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.

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

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

SECTION 46. 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. Money and effects to be restored.

SECTION 47. 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, and may also be allowed employment in the prison, under the rules established for the government of convicts for such period of time, and at such rate of compensation as the commissioner shall deem just and equitable. Discharged convicts—how provided.

SECTION 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 to deliver it to the friends or relatives of such convict, if demanded by them within twenty-four hours, and if not so demanded, then to the representatives of any medical college in this state. Disposition of body of deceased convict.

SECTION 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 the 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 are substantially proved upon the commissioner, the governor may decide to remove him from his office, and may so 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. Malfeasance of commissioner—how tried and punished.

Power of commissioner.

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

Deputy to keep record of conduct of convicts, and certify the same.

SECTION 51. It shall be the duty of the state prison commissioner to require his deputy to keep a true record of the conduct of each convict, specifying each infraction of the rules of discipline. At the end of each month the said deputy shall give a certificate of good conduct to each convict who shall require it against whom is recorded no infraction of the rules of discipline, and upon each such certificate the commissioner may at his discretion diminish the term of any convict sentenced for a specific time, not more than five days; all such certificates shall remain on file in the prison office, subject at any time to be annulled by the commissioner for subsequent misconduct of the convict.

Suspension of solitary confinement.

SECTION 52. Any convict sentenced to periodical terms of solitary confinement, who shall obtain from the deputy commissioner a certificate that such convict has suffered at least one term of solitary confinement, and that ever after such term the conduct of such convict has been good for peaceful obedience, industry and integrity, on the receipt of such certificate the governor shall have power, at his discretion, to suspend the further solitary confinement of such convict during good behavior.

Duty of chaplain as instructor.

SECTION 53. The chaplain shall devote not less than two hours per day, upon alternate days of each week, to instructing the prisoners in the common branches of an English education, and, with the consent of the commissioner, may call to his assistance in said educational labors such persons as he may deem qualified, from among the convicts of the prison.

Stationery for commissioner.

SECTION 54. It shall be lawful for the state prison commissioner to receive from the superintendent of public property all necessary stationery for the use of his office, and said superintendent of public property is hereby authorized and directed to give out all such stationery as may be necessary for said office upon the order of said commissioner or the deputy warden.

Books.

SECTION 55. The commissioner shall purchase such books and stationery as may be deemed necessary by him, for educational purposes within the prison.

Accounts of U. S. convicts.

SECTION 56. It shall be the duty of the state prison commissioner, once every six months, to make out and

present for settlement, to the proper auditing officer of the United States for this state, a certified account of the amount which shall then be due and unsettled for the support and maintenance of United States convicts in the state prison of this state.

SECTION 57. Whenever the amount due for the maintenance of United States convicts shall be audited and allowed, as provided in the preceding section of this act, it shall be the duty of the commissioner to file with the secretary of state a copy of such account stated, with the amount allowed thereon. The secretary of state shall thereupon draw his warrant upon the state treasurer for the amount so allowed, payable to the commissioner out of the state treasury, when the same shall be received from the United States.

Payment of said accounts.

SECTION 58. It shall be the duty of the commissioner when making his annual report to the governor, to include therein the number of United States convicts in the prison at the date of such report, the whole number therein during the preceding year, the number received and the number discharged during the same time, the amount received from the general government for their support and maintenance, and also the amount that may then be due and unaudited for like purpose.

Shall include number in his report.

SECTION 59. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 60. This act shall take effect and be in force from and after its passage.

Approved March 22, 1871.