

pile and tabulate such returns, and include a summary statement thereof in his annual report for said years.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 302, A.]

[Published March 20, 1880.]

### CHAPTER 230.

AN ACT relating to crimes and the punishment thereof, and to amend sections four thousand four hundred and ninety and four thousand four hundred and ninety-four of the revised statutes.

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

Penalty for violence or attempting to escape.

SECTION 1. Section four thousand four hundred and ninety of the revised statutes is hereby amended by inserting after the word "prison," whenever it occurs in said section, the words "or house of correction of Milwaukee county," so that when so amended said section will read as follows: Section 4490. Any convict committed to the state prison or house of correction of Milwaukee county, convicted of a crime punishable by imprisonment in the state prison, under sentence for a limited time, who shall escape therefrom, or attempt by violence to escape, or assault the warden or other officer or person employed in the government or custody of said prison or house of correction of Milwaukee county, shall be punished by imprisonment in said prison or house of correction of Milwaukee county not more than ten years in addition to his former sentence, and also by solitary confinement of not more than one year, at such time or times as the court shall direct, and if said convict is under sentence of imprisonment for life, he shall be punished by solitary confinement at such time or times as the court shall direct.

Penalty for breaking prison

SECTION 2. Section four thousand four hundred and ninety-four of the revised statutes is hereby amended by inserting after the word "prison," whenever it occurs in the second and fourth lines of said section, the words, "or house of correction of Milwaukee county," so that said section, when so amended, will read as follows: Section 4494. Any person who may be in any prison in this state, under sentence of imprisonment in the state prison, or in the house of

correction of Milwaukee county, and who shall break such prison and escape, shall be punished by imprisonment in the state prison, or in the house of correction of Milwaukee county, one year in addition to the unexpired term for which he was originally sentenced.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 63, S.]

[Published March 23, 1880.]

### CHAPTER 231.

AN ACT relating to writs of mandamus and prohibition, and amendatory of section three thousand four hundred and fifty-two of the revised statutes of 1878.

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

SECTION 1. Section three thousand four hundred and fifty-two of chapter one hundred and forty-eight of the revised statutes of 1878, entitled "of writs of mandamus and prohibition," is hereby amended as follows, viz: by adding to said section at the end thereof, the following words, to wit: In any proceeding of mandamus the board of state, district or county canvassers, in the supreme court, to compel the execution and delivery of a certificate of election to any person claiming to have been elected to the office of member of the legislature of this state, or of member of the house of representatives of the congress of the United States, or of presidential elector, by the qualified electors of this state, at any general or special election for the same provided for by law, the court may, if it is deemed necessary to promote the ends of justice, inquire into the facts of such election, irrespective of the election returns, and determine who was in fact entitled to the certificate of election to such office by the greater number of legal votes cast for the same, and the certificate issued in pursuance of such determination shall be taken as the true and only lawful certificate of election to such office, and any other certificate of election to the same office issued by the board of canvassers shall be null and void, and such issue of fact may be tried as hereinbefore provided, or according to such rules and regulations as the court may prescribe, so that said section shall read as follows: Section 3452. Issues of fact in any such proceeding instituted in the supreme court shall be tried in the circuit court in the county within which the material facts contained in the rela-

Amended.

Supreme court may go behind returns.