

No. 183, A.]

[Published April 30, 1897.

CHAPTER 346.

AN ACT to establish a reformatory for the custody and training of certain offenders whose ages at commitment are from sixteen to twenty-five years.

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

Wisconsin
State Reform-
atory
created.

SECTION 1. There is hereby created and established a state institution to be known as "The Wisconsin State Reformatory," to which all male persons, between the ages of sixteen and twenty-five, inclusive, who for the first time, so far as can be judicially ascertained, are convicted of felonies now punishable by confinement in the state prison, or misdemeanors, the maximum penalty for which is imprisonment for one year in a county jail, shall, in the discretion of the judge having jurisdiction, be sentenced; provided, that no person convicted of murder in the first, second or third degree shall be sentenced to said reformatory.

Board of
control to
select a site.

SECTION 2. The state board of control shall within four months from the passage of this act, with the consent and approval of the governor, select and purchase a suitable and proper site for said reformatory, which they shall pay for at a just and reasonable price.

Requirements
for a suitable
site.

SECTION 3. The site selected shall comprise not less than fifty nor more than two hundred acres of land. In such selection the said board shall take into account the general adaptability of the location to the economical and efficient administration of said institution, the receiving and shipping of freights, and such other elements of advantage as they may deem important.

SECTION 4. The general supervision, control and government of said reformatory shall be vested in the state board of control of reformatory, charitable and penal institutions, pursuant to the law creating and defining the duties of said board; and said board shall appoint a general superintendent of said reformatory, at a salary not exceeding two thousand five hundred dollars per year, and determine the number of subordinate officers, physicians, teachers, guards and employees, who shall be appointed by the general superintendent and confirmed by the board of control, and fix their duties and salaries. Said board shall, further, establish a system of government for the institution and make all needful rules and regulations for its management. The duties and disciplinary power of the said general superintendent shall be such as shall be prescribed by the said board of control. Said board is empowered to establish and maintain in connection with said instituton, a system of manual training, and instruction in trades, and create such industries, productive or other, as are consonant with law and the best interests of the inmates of said reformatory. It may establish such system of grading and marking as accords with the practice in one or more of the leading institutions of the country of similar character, and shall have power generally to order all matters of detailed government in such way, as in their opinion, best subserves the object of this law, to-wit: The fitting of the inmates for a return to life in the free world the better for their confinement, and if possible, reformed. It shall, under the direction and with the consent of the governor, in each instance, have power to establish such conditions precedent to the parole of inmates as it shall deem proper, and it may, if in its judgment advisable, the governor authorizing such action, require that every prisoner paroled or discharged shall engage in honorable employment

Government and supervision to be under the state board of control.

in a position secured for him in advance of his release.

Conditions for
the admission
of criminals.

SECTION 5. Every clerk of any court by which a criminal shall be sentenced to said reformatory, shall furnish to the officer having such criminal in charge, a record containing a copy of the indictment or information, and of the plea, the name of the judge presiding at the trial, and the names and postoffice addresses of the jurors and the witnesses sworn on the trial, a full copy of the testimony, and of the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record, duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment, by habeas corpus or otherwise. A copy of the testimony taken on the trial, and of the charge of the court, shall be furnished to the clerk for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district attorney of the county; but the court may direct the district attorney to make a summary of such testimony, which summary may, after approval and by direction of the court, be made a part of the record herein provided for; and if the court so directs, a copy of the testimony need not be made and may be omitted from such record. The stenographer or district attorney furnishing such copy or summary, and the county clerk, shall be entitled to such compensation, in each case in which they shall perform the duties required by this act as shall be certified by the judge presiding at the trial to be just, and shall be paid by the county in which the trial is had, as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the general superintendent of the reformatory, notice thereof.

SECTION 6. Upon the receipt of such notice, the general superintendent in person, or a sub-

ordinate officer of the reformatory, by said general superintendent for that purpose duly delegated, shall proceed to the place of trial and conviction, and the sheriff or keeper of the jail having the custody of the prisoner, shall deliver him to such superintendent or delegated officer, with the record of his trial and conviction, as made up by the clerk, and such prisoner shall thereupon be conveyed to the reformatory, the expense of which conveyance shall be a charge against and paid out of the current expense fund of the reformatory.

Prisoner to be delivered to the general superintendent.

SECTION 7. Any person who shall be convicted of an offense punishable by imprisonment in the Wisconsin state reformatory, and who upon such conviction shall be sentenced to imprisonment therein, shall be imprisoned according to this act and not otherwise. The term of imprisonment of each person sentenced hereunder, shall be fixed by the court presiding at the trial at not to exceed the maximum period heretofore provided by law, where the designated punishment is confinement in the state prison, for the offense for which the accused person was convicted and sentenced. Every month the board of control shall report to the governor a list, of such first grade convicts as are reported by the general superintendent, and in the judgment of the board of control are fit to be at large, whereupon the governor in his discretion, may make such order in each case as in his judgment is proper and right, which order directing the parole, discharge or pardon of any inmate or inmates, if such it be, shall be promptly carried out by the reformatory officers; when it appears to said board that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall report him to the governor, who may issue to such prisoner an absolute release from imprisonment. But no peti-

Conviction of persons punishable by imprisonment and admission to the reformatory.

tion or other form of application for the release of any prisoner shall be entertained by the board. Nothing herein contained shall be construed to affect the power of the governor to grant a pardon or commutation in any case. In the case of any convict wherein no action has been ordered by the governor, and who shall have conducted himself in a peaceful and orderly manner and performed all the duties required by him, credit shall be allowed him pursuant to the law governing the state prison prescribing good time allowances, to-wit: Chapter 238, laws of 1880.

Discipline to be reformatory.

SECTION 8. The discipline to be observed in said reformatory shall be reformatory, and the said board of control shall have power to use such means of reformation, consistent with the improvement of the inmates, as it may deem expedient. Criminals in such reformatory may be employed in agriculture or mechanical labor as a means of their support and reformation.

Prisoner may be transferred to Waupun; conditions.

SECTION 9. The board of control shall have power to transfer to the state prison at Waupun any prisoner who, subsequently to his committal, shall be shown to have been at the time of his conviction more than twenty-five years of age, or to have been previously convicted of crime, and may also transfer any apparently incorrigible person whose presence in the reformatory appears to be seriously detrimental to the well being of the institution, to the state prison, and said board may, by written requisition, require the return to the reformatory of any person who may have been so transferred. It may also cause to be transferred any prisoner confined in the state prison, who is serving out his first sentence therein, to the reformatory under such rules and regulations as the board of control may prescribe. Said board shall have power to establish rules and regulations under which, with the approval of the governor, in each instance, prisoners within the reformatory may be allowed to go upon pa-

role outside of the reformatory buildings and inclosures, but to remain while on parole within the legal custody and under the control of the said board of control, and subject at any time to be taken back within the inclosures of said reformatory, and full power to enforce such rules and regulations and to re-take and re-imprison any convict so upon parole is hereby conferred upon said board, whose written order certified by its secretary shall be a sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process. The said board of control shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction and education of the convicts in said reformatory, but their removal and temporary or conditional release and return as aforesaid, shall be with the consent and by the authority of the governor.

SECTION 10. It shall be the duty of the said board of control to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. When any prisoner shall be received into the reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as may be ascertained of parentage, of early social influences, as seem to indicate the constitutional and acquired defects and tendencies of the prisoner; and based upon these, an estimate of the then present condition of the prisoner and the best probable plan of treatment. Upon such register shall be entered quarter-yearly, or oftener, minutes of observed improvement, or deterioration of character, and notes as to methods of treatment employed, also all orders

Control of
prisoners and
their reform.

or alterations affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of personal history which may be brought to their knowledge.

Credit marks
and privileges.

SECTION 11. The board of control shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks or what credit shall be reported to the governor as earned by each prisoner under the provision of this act, as the condition of increased privileges, or of release from their control; which system shall be subject to revision from time to time. Each prisoner so sentenced, shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligences and offenses. An abstract of the record in the case of each prisoner remaining under control of the said board of control, shall be made up semi-annually, considered by the board at a regular meeting, and be filed with the records of its office, which abstract shall show the date of admission, the age, the then present situation, whether in the reformatory, state prison, insane hospital, or elsewhere, whether any and how much progress or improvement has been made, and the reason for release or continued custody, as the case may be. The board shall establish rules and regulations, by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener if he shall at any time request it, and may make provision by which any prisoner may see and converse with some one of said board during every month.

Appointment
of suitable
persons to
supervise
prisoners.

SECTION 12. Said board may appoint suitable persons in any part of the state charged with the duty of supervising prisoners who are released on parole, and who shall perform such other lawful duties as may be required of them by the board; and such persons shall be subject

to direction and removal of said board, and shall be paid for the duties actually performed under the direction of said board, a reasonable compensation for their services and expenses, and the same shall be a charge upon and paid from the earnings or other funds of the reformatory.

SECTION 13. Said board shall as soon as practicable after the selection of the site aforesaid, and the governor's approval of such selection, secure plans and specifications for the necessary buildings of the institution, which when completed, shall have a capacity of 600 inmates, with proper and approved facilities for their cellular separation. Said plans and specifications shall, by said board be submitted to the governor, and on his approval thereof, the said board shall immediately proceed to the erection of such portion of the proposed reformatory as shall furnish the necessary capacity for not less than one hundred and fifty inmates. This work shall be prosecuted vigorously, and if possible, the institution shall be ready for inmates on or before July 1, 1898.

Plans and capacity of buildings.

SECTION 14. If at any time after the opening of said institution, it become, or is likely to become, overcrowded, the state board of control shall notify all courts of record of the fact, whereupon such courts shall, during the pendency of such crowded condition, sentence prisoners who otherwise would be eligible to admission to the reformatory, to the state prison, whence they may subsequently be transferred to said reformatory on the order of the governor.

In case the institution becomes overcrowded.

SECTION 15. On the order of the governor, such inmates of the industrial school for boys at Waukesha as are of proper age, may be transferred to the reformatory, when in their cases the conditions under which they serve, as to length of sentence or prospect of parole, will be identical with those of the industrial school.

Boys may be transferred thereto from Waukesha.

Prisoners in prisons when the reformatory is opened may be transferred.

SECTION 16. Of the prisoners in confinement at the state prison at the time when said reformatory is ready to be opened, the governor may, whenever there is unoccupied room, order the transfer of such as are of suitable age and proper behavior in said prison; provided, in no case shall he order the transfer of a prisoner who is known to have been more than once convicted of a felony. And the board of control and general superintendent of the reformatory are authorized to receive and detain, during the term of their sentence to the state prison, such prisoners so transferred; and the laws applicable to convicts in the state prison, as far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when transferred under this section.

The matter of insanity.

SECTION 17. The fact of insanity in any convict in the reformatory shall be determined in the manner prescribed by the provision pertaining to this subject incorporated in the law governing the state prison at Waupun, and the transfer to a state hospital for the insane of any convict thus found to be insane shall be ordered by the governor, pursuant to the provisions of law last above referred to.

\$75,000 appropriated.

SECTION 18. To carry into effect the purposes specified in this act, there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of seventy-five thousand dollars, to be paid in such sums and at such times as the exigencies of purchase of site and construction of buildings may require, which sums shall be paid as provided by the laws governing appropriations to other state institutions in charge of the state board of control.

\$5,000 per month appropriated.

SECTION 19. For the purpose of maintaining and operating said institution from the time of its opening to the first of April, 1899, there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum not exceeding five thousand dollars per

month, which shall, by the state treasurer, be made available and payable for the current expenses of the institution in the manner provided for the maintenance of other state charitable, reformatory and penal institutions.

SECTION 20. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Repealing
section.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1897.

No. 138, A.]

[Published April 29, 1897.]

CHAPTER 347.

AN ACT to amend section 710, of Sanborn and Berryman's annotated statutes of Wisconsin, as amended by chapter 215, of the laws of 1880, relating to bonds of county treasurers.

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

SECTION 1. Section 710, of Sanborn and Berryman's annotated statutes, as amended by chapter 215, of the laws of 1880, is hereby amended by adding at the end thereof the following words: And provided further, that where the county board of any county shall have designated any other place or person as the depository of the county funds, other than the county treasurer, and have fixed the bonds of such depository, as required and authorized by chapter 259, of the laws of 1893, and the several acts amendatory thereof, then and in such Relating to
modification
of bonds of
county
treasurer.