

be transferred to the reformatory *or to the industrial home, respectively*, by the board of control; * * * *but such boys may be retained * * * at the reformatory only* until they are * * * *eighteen* years of age. Or they may sooner be returned to the school or to the counties from which they were sent to the school. * * *

(4) * * * With each person transferred to the reformatory *or to the industrial home* from any other institution * * * the warden or superintendent of such *other* institution *shall transmit* to the superintendent of the reformatory; *or of the industrial home* copies of the original commitment of such person, and of his record of service, conduct and history; and * * * *with each person transferred from the reformatory or industrial home* the superintendent * * * shall furnish * * * to the institution to which such convict is transferred * * * a like record of service, * * * conduct, * * * and * * * personal history of the convict while in the reformatory or industrial home. * * *

SECTION 13. Sections 4944—t and 4944—u are repealed.

SECTION 14. Section 4944—z is repealed.

SECTION 15. Chapter 28 laws of 1899; 358 laws of 1907; 160 laws of 1909; and 723 and 742 laws of 1913 are repealed.

SECTION 16. This act shall take effect on passage and publication.

Approved June 12, 1919.

No. 57, S.]

[Published June 16, 1919.

CHAPTER 350.

AN ACT to create a new chapter of the statutes to be numbered chapter 56; and to transfer into said chapter, consolidate, renumber, revise, amend, and repeal the sections enumerated herein, all relating to workhouses, and prison industries and labor.

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

SECTION 1. A new chapter of the statutes is created, to be numbered and entitled as follows:

“CHAPTER 56.

PRISON INDUSTRIES AND LABOR.”

Convict labor in state penal institutions.

SECTION 2. Section 4918m is renumbered to be section 56.01, and amended to read:

56.01 PRISON INDUSTRIES AND PRODUCTS. (1)

* * * The state board of control * * * *may establish and conduct various industries, and purchase machinery and raw materials, for the employment of prisoners in the state reformatory and * * * state prison, * * * in the manufacture of articles for * * * the state and its * * * municipalities, and for sale in the open market; * * * and shall fix the price of all articles produced as near the market price as possible.*

(2) * * * The * * * *said board * * * may lease or purchase land within the state for the employment of such prisoners at farm work, * * * beds of limestone * * * for the manufacture of fertilizer, and beds of rock * * * for road-building material; * * * and may employ such prisoners and construct temporary barracks for their custody and safe-keeping outside the prison inclosure.*

(3) * * * *Whenever the said board * * * is prepared to furnish prison products, it shall * * * give notice to the proper officials of the state * * * and each county, or other municipality, of the kind or kinds of products that it * * * is prepared to * * * furnish; and on or before * * * July first in each year thereafter, the * * * officials * * * so notified shall report to said board * * * estimates of the amounts of such prison products which they will require for the ensuing year.*

(4) * * * *The state, * * * or county, or other municipality, receiving such notice shall not * * * purchase, otherwise than from said board, any * * * products of the kind or kinds specified in said notice, other than road-building material, except * * * upon a permit issued by the said board; and any official * * * who shall violate or participate in the violation of * * * this subsection shall * * * forfeit not to exceed one hundred dollars, for each such violation; * * * but * * * any party aggrieved by a refusal of such permit may appeal to the governor, * * * who may order the granting of such permit, and such order shall be final and conclusive.*

* * *
* * *

(5) * * * *The * * * said board * * * shall * * * include in its biennial report to the governor, a statement showing in detail the amount of each of the various articles produced in the prison industries, the disposition of these articles, the cost of the raw material purchased, the new machinery installed and the cost thereof, the land purchased or leased*

and the cost thereof, *and* the rates and total amount of wages paid *or credited* to prisoners *pursuant to this section*.

SECTION 3. Sections 4918—1, 4918—14, and 4918—15 are consolidated and renumbered to be section 56.02, and amended to read:

56.02 BINDER TWINE PLANT AT THE STATE PRISON.

(1) * * * The * * * board of control * * * *shall*, at a cost not exceeding the sums * * * appropriated *therefor*, * * * purchase, erect and maintain *at the state prison* the necessary buildings, machinery and equipment for the manufacture of binder twine, and * * * *shall operate such plant*.

(2) * * * The warden of the state prison shall give * * * *an additional bond* to the state of Wisconsin, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of * * * *the additional duties* devolving upon * * * *him in the operation of said binder twine plant*, and * * * *to be approved by the governor*. * * *

(3) * * * The price of the binding twine and cordage manufactured in said * * * *plant* shall be fixed *from time to time* by the * * * board of control and the warden of the state prison. * * * The product of said * * * plant shall be sold at such times and places, and in such manner as the said board * * * and * * * warden * * * shall determine to be for the best interests of the state; * * * *but* citizens of the state shall have the preference in purchasing said products. * * *

SECTION 4. Section 4927 is renumbered to be section 56.03, and amended to read:

56.03 CONVICT LABOR ON THE PRISON FARM AND ON CONSTRUCTION OF PUBLIC BUILDINGS. * * *

The warden * * * *of the state prison* may employ the convicts outside the prison yard in quarrying or getting stone from and cultivating the prison farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; * * * *and* also * * * away from the prison grounds in the construction of buildings being erected by the state. * * * In all such cases the warden shall detail such force from the prison police as he shall deem necessary to watch and guard * * * *such convicts*; and * * * any *such* convict * * * *who escapes* * * * shall be deemed as having escaped from the prison proper.

SECTION 5. Section 4937m is renumbered to be section 56.04, and amended to read:

56.04 CONVICT LABOR ON HIGHWAYS. * * * (1) The board of control * * * *may* employ inmates of the

* * * state prison in the construction and improvement of such roads and highways as the * * * *said* board * * * and the state highway commission may determine, in such manner and under such terms as may be agreed upon.

(2) * * * The * * * board * * * *may* purchase or lease such tools and machinery as said board and the state highway commission * * * deem necessary for the purpose of carrying out the provisions of this section.

SECTION 6. Sections 4937n, 4937o, and 4937p are consolidated and renumbered to be section 56.05, and amended to read:

56.05 PRISON FARMS. (1) * * * The * * * commissioners of the *public lands*, the state * * * conservation *commission* and the state board of control * * * are * * * authorized to select from the state forest reserves a quantity of land not to exceed five thousand acres to be converted into farms for the * * * state prison. * * *

(2) * * * After such selection has been made the * * * board of control * * * *shall* take possession of said lands and put them in a tillable condition by the employment of * * * *the* labor * * * of *convicts* in the * * * state prison. * * *

SECTION 7. Sections 4938, 4939, 4940, 4941, and 4943 are consolidated and renumbered to be section 56.06, and amended to read:

56.06 LEASING OF CONVICT LABOR. (1) * * * The state board of control is authorized * * * to lease, from time to time, the labor of such portion of the prisoners confined in the state prison, together with such shop room, machinery and power as may be necessary for their proper employment, to such persons, for such purposes, upon such terms and conditions and for such length of time, not exceeding five years at any one time, as it shall deem most conducive to the interests of the state and the welfare of the prisoners.

(2) * * * Before entering into any *such* contract * * * the board * * * shall, by public advertisement, for at least four weeks in one newspaper published in each of the cities of Milwaukee and Chicago, and in the official state paper, invite sealed proposals for the hiring of such labor and the shop room, machinery and power. * * * Such advertisements shall specify the time and place when and where such proposals will be opened and considered, and * * * shall * * * *reserve* the right to reject any or all bids. * * *

(3) * * * Every *such* contract * * * shall reserve to said board and to the warden and each and every of his subordinates full power and authority to prevent the demanding or imposition of unusual or severe labor or labor whereby the health or safety of the convicts may be impaired or jeopardized; and the said board may, from time to time, prescribe all needful rules for the government and conduct of all contractors, their overseers and agents in their relations to the convicts, and may require summary dismissal of any individual employed by any contractor in said prison whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

(4) * * * Adequate security shall be exacted of all contractors for the faithful performance of all the provisions of the contract on their part to be performed, and the board of control shall use its utmost endeavors to have all the terms and conditions of said contract fully complied with on its part; but no contractor shall have or claim from the state of Wisconsin, the state board of control, the warden or from the prison or any of its funds any damages, whether by way of recoupment, set-off or otherwise, for or on account of the failure or neglect of said board to furnish to such contractor the labor of the full number of convicts specified in its contract.

(5) * * * The state board of control may make all needful rules and regulations for the guidance of the warden in the execution of any contract made by it and may, whenever in its judgment it is impracticable to furnish the labor of convicts to any contractor, determine and cancel any contract, and thereupon, after six months' notice to such contractor, all obligations to said board under such contract shall cease and determine, and such contractor shall not have or be entitled to have any compensation, whether by way of damages, set-off, recoupment or otherwise, in consequence thereof.

SECTION 8. Sections 4944b and 4944—s are consolidated and renumbered to be section 56.07, and amended to read:

56.07 VOCATIONAL INSTRUCTION AT THE REFORMATORY AND INDUSTRIAL HOME. * * * The * * * state board of control * * * may * * * maintain * * * in the state reformatory a manual training school, * * * and cause the inmates to be instructed in trades; * * * and * * * may establish and maintain in connection with * * * the industrial home for women such systems of training, and instruction in trades and domestic science, and * * * create such industries as * * *

may seem to * * * said board for the best interest of * * * the inmates of said industrial home.

Prison labor in county jails.

SECTION 10. Subsection 2 of section 697c is renumbered to be section 56.08, and amended to read:

56.08 EMPLOYMENT FOR THE BENEFIT OF DEPENDENTS. (1) * * * In any county having no workhouse * * * any person, and in all other counties any female person, convicted of any offense and sentenced to imprisonment in the county jail shall be committed to hard labor. Every such prisoner shall be required to do and perform any suitable * * * labor provided for by the sheriff anywhere within said county; * * * but the hours of labor in farm work shall be not less than ten nor more than twelve hours, and in all other work not more than ten hours, each day.

(2) * * * At the time such sentence is imposed or at any time * * * before its termination, the court sentencing such person may, upon consideration of his health and training, ability to perform labor of various kinds, and the ability of the sheriff to find and furnish various kinds of employment, direct the kind of labor at which such person shall be employed, and the nature of the care and treatment * * * he shall receive during such sentence. * * *

(3) The county jail of such county is extended to any place within the county where said work is * * * provided, * * * and the sheriff shall at all times have the custody of such * * * prisoners. Subsection (2) of section 55.07 shall apply to such prisoners; and the district attorney shall cause notice to be given, as provided in sections 1554 to 1556a, inclusive, and with like effect, forbidding any person to sell, furnish or give to such prisoners any intoxicating liquor during the term of his sentence.

(4) * * * Every * * * prisoner employed under the provisions of this * * * section who shall perform faithfully all the duties assigned to him shall, for willingness, industry, and good behavior in such performance, be * * * credited with one-fourth of the time of his sentence. * * * Any such * * * prisoner who, being of sufficient ability, shall refuse to work diligently may be punished by * * * solitary confinement and fed on bread and water only, at the discretion of the sheriff, for a period not * * * exceeding ten days for each such refusal. * * *

(5) * * * The sheriff * * * shall make contracts in writing for the employment of all such * * * prisoners, if

not employed in doing work for the county, and * * * shall make all needful regulations for * * * their profitable employment * * * and * * * the collection of their earnings. * * * For unreasonably neglecting or refusing to carry out * * * the provisions of this section the sheriff shall be subject to a fine of not to exceed one hundred dollars; and for a * * * repetition of such neglect or refusal he shall, in addition to such fine, be removed from office. * * *

(6) * * * At the time of sentencing such convicted person * * * the court shall * * * take proof and determine what person or persons if any are actually dependent on such convicted person for support, and shall cause * * * their names to be entered in the docket, * * * and * * * in the commitment of such convicted person. * * * The court shall at the same time designate * * * and enter in said docket and commitment the name of a person to whom payments * * * shall be made for the use of such dependent person or persons, as hereinafter provided. * * * At the end of each week * * * the sheriff shall pay over to * * * said payee for the * * * use of said dependents the earnings of such * * * prisoner collected by him; * * * and if the prisoner worked for the county * * * the sheriff shall * * * issue and deliver to the * * * said payee for the use of said dependents an order on said county, * * * for an amount equal to one dollar per day for the number of days * * * of such labor, specifying in said order who earned said money and who are entitled to * * * it for support, and such order shall be paid by the county treasurer from the general fund.

(7) * * * All balances of money collected by the sheriff by virtue of this section and not * * * paid out pursuant to subsection (6) shall, at the end of each month, be * * * deposited by the sheriff with the county treasurer, * * * together with an itemized statement showing by whom the same were earned and by whom paid, and shall be the property of the county. * * * The sheriff * * * shall also render to the county board, at each session * * * thereof, a sworn itemized statement of all money so collected, by whom earned, and by whom paid; and also of all sums paid out, to whom paid and for whom, including * * * all orders drawn on said county as provided herein.

(8) * * * In counties in which * * * the sheriff is paid a salary, * * * he shall receive no extra compensation * * * for carrying out the provisions of this * * *

*section. * * * In all other counties * * * the sheriff shall receive therefor such extra compensation as may be fixed by the county board; * * * but until such compensation shall be * * * fixed, * * * he shall receive a fee of five cents per mile for each mile actually and necessarily traveled in carrying out the provisions of this * * * section.*
* * *

(9) * * * At the * * * termination of the sentence of such * * * prisoner the sheriff shall * * * report to the court * * * by whom the prisoner was committed, as to the attitude, industry, and behavior of such * * * prisoner in the performance of duties assigned to him, and as to his general conduct. * * *

SECTION 11. Section 4495 is amended to read:

ESCAPE FROM COUNTY JAIL OR WORKHOUSE.

Section 4495. (1) Any person who may be imprisoned, pursuant to a sentence, in the county jail or county workhouse, or who shall have been committed for the purpose of detaining him for trial for any offense not punishable by imprisonment for life, and who shall break prison and escape shall be punished by imprisonment in the county jail not more than six months.
* * *

(2) Any such prisoner under sentence who shall escape or attempt to escape while employed in prison labor outside of the prison enclosure as authorized by law shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison or county jail not more than one year.

SECTION 12. Section 4497 is amended to read:

GIVING LIQUOR TO PRISONERS; MINGLING SEXES.

Section 4497. Any sheriff, jailer or keeper of any prison or any other person who shall sell, give or deliver to any prisoner, or wilfully or negligently permit any such prisoner to have any spirituous or intoxicating * * * liquor, and any prisoner who shall use such liquor, * * * in violation of subsection (2) of section 55.07, or who shall have in his possession in the precincts of any prison, with intent to sell, give or deliver the same to some prisoner, such spirituous or intoxicating liquor, or who shall place or keep together or knowingly permit to be kept together prisoners of different sexes, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months.

SECTION 13. Section 4947a is renumbered to be section 56.09, and amended to read:

56.09 BREAKING ROCK FOR HIGHWAYS. (1) * * *
The county board in any county whose population * * *

is less than one hundred thousand * * * may * * * provide in a convenient place near the county jail a quantity of * * * rock and appropriate implements for the breaking of such * * * rock into suitable material for road making. * * *

(2) * * * All male persons convicted in any court and sentenced and committed to imprisonment in the county jail where such * * * rock * * * is provided, if not employed as provided in section 56.08, shall unless certified by the county physician to be physically unable to perform such labor, be employed in breaking * * * rock for the building and repair of public highways * * * not * * * exceeding eight hours each day. * * *

(3) * * * The county * * * board shall prescribe all necessary * * * regulations for the maintenance of * * * such rock and implements as the county * * * jail, and * * * for the carrying on of * * * such labor. * * * All receipts and expenditures * * * pursuant to this section shall be supervised and controlled by the county board. * * *

SECTION 14. Sections 4726 and 4727 are repealed.

Workhouses.

SECTION 15. Section 697a is renumbered to be section 56.10, and amended to read:

56.10 ESTABLISHMENT AND PURPOSE. * * * Any county board may, * * * pursuant to sections 46.17, 46.18, 46.19, and 46.20, establish a workhouse and necessary out-buildings, and purchase the furniture and fixtures requisite therefor, for the detention and employment of prisoners as hereinafter provided. * * * The compensation of each trustee of such workhouse shall not, in any one year, exceed one hundred and twenty dollars.

SECTION 16. Subsection 1 of section 697c, and section 697e are consolidated and renumbered to be section 56.11, and amended to read:

56.11 COMMITMENTS. (1) * * * Upon the completion of any such workhouse the * * * superintendent shall, * * * in writing, notify the county clerk, each justice of the peace, police justice, and the judge of every court of record * * * in his county of the fact; and thereafter, whenever any male person * * * within such county * * * is sentenced to imprisonment in the county jail, * * * the commitment shall be * * * to hard labor, either in the work-

house, or in the county jail as provided in * * * section 5608, in the discretion of the court.

(2) * * * Any officer who shall receive the commitment of any person * * * to the workhouse shall convey such person thereto as soon as practicable; and shall be entitled to compensation at the rate of ten cents per mile for each mile actually traveled in such service, going and returning, * * * and in addition five cents per mile for the transportation of each prisoner.

(3) * * * Any person committed to such workhouse who, * * * being of sufficient ability to do so, shall refuse to work diligently may be punished by * * * solitary confinement therein and fed on bread and water only, at the discretion of the superintendent, for a period not * * * exceeding ten days for each such refusal. * * *

(4) All the provisions of chapter 55 which relate to prisons generally shall apply to any such workhouse.

SECTION 17. A new section is added to the statutes, to be numbered section 56.12, and to read:

56.12 RECORD OF COMMITMENTS. The superintendent of the workhouse shall number and file all commitments and certificates of conviction received by him, and keep a record of all persons received by him for confinement in such workhouse, stating the date when received, name, age, residence, court in which sentenced, crime of which convicted, term of sentence, time of discharge, death or escape, and such other particulars as the trustees may direct.

SECTION 18. Section 697d is renumbered to be section 56.13, and amended to read:

56.13 WORK; DISPOSITION OF PRODUCT. * * * All * * * persons committed to * * * such workhouse shall be employed * * * for not to exceed ten hours of each day * * * at such work * * * as may be provided by * * * the trustees. The product of such work * * * shall be the property of the county * * * and may be sold or otherwise disposed of by the * * * trustees.

City and village lockups.

SECTION 19. Section 959—115 and subsection (27m) of section 893 (892) are consolidated and renumbered to be section 56.14, and amended to read:

56.14 LABOR IN PAYMENT OF FINES. * * * The common council of any city of the fourth class, however organized, and every village board shall have power * * * to compel any person committed to the watchhouse or place of con-

finement of such city *or village* who is not physically disabled, to perform labor upon any public work * * * under such supervision and control as such city *or village* may provide, and for each day's labor performed, said person so sentenced shall be credited with the sum of two dollars, which shall apply on such fine and costs until the same are paid or until such person is released from custody. * * *

Sundays and holidays.

SECTION 20. A new section is added to the statutes, to be numbered 56.15, and to read:

56.15 WORK ON SUNDAYS AND HOLIDAYS. No prisoner in any penal institution within this state shall be compelled to work on any Sunday or legal holiday, except on necessary household work or when necessary to maintain the management or discipline of such institution.

SECTION 21. This act shall take effect upon passage and publication.

Approved June 12, 1919.

No. 58, S.]

[Published June 16, 1919.

CHAPTER 351.

AN ACT to repeal, rearrange, consolidate, amend, and revise certain sections of the statutes and of session laws hereinafter referred to and enumerated, transferring them to chapter 56 of the statutes; all relating to prison labor and the houses of correction in counties having a population of two hundred and fifty thousand or over.

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

Houses of Correction.

SECTION 1. Section 1 of chapter 318 private and local laws of 1855, as amended by chapter 189 laws of 1865, chapter 442 private and local laws of 1868, and chapter 212 laws of 1899; section 6 of chapter 318 private and local laws of 1855, as amended by chapter 189 laws of 1865, chapter 249 laws of 1880, chapter 212 laws of 1899, and chapter 40 laws of 1903; section 697—1 of the statutes; and parts of sections 603 and 604 of the statutes, are consolidated and renumbered to be section 56.16, and amended to read:

56.16 ESTABLISHMENT AND PURPOSE. (1) * * *
The * * * county board of * * * any county whose population is two hundred and fifty thousand or more * * *