

the spring terms of said courts, and all adjournments, appearances, continuances, motions and notices of any proceedings in said courts, which are made or taken to any term subsequent to the time this act shall take effect, shall be held to be made and taken for the time fixed by this act, for holding the spring term of said courts.

Sec. 3. So much of any and all former acts as conflict with the provisions of this act, are hereby repealed.

MASON C. DARLING,  
Speaker of the House of Representatives,  
NELSON DEWEY,  
President of the Council.

APPROVED, February 3rd, 1846.

HENRY DODGE.

## **AN ACT** to provide for the more convenient mode of contesting the election of county and other officers.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That hereafter any person wishing to contest the election of any person to any county or township office, except the office of chairman of town supervisors, shall give notice in writing to the person whose election he intends to contest, that <sup>Notice how</sup> his election will be contested, and stating the cause for such contest briefly, within thirty days from the time said person shall claim to have been elected.

SEC. 2. Said notice shall be served in the same manner as <sup>How served.</sup> a summons issued by a District Court, ten days before any hearing upon such contest as herein provided, shall take place, and shall state the time when and the place where such hearing shall be

had. Upon the return of said notice served to the clerk of the District Court of such county, who shall thereupon enter the same upon the issue docket as an appeal case, the same shall be heard in its order by the court: *Provided*, That if the case cannot be determined by the District Court in term time, within one month after the termination of such election, the Judge of the district may hear and determine the same at chambers, as soon thereafter as may be practicable, and shall make all necessary orders for the trial of the case, and carrying his judgment into effect: *Provided*, that this section shall not apply to township officers.

**Proviso.**

**Judge of Probate to try.**

SEC. 3. In case of a contest between any persons claiming to be elected to any township office, except as aforesaid, said notice shall be served in manner aforesaid, and shall be returned to the Judge of Probate of the county in which the parties reside. Upon the return of said notice served, to the said Judge of Probate, and on the day, and at the place therein named, the said Judge of Probate shall hear and determine such contest, and shall make all necessary orders for the trial of the case and carrying his judgment into effect.

**Subpenas awarded.**

SEC. 4. Each party shall be entitled to subpenas and subpenas duces tecum as in ordinary cases at law; and the court shall hear and determine the same in such manner as shall carry into effect the expressed will of a majority of the legal voters, as indicated by their votes polled for such office, not regarding technicalities or errors in spelling the name of any candidate for such office. And the clerk of said court or said Judge of Probate shall issue certificate to the person declared to be duly elected by said court, which shall be conclusive evidence of the right of said person to hold said office.

**Who to constitute a board to canvass.**

SEC. 5. The clerk of the board of supervisors, or the clerk of the board of county commissioners, or the clerk of any town as aforesaid, shall not construe the statutes concerning the opening of the election returns so as to decide all matters of law and fact himself, but the clerk aforesaid, and the two justices he shall call to his assistance, shall constitute a board, a majority of whom shall decide all matters of disagreement; and said board shall disregard technicalities and miss-spelling, or abbreviations of the names of candidates for office, if it can be ascertained from such votes, or otherwise, for whom they were intended: but they shall not count votes polled in any place but established precincts; and

a breach of the provisions of this section shall be deemed a misdemeanor in office and be punished accordingly.

SEC. 6. This act shall not be so construed as to impair in any way, the right of any person to contest any election in the manner now provided by law.

APPROVED January 22, 1846.

## AN ACT relating to the purchase and redemption of real estate sold on execution.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. The tenth section of the act entitled "an act to amend an act of the Revised Statutes of Wisconsin Territory entitled 'an act concerning judgments and executions,'" is hereby repealed; and the seventieth and eighty-first and eighty-second sections of the act entitled "an act concerning judgments and executions," are hereby revived and brought into full force. Sections repealed and revived.

SEC. 2. No deed of real estate sold on execution, shall be given by the sheriff until the expiration of twenty-seven months from the time of such sale. Time when deed given.

SEC. 3. No person shall acquire the rights of the original purchaser of real estate sold on executions, until he shall have paid the sum of money which was paid on the sale of such real estate; together with interest thereon, at the rate of ten per cent. a year from the time of such sale, and when any person has acquired such rights, he shall not be divested of them until he shall have been repaid the sum paid by him, together with interest at ten per cent. per annum from the time of such payment; and the seventy-first and the seventy-fifth sections of the act entitled "an act concerning judgments and executions," are hereby amended accordingly. Title how acquired. Former act amended.