

in the office of the clerk of the board of supervisors of said county the survey bill of said road, as caused to be surveyed by them in the year 1849, and to make and file an order describing said survey to be a public highway, and that the filing of said survey bill, and the making and filing of said order, after the passage of this act, shall have the same effect as if said survey bill and order had been filed at that time.

J. McM. SIAFTER.

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved March 29, 1852.

LEONARD J. FARWELL.

[*Published April 12, 1852.*]

An Act amendatory of an act entitled an act to authorize the borrowing of money to construct a harbor at the mouth of the Sheboygan River, approved January 31st, 1852.

Chap 185

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

SECTION 1. Section four of said act is hereby so amended as to allow the bonds therein mentioned to be issued in sums of not less than twenty-five dollars instead of one hundred dollars, as now provided.

Act amended.

SEC. 2. Section eight of said act is amended by adding thereto the words following to wit: either party may appeal from such appraisal of damages by filing with the clerk of said circuit court at the next term thereof after the filing with said clerk of said appraisal, a written statement signed by the party, his agent, or attorney, certifying in substance that the party appeals from such appraisal; which certificate shall be amendable at any time at such term of said court, as of course.

Appeal may be taken.

SEC. 3. Upon filing such appeal, a trial shall be had upon the question of damages by jury or otherwise according to the custom of said circuit court, and if the said appellant shall succeed upon such trial in procuring an assessment of damages more favorable to himself than was obtained upon such appraisal from which the appeal was taken, he shall recover cost; but if the assessment of the jury is less favorable to the appellant than such appraisal, he shall pay costs, to be taxed as in other cases in said court.

Who to pay cost

SEC. 4. Whenever a judgment is obtained in any court upon any bond mentioned in said act to which this act is amendatory, execution shall issue against the defendant village or county of Sheboygan, to the sheriff of said coun-

Execution to be issued.

ty, commanding him to make the amount of such judgment and costs, with the costs of such execution and of the levy thereof from the goods, chattels, or estate of said defendant corporations, and for want thereof, from any lands lying severally in said corporations, and the same sell and dispose of for the satisfaction of such debt, cost and liabilities as is provided for like sales upon executions.

How execution served.

SEC. 5. Said sheriff, upon receiving such execution, shall first apply to the several treasurers of said defendant corporations and demand the money due thereon; upon failure to pay, he shall seize all certificates of sale of lands for taxes, which belong to said several corporations in the hands of said treasurers, who are hereby required to endorse, assign, and deliver the same to the said sheriff, said sheriff at the same time giving to said treasurer a receipt or schedule of said certificates so received, which shall be full evidence for such treasurer, upon the settlement of their accounts with the said several corporations.

May seize property.

SEC. 6. Said sheriff may, at the same time, seize any other goods or chattels described in his execution, and advertise and sell the same as is provided by law in like cases.

Further proceedings.

SEC. 7. If any portion of such execution remains unsatisfied after such sale, or if no such certificates nor goods and chattels can be found, upon which to levy, then said sheriff may levy the said execution or the residue thereof upon the real estate of such defendant corporation, and upon any other real estate situated within the bounds of such corporations severally, not exempted from such sale, and advertise the same as is now provided by law for such sales: *Provided*, that the real estate of such corporations shall be first severally exhausted before any sale shall be made of other real estate: *And provided*, That not more than five hundred dollars shall be made from the real estate of any one person against his consent: *And provided*, That an *alias* or *pluries* execution may issue as may be necessary.

Proviso

How persons may recover.

SEC. 8. Any person whose lands are sold under the foregoing provisions, may, upon being dispossessed of said real estate, under such sale, recover in an action for money had and received, against said defendant corporation, upon whose debt his estate was sold, the value of such estate, at the time of such eviction, with twenty per cent. interest thereon, from such eviction up to the rendition of judgment, and shall be entitled to the same form of execution and service thereof as is herein (*after*) [*before*] prescribed.

SEC. 9. Neither the treasurer of the county nor of

the village of Sheboygan shall receive any per centage or compensation whatever for any service performed under this act, or the act to which this is amendatory. Treasurer not to receive compensation.

SEC. 10. This act shall take effect from its publication.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.,

*President pro tem. of the Senate.*

Approved March 29, 1852.

LEONARD J. FARWELL.

[Published April 15, 1852.]

An Act to appropriate to Francis Hudson the sum therein named

Chap 186

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

SECTION 1. There is hereby appropriated to Francis Hudson, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars, in full for services as clerk in the office of the state superintendent, for the year 1851, employed in pursuance of an act of the legislature, approved March 17, 1851.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.,

*President pro tem. of the Senate.*

Approved March 29, 1852.

LEONARD J. FARWELL.

An Act to appropriate to C. Latham Sholes a certain sum of money.

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

Chap 187

SECTION 1. There is hereby appropriated to C. Latham Sholes, out of any money in the treasury not otherwise appropriated, the sum of fifteen hundred and fifty-nine dollars and forty-five cents, in full for printing the laws and journals for 1851.

J. McM. SHAFTER,

*Speaker of the Assembly.*

E. B. DEAN, JR.,

*President pro tem. of the Senate.*

Approved March 29, 1852.

LEONARD J. FARWELL.