

# GENERAL STATUTES.

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An Act to allow appeals to be taken from the decision of the Register of the State Land Office. Chap. 1.

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

SECTION 1. In all cases of conflicting pre-emption claims to lands granted to this state to aid in the improvement of the Fox and Wisconsin rivers, which may be decided by the register of the state land office after the fifteenth day of January, A. D. 1853, it shall be lawful for any party aggrieved by such decision, to appeal to the circuit court of the county where the land lies, within sixty days after such decision shall be made; and until the expiration of the said sixty days the register shall issue no certificate to the successful claimant; and in case of an appeal within that time, no certificate shall be issued until the decision of said court shall be made and certified to said register. Appeal may be taken to circuit court.

SEC. 2. The party bringing such appeal shall, within the said sixty days, cause a notice thereof to be served on said register, and execute and file with him a bond to the opposite party, with sufficient sureties, to be approved by said register, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. Notice to be served on register.

SEC. 3. Within ten days after the bringing of any appeal, as aforesaid, the said register shall cause the notice of appeal and bond, together with the testimony and other papers in the cause, to be filed in the office of the clerk of the circuit court; and the said court shall proceed to try and determine the matter, without further or other testimony than that submitted to the register, unless the said court shall otherwise order: *Provided*, That it shall be competent for the parties to stipulate to try any such Bond to be filed with clerk of court.

cause by a jury, in the same manner as other jury causes are tried in said court.

**Return to be made to court.** SEC. 4. If a return shall not be made by the register, according to law, either party may file with the clerk of the circuit court an affidavit stating that such appeal has been duly made, and that the register has failed to make his return to such court, according to law; whereupon the court may compel such return by order or attachment.

**Court can compel to amend return.** SEC. 5. Upon satisfactory evidence that the return of the register is substantially erroneous or defective, or does not contain all the evidence submitted to him, the court may in like manner compel him to amend the same.

**Register may issue certificate.** SEC. 6. The court in which any such appeal shall be tried, shall make an order that the register issue a certificate for the land in question to the successful party, and award costs against the losing party, and enter judgment therefor against said party and his sureties.

**May be removed to supreme court.** SEC. 7. The cases provided for in this act may be removed to the supreme court by a appeal or writ of error, as in other cases; and the said court shall, on the hearing of any such case, by order, affirm or reverse the order of the court below.

**Certificate to be issued.** SEC. 8. Upon the service of a copy of the order mentioned in either of the foregoing sections, certified by the clerk of the proper court, the register shall issue a certificate to the successful party.

SEC. 9. This act shall take effect and be in force from and after its publication.

Approved, February 1, 1853.

**Chap. 2.** An Act to authorize the Secretary of State to audit certain accounts, and providing for the payment thereof.

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

SECTION 1. The secretary of state is hereby authorized to audit the accounts of the several newspaper publishers in this state, for publishing the law authorizing the business of banking, as authorized by a joint resolution adopted by the legislature at its last annual session; and there is hereby appropriated, out of any money in the treasury not otherwise appropriated, a sufficient sum for their payment: *Provided*, The amount so allowed shall