

be deemed guilty of a misdemeanor, and shall be liable to a fine of fifty dollars and costs of collection of each and every offence; and it shall be the duty of the secretary of state, in every case where such statement shall not be received at his office, from any clerk, as aforesaid, on or before the first day of September in each year, to notify the district attorney of the county in which such clerk resides, of the delinquency of said clerk; and it shall be the duty of said attorney, on receiving such notice from the secretary of state, to demand of such delinquent clerk the penalty herein provided, and in case of refusal to pay such penalty, said attorney shall proceed to collect the same by legal coercion, with costs and fees as in other criminal cases. In case of prosecution of any clerk as herein provided, the certificate of the secretary of state, under seal of his office, shall be prima facie evidence of delinquency on the part of the clerk and consequent liability for the penalty provided in this act.

Duty of secretary of state.

SEC. 2. Every district attorney shall forthwith pay over to the treasurer of his county any fines received or collected by him under the provisions of this act, as provided by law in respect to fines and forfeitures.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved, April 2, 1855.

## Chapter 94.

[*Published April 10.*]

An Act for the relief of the purchasers of Section 16, in Township 24, Range 21.

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

SECTION 1. Every person who holds a patent or certificate of purchase of any portion of that part of the sixteenth section, lying within the Military Reserve of Fort Howard, in the county of Brown, shall be entitled to receive the purchase money and interest paid for the lands

Holder of patent entitled to money, &c.

described in any such patent, or certificate, together with interest thereon from the dates of payment of the several sums up to the time when the same shall be refunded; and the secretary of state is hereby authorized to audit any claim presented for payment under this section, and the same when audited shall be paid out of the school fund.

Appraisers to be selected in certain cases.

SEC. 2. Whenever the purchaser, his heirs or assigns of any of the lands described in the first section of this act, shall have valuable improvements upon the lands claimed by him, and shall give notice thereof to the attorney general of the state, he shall select an appraiser, and the owner of such improvements shall select another appraiser, who together, if they are unable to agree, shall select a third, neither of whom shall have any interest directly or indirectly in the subject matter, nor be of kin to such owner; and said appraisers or a majority of them shall proceed to hear testimony and assess the value of such improvements, and their award shall be made in writing and returned to the secretary of state within sixty days after the hearing, unless an appeal shall be taken as hereinafter directed.

Shall make award.

Parties may appeal from award to circuit court.

SEC. 3. Either party may appeal from such award to the circuit court of the county of Brown, within thirty days after the same shall be made, and such appeal shall be tried by a jury as other cases commenced in said circuit court, and upon the finding of the jury, judgment may be rendered in favor of either party, but no execution shall issue thereon against the attorney general.

SEC. 4. The return of said award to the secretary of state by the appraisers, or of a certified transcript of the judgment rendered upon appeal by the circuit court, shall authorize the said secretary to draw his warrant upon the treasurer for the payment of the amount found due and all costs, to be paid out of the school fund.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.