

SEC. 3. If, at the expiration of the time for appeal or certiorari, the appeal or certiorari has been perfected and the successful party has not filed the recognizance mentioned in the second section, then the property shall be delivered to the party bringing such appeal or certiorari.

When property to be delivered.

SEC. 4. The recognizance to be given on appeal or certiorari, in cases mentioned in this act, shall be in a sum not less than double the amount of property as found by the justice or jury.

Amount of recognizance.

SEC. 5. In all cases of appeals in actions of replevin taken to the circuit or county court, the finding or verdict of the jury the judgment or order of the court and the execution issued thereon, shall be, so far as practicable, the same as if the action had been originally commenced in such court, and a plaintiff or defendant having possession of the property by virtue of this act, shall be regarded, for the purposes expressed in this section as a plaintiff who obtained such possession by means of the issuing of a writ of replevin, or a defendant who retained such possession notwithstanding the issuing of such writ.

Form of verdict.

SEC. 6. This act shall take effect from and after its passage.

J. McM. SHAFER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 9, 1852.

LEONARD J. FARWELL.

[Published, June 2, 1852.]

An Act concerning the County Seat of LaFayette County.

Chap 273

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

SECTION 1. There shall be held, in the several towns of the county of LaFayette, in this state, on the third Tuesday in the month of May, in the year of our Lord one thousand eight hundred and fifty-two, a special town meeting, for the exclusive purpose of voting on the question of removal of the county seat of said county from Shullsburgh to Avon, in said county; which latter place is hereby fixed as the point to which it is proposed to remove the county seat of said county.

Special election

SEC. 2. All votes given or cast on the question of the removal of said county seat shall be by ballot, and shall be either written or printed or partly written and partly printed; and shall be in one of the following forms, viz: "County seat"

Form of ballot.

“For removal of county seat to Avon;” or “County seat,” “Against removal of county seat to Avon.” And no other form of ballot shall be counted or allowed, in the canvass of said votes, under any pretence or pretext whatever, but shall be deemed to be and are hereby declared utterly void.

To prepare ballot box.

SEC. 3. The inspectors of said town meeting in each of said towns shall prepare a box wherein they shall deposit the ballots aforesaid. Before receiving any votes, said inspectors shall respectively examine and see that such box is empty, after which they shall lock the same; and said box shall remain so locked until opened by the canvassers as hereinafter provided. So soon as the polls are closed, the inspectors shall closely seal up said box, and the same shall remain so sealed, until opened by said canvassers.

To copy poll list.

SEC. 4. The inspectors of each poll shall make or cause to be made, a correct copy of the poll list and of the oaths taken and subscribed by the inspectors and clerks; and they shall in writing, over their official signatures, certify the same so to be. Some one of said inspectors of each poll, shall take such certified copies, and the said box so locked and sealed as aforesaid, and convey the same to and deposit them with the clerk of the county board of supervisors of said county at his office, within three days next after the said town meeting shall be held; and within four days after the expiration of said three days, the said boxes shall be opened, and the votes therein counted, rejected, destroyed, or allowed, as hereinafter provided, by the clerk of the circuit court of said county, the register of deeds thereof and the said clerk of the said county board of supervisors, Charles Dunn, Charles H. Lamar, and George Schillenger, of said county, who, for that purpose, are hereby declared to be a board of canvasser. And in case the said officers, or any, or either of them, are absent, or from sickness or other cause, are unable to attend to such canvassing, then and in that case, the deputy of such officers respectively shall perform said duty.

How canvassers to proceed.

SEC. 5. Said canvassers shall count the number of ballots contained in each box so accompanied with the copies of oaths and poll lists certified as in the last section mentioned; and shall compare the number of votes therein with the poll list with such box belonging; and if the number of ballots do not exceed the number of voters' names contained in the poll list therewith accompanying, the same shall be allowed, if in all other respects conformable to the provisions of this act, and not otherwise; unless it shall

appear that some person voted more than one ballot, and in such case or cases, they shall not be allowed, but shall be considered, and are hereby declared to all intents and purposes, void, and shall be, by said canvassers destroyed. In case any box shall contain a greater number of ballots than there are voters' names on the poll list there-to corresponding; the canvassers shall destroy an equal number of ballots containing the words "for" and "against" until no greater number remains than there appears to have been voters, in case there be a sufficient number of each kind to produce such reduction, and if not, then such as there may be in such box shall be destroyed, until the number of ballots remaining, shall be exactly equal to the number of voters appearing on such list. Said canvassers shall then proceed to count and allow all other ballots, and shall make out a statement of the result, in which they shall set forth the number of votes cast, and allowed "For removal of county seat to Avon," and "Against removal of county seat to Avon," and shall append thereto a certificate that the same is in all respects true and correct; which certificate shall be by them signed as canvassers in triplicate, one of which certificates shall be taken by each of said officers and filed away in their respective offices. And such statement so certified and filed shall have the force and effect of a record, for the purposes of being used as evidence.

SEC. 6. In case a majority of the votes so as aforesaid canvassed shall be "For removal of county seat to Avon," then and in that case the county seat of said county shall be ^{Location of county seat.} at said Avon; otherwise the said county seat shall be and remain at said Shullsburg: in neither of which cases shall further legislation be necessary.

SEC. 7. All laws now in force relative to elections or ^{General laws to apply.} town meetings shall apply and extend to the special town meeting provided for in this act, except so far as special provision is made in this act, and excepting also, so far as such laws may be repugnant to, or in contravention with the provisions of this act.

SEC. 8. It shall be the duty of the county board of ^{To erect county buildings.} supervisors of said county to take measures for the speedy construction, erection, and final completion of the proper offices, jail, and court house for said county, at the county seat of said county, as provided in this act; and such measures shall be so taken or commenced by the first day of July of this present year. Each and every member of said county board of supervisors who shall intentionally refuse or neglect to comply with the provisions of this sec-

tion, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than two hundred dollars, nor more than two thousand dollars, or by imprisonment in the county jail not less than three months nor more than one year.

Illegal voting.

SEC. 9. Any person who shall knowingly vote more than once under the provisions of this act, or shall vote or offer to vote more than one of such ballots as aforesaid intentionally, or without voting, put in or suffer to be put in any such box as aforesaid, any ballots as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine of not less than two hundred dollars nor more than five hundred dollars or by imprisonment in the county jail not less than three months nor more than one year.

How ballots folded.

SEC. 10. The ballots hereinbefore mentioned shall be so folded as to leave the words "County seat" visible, and all the balance invisible; and unless so folded, the inspectors shall refuse to receive the same.

Fee

SEC. 11. The persons conveying the boxes and certified copies as aforesaid shall each be entitled to the like compensation as others making election returns to the clerk of the board of county supervisors. The canvassers shall each be entitled to the sum of five dollars for their services under the provisions of this act. The compensation provided for in this section shall be paid by said county.

Act to be printed.

SEC. 12. This act shall be printed with all convenient speed after its passage, and when so printed shall be deemed duly published, and shall then take effect and be in force.

Conflicting acts of no force.

SEC. 13. All laws contravening the provisions of this act, or repugnant thereto, shall have no force or application in connection therewith, or relation to the county seat of said county.

J. McM. SHAFER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 9, 1852.

LEONARD J. FARWELL.

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