

SECTION 2. Each clerk shall be entitled to receive from the state, for and on account of such report named in the preceding section, and in full compensation for such service, ten cents per folio, for each folio, such amount to be paid by the state treasurer, upon the certificate of the governor of the amount to which such clerk shall be entitled for said services.

Pay of clerk for making report.

SECTION 3. If any clerk referred to in section one of this act shall neglect or refuse to make out and transmit to the governor, at the time and in the manner aforesaid, the report referred to in said section, he shall be deemed guilty of a misdemeanor, and shall be liable to a fine of ten dollars, and costs of collection for each and every such offense, and it shall be the duty of the governor, in every case where such statement shall not be received at his office, from any clerk as aforesaid, on or before the fifteenth day of January 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 governor, 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 coercion, with costs and fees as in other criminal cases. In case of the prosecution of any clerk as herein provided, the certificate of the governor 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 herein.

Penalty for neglect or refusal to report.

Governor to notify district attorney of delinquency of clerk.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 110.

[Published March 18, 1873.]

AN ACT to amend an act entitled "an act to prevent the spread of noxious weeds," section two, chapter two hundred and six, general laws of 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and six of the general laws of 1861 is hereby amended by adding the following words to said section: "And

Amended—amount be paid to pathmaster and assessed on property.

the said board of supervisors are hereby authorized to have said amount paid to said pathmaster, on his affidavit, if said board deem it just and equitable; and further to have said amount placed on the tax roll against such lands whereon such weeds have been destroyed, and to be collected the same as ordinary taxes."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 111.

[*Published March 13, 1873.*]

AN ACT to amend section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
homestead of
deceased not
exempt from
mortgage lien,
if no other es-
tate sufficient
to satisfy the
same.

SECTION 1. Section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians," is hereby amended by adding thereto as follows: "*and provided, further, that where there shall exist a valid mortgage, or other indebtedness which shall be a lien upon the homestead of the deceased, and which mortgage or lien shall be unpaid and unsatisfied, and there shall not be sufficient real or personal estate in the possession of the executor or administrator to pay and discharge such mortgage or lien, and it shall appear to the satisfaction of the court that it is necessary to sell a portion or the whole of such homestead to pay and satisfy such mortgage or lien, then such homestead shall not be exempted from license and sale under the provisions of said chapter ninety-four. In all cases to which this proviso applies, the proceeds of such sale, after the payment of the mortgage or other lien, and expenses of administration, shall be invested, under the direction of the county judge, for the benefit of the family of the deceased, or shall be used in the purchase of another homestead, if such proceeds shall be*