

a breach of the provisions of this section shall be deemed a misdemeanor in office and be punished accordingly.

SEC. 6. This act shall not be so construed as to impair in any way, the right of any person to contest any election in the manner now provided by law.

APPROVED January 22, 1846.

AN ACT relating to the purchase and redemption of real estate sold on execution.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. The tenth section of the act entitled "an act to amend an act of the Revised Statutes of Wisconsin Territory entitled 'an act concerning judgments and executions,'" is hereby repealed; and the seventieth and eighty-first and eighty-second sections of the act entitled "an act concerning judgments and executions," are hereby revived and brought into full force. Sections repealed and revived.

SEC. 2. No deed of real estate sold on execution, shall be given by the sheriff until the expiration of twenty-seven months from the time of such sale. Time when deed given.

SEC. 3. No person shall acquire the rights of the original purchaser of real estate sold on executions, until he shall have paid the sum of money which was paid on the sale of such real estate; together with interest thereon, at the rate of ten per cent. a year from the time of such sale, and when any person has acquired such rights, he shall not be divested of them until he shall have been repaid the sum paid by him, together with interest at ten per cent. per annum from the time of such payment; and the seventy-first and the seventy-fifth sections of the act entitled "an act concerning judgments and executions," are hereby amended accordingly. Title how acquired. Former act amended.

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

APPROVED January 21, 1846.

AN ACT to amend the several acts of this Territory concerning the Supreme and District Courts.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. If from any cause, only two of the Judges of the Supreme Court shall be present at the argument of a cause, and they cannot agree in their opinion, the cause shall be re-argued before a full court; but if one of the Judges cannot sit in the cause, and the court shall be divided in opinion, the judgment of the court below shall be affirmed.

When judges cannot agree.

SEC. 2. In all cases where the judgment of the court below has been superceded by a writ of error, and the judgment shall be affirmed by the Supreme Court, the Supreme Court shall award ten per cent. damages upon the amount of the judgment below, exclusive of interest and costs, and execution shall be issued therefor in favor of the defendant in error.

Court to award damages.

SEC. 3. No discontinuance, non-suit, dismissal, or quashal of a writ of error in the Supreme Court, shall preclude the party from suing out another writ of error in the same cause within the time limited by law.

SEC. 4. The District Courts of the Territory shall have original jurisdiction in all cases of mandamus and quo warranto, and in all such cases the final judgment of the District Courts may be re-examined in the Supreme Court upon writ of error duly sued out and prosecuted as in other cases.

Jurisdiction of District Courts.

SEC. 5. Proceedings in quo warranto shall be by information; and the writ of quo warranto is hereby abolished. A rule to show

Proceedings in quo warranto.