

SECTION 4. The said commissioner shall cause an accurate survey and plat of said road and order laying out the same, and award of damages, to be made and filed in the office of the county clerk of each of the counties through which said road will pass, before the first day of July, 1880. Survey and plat of road.

SECTION 5. Upon filing the order laying out said road and the survey and plat thereof, in the office of the several county clerks as aforesaid, the said road shall become a public highway. When to become public highway.

SECTION 6. All damages awarded by said commissioners in the laying of said road, shall be paid by the county wherein the land is situated for which damages are awarded. Damages to be paid by county.

SECTION 7. Said commissioners shall receive as compensation for laying out and superintending the constructing of said road, the sum of four dollars per day each, for the time actually expended in such services, such time not to exceed twenty days, and such payment shall be in full payment for all expenses. Compensation of commissioners.

SECTION 8. It shall be the duty of the county board of supervisors of the several counties through which said road shall pass to audit the accounts of said commissioners for their services. Duty of county boards.

SECTION 9. Said commissioners shall have the right to employ two assistants as shall be necessary, at two dollars per day, who shall be paid by the respective counties and such payment shall be in full for all expenses. Commissioners may employ assistants.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 374, A.]

[Published March 25, 1880.]

CHAPTER 305.

AN ACT to amend chapter one hundred and thirty-three of the revised statutes of 1878, entitled of actions of ejectment.

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

SECTION 1. Section three thousand and eighty-seven of chapter one hundred and thirty-three of the revised statutes of 1878, is hereby amended so as to read as follows: Section 3087. In all such actions, when the plaintiff is entitled to recover by reason of a defect or insufficiency of any tax deed under which the defendant claims title, or in the proceedings prior to the sale upon which such tax deed was issued, unless it shall When plaintiff is entitled to recover.

Court shall order set-off.

be made to appear affirmatively by the plaintiff that the premises claimed were not liable to taxation for the tax for which they were sold, or that such tax was paid prior to the sale, or the land was redeemed from such sale, the court shall order that the amount for which such land was sold, and the costs of executing and recording such tax deed, and the amount paid by the defendant for taxes assessed upon said premises subsequent to said sale, with interest on all such sums at the rate of twenty-five per centum per annum from the time so paid until the date of verdict, shall be set off against the damages awarded to the plaintiff by the verdict; and if there be any excess, that the plaintiff, as a condition of judgment, shall pay the same, with interest from the date of the verdict, within ninety days; and that, in default thereof, the defendant shall have judgment in the action: *provided*, that no recovery shall be had in any such action upon any ground which might have been urged in an action to set aside or cancel the certificate upon which such deed is based but which is barred by the statutes of limitation.

Proviso.

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

Approved March 15, 1880.

[No. 386, A.]

[Published March 20, 1880.]

CHAPTER 306.

AN ACT to appropriate to J. G. Hellenbolt a certain sum of money therein named.

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

Appropriation,
\$120.

SECTION 1. There is hereby appropriated to William J. Hellenbolt out of any money in the general fund not otherwise appropriated, the sum of one hundred and twenty dollars, as extra pay for services as a soldier in the late war, as originally contemplated by chapter one hundred and seventeen, laws of 1864.

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

Approved March 15, 1880.