

shall descend to the legatee or legatees in said will named, and they shall take and hold the same according to the terms of said will, free from the incumbrance of all judgments and claims against the testator or his estate, except mortgages lawfully executed thereon.

To whom it shall descend.

SECTION 2. In case the owner of any homestead shall die intestate, leaving a widow and no children, such homestead shall descend to his widow; and in case such owner die intestate, leaving a widow and children, such homestead shall descend to his widow during her widowhood, and in case of her marriage or death, the same shall descend to his legal heirs; and in case such owner die intestate, leaving any child or children, or lineal descendants, but no widow, such homestead shall descend to his legal heirs; and in all cases mentioned in this section, such homestead shall descend freed from the incumbrances of all judgments and claims against the intestate or his estate, except mortgages lawfully executed thereon: *provided*, that nothing in this act shall affect laborers' or mechanics' liens.

Repealed.

SECTION 3. Section two of chapter 187 of acts of a general nature of 1858, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; and this act shall be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 271.

[Published April 16, 1864.]

AN ACT to legalize a public highway in the town of Liberty, in the county of Manitowoc.

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

Regulated.

SECTION 1. The acts of the supervisors of the town of Liberty, in the county of Manitowoc, on the fifteenth day of April, A. D. 1862, in laying out a highway in said town, described as follows: Commencing at the center of section fifteen, town eighteen, range twenty-

two, running thence one half mile east on the quarter line of said section, and terminating on the section line between sections fourteen and fifteen in said town, are hereby legalized and declared to be valid, and the said highway is hereby declared to be a legal highway.

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

Approved March 31, 1864.

CHAPTER 272.

[Published March 16, 1864.]

AN ACT concerning acknowledgment of certain deeds and mortgages.

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

SECTION 1. All deeds, mortgages or other instruments in writing, relating to real estate situated within this state, which shall have been recorded in the office of any register of deeds before this act shall take effect, purporting to have been acknowledged or proved without this state, and having upon them substantially the ordinary form of a certificate of acknowledgment or proof, purporting to have been signed by some officer in another state or country, shall be deemed *prima facie* in all legal proceedings to have been acknowledged or proved (as the case may be) before the proper officer, and in conformity with the laws of such state or country where it purports to have been acknowledged or proved; and the records of all such deeds, mortgages and instruments, certificate of acknowledgment and proof, may be read in evidence in like manner and with the same effect as the originals, notwithstanding the omission of a certificate of authentication, as required by sections ten and eleven of chapter eighty-six of the revised statutes.

Legality of certain deeds, &c. heretofore recorded, executed out of this state.

Records may be used in evidence, &c.

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

Approved March 31, 1864.