

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.