

vide for the distribution hereinafter ordered, the secretary of state shall cause to be printed by the state printer, at an additional charge only of press work and binding, five hundred copies of the following reports, in addition to the number now required by law: Of the commissioners of public lands; of the commissioners of fisheries; of the state supervisor of illuminating oils; of the Milwaukee hospital for insane; of the industrial school for girls; and of the railroad commissioner.

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

Approved April 19, 1893.

No. 15, S.]

[Published May 3, 1893.]

CHAPTER 282.

AN ACT to protect ejectment-defendants in certain cases.

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

Ejectment-defendant, when may file claim for purchase of interest of plaintiff.

SECTION 1. In every case where a recovery shall be had of any land on which the party in possession, or those under whom he claims, while holding adversely by color of title asserted in good faith founded on descent or any written instrument, or by mistake in boundary, shall have made permanent and valuable improvements by erection of buildings situate in part on such land so recovered, and in part upon adjoining lands, in which plaintiff has no interest, and which portion of said building, situate upon said lands so recovered, cannot be removed or separated from the remaining portion thereof, without serious injury to both, the part so resting upon the land so recovered, and the part remaining and situate upon other lands, then the defendant, in such action, may, within ninety days after final judgment (exclusive of time from taking appeal therefrom to filing of remittitur from appellate court), file his claim in writing, that the case

is such as is above specified in this section, and state therein that he desires to purchase the interest of the plaintiff in such land.

SECTION 2. Thereupon the court shall, upon the application of the defendant, cause an issue to be made up between the parties in which ejection-defendant shall be the plaintiff, and the ejection-plaintiff shall be the defendant, and such issue shall stand for trial by a jury at the same, or any subsequent term to which it shall be continued.

SECTION 3. Upon the filing of such claim, the ejection-defendant may apply to the court to fix the amount of a bond to be given by him in the original action to stay the execution of the judgment in the original action, except collection of costs. And upon the giving of such bond, in such sum, and with such sureties as the said court shall direct, conditioned that the ejection-defendant will abide by, perform, and pay such judgment as may be rendered upon the issue so made upon the claim of the ejection-defendant, or such judgment as may have been entered in the original action, as the event may require, including value of use of premises after original judgment, the court shall stay the enforcement of the judgment in the original action, except the collection of costs, until the determination of the issue upon such claim.

SECTION 4. Upon the trial of the issue made upon such claim, the verdict of the jury shall determine whether or not the case is such as specified in section 1, of this act, and if they determine that it is such case, they shall also determine the value of the estate of the ejection-plaintiff in the land, so recovered, at any time when the value shall have been the highest, between the time of the taking possession thereof by the ejection-defendant, and the time of the trial, exclusive of any improvements placed thereon by the ejection-defendant, or those under whom he claims, either to be used separately, or in connection with any other lands owned by the ejection-plaintiff, and, also, the date when such lands were of such highest value; also, the damages to ejection-plaintiff for detention of such lands up to such date of highest value; and, also, mesne profit to that date.

Judgment.

SECTION 5. Thereupon, if the jury find the case to be such as specified in section 1, said court shall enter judgment in favor of the ejectment-plaintiff, and against the ejectment-defendant, for the amount determined by said verdict, to be the value of the interest of the ejectment-plaintiff in said premises, with interest thereon from the date when such property was of said highest value, and such damages for detention and mesne profits.

When estate to
vest in eject-
ment-defend-
ant.

SECTION 6. Upon the payment of the amount of such judgment, with interest thereon, and such costs as may have been legally taxed by the ejectment-defendant to the ejectment-plaintiff, or his heirs or representatives, all the estate of the ejectment-plaintiff shall vest in, and thereafter be the property of the ejectment-defendant. But if the same be not paid in one year from final judgment (exclusive of time from taking appeal therefrom to filing of remittitur from appellate court), ejectment-plaintiff may, at his own option, satisfy such latter judgment or enforce the original judgment for possession in ejectment; and, in such case, may have action upon the bond so given for the value of the use of the premises from the date of such original judgment in ejectment.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

T. J. CUNNINGHAM,
Secretary of State.

April 19, 1893.