

## AN ACT relating to real actions, and for other purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :*

Claims to land.

§ 1. Whenever any person claims title to any lands, or town lots and tenements, under, through, or by virtue of any deed or conveyance heretofore executed, or hereafter to be executed, by any officer authorized by the laws of this Territory to execute the same, on account of any sale of any lands or town lots and tenements, for the payment of any tax heretofore or hereafter lawfully assessed thereon, or who shall claim title in fee simple under or by virtue of a deed from any other person, and a suit to recover such lands and town lots or tenements, shall be instituted by any person claiming title from any other source on the trial of such action, if the Jury to whom the cause is submitted, shall find the plaintiff entitled to such lands and tenements so claimed, a writ of possession shall be awarded by the court, provided no permanent and valuable improvements have been made on such lands, and tenements in good faith by the defendant, or those under whom he claims since the execution of such deed, or since the execution of a like deed to those from whom he claims as aforesaid, and before the commencement of said suit.

Suits when commenced.

Jury may find.

Writ of possession awarded.

Before commencement of suit.

Defendant claims improvement made.

Issue shall be made up.

Jury to be empannelled.

Proviso.

§ 2. If the defendant in any such suit, against whom a verdict may be found, shall claim that he, or any person or persons through whom he claims title, has in good faith, since the execution of such deed or deeds and before the commencement of said suit, made valuable and permanent improvements on the said lands or town lots, the court in which the said cause is tried, shall cause an issue to be made up between the parties forthwith, in which the defendant in the original suit shall be plaintiff, and the plaintiff in such suit, defendant; and a jury shall be empannelled at such terms, or at such subsequent term as the court shall appoint, to try the issue so made up, and assess the value of said improvements; and if they find that the plaintiff is entitled to recover any sum for or on account of such improvements, judgment shall be rendered for such sum as they shall so assess and award: *Provided* that nothing in this act shall entitle such defendant to claim payment for any improvements made prior to the passage of this act.

§ 3. If the plaintiff in the original suit shall elect to pay the defendant in such suit the value of such improvements, as assessed by the jury, with interest thereon from the time of such assessment and cost of the suit for the assessment of the value of such improvements, and all taxes assessed upon said premises, and paid by said defendant or those under whom he claims as aforesaid, with interest thereon within three years after the assessment of such damages and final judgment rendered thereon, the court shall upon satisfactory proof of the payment or the tender of the payment of the same, award a writ of possession; and if the said plaintiff shall not pay, or offer to pay the same within such time, he shall be deemed to have abandoned his claim of title to the premises in question, and he and all persons claiming under him shall be forever barred of a recovery of the premises so claimed, but shall, nevertheless, be liable for costs of such suit, for the assessment of such improvements, and said defendant shall not be liable to pay for the use or occupation of said premises during the time, any part of such sums shall remain unpaid.

Elect to pay value of improvements

And all tax

Within three years

On proof of payment.

Barred of recovery

§ 4. That the owner or claimant of any lands sold for the non-payment of any town, county, or territorial tax, imposed thereon by virtue of any law of this Territory, may redeem the same at any time before the conveyance made on the sale of such taxes, shall be recorded in the register's office of the county in which such lands are situated. This section shall take effect and be in force on and after the first day of May next.

May redeem from sale for tax.

§ 5. Whenever any person having a lien upon real estate by mortgage, judgment, or otherwise, shall pay any tax levied by virtue of any law of this Territory on such real estate, or shall redeem the same from any tax sale, the sum thus paid shall be included in the amount of such lien, and shall be collectable upon foreclosure, or execution, in the same manner as the original debt for which such lien was given.

Who included in lien.

§ 6. Any laws of this Territory contravening the provisions of this act are hereby repealed.

Laws repealed.

§ 7. All actions now in progress in the courts, shall be conducted to their final decision, in the same manner as if this act had not passed.

Actions in same manner.

APPROVED, January 30, 1844.