

and forty-one of the revised statutes, entitled "actions for the recovery of real property," is hereby amended by adding thereto the following proviso: *provided*, that in all actions of ejectment now pending or hereafter brought, when the court or jury find that the plaintiff is entitled to recover the lands claimed, or any estate, share or interest therein, by reason of a defect or insufficiency of any tax deed under which the defendant claims title to such lands, or in proceedings to the sale upon which such tax deed was issued, it shall be the duty of the court in which such action is tried, unless it shall be made to appear affirmatively by the plaintiff, that such lands were not liable to taxation for the tax for which they were sold, or, that such lands were redeemed from such sale, or, that the taxes for which such lands were sold, had been paid, to cause an order to be entered, that the plaintiff have judgment to which he has shown himself entitled upon the payment to the defendant within ninety days, of the amount for which such lands were sold, with penalty and interest, as provided by chapter twenty-two, laws of 1859, and also all taxes paid by the defendant subsequent to such sale, with interest at seven per cent. per annum, and that if said plaintiff fail to pay said amounts within said ninety days, his action be dismissed with costs, and any further action for the same cause shall be thereby barred.

Proviso added.

Duty of the court.

SECTION 2. This act is hereby declared a remedial act, and it shall be favorably construed to effect the object declared herein, and shall take effect and be in force from and after its passage and publication.

Favorably construed.

Approved March 11, 1874.

CHAPTER 271.

[*Published March 26, 1874.*]

AN ACT to fix and regulate costs in county courts in probate business.

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

SECTION 1. The county court of the county of Marquette, in this state, shall have power to appoint a register of said court, and may remove him at pleasure.

May appoint a register.

His duties.

The register shall be sworn, and perform all the duties of clerk of the court, and shall keep a true record of each order, sentence and decree of the court, and of all other things proper to be recorded; and upon payment to him of his legal fees, shall give true and attested copies of the files, records and proceedings of the court.

Certificates to be legal evidence.

All certificates so attested, and all copies of records and files in the office of the county judge, so certified and attested as aforesaid, shall be legal evidence in all courts of the state.

Fees of register.

SECTION 2. The register appointed by the county court, pursuant to section one (1) of this act shall receive the same fees for his services as is by law allowed to clerks of the circuit court for like services and shall be paid in the same manner.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1874.

CHAPTER 272.

[Published March 26, 1874.]

AN ACT to amend chapter 153 of the revised statutes, entitled
"of the lien of mechanics and others."

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

Period of lien.

SECTION 1. Section four of chapter one hundred and fifty-three of the revised statutes is hereby amended so as to read as follows: Section 4. No such debt for work and materials shall remain a lien upon such lands, houses or other buildings or machinery longer than one year from the time of furnishing of materials or the performance of the labor, unless a petition or claim for the same be filed in the office of the clerk of the circuit court for the proper county within six months from the date of the last charge for work and labor performed, or materials furnished, and an action for the recovery thereof be instituted within the said year. The death of the owner of the building or property against which the lien might be filed, or person for whom the work was done or materials furnished within the six months in which a petition might be filed, shall not affect the right to such lien, but the

Death of owner shall not effect the right to a lien.