

the said board of supervisors are hereby authorized to have said amount paid to said pathmaster, on his affidavit, if said board deem it just and equitable; and further to have said amount placed on the tax roll against such lands whereon such weeds have been destroyed, and to be collected the same as ordinary taxes."

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

Approved March 11, 1873.

CHAPTER 111.

[*Published March 13, 1873.*]

AN ACT to amend section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians."

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

Amended—
homestead of
deceased not
exempt from
mortgage lien,
if no other es-
tate sufficient
to satisfy the
same.

SECTION 1. Section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians," is hereby amended by adding thereto as follows: "*and provided, further, that where there shall exist a valid mortgage, or other indebtedness which shall be a lien upon the homestead of the deceased, and which mortgage or lien shall be unpaid and unsatisfied, and there shall not be sufficient real or personal estate in the possession of the executor or administrator to pay and discharge such mortgage or lien, and it shall appear to the satisfaction of the court that it is necessary to sell a portion or the whole of such homestead to pay and satisfy such mortgage or lien, then such homestead shall not be exempted from license and sale under the provisions of said chapter ninety-four. In all cases to which this proviso applies, the proceeds of such sale, after the payment of the mortgage or other lien, and expenses of administration, shall be invested, under the direction of the county judge, for the benefit of the family of the deceased, or shall be used in the purchase of another homestead, if such proceeds shall be*

sufficient for that purpose, in the discretion and under the direction and order of said judge, which investment or homestead shall, in all respects, stand in the place and instead of the original homestead. And in cases where there is no family of the deceased, such proceeds shall be distributed according to law; but in no case whatever shall such proceeds be liable for the debts of the deceased, other than the mortgage debt or lien on such homestead.

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

Approved March 11, 1873.

CHAPTER 112.

[Published March 13, 1873.]

AN ACT to provide for laying out and establishing a state road from the village of Embarrass, in Waupaca county, and terminating at the county road in Outagamie county.

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

SECTION 1. John Palmer, Paul Greeley and A. McKee are hereby appointed to lay out and establish a state road commencing in the village of Embarrass, in Waupaca county, on section five (5), town twenty-five (25), range fifteen (15) east, and running therein in a southeasterly direction, crossing the Wolf river on or near the south line of section four (4), town twenty-four (24), range sixteen (16) east, and terminating at the county road on or near the north line of section sixteen (16), town twenty-four (24) north, range seventeen (17) in Outagamie county.

Commissioners
and route of
road.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service, shall be entitled to receive a reasonable compensation therefor from the counties through which said road shall pass: *provided*, that no part of said expense shall be paid out of the state treasury.

Majority of
commissioners
may proceed.

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

Approved March 11, 1873.