

[No. 333, A.]

[Published March 26, 1880.]

CHAPTER 309.

AN ACT to amend chapter fifty of the revised statutes of 1878, entitled "of lands sold for taxes."

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

Action for recovery of land conveyed by tax deed to be maintained unless brought within three years.

SECTION 1. Section one thousand one hundred and eighty-seven of chapter fifty of the revised statutes of 1878, entitled "of taxation," is hereby amended so as to read as follows: Section 1187. No action shall be maintained by the grantee or any one claiming under him, to recover the possession of any land or any interest therein, which shall have been conveyed by deed for the non-payment of taxes unless such action shall be brought within three years next after the date of the execution of such deed; or, if such land demanded shall be when so conveyed, vacant and unoccupied, and so remain, unless such action be brought within three years next after the date of the recording of such deed, or unless such grantee or those claiming under him, shall have been in actual, not constructive, possession of the land so demanded, for three successive years during the five years next after the recording of such deed: *provided, however,* that if the former owner takes possession of any such land at any time within three months of the expiration of three years from the date of the execution of such deed then and in such case the grantee in such tax deed, or those claiming under him may bring and maintain an action to recover possession of said land at any time within three months next after the expiration of said three years.

Proviso.

Action brought by person who was a minor.

SECTION 2. Section one thousand one hundred and eighty-eight of chapter fifty of the revised statutes of 1878 is hereby amended so as to read as follows: Section 1188. No action shall be maintained by the former owner or any person claiming under him, to recover the possession of any land or any interest therein which shall have been conveyed by deed for the non-payment of taxes, or to avoid such deed against any person claiming under such deed, unless such action shall be brought within three years next after the recording of such deed. Whenever any such action shall be commenced upon any tax deed heretofore or hereafter issued, after the expiration of three years from the date of the recording of such deed unless such action shall be brought by a person who was a minor at the time the right of action shall accrue as aforesaid,

such deed, if executed substantially in the form prescribed by law for the execution of tax deeds, shall be conclusive evidence of the existence and legality of all proceedings, from and including the assessment of the property for taxation, up to and including, the execution of such deed.

SECTION 3. Every action or proceeding to set aside any sale of lands for the non-payment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax certificate or tax deed, for any error or defect, going to the validity of the assessment, and affecting the ground work of such tax, shall be commenced within one year from the date of such tax sale, and not thereafter: *provided*, that in case of sales for the non-payment of taxes made prior to the taking effect of this act, the action, if not already barred, must be commenced within one year after this act takes effect, and not thereafter.

Action to set aside sale.

SECTION 4. In every action brought to set aside any sale of land for the nonpayment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax deed upon any ground whatever, not going to the validity of the assessment, and affecting the ground work of such tax, the plaintiff, if he show himself otherwise entitled to judgment, shall, before the entry thereof, within a reasonable time, to be fixed by the court, pay into court for the person or persons claiming under such tax sale or tax certificate, the amount for which such land was sold, and the amount paid by such person or persons for taxes assessed upon the premises subsequent to such sale, with interest on all such amounts at the rate of twenty-five per cent. per annum from the times of payment until the said money be so paid into court; and in default of such payment within the time so fixed, the defendant shall have judgment in the action.

Person bringing action to pay into court amount for which land was sold.

SECTION 5. The provisions of the preceding section as to the payment into court to be made by the plaintiff, shall apply to all actions brought to cancel any tax deed or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed upon any grounds whatever not affecting the ground-work of the tax for the non-payment of which such deed or tax certificate was issued.

Same.

SECTION 6. The provisions of the three preceding sections shall not apply to any case where the lands so sold or described in such tax certificate or tax deed were not liable to taxation, or where the taxes on such

Wherein provisions are not to apply.

lands were paid prior to such sale, or where such lands have been redeemed according to law.

Not repealed.

SECTION 7. Nothing in this act contained shall be construed as repealing or in any wise affecting the limitations contained in section one thousand two hundred and ten *d* of chapter fifty of the revised statutes, and in section one thousand two hundred and ten *e* of said chapter, so far as said section relates to tax deeds.

Repealed.

SECTION 8. All acts and parts of acts conflicting with or in any manner contravening the provisions of this act, are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 223, A.]

[Published March 20, 1880.]

CHAPTER 310.

AN ACT to legalize the acts of the Linden town mutual fire insurance company in Iowa county.

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

Legalized.

SECTION 1. The organization of the Linden town mutual fire insurance company, in the count of Iowa, is hereby declared to be as legal and valid in all respects as though the articles of association of said company had been duly filed in the office of the proper town clerk and within the time required by law. And all acts and proceedings of the said company shall be as valid and have the same force and effect as though the said articles of association had been duly filed as aforesaid.

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

Approved March 16, 1880.

[No. 260, A.]

[Published March 23, 1880.]

CHAPTER 311.

AN ACT granting to the city of Winona the right to establish, operate and maintain a ferry or ferries across the Mississippi river, in the county of Buffalo, opposite to said city.

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

Location of ferry.

SECTION 1. That there be and hereby is granted to the city of Winona, in the state of Minnesota, in its corporate capacity, the exclusive right and privilege of establishing, keeping, operating and maintaining a