

who is in possession of the real estate involved as owner at the time the action is commenced, nor does this section apply to any real estate or interest therein while the record title thereto remains in a railroad corporation or a public service corporation as defined in section 184.01, or any trustee or receiver thereof, or to claims or actions founded upon mortgages or trust deeds executed by such corporations, or trustees or receivers thereof; nor does this section apply to any real estate or interest therein while the record title thereto remains in the state or any political subdivision of municipal corporation thereof.

(5) Actions to enforce easements, or covenants restricting the use of real estate set forth in any instrument of public record shall not be barred by this section for a period of 60 years after the date of recording such instrument, and the timely recording of *instruments expressly referring to such easements or covenants or of notices \* \* \* pursuant to this section* shall extend such time for 60-year periods from such recording.

SECTION 3. This act shall take effect upon passage and publication, except that if any of the amendments made by this act to section 330.15 shall operate to extend the provisions of said section to persons or cases to which said section was not previously applicable, such amendments shall not take effect as against such persons or cases until December 31, 1945.

Approved June 5, 1945.

No. 120, S.]

[Published June 8, 1945.

### CHAPTER 262.

AN ACT to amend 331.05 (2) of the statutes, relating to libel. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

331.05 (2) of the statutes is amended to read:

331.05 (2) Any true statement, explanation, correction or retraction published without comment in any such newspaper, *in a position as prominent as the matter so explained, corrected or retracted*, within a reasonable time after any publication in violation of this section, or after the publication of any libelous matter, or \* \* \* *within 5 days, or thereafter in the next issue, after written notice specifying the statements claimed to*

*be false, unfair or libelous, or in the absence of such notice, within 5 days, or thereafter in the next issue, after service of complaint in a libel action, may be introduced upon the trial of any such action as a sufficient defense against any imputation of malice and against the recovery of any damages except actual damages. In case positive proof of the true fact is not contained in said notice or complaint or otherwise ascertainable with reasonable diligence, the publication of the libeled person's statement, as such, of the true fact, or so much thereof as shall not be libelous of another, scurrilous or otherwise improper for publication, may be introduced upon the trial and shall have like force and effect as a correction, except that the extent of the mitigation of actual damages shall depend upon the facts of each case.*

Approved June 5, 1945.

No. 295, S.]

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### CHAPTER 263.

AN ACT to repeal chapter 264, laws of 1911, relating to the county court of Jackson County and to confer additional jurisdiction, powers and duties, as herein provided, on the county court of said county.

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

SECTION 1. Chapter 264, laws of 1911, is repealed.

SECTION 2. There is hereby conferred additional jurisdiction, powers, duties and functions upon the county court of Jackson County as provided in this section, unless the context indicates otherwise, the words "county court" or "court" means the county court of Jackson County, "county judge" or "judge" means the judge of the county court of Jackson County and "county" means Jackson County.

(1) CIVIL JURISDICTION. The county court and the presiding county judge shall have and exercise civil jurisdiction concurrent with and equal to the jurisdiction of the circuit court of Jackson County in all actions, suits and proceedings at law and in equity, including special proceedings of every kind and nature, except actions where the value of the property in controversy, or the debt or balance due, or the damages claimed in