

tificate or the entry of the abstract thereof except in counties wherein the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25 cents shall be paid to the register of deeds by the county filing the certificate. Such lien shall be enforceable by the county filing the certificate after transfer of title of the real property by sale, succession, inheritance, or will, in the manner provided by law for the enforcement of mechanics' liens upon real property. Provided, however, that no such lien and no claim under section 49.25 shall be enforced against the homestead of the beneficiary while it is occupied by a surviving spouse or by any surviving minor children of the beneficiary; and provided, also, that whenever the county judge of the county in whose favor such lien exists is satisfied that the collection of the amount paid as old-age assistance will not thereby be jeopardized or that the release of the lien in whole or in part is necessary to provide for the maintenance or support of the beneficiary, his spouse, or minor children, he may release the lien hereby imposed with respect to all or any part of the real property of the beneficiary, which release shall be filed in the office of the register of deeds of the county in which the certificate is filed. The beneficiary, his heirs, personal representatives, or assigns may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county judge, shall execute a proper satisfaction which shall be duly filed with the register of deeds.

Approved July 7, 1943.

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No. 652, A.]

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#### CHAPTER 477.

AN ACT to amend 22.10 (2) and to create 22.105 of the statutes, relating to liability for damage to property used in civilian defense.

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

SECTION 1. 22.10 (2) of the statutes as created by chapter 9, laws of 1943, section 4, is amended to read:

22.10 (2) Neither the state nor any political subdivision of the state, nor except in cases of willful misconduct, the agents or

representatives of the state or any political subdivision thereof, or any civilian defense worker or member of any agency engaged in any civilian defense activity, complying with or attempting to comply with this chapter, or any order, rule or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity *except as provided in section 22.105.*

SECTION 2. 22.105 of the statutes is created to read:

22.105 LIABILITY OF THE STATE AND COUNTIES IN CERTAIN CASES. (1) When any county council of defense orders or directs that any civilian defense equipment of any city, village or town within its county be used for any civilian defense purpose in any other city, village or town within the county and such equipment is damaged or destroyed by such use or in transportation incidental to such use, the county shall be liable and pay for such damage or destruction.

(2) When the state council of defense orders or directs that any civilian defense equipment of any county, city, village or town be used without the limits of such county or municipality for any civilian defense purpose and such equipment is damaged or destroyed by such use or in transportation incidental to such use, the state shall be liable and pay for such damage or destruction. Any county or municipality whose such equipment has been so destroyed or damaged may file claim for the amount of the loss with the state council of defense in such manner and form as shall be prescribed by the council. If the council is satisfied that the claimant is entitled to recover it shall certify the amount that the claimant is entitled to, to the secretary of state for payment. Payments of claims allowed under this subsection shall be paid out of the appropriation made by section 20.031.

Approved July 7, 1943.