

where it is docketed, with the same force and effect as if rendered in any circuit court of this state, and docketed according to the provisions of chapter one hundred and thirty-two of the revised statutes now in force, and all the provisions of the said chapter one hundred and thirty-two in regard to the duties of the clerk of the circuit court in docketing judgments rendered in any circuit court of the state, and the manner of docketing the same and enforcing the same by execution or otherwise, shall apply to the clerks of the circuit and county courts in docketing judgments of the county courts under this act.

Application of  
this act.

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

Approved March 17, 1859.

[Published April 5, 1859.]

## CHAPTER 160.

AN ACT to prescribe and limit the rate of interest.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The rate of interest upon the loan or bearance of any money, goods, or things in action, shall be seven dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time; but it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding twelve dollars on the one hundred dollars, as aforesaid, in which case, such rate exceeding seven dollars on the one hundred dollars, shall be clearly expressed in writing. Relating to interest!

SEC. 2. No person, company, or corporation shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than is prescribed in section one of this act. No greater sum to be received.

SEC. 3. Every person who, for any such loan or bearance, shall have paid or delivered any greater sum or value than is above allowed to be received, may by himself, or his personal representative, recover in an action against the person who shall have taken or received the same, or his personal representative, treble amount of the money so paid or value delivered, above. May recover treble damages.

Commencem't the rate aforesaid, if such action shall be brought within  
of action. one year, after such payment or delivery.

Declared void SEC. 4. All bonds, bills, notes, assurances, conveyances, and all other contracts and securities whatsoever, (excepting bottomry and respondentia bonds and contracts,) and all deposits of goods, or anything whatsoever, whereupon or whereby there shall be reserved, secured, or taken, any greater sum or value for the loan or forbearance of any money, goods, or things in action, than is above prescribed, shall be void, whether the sum or value so secured, received or taken, shall appear in or from such bond, bill, note, assurance, conveyance, or contract, or otherwise; *Provided*, that this act shall not be construed to interfere with contracts heretofore made in accordance with existing laws.

Answers, how made. SEC. 5. Every person, company, or corporation, offending against the provisions of this act, shall be compelled to answer, on oath, any complaint that may be exhibited or filed against him in the circuit court, for the proper county, for the discovery of any sum of money, goods, or things in action, so taken, accepted, or received, in violation of any of the foregoing provisions.

Commencing actions. SEC. 6. Whenever any borrower of any money, goods, or things in action, shall commence an action in the circuit court for the proper county, for the discovery of money, goods, or things in action, taken or received in violation of any of the provisions of this act, it shall not be necessary for him to pay or offer to pay any interest whatever on the sum or thing loaned; nor shall any court require or compel the payment or deposit of the principal sum, or any part thereof, as condition of granting relief to the borrower in any case of usurious loan forbidden by this act.

Relating to witnesses. SEC. 7. Whenever in an action in any court, the defendant shall plead or answer the defence of usury, either party to the action may be a witness in his own behalf on the trial, except in actions in which the opposite party sues or defends as administrator or personal representative of a deceased person, except, also, actions in which the opposite party claims as assignee, and the original assignor is deceased, and either party may be a witness as provided in this section, whether the opposite party is a corporation or otherwise.

Violation of this act. SEC. 8. Whenever it shall satisfactorily appear to a court that any bond, bill, note, assurance, pledge, conveyance, contract, security, or other evidence of debt, has been taken or received, in violation of the provisions

of this act, the court shall declare the same to be void, and enjoin any prosecution thereon, and shall order the same to be cancelled and delivered up.

SEC. 9. This act shall not in any manner affect the operation of an act to authorize the business of banking, approved April 19, 1852. <sup>Effect of this act.</sup>

SEC. 10. So much of any act as conflicts with the provisions of this act, is hereby repealed, and this act shall take effect from and after its publication. <sup>Repealed.</sup>

Approved March 17, 1859.

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[Published April 5, 1859.]

CHAPTER 161.

AN ACT to relieve the county of Dane from penalties incurred under sections one and two of chapter one hundred and fifty-two of the general laws of 1858, entitled "An act to provide means to pay state indebtedness."

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the interest money charged to the county of Dane, under and by virtue of sections one and two of chapter one hundred and fifty-two of the general laws of 1858, entitled "An act to provide means to pay state indebtedness," is hereby remitted; and all moneys paid under the provisions of sections one and two of the aforesaid act, shall be refunded by the state to the county of Dane, by application of the board of supervisors for the same. <sup>Interest remitted.</sup>

SEC. 2. This act shall take effect and be in force from and after its passage. <sup>Take effect.</sup>

Approved March 17, 1859.

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[Published April 5, 1859.]

CHAPTER 162.

AN ACT to relieve the county of Racine from the further payment of a portion of the state tax charged to said county for the year 1858.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The county of Racine is hereby released from the further payment into the state treasury of the sum of five thousand four hundred and three dollars and <sup>Release from State tax.</sup>