

such company, of a sum equal to four per centum of the gross earnings of such road for the year embraced in such return, which sum is to be ascertained by such return, it shall be the duty of the treasurer to issue to such company, lessee, mortgagee, trustee or other agent a certificate that such payment has been made in compliance with the terms of this act, and such certificate shall be evidence of the facts stated therein.

Treasurer to give receipt.

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

Approved March 12, 1874.

CHAPTER 316.

[Published March 24, 1874.]

AN ACT in relation to the form of conveyances of land.

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

SECTION 1. In all conveyances of land hereafter made in this state, words of inheritance shall not be necessary in order to create or convey a fee; and a deed substantially in the following form:

Form of warranty deed.

WARRANTY DEED.

A. B., grantor, of — county, Wisconsin, hereby conveys and warrants to C. D., grantee, of — county, Wisconsin, for the sum of — dollars, the following tract of land in — county, [here describe premises.]

Witness the hand and seal of said grantor this — day of —, 187—.

In presence of

— — }  
 — — }  
 — — }

— —, [SEAL.]  
 — —, [SEAL.]

when signed, sealed, witnessed and acknowledged as now required by law, shall have the effect of a conveyance in fee simple, to the grantee, his heirs and assigns, of the premises therein named, together with all the appurtenances, rights and privileges thereunto belonging, with covenant from the grantor, his heirs and personal representatives that he is lawfully seized of the premises, has good right to convey the same, and guaranties the grantee, his heirs and assigns, in the quiet possession thereof; that the same are free from all incumbrances, and that the grantor, his heirs, as-

Effect of deed.

signs, and personal representatives will forever warrant and defend the title and possession thereof in the grantee, his heirs and assigns, against all lawful claims whatsoever. Any exceptions to the covenant of warranty may be briefly inserted in the deed immediately following the description of the land.

Form of quit claim deed.

SECTION 2. A deed substantially in the following form :

QUIT-CLAIM DEED.

A. B., grantor, of — county, Wisconsin, hereby quit-claims to C. D., grantee, of — county, Wisconsin, for the sum of — dollars, the following tract of land in — county, [here describe premises.]

Witness the hand and seal of said grantor this — day of —, 187—.

In presence of

— — } — —, [SEAL]  
— — } — —, [SEAL]

Effect of deed.

when signed, sealed, witnessed and acknowledged as now required by law, shall have the effect of a conveyance in fee simple, to the grantee, his heirs and assigns, of all right, title, interest and estate of the grantor in and to the premises therein described, and all rights, privileges and appurtenances thereto belonging to hold the same against the grantor and all persons claiming by, through or under him.

Form of mortgage.

SECTION 3. A conveyance substantially in the following form :

MORTGAGE.

A. B., mortgagor, of — county, Wisconsin, hereby mortgages to C. D., mortgagee, of — county, Wisconsin, for the sum of — dollars, the following tract of land in — county, [here describe premises.]

This mortgage is given to secure the following indebtedness ; [here state amount or amounts, and form of indebtedness, whether on note, bond or otherwise, time or times when due, rate of interest, by and to whom payable, etc.]

The mortgagor agrees to pay all taxes and assessments on said premises, and the sum of — dollars attorney's fees in case of foreclosure thereof.

Witness the hand and seal of said mortgagor this — day of —, 18—.

In presence of

— — } — —, [SEAL]  
— — } — —, [SEAL]

Effect of mortgage.

when signed, sealed, witnessed and acknowledged as now required by law, shall have the effect of a con-

veyance of the land therein described, together with all the rights, privileges and appurtenances thereunto belonging, in pledge to the mortgagee, his heirs, assigns and legal representatives, for the payment of the indebtedness therein set forth, with covenant from the mortgagor that all taxes and assessments levied and assessed upon the land described during the continuance of the mortgage, shall be paid previous to the day appointed by law for the sale of lands for taxes, as fully as the forms of mortgage, now and heretofore in common use in this state, and may be foreclosed at law in the same manner, and with the same effect upon any default being made in any of the conditions thereof, as to payment of either principal, interest or taxes.

SECTION 4. The name and seal of a wife (properly witnessed and acknowledged as now required by law), to any deed or mortgage of real property of which husband and wife are seized in right of the husband, shall be sufficient to release and bar all claims and rights of dower or otherwise, of the wife in and to the property conveyed without the mention of her name, or any recitals in relation to her, or her interest, in the body of the instrument.

Execution of deed by wife relinquishes dower interest.

SECTION 5. Deeds of sheriffs upon sale on execution, shall be sufficient if made substantially in the following form:

Form of sheriffs deeds.

Whereas, a judgment in favor of A. B. and against C. D., was docketed in the circuit court of — county, Wisconsin, on the — day of —, 187—, and E. F., sheriff, (or G. H., then sheriff) of said county, in pursuance of an execution upon said judgment, against the property of said C. D., said execution being dated the — day of —, 187—, levied upon the lands hereinafter described, and proceeded according to law to advertise and sell the same to satisfy the damages and costs mentioned in the execution, and did on the — day of —, 187—, sell the said lands to L. M. for — dollars, said L. M. being the best bidder therefor, and thereupon made out duplicate certificates of said sale, in the form required by law, and filed one of said certificates in the office of the register of deeds of the county of —, within ten days after said sale, and delivered the other to the purchaser.

And Whereas, — months have expired since said sale, and said premises remain unredeemed, and no creditor of the said C. D. has acquired the right of said purchaser:

Now, therefore, the said E. F., sheriff aforesaid, in consideration of the premises and of said sum of —

dollars to him (or to his predecessor) paid by the said L. M., hereby conveys to the said L. M., the following tract of land in — county, Wisconsin [describe premises], with all the interest which said C. D. had therein on the — day of —, 18—, or has since acquired.

Witness the hand and seal of said sheriff, this — day of —, 18—.

In presence of } — —, [Seal.]  
 — — } Sheriff — county, Wisconsin.  
 — — }

Effect of deed  
when recorded.

Such deed, when executed and acknowledged as now required by law, shall be *prima facie* evidence of the regularity and legality of all proceedings taken from the docketing of the judgment to the execution of the deed, and shall convey to the purchaser therein named, all the interest of the judgment debtor in the property described as fully as the form of deed for that purpose heretofore in common use in this state.

Form of sheriffs  
or referees deed

SECTION 6. Deeds of sheriffs or referees on decree of foreclosure of mortgage shall be sufficient if made substantially in the following form:

Whereas, A decrees of foreclosure and sale was taken and docketed in the circuit court of — county, Wisconsin, on the — day of —, 187—, in a certain action wherein A. B. was plaintiff, and C. D. defendant, and E. F., sheriff of said county in pursuance of said decree did proceed to advertise and sell the lands hereinafter described, being the mortgaged premises mentioned in the complaint in said action to raise the sum of — dollars, adjudged to be due the plaintiff, with interest, costs and disbursements, and did on the — day of —, 187—, sell the said lands to G. H., of — county, Wisconsin, for the sum of — dollars, said G. H., being the best bidder therefor; and did thereupon execute duplicate certificates of said sale in the form required by law, one of which certificates was filed in the office of the register of deeds of — county, Wisconsin, within ten days after said sale, and the other delivered to the purchaser.

And Whereas, more than one year has elapsed since said sale, and said premises remain unredeemed therefrom,

Now therefore, the said E. F., sheriff as aforesaid, in consideration of the premises and of the said sum of — dollars to him paid by the said G. H., hereby conveys to said G. H. the following tract of land in — county, Wisconsin (description of land.)

Witness the hand and seal of said sheriff this — day of —, 187—.

In presence of )  
 — — —, ) Sheriff of — — county, Wisconsin.  
 — — —, ) [SEAL.]

Such deeds, when executed and acknowledged according to law, shall be prima facie evidence that all the requirements of law in regard to the sale of lands under foreclosure of mortgage, and the directions of the decree have been strictly pursued by the officer from the docketing of the decree to the execution of the deed, and shall have the effect to convey to the purchaser therein named all the interest of the mortgagor in the premises described as fully as the forms of such deeds heretofore in common use in this state.

Effect of such deed.

SECTION 7. A guardian's deed, substantially in the following form: Form of guardian's deed.

Whereas, by an order of license made by the county court of — — county, Wisconsin, on the — — day of — —, 187—, A. B., guardian of C. D., minor child of J. D., late of — —, deceased, was authorized to sell the interest of the said C. D., in the lands hereinafter described; and whereas the said A. B., having first taken the oath and given the bond required by law, did thereafter proceed pursuant to said order of license, to advertise and sell said lands, and did on the — — day of — —, 187—, sell the same to E. F., of — — county, Wisconsin, for the sum of — — dollars, said E. F. being the best bidder therefor; and whereas said A. B.'s report of his proceedings under said order of license was confirmed by an order of said county court on the — — day of — —, 187—, and a conveyance of said land was by said court directed to be made to the said E. F.:

Now, therefore, the said A. B., in his capacity as guardian as aforesaid, in consideration of the premises, and of the said sum of — — dollars, to him paid by the said E. F., hereby conveys to the said E. F. the following tract of land in — — county, Wisconsin [description of land.]

Witness the hand and seal of the said A. B., guardian as aforesaid, this — — day of — — 187—.

In presence of )  
 — — —, ) A. B., [Seal.]  
 — — —, ) Guardian of C. D., minor child of  
 — — —, ) J. D., deceased.

shall be effective to convey to the grantee therein named all the estate of the ward in the lands therein described, as fully as the form of guardian's deed heretofore in common use; and shall be prima facie evi-

Effect of same.

dence that all legal requirements in respect to such sales, and particularly the requirements specified in section 23 of chapter 94 of the revised statutes, have been strictly pursued.

Form of assignment of mortgage.

SECTION 8. An assignment of mortgage substantially in the following form :

For value received, I, A. B., of —, Wisconsin, hereby assign to C. D., of —, Wisconsin, the within mortgage [or a certain mortgage executed to me by E. F. and wife, of — county, Wisconsin, the — day of —, 187—, and recorded in the office of the register of deeds of — county, Wisconsin, in vol. — of mortgages, on page —], together with the note and indebtedness therein mentioned.

Witness my hand and seal this — day of —, 187—.

In presence of }  
 — — }  
 — — }

A. B. [SEAL.]

Effect of same.

shall be sufficient to vest in the assignee for all purposes, all the rights of the mortgagee under the mortgage described, and the amount of indebtedness due thereon at the date of the assignment. Such assignment, when endorsed upon the original mortgage, shall not require an acknowledgment, or certificate of acknowledgment, in order to entitle the same to be recorded.

Form of certificate of acknowledgment.

SECTION 9. The certificate of acknowledgement required by section eight, of chapter eighty-six of the revised statutes, shall be sufficient if made substantially in the following form :

STATE OF WISCONSIN, — COUNTY—ss.

Personally came before me this — day of —, 187—, the above (or within) named A. B. and C. B., his wife, and acknowledged the foregoing (or within) instrument (deed, mortgage or assignment)

Notary Public for said county.

Acts repealed.

SECTION 10. All laws and parts of laws conflicting with the provisions of this act, are for the purposes of this act only, hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1874.