

CHAPTER 80.

Hartford. (See vol. 2.)

[No. 9, S.]

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CHAPTER 81.

AN ACT relative to the sale of personal property.

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

SECTION 1. No contract for the purchase, sale, transfer or delivery of personal property to be delivered and paid for at a future day or period, shall be void when either the buyer or seller shall in good faith intend to perform the contract. An intention of either party not to perform such contract, shall not vitiate it if the other party shall in good faith intend to perform the same; no such contract shall be vitiated or held to be void because the vendor is not at the time of the making of such contract, the owner of the property contracted to be sold, and in any action by either party to such contract for the enforcement of the terms, or to recover damages for a breach thereof, it shall be incompetent to show in defense by any extrinsic evidence, that such contract had any other intent or meaning than expressed or stipulated thereby, and such contract and all collateral contracts, agreements or securities growing out thereof, or of which they may have formed the consideration in whole or in part, shall be deemed legal and valid to all intents and purposes; provided, nothing herein shall be construed to exclude evidence of fraud in the procuring of any contract for the sale and future delivery of personal property, or of any collateral contract agreement in security growing out thereof, or that any such contract was not entered into upon sufficient consideration, or is not supported thereby, or that both parties intended to make a wagering contract.

SECTION 2. Any act or part of an act conflicting with this act is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication. Approved March 16, 1883.