

list of such reports during the preceding month and forward a copy to each sheriff and police department in this state, to each motor vehicle organization in Wisconsin applying therefor, and to the motor vehicle registration official in each state of the United States. Before issuing a certificate of registration and title the secretary of state shall check the application with his records. Records more than five years old may be destroyed.

(e) Any person who shall knowingly make a false statement in any application or other document required by this subsection to be filed with the secretary of state, or forge any such application or other document or any certificate of title or assignment thereof, or attempt to do any of said acts, shall be guilty of a felony and shall be punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years or both. Any person who shall operate a motor vehicle for which a certificate of title is required without such certificate having been issued or applied for, or shall sell, buy or otherwise transfer such a vehicle without assignment of the certificate of title, or shall violate any other provision of this subsection for which no penalty is herein specifically provided, shall be guilty of a misdemeanor and shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding six months or both.

(85.05) (9) Any person violating any provision of this section shall, upon conviction, be subject to a fine of not less than twenty-five dollars nor more than fifty dollars or cancellation of his dealer's license or both.

SECTION 5. This act shall take effect upon passage and publication.

Approved September 19, 1929.

No. 112, A.]

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## CHAPTER 525.

AN ACT to repeal section 241.10; to amend subsection (6) of section 59.57, subsection (10) of section 60.45, section 60.47, subsection (7) of section 61.25, sections 122.06, 122.07, 122.10 to 122.15, 122.19 and 241.11, subsection (1) of section 241.14, subsection (2) of section 241.15 and section 241.17 of the statutes; and to create subsection (10a) of section 59.51 and section

241.10 of the statutes, relating to the filing of chattel mortgages with the register of deeds, and providing a penalty.

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

SECTION 1. Section 241.10 of the statutes is repealed.

SECTION 2. Subsection (6) of section 59.57, subsection (10) of section 60.45, section 60.47, subsection (7) of section 61.25, sections 122.06, 122.07, 122.10 to 122.15, 122.19 and 241.11, subsection (1) of section 241.14, subsection (2) of section 241.15 and section 241.17 of the statutes are amended to read: (59.57) (6) For filing every *conditional sale contract, chattel mortgage, or affidavits relating thereto, and making entries thereof, fifty cents, and for filing every satisfaction or cancellation thereof, twenty cents, and for filing every other paper and making an entry there-* of when necessary, twenty-five cents.

(60.45) (10) To file, when presented, *duplicates of all chattel mortgages and affidavits relating thereto, and to enter at the time of filing, in a book properly ruled and kept therefor, the names of all the parties, arranging mortgagors alphabetically, the date of each mortgage and the date of filing the same, and of each affidavit relating thereto; to file, keep and index in like manner conditional contracts for the sale of furniture or other household effects, when presented.*

60.47 Every town clerk shall be entitled to receive from any person requiring his services the following fees therefor, viz.:

For filing and entering a *duplicate of a chattel mortgage or affidavit* twenty-five cents.

For filing and entering a *duplicate of a conditional contract for the sale of furniture or other household effects, twenty-five cents.*

For recording any mark or brand, twelve cents.

For giving a certificate thereof, the same.

For making copies of any records or papers or any part thereof, when required, seven cents for each folio and twelve cents for a certificate that the same is a correct copy of said record or papers or the part thereof required.

(61.25) (7) To file, when presented, *duplicates of all chattel mortgages and affidavits relating thereto, and contracts of sale of personalty, and to enter at the time of filing, in a book properly ruled and kept therefor, the names of all the parties, arranging mortgagors and vendors alphabetically, the date of each mortgage*

and contract and the date of filing the same and of each affidavit relating thereto, for which he shall receive the same fees allowed town clerks.

122.06 The conditional sale contract or copy shall be filed in duplicate in the office of the \* \* \* register of deeds of the county in which the goods are first kept for use by the buyer after the sale; provided, that in counties of a population of two hundred fifty thousand or more every such conditional sale contract or copy thereof shall be filed in the office of the city, village or town clerk, who shall be entitled to the fees specified in chapter 47, laws of 1923, and shall record such instrument in the same manner as the register of deeds is required by law. Provided, further, that no such conditional sale contract or copy shall be filed in the office of the clerk of cities of the first class unless the debt secured by said contract is five dollars or more. It shall not be necessary to the validity of such conditional sale contract, or in order to entitle it to be filed, that it be acknowledged or attested. This section shall not apply to the contracts described in section 122.08.

122.07 If the goods are so affixed to realty, at the time of a conditional sale or subsequently as to become a part thereof and not to be severable wholly or in any portion without material injury to the freehold, the reservation of property as to any portion not so severable shall be void after the goods are so affixed, as against any person who has not expressly assented to the reservation. If the goods are so affixed to realty at the time of a conditional sale or subsequently as to become part thereof but to be severable without material injury to the freehold, the reservation of property shall be void after the goods are so affixed as against subsequent purchasers of the realty for value and without notice of the conditional seller's title, unless the conditional sale contract, or a copy thereof, together with a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto, shall be filed before such purchase in the office \* \* \* of the register of deeds of the county where such realty is located, and in counties of a population of two hundred fifty thousand or more in the office of the city, village or town clerk. As against the owner of realty the reservation of the property in goods by a conditional seller shall be void when such goods are to be so affixed to the realty as to become part thereof but to be severable without martial injury to the free-

hold, unless the conditional sale contract, or a copy thereof, together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto, shall be filed before they are affixed, in the office \* \* \* of the register of deeds of the county where such realty is located, and in counties of a population of two hundred fifty thousand or more in the office of the city, village or town clerk.

122.10 The filing officer shall mark upon the contracts or \* \* \* copies filed with him the day and hour of filing and shall file one of the contracts or \* \* \* copies in his office for public inspection. He shall send the other contract or copy to the clerk of the city, village or town in which the mortgagee resides with one-half of the fee collected by him for such filing. He shall keep a separate book in which he shall enter the names of the seller and buyer, the date of the contract, the day and hour of filing, a brief description of the goods, the price named in the contract and the date of cancellation thereof; except that in entering the contracts mentioned in section 122.08 the secretary of state shall record either the sum remaining to be paid upon the contract or the price of the goods. Such book shall be indexed under the names of both seller and buyer. For filing and entering such contract or copy the filing officer shall be entitled to a fee of twenty-five cents, except that in cities of the first class the filing officer shall be entitled to a fee of thirty-five cents and except that for filing and entering a contract described in section 122.08 the secretary of state shall be entitled to a fee of one dollar.

122.11 The filing of conditional sale contracts provided for in sections 122.05 to 122.07, \* \* \* shall be valid for a period of three years only. The filing of the contract provided for by section 122.08 shall be valid for a period of fifteen years only. The validity of the filing may in each case be extended for successive additional periods of one year from the date of refiling by filing \* \* \* with the proper filing \* \* \* officer a copy of the original contract within thirty days next preceding the expiration of each period, with a statement attached signed by the seller, showing that the contract is in force and the amount remaining to be paid thereon. Such copy, with statement attached, shall be filed and entered in the same manner as a contract or copy filed and entered for the first time, and the filing officer shall be entitled to a like fee as upon the original filing.

122.12 After the performance of the condition, upon written demand delivered personally or by registered mail by the buyer or any other person having an interest in the goods, the seller shall execute, acknowledge and deliver to the demandant a statement that the condition in the contract has been performed. If for ten days after such demand the seller fails to mail or deliver such a statement of satisfaction, he shall forfeit to the demandant five dollars and be liable for all damages suffered. Upon presentation of such statement of satisfaction the filing officer shall file the same and note the cancellation of the contract and the date thereof on the margin of the page where the contract has been entered. For filing and entering the statement of satisfaction \* \* \* in cities of the first class the filing officer shall be entitled to a fee of thirty-five cents and except that the secretary of state shall be entitled to a fee of fifty cents for filing and entering a statement of the satisfaction of a contract described in section 122.08.

122.13 Unless the contract otherwise provides, the buyer may, without the consent of the seller, remove the goods from any \* \* \* county and sell, mortgage or otherwise dispose of his interest in them; but prior to the performance of the condition, no such buyer shall remove the goods from a \* \* \* county in which the contract or a copy thereof is filed, except for temporary uses for a period of not more than thirty days, unless the buyer not less than ten days before such removal shall give the seller personally or by registered mail written notice of the place to which the goods are to be removed and the approximate time of such intended removal; not prior to the performance of the condition shall the buyer sell, mortgage or otherwise dispose of his interest in the goods, unless he, or the person to whom he is about to sell, mortgage or otherwise dispose of the same, shall notify the seller in writing personally or by registered mail of the name and address of the person to whom his interest in the goods is about to be sold, mortgaged or otherwise transferred, not less than ten days before such sale, mortgage or other disposal. If any buyer does so remove the goods, or does so sell, mortgage or otherwise dispose of his interest in them without such notice or in violation of the contract, the seller may retake possession of the goods and deal with them as in case of default in payment of part or all of the purchase price. The provisions of this sec-

tion regarding the removal of goods shall not apply, however, to the goods described in section 122.08.

122.14 When, prior to the performance of the condition, the goods are removed by the buyer from a \* \* \* *county* in this state to another \* \* \* *county* in this state in which such contract or a copy thereof is not filed, or are removed from another state into a \* \* \* *county* in this state where such contract or copy is not filed, the reservation of the property in the seller shall be void as to the purchasers and creditors described in section 122.05, unless the conditional sale contract or a copy thereof shall be filed in the \* \* \* *county* to which the goods are removed, within ten days after the seller has received notice of the \* \* \* *county* to which the goods have been removed. The provisions of this section shall not apply, however, to the goods described in section 122.08. The provisions of section 122.11 regarding the duration of the validity of the filing and the necessity for refiling shall apply to contracts or copies which are filed in a \* \* \* *county* other than that where the goods are originally kept for use by the buyer after the sale.

122.15 When, prior to the performance of the condition, the buyer maliciously or with intent to defraud, shall injure, destroy or conceal the goods, or remove them to a \* \* \* *county* where the contract or a copy thereof is not filed, without having given the notice required by section 122.13, or shall sell, mortgage, or otherwise dispose of such goods under claim of full ownership, he shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for not more than one year or be fined not more than five hundred dollars or both.

122.19 If the buyer does not redeem the goods within ten days after the seller has retaken possession, and the buyer has paid at least fifty per cent of the purchase price at the time of the retaking, the seller shall sell them at public auction in the state where they were at the time of the retaking, such sale to be held not more than thirty days after the retaking. The seller shall give to the buyer not less than ten days' written notice of the sale, either personally or by registered mail, directed to the buyer at his last known place of business or residence. The seller shall also give notice of the sale by at least three notices posted in different public places within the \* \* \* *town, village or city* where the goods are to be sold, at least five days before the sale. If at the time of the retaking five hundred dollars or more

has been paid on the purchase price, the seller shall also give notice of the sale at least five days before the sale by publication in a newspaper published or having a general circulation within the \* \* \* *town, village or city* where the goods are to be sold. The seller may bid for the goods at the resale. If the goods are of the kind described in section 122.08, the parties may fix in the conditional sale contract the place where the goods shall be resold.

241.11 Every such mortgage shall cease to be valid, as against the creditors of the person making the same or subsequent purchasers or mortgagees in good faith, after the expiration of two years from the filing of the same or a copy thereof, unless within thirty days next preceding the expiration of the two years the mortgagee, his agent or attorney shall make and annex to the instrument or copy on file in the office of the \* \* \* *register of deeds, or city, village or town clerk* mentioned in section 241.10, an affidavit setting forth the interest which the mortgagee has by virtue of such mortgage in the property therein mentioned, upon which affidavit the \* \* \* *register of deeds or city, village or town clerk* \* \* \* *shall make the same indorsement and the same entries of the filing of such affidavits, as are required for the original filing of the mortgage, and receive for such filing and entering the same compensation.*

(241.14) (1) The mortgagor of any stock of goods or stock in trade of which he is in possession and from which he is permitted to make sales and apply the proceeds thereof upon the indebtedness existing between him and the mortgagee shall from time to time at intervals of not exceeding four months file a statement in writing of the aggregate amount of the sales made therefrom, the amount applied on the mortgage debt and the total valuation of the stock added since the date of such mortgage or of the last statement with the \* \* \* *register of deeds or city, village or town clerk in whose office such mortgage is filed. Such register of deeds or city, village or town clerk shall make such entries of such statement as are required for the original filing of such mortgage, and for such filing and entering shall receive the same compensation.*

(241.15) (2) Such affidavit shall be filed in the office of the \* \* \* *register of deeds of the county* where the mortgage under which such sale is had was filed, or, if such mortgage be

not so filed, then in the office of the \* \* \* *register of deeds of the county* where such sale was held.

241.17 Whenever a chattel mortgage shall be paid and the other conditions thereof fully performed the mortgagee, his representative or assignee shall, on demand, give the mortgagor a certificate to that effect; *and in case of a mortgage of a stock of goods, wares and merchandise or of the fixtures pertaining to the same, two certificates to that effect*; and the mortgagor shall within ten days after receiving such certificate *or certificates* cause the same to be filed in the \* \* \* *register of deeds' office*, where the \* \* \* *mortgage* to which the certificate *or certificates* relates, \* \* \* *were* filed, and remove said mortgage, *and, in the proper case, the copies thereof*, from such office *or offices*  
\* \* \*

SECTION 3. A new subsection is added to section 59.51 and a new section is added to the statutes to be numbered and to read: (59.51) (10a) To file, indorse, enter and index all chattel mortgages, conditional sales contracts, or instruments intended to have the same effect, or authenticated copies thereof, and affidavits relating thereto, as provided by law. All such instruments shall be presented to the register of deeds in duplicate and such register of deeds shall file one of such duplicates and send the other to the clerk of the city, village or town where the mortgagor resides with one-half of the fee received by him for such filing. No such instrument shall be filed unless the debt secured thereby is five dollars or more.

241.10 (1) Every mortgage of personal property shall be filed with the register of deeds of the county in which such personal property is situated.

(2) Every register of deeds shall receive and file any mortgage of personal property, or authenticated copy thereof, which mortgage is signed by the mortgagor in the presence of two witnesses, or the execution of which is acknowledged before some officer qualified to take acknowledgments, and shall keep the same in his office in regular and orderly file for the inspection of all persons, and shall indorse upon any such instrument a number in regular order together with the time of receiving the same, and enter the name of every party thereto in a book kept for that purpose alphabetically, placing mortgagors and mortgagees under a separate head and stating in separate columns, opposite each name, the number indorsed upon the mortgage, the date thereof and of



the filing, the amount secured thereby, a brief of the substance thereof not otherwise entered, and the time at which it is due.

(3) Mortgages so filed shall be as valid and binding upon all persons as if the property thereby mortgaged had been, immediately upon the execution of such mortgage, delivered to, and the possession thereof retained by, the mortgagees; but a single mortgage of personal property situated in different counties is only valid in respect to the things as to which it is filed, and copies of the original mortgage may be authenticated by the register of deeds in whose office it is filed, and such copies may be filed in any other counties with the same effect as to the property therein that the original could have been.

(4) Each town, village and city clerk shall on or before the first day of January, 1930, deliver all chattel mortgages and conditional sales contracts, and all instruments filed and intended as such mortgages or contracts, then on file with him, and all records of the same in his custody, to the register of deeds of his county, and said register of deeds shall thereafter be the custodian of the same, and of the records thereof, and no new filing, indexing, or record thereof need be made by said register of deeds. For such delivery each such clerk shall be paid out of the treasury of his county, the sum of ten cents per mile in traveling to and returning from his place of business to the county seat. The register of deeds of each county shall receive all such instruments and records and safely keep and preserve them in his office for the inspection of all persons, and indorse upon each instrument and record book the date of the receipt of the same by him. Such instruments shall thereupon continue to be notice to all persons of the existence and terms thereof. For receiving, keeping and preserving, and endorsing all of said instruments and records transferred to him as aforesaid, there shall be paid to the register of deeds of any county whose compensation is not on a straight salary basis, out of the county treasury, a fee of twenty-five dollars.

SECTION 4. This act shall take effect January 1, 1930.

Approved September 19, 1929.