

than one-half of one per cent of the said gelatin or gum, or a mixture of the said gelatin and gum. The volume of maple ice cream after being melted shall be not less than one-half the volume of the maple ice cream as manufactured and sold.

(g) Custard ice cream (New York ice cream) is a frozen product made from cream, or milk and cream, sugar, eggs or egg powder or egg yolk; and may contain added milk solids, added milk fat, a natural flavoring, edible gelatin or harmless gum, harmless color, and shall contain not less than \* \* \* *thirteen* per cent of milk fat and five egg yolks or their equivalent in egg powder or egg yolk powder in each gallon, nor more than one-half of one per cent of said gelatin or gum, or a mixture of said gelatin or gum. The volume of custard ice cream (New York ice cream) after being melted shall be not less than one-half the volume of the custard ice cream (New York ice cream).

SECTION 2. This act shall take effect upon passage and publication.

Approved June 19, 1931.

No. 707, A.]

[Published June 20, 1931.

### CHAPTER 291.

AN ACT to repeal section 241.12 of the statutes and to amend sections 122.06, 122.07, 122.10 to 122.13, subsections (1), (2) and (3) of section 241.10, section 241.11, subsections (1) and (2) of section 241.14, subsection (1) of section 241.15 and section 241.17, and to create subsection (5) of section 241.10 and subsection (3) of section 241.13 of the statutes, relating to filing of conditional sale contracts and chattel mortgages and to the uniform sales act.

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

SECTION 1. Section 241.12 of the statutes is repealed.

SECTION 2. Sections 122.06, 122.07, 122.10 to 122.13, subsections (1), (2) and (3) of section 241.10, 241.11, subsections (1) and (2) of section 241.14, subsection (1) of section 241.15 and section 241.17 of the statutes are amended to read: 122.06 The conditional sale contract or copy, *and any assignment thereof and affidavits pertaining thereto*, shall be filed \* \* \* 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 such cities or villages which are located in more than one county and the place where the goods are to be kept cannot be definitely located as being within one of such counties, then and in that event duplicate originals or copies may be filed in the recorder's office of each county in which such city or village is situated.* Provided, further, that no such conditional sale contract or copy shall be filed \* \* \* unless the debt secured by said contract is \* \* \* *ten 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 also entered in the tract index, when kept.* 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 material injury to the freehold, 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 also entered in the tract index, when kept.*

122.10 The \* \* \* *register of deeds* shall mark upon the contracts or copies filed with him the *document number, and day and hour of filing* and shall file \* \* \* the contracts or copies in his office for public inspection. He shall \* \* \* *enter alphabetically the names of the grantor or buyer in indices of which each page shall be divided into nine columns with heads to the respective columns as follows: Number of instrument, the date and time of filing, name of grantor or buyer, name of grantee or seller, name of instrument, date of instrument, amount or price named in the contract, a brief description of the property, and 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. \* \* \* For filing and entering such contract or copy the \* \* \* *register of deeds* shall be entitled to a fee of \* \* \* *fifty cents*, 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 \* \* \* *register of deeds* 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 \* \* \* *register of deeds* 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, or his assignee if the contract be assigned, 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, or his assignee as the case may be, 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 \* \* \* register of deeds shall file the same \* \* \* and enter on the same line in the last column where such mortgage or contract appears in the index, the document number and date of filing, of all assignments, foreclosure affidavits, extensions or releases thereof. For filing and entering the \* \* \* satisfaction \* \* \* the \* \* \* register of deeds shall be entitled to a fee of \* \* \* twenty-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, or his assignee if any, 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, or his assignee if any, 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; \* \* \* nor 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, or his assignee if any, 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, or his assignee if any, 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 section regarding the removal of goods shall not apply, however, to the goods described in section 122.08.

(241.10) (1) Every mortgage of personal property and any assignment thereof shall be filed with the register of deeds of the

county in which such personal property is situated. *Provided, in such cities or villages which are located in more than one county and the place where the personal property is to be kept, cannot be definitely located as being within one of such counties, then and in that event duplicate originals or copies may be filed in the recorder's office of each county in which such city or village is situated. To entitle the chattel mortgage to be filed it shall not be necessary that it be acknowledged or attested, except as provided in section 241.08.*

(2) Every register of deeds \* \* \* shall keep the same in his office \* \* \* for the inspection of all persons, \* \* \* and file and index the same as provided for in subsection (12) of section 59.51.

(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 mortgages, delivered to, and the possession thereof retained by, the mortgagees \* \* \* . *Copies of a single mortgage of personal property situated in different counties, may be filed with the register of deeds in all counties in which any of the property described in the mortgage is situated. Filing such a chattel mortgage or copy in any county shall be valid only with respect to the property situated in such county.*

241.11 Every such mortgage shall cease to be valid, as against the creditors of the person making the same or subsequent purchasers or mortgages in good faith, after the expiration of \* \* \* three years from the filing of the same or a copy thereof \* \* \* . *The validity of the filing may in each case be extended for successive additional periods of one year from the date of filing the affidavit, by filing with the register of deeds an affidavit within thirty days next preceding the expiration of each period, setting forth the interest which the mortgagee has by virtue of such mortgage in the property therein mentioned. Such affidavit shall be filed and entered in the same manner as a chattel mortgage filed and entered for the first time, and the register of deeds shall be entitled to a like fee as upon the original filing.*

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 \* \* \* in whose office such mortgage is filed. Such register of deeds \* \* \* 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.

(2) Such mortgage shall cover and be a valid lien upon the property added to such stock after its execution for the amount of the indebtedness remaining unpaid thereon, but only if the mortgage shall \* \* \* recite that it is intended to apply to and cover such additions. Such statement shall be verified by the affidavit of the mortgagor, his agent or attorney as being a true and correct statement of all sales made from the stock of mortgaged goods, the value of the additions made to the original stock since the date of the mortgage or the date of the last verified statement so filed and the amount paid on the mortgage debt since the execution of the mortgage or the filing of such statement. If any mortgagor shall fail to file the statements and copies thereof herein required within the time prescribed, the mortgage, as between the parties thereto, shall be immediately due and payable, and at the expiration of fifteen days from the time fixed for the filing of such statements and copies shall cease to be a lien upon such stock of goods or stock in trade except as between the mortgagor and mortgagee.

(241.15) (1) Whenever any property covered by a chattel mortgage, or instrument intended to have the effect of a chattel mortgage, shall be taken and sold under and by virtue of such mortgage pursuant to the power of sale contained therein, the owner of such mortgage, or the person acting as the agent of such owner and conducting such sale, shall, within ten days after the sale of any property covered by such mortgage, make and file *in the office of the register of deeds* an affidavit setting forth the date of such sale, a description of the property sold, the sum then claimed to be due on the indebtedness secured by such mortgage, the amount realized on such sale, a statement in detail of the expenses of such sale including the cost of taking and keeping the property pending the sale. A copy of the notice of

sale if any shall be attached to said affidavit and be deemed a part thereof.

241.17 Whenever a chattel mortgage, or a mortgage of a stock of goods, wares and merchandise or of the fixtures pertaining thereto, shall \* \* \* have been paid and the other conditions thereof fully performed the mortgagee, his representative or \* \* \* if assigned, then his assignee or such assignee's representative shall, \* \* \* execute and deliver a release thereof; \* \* \* and the mortgagor shall within ten days after receiving such \* \* \* release or releases, cause the same to be filed in the office of the register of deeds \* \* \*, where the mortgage \* \* \* or mortgages were filed \* \* \* .

SECTION 3. A new subsection is added to section 241.10 and a new subsection is added to section 241.13 of the statutes to read: (241.10) (5) Where none of the documents, files or indices pertaining to chattels, in the town, city or village clerks' offices have been delivered to the register of deeds as provided in subsection (4) of section 241.10, the same shall remain as the records and files of such town, city or village clerks' offices, when this law becomes effective. All assignments, releases, affidavits of renewals or extensions, foreclosure affidavits and other documents appertaining or referring to any chattel instruments filed under any former law shall be filed in the office of the register of deeds who would have been the proper filing officer if the present law had been in effect at the time of such former filing. The town or village board of any town or village, or the common council of any city in such counties may by resolution, authorize the town, city or village clerk to destroy all chattel instruments antedating by seven years, excepting final books of entry.

(241.13) (3) No sale of any personal property taken by virtue of any chattel mortgage shall be valid as against the mortgagee of any duly filed subsequent mortgage, who has served written notice on the first mortgagee of the existence of such second mortgage prior to the date of sale under the first mortgage, unless five days' notice previous to such sale shall be given to said mortgagee or mortgagees, either by personal service or by registered mail to the address of the mortgagee or mortgagees as indicated by the respective documents on file.

SECTION 4. This act shall take effect January 1, 1932.

Approved June 19, 1931.