

Chapter 48.

Published April 13th, 1858.

AN Act to amend Section 5 of Chapter 121 of General Laws of 1856, entitled "An Act concerning Railroads."

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

Amendment. SECTION 1. Section five of chapter 121 of general laws of 1856, entitled "An Act concerning Railroads," is hereby amended so as to read as follows:—All suits hereafter brought or instituted against any railroad corporation created by the laws of this State, except appeals from the awards of commissioners or juries appointed under its act of incorporation to appraise compensation and damages for property taken for the use of such corporation, shall be brought in some county through which such railroad runs.

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

Approved April 12th, 1858.

Chapter 49.

Published April 16th, 1858.

AN ACT declaratory of the rights of defence of Mortgagors in certain cases.

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

SECTION 1. That in all suits hereafter brought, or in all complaints hereafter filed, or in suits or complaints now pending, in any of the courts of this State, in favor of individuals or railroad or other companies, or their assigns, to enforce the collection of any note or notes, or to foreclose mortgages, given to secure the payment thereof, the maker of any such note or notes or mortgagor, may set up by plea or answer in his or her defence, that the note or notes, or mortgage sued or complained on, was obtained by fraud or false representations. And if upon the trial or hearing, the

In suits hereafter brought, the maker of a note or mortgagor may set up a plea in his or her defence.

said defence should be sustained by the proofs, then the verdict of the jury or decision of the court shall be for the defendant or defendants, and he, her, or they shall have judgment for costs.

SEC. 2. That in case of mortgages, commonly called farm mortgages, to railroad or other incorporated companies, intended as the basis of credit, or in exchange for stock of such company or companies, all the written contracts between any such company and the mortgagor connected with or referring to the making of the note or the execution of the mortgage, to secure the payment thereof, and any fraudulent, false, or untrue statements relating to the pecuniary circumstances of such company, the route over which any such road would be built, and when to be completed, shall be taken and deemed by the said courts of this State as part of the contract, and shall run with said note and mortgage, and be held as obligatory, as well on the contracting parties as on the assignee or assignees of said note and mortgage, and no assignee who has sued, or may sue, or complain, on any such note or mortgage, shall be permitted to reply to the defence provided in the first section of this act, that he is an innocent purchaser without notice.

Written contracts between companies and mortgagors to be obligatory on both parties.

SEC. 3. That this act shall take effect and be in force from and after its passage and publication.

Approved April 15th, 1858.

Chapter 50.

Published April 16th, 1858.

AN ACT concerning Judgments and Liens on Real Estate.

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

SECTION 1. No judgment rendered by the United States court in and for the district of Wisconsin, or by any other court of record in the State, shall hereafter be a lien or incumbrance upon any lands or tenements within any county of the State, until a transcript of the docket of such judgment shall be filed with the clerk of

Judgments to be filed with clerks of circuit courts, else no lien on lands.