

[No. 87, A.]

[Published April 26, 1889.]

CHAPTER 448.

AN ACT to amend chapter 143, revised statutes, relating to liens.

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

**Liens of
miners, etc.,
for labor.**

SECTION 1. Any person who shall do or perform any work, labor, or services, for any person, persons, or corporation, engaged in or organized for the purpose of mining, smelting, or manufacturing iron, copper, silver or other ores or minerals in this state, and any bona fide holder of any draft, time check or order for the payment of money due for any such labor issued or drawn by any person or corporation, shall have a lien for the wages due him, or for the amount due on such draft, time check or order, upon all the personal property connected with such mining, smelting or manufacturing industry belonging to such person, persons or corporation, including the ores or products of such mine or manufactory, together with the machinery and other personal property used in the operation of such mining, smelting or manufacturing industry, and all the interest of such person, persons, or corporation in any real estate belonging thereto and connected with such business, which said lien shall take precedence of all other debts, judgments or decrees, liens or mortgages, against such person, persons or corporation, except liens accruing to this state for taxes, fines or penalties, subject to the exceptions and limitations hereinafter set forth.

Extent of lien.

SECTION 2. Such liens shall extend only to the amount of the interest in the real property held by such employer or employers, and in case of the death, insolvency or assignment of such employer or employers, or in case of the sale or transfer of the works, mines, manufactories or business of such employer or employers, or their interest therein, by execution or otherwise, all moneys that may be due for wages to any miner, mechanic or laborer, shall be a lien upon all said property,

and shall be preferred and first paid out of the proceeds of the sale of such mine, manufactory, business or other property, as aforesaid; provided, that this act shall not be so construed as to impair contracts existing or liens of record vested prior to its passage. And provided further, that no such claim shall be a lien upon any real estate, unless the same shall be filed in the office of the clerk of the circuit court of the county in which such real estate is situated, within sixty days after the same is due and payable, in the same manner as mechanics' liens are now filed.

Not to impair contracts.

SECTION 3. In all cases of attachments, executions, or similar writs, which may be hereafter issued against any person, persons or corporation engaged in the business of mining, manufacturing or smelting as aforesaid, it shall be lawful for such miners, laborers, mechanics or other persons to give notice in writing of their claim or claims, and the amount thereof verified by affidavit, to the officers executing said writs at any time before the actual sale of the property levied on, and it shall thereupon become the duty of such officer to retain out of the proceeds of such sale a sufficient amount to satisfy all such lien claims, which amount shall be subject to the order of the court.

When notice of claim may be given.

SECTION 4. No mortgage or other instrument by which a lien is hereafter created shall operate to impair or postpone the lien and preference given and secured to the wages and moneys mentioned in the first section of this act. Provided, that no lien of mortgage or judgment duly entered before such labor is performed shall be affected or impaired thereby.

Mortgage or other instrument not to impair lien.

SECTION 5. The liens and preferences given by this act may be foreclosed in the same manner as mechanics' liens, and all provisions and practice relating to the method of foreclosing such liens so far as the same are applicable, shall apply to the liens created by this act.

How foreclosed.

SECTION 6. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.