

Justices of the
peace to have
jurisdiction.

offence, be fined in a sum not exceeding fifty dollars, nor less than five dollars, and stand committed until fines and costs are paid, and shall be liable to the action of the party injured, for damages, which he, she, or they may have sustained in consequence of such fire; and all justices of the peace shall have jurisdiction of offences, committed under this act: *Provided*, that nothing in this act shall operate as a repeal of the fortieth section of the act to provide for the punishment of offences against private property.

Approved, February 5th, 1841.

No. 7.

AN ACT to amend an act of the revised Statutes of Wisconsin Territory, entitled "An act concerning Judgments and Executions."

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Judgments in
district courts
a lien on lands
of debtor in e-
very county in
the territory in
case.

SEC. 1. That judgments in the district courts of this territory, shall have the operation of, and shall be liens upon the real estate of the person or persons against whom such judgments may be rendered, from the day of the rendition thereof, in the county within which such judgments may be rendered, and the county or counties thereto attached for judicial purposes; and it shall be the duty of the clerk of any such court, when applied to by any person or persons interested in any judgment rendered in any such aforesaid court, to make out and deliver to such applicants an attested copy of the docket or record of such judgment, authenticated by the seal of such court; which attested copy may be by such person or persons filed in the office of the clerk of any district court within this territory; and when so filed, the said clerk in whose office the same may be filed, shall enter the same on the judgment docket by him to be kept, and preserve the said copy among the files

of his office; and such attested copy, when so filed and entered as aforesaid, shall operate as a lien upon the real estate of the person or persons against whom such judgment may have been rendered, situate in the county in which the same may have been as aforesaid filed and entered, in the same manner and to the same legal extent that the same would have done had such judgment been originally in the district court of said county; which lien shall operate from the day of filing and entering such copy as aforesaid. But all executions, issued on any such judgments, shall issue from the office of the clerk of the district court in the county in which such judgment was recovered, such executions may be issued to any county in this territory: *Provided*, Any person or persons on whose real estate such judgments may become a lien, may, by giving ten days notice to the person or persons interested in any such judgments, his, her, or their agent or attorney, of such intention, apply to the clerk of the district court in the county where the original judgment was rendered; and such clerk shall appoint one disinterested freeholder of his county, and each of the parties shall appoint one; but if either or both neglect so to do, the clerk shall appoint two or three as the case may require; who shall take an oath before said clerk faithfully and impartially to perform the duties assigned them, and to make true valuation and correct and due return; and such commissioners, so sworn and qualified, shall make a true valuation of all the real estate on which any such lien has been effected, (a correct schedule of which real estate with its locality must be in writing given to such commissioners); the commissioners, after they shall have valued such real estate, shall then procure the aggregate amount of all judgments, that have become liens on such real estate in their county, and shall set aside sufficient real estate, designating it by tracts at one half of its appraised value, as will be sufficient to pay and discharge the aggregate amounts of all such judgments; and the said commissioners shall in writing, under their hands, make a full return of their acts to the clerk who appointed them; and such clerk shall enter the same in a book by him to be kept for that purpose, and preserve the original among the files of his office; after such real estate shall be so set apart, no lien shall

A portion of debtor's lands may be released from lien in case.

operate or bind any other part or portion of the remaining real estate of the judgment debtor.

SEC. 2. That for the benefit of purchasers and others, the clerks of the district courts of this territory shall keep a book in which, during every term of such courts, or within thirty days thereafter, he shall docket all judgments rendered at such term for any sum of money, in alphabetical order, by the surname of the party against whom such judgment may have been rendered, and shall enter therein the parties to such judgment, both plaintiffs and defendants, the date of the rendition of such judgment, and the amount of debt, damages and costs thereby recovered; and such docketing shall be matter of record and kept open to the inspection of all persons at reasonable times; and if such clerk shall neglect the duty aforesaid, the party injured shall have a right to recover of such clerk and sureties, double damages, by action on the official bond of such clerk.

SEC. 3. That all moneys collected on execution on any judgment, or all moneys paid on any judgment rendered in any court of record, without execution, shall be paid over to the attorney of the party who is the beneficiary owner of said judgment, or to said party, of which his, her or their attorney shall have notice; it shall then be the duty of such attorney to enter up in the name of his principal, full satisfaction on the judgment docket where such judgment is entered, opposite the entry of such judgment, in a place by the clerk to be reserved for that purpose; the entry of such satisfaction shall be for the full amount of such judgment, interest and costs, and shall be so entered within sixty days from the time such attorney shall have notice that such judgment is satisfied, under the penalty of a contempt of court.

SEC. 4. *Be it further enacted,* That no judgment shall be a lien on, or bind real estate, after the lapse of ten years from and after the date of the rendition thereof, unless the same be renewed and revived by *scire facias* against the judgment debtor, his heirs and assigns, or devisees, or *terre tenantis*; but any time or restraint upon the judgment creditor by the order or decree of a court of record, or by agreement between plaintiff and defendant, entered of record, prohibiting execution from issuing

Clerk to docket all judgments with the time of rendition, and amount in a book kept for that purpose, and always open for inspection.

Moneys collected on judgment in courts of record shall be paid to the attorney, who shall enter a satisfaction on docket therefor.

Limitation of lien, unless.

upon such judgment, shall not be computed as a part of the time aforesaid.

Sec. 5. When a writ of error shall be prosecuted from any judgment of the district court to the supreme court, it shall not affect the lien, but the lien shall continue and bind the real estate of the person or persons against whom such judgment is rendered, the same as if said error had never been prosecuted; unless such judgment shall be reversed by the supreme court, and the plaintiff in error on the trial anew shall be the successful and prevailing party.

Writ of error not to affect the lien unless

Sec. 6. All liens on real estate, obtained under the first section of this act, shall operate to bind, and be a charge upon the real estate and chattels real of any person or persons against whom such judgment may be rendered, acquired after the rendition of such judgment.

Sec. 7. Real estate sold under execution, or any distinct part or parcel, may be redeemed within two years from the date of the sale of the same, and the possession of the real estate and chattels real of the judgment debtor, whose estate was sold under execution, shall be and remain in the judgment debtor, until the expiration of the time for redeeming the same.

Real estate sold on execution may be redeemed in two years.

Sec. 8. The terms and manner of redeeming real estate, shall be by the payment to the purchaser, his personal representatives, attorney or assigns, or to the officer who made such sale, for the use of such purchaser, of the sum of money which was bid on the sale of the lot or lots, tract or tracts of land sold, together with interest on that sum from the time of sale, at the rate of twelve per cent per annum.

Terms of such redemption.

Sec. 9. In case the person entitled as hereinbefore provided, shall omit to redeem the premises so sold, or any part thereof, within the two years above prescribed, then the interest vested in the purchaser by such sale may be acquired by the persons, and on the terms prescribed in the act of which act this act is amendatory.

The interest in lands not redeemed may be acquired by other creditors.

Sec. 10. The eighty-first and eighty-second sections of the act to which this act is amendatory, shall be so taken and construed, when the words twenty-seven months occur in said sections, to read two years.

Sec. 11. The first, second, fifth, sixth, seventh, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-fourth, sixty-fifth and seventieth sections* of the act to which this act is amendatory, are hereby repealed; and all other acts or parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 12. That all necessary farming utensils, not exceeding in value forty dollars, and one work horse, not exceeding in value sixty dollars, or one yoke of oxen, shall be exempt from execution where the principal occupation of the debtor is farming. The libraries of lawyers, physicians and clergymen, and surgical instruments, shall be exempt from execution, not exceeding two hundred dollars.

Sec. 13. This act shall take effect and be in force from and after the first day of March, A. D. 1841.

Approved, February 19th, 1841.

No. 8.

AN ACT prescribing the tenure of office of certain County Officers, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Sec. 1. The clerk of the board of county commissioners shall be elected annually at the general election, by the qualified electors in each county: he shall hold his office for one year, and until his successor is duly elected and qualified. The term of service of said clerk shall commence on the first Monday of January in each year.

Sec. 2. In case the office of clerk of the board of county commissioners shall in any way be, or become vacant, in any

*Revised Statute, page 227,