

[No. 133, A.]

[Published April 12, 1889.]

## CHAPTER 333.

AN ACT to amend section 3315, of the revised statutes, entitled, "Of liens as amended by chapter 312, of the laws of 1835, and chapter 535, of the laws of 1887."

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

SECTION 1. Section 3315, of the revised statutes is hereby amended so that said section when amended shall read as follows: Every person who, as sub-contractor of a principal contractor, or employee of any contractor or sub-contractor, performs any work or labor for, or furnishes any materials to a principal contractor or sub-contractor, in any of the cases mentioned in the preceding section, shall be entitled to the lien and remedy given by this chapter, if within sixty days after performing such work or labor, or furnishing such materials, he shall give notice in writing to the owner or his agent, of the property to be affected by such lien, setting forth that he has been employed by such principal contractor or sub-contractor to perform or furnish, and has performed or furnished such work, labor or material, with a statement of the labor performed or materials furnished, and the amount due therefor from such principal contractor, or sub-contractor, and that he claims the lien given by this chapter. In all cases where a lien shall be filed under the provisions of this chapter, by any person other than the principal contractor it shall be the duty of the principal contractor to defend any action brought thereupon at his own expense, and, during the pendency of such action, the owner may withhold from the contractor the amount of money for which such lien shall be filed; and in case of judgment against the owner or his property upon the lien, he shall be entitled to deduct from any amount due by him to the contractor the amount of such judgment and costs, and if he shall have settled with the contractor in full, shall be entitled to recover back

Amending section 3315, R. S.

Lien of sub-contractors.

Notice to owner or agent within sixty days.

Principal contractor to defend action.

Owner to deduct amount of judgment or recover back amount paid from contractor.

Liability of  
contractors for  
wrongful use of  
materials.

from the principal contractor any amount so paid by the owner, for which the principal contractor was originally liable. And any contractor or sub-contractor who shall purchase materials on credit, and represent at the time of purchase, that the same are to be used in a designated building or other improvement, and shall thereafter use or cause to be used the said material in the construction of any building or improvement other than that designated, without the written consent of the person from whom the materials were purchased, with intent to defraud such person, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding three hundred dollars.

Repealed.

SECTION 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved April 9, 1889.

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[No. 395, A.]

[Published April 12, 1889.]

## CHAPTER 334.

AN ACT to require all so called "fraternal assessment insurance corporations" to report to, and be under the jurisdiction of the insurance commissioner.

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

Fraternal, secret and benevolent orders doing business on assessment plan to report to insurance commissioner.

SECTION 1. Every insurance association doing business in this state, as an association declared by law to be fraternal and not an insurance corporation, shall annually, on or before the first day of March in each year, report to the insurance commissioner the location of its principal office in this state, and the names and addresses of its president, secretary and treasurer or other officers answering thereto; and shall make such