

Record, return of officer. attachment, the officer, on service thereof, shall make a certified copy of said writ, and of his return thereon, which shall be filed and recorded in the book of mortgages, in the register's office of the county in which such real estate is situated; and from the time of filing as aforesaid, the same shall be and continue a lien on all real estate mentioned or described in the return of the officer in such county, until the same shall be discharged. And when said lien shall be discharged by the order of said court, or by satisfaction of the judgment rendered in the suit, it shall be the duty of the said register, when requested, to record the satisfaction piece or transcript of the record of such order, in the book of mortgages, and to enter on the margin of the page or pages where the said writ and return are so recorded, a minute of such discharge or satisfaction.

Duty of Register. shall be a lien.

Sections repealed.

SEC. 9.* The first and second sections of the act of which this act is amendatory are hereby repealed.

* Sections 1 and 2 here referred to, are not herein contained.

CHAP. LXX.—An Act to repeal an act entitled "An Act concerning the lien of mechanics and others for the costs of repairs and improvements on real estate."

Building liable for work, etc. SEC. 1. That all and every dwelling-house or other building hereafter constructed and erected within the Territory of Wisconsin, [Minnesota,] shall be subject to the payment of the debts contracted for, or by reason of any work done, or materials found, and provided by any brick maker, brick layer, stone cutter, mason, lime merchant, carpenter, painter and glazier, iron monger, plasterer and lumber merchant, or any other persons employed in erecting or furnishing materials for and in the erection and construction of such house or other building, before any other lien which originated subsequent to the commencement of such house or other building.

When to file lien.

SEC. 2. That if such dwelling-house or other building, or any portion thereof, shall have been constructed under contract or contracts entered into by the owner thereof, or his or her agent, with any person or persons, no person, who may have done work for such contractor or contractors, or furnished materials for him or them, on his or their order or authority, shall have or possess any lien on said house or other building, for work done or materials so furnished, unless the person or persons so employed by such contractor to do work or furnish materials for such building, shall, within thirty days after being so employed to work, or having furnished materials as aforesaid, give notice in writing to the owner or owners of such building, or to his or their agents, that he or they are so employed to work or to furnish, or have furnished materials, and that they claim the benefit of the lien granted by this act.

Contractor liable to sub-contractor.

SEC. 3. That no claim of any sub-contractor shall be a lien under this act, except so far as the owner may be indebted to the contractor at the time of giving notice of such claim as aforesaid, or may become indebted afterwards to him as such contractor.

Limitation of lien.

SEC. 4. That no such debt for work and material shall remain a lien upon such lands, houses or other buildings, longer than one year from the time of furnishing of materials or the performance of the labor, unless an action for the recovery of the same be instituted within the same time.

SEC. 5. The claim or petition may be filed in court, or in the clerk's office in vacation; and from the time of filing the same said claim or petition shall be a lien on said property for the time herein before provided.

Petition when filed shall be a lien.

SEC. 6. The petition or claim shall contain a brief statement of the contract or demand on which it is founded, and of the amount due thereon, with a description of the premises, and all other material facts in relation thereto.

Petition what to contain.

SEC. 7. Each and every person having received satisfaction for his or their debt for which a claim is or has been or shall be filed, or action brought, shall, at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his or their legal representatives, or payment of the costs of the claim or action, and on tender of the cost of office for entering satisfaction, within six days after such request made, enter satisfaction of the claim in the office where such claim was or shall be filed in such action brought, which shall forever thereafter discharge, defeat and release the same.

Satisfaction how entered.

SEC. 8. If such person, having received satisfaction as aforesaid, by himself or his attorney, shall not, within six days after request and payment of the costs of the claim or action and tender as aforesaid, by himself or his attorney duly authorized, enter satisfaction as aforesaid, he, she or they neglecting so to do, shall forfeit and pay unto the party or parties aggrieved, any sum of money not exceeding one-half of the debt for which the claim is filed or action brought, as aforesaid, to be sued for and demanded by the person or persons damnified, in like manner as other debts are now received by existing laws for the recovery of debts.

Must enter satisfaction.

SEC. 9. In all cases of lien created by this act, the person having a claim filed agreeable to its provisions, may at his discretion proceed to recover it by personal action, according to the nature of the demand, against the debtor, his executors or administrators, or by *scire facias*, against the debtor or owner of the building.

Actions—how brought.

SEC. 10. When the proceedings are by *scire facias*, the writ shall be served in like manner as a summons, upon the person named therein, if to be found within the county, and if not found within the county, then by fixing a copy of the writ upon the door of the building against which the claim is filed; and upon the return of service and failure of the defendant to appear, the court shall render judgment as in case of summons; but if they or either of them appear, they may plead and make defence, and the like proceedings shall be had as in personal action for the recovery of debts: *Provided*, That no judgment rendered in such *scire facias* shall warrant the issuing an execution except against the building or buildings upon which the lien existed as aforesaid.

Service how made.

SEC. 11. The act of the Revised Statutes entitled "An Act concerning the lien of mechanics and others for the costs of repairs and improvements on real estate," is hereby repealed.

Act repealed.

CHAP. LXXI.—An Act to provide for the punishment of offences against Private Property.

SEC. 1. If any person shall wilfully and maliciously set on fire, or cause to be set on fire, any woods, or prairie, or other grounds,

Penalty for firing woods or prairie.