

CHAPTER 44.

**AN ACT GIVING LIENS TO MECHANICS, ARTIZANS, AND OTHER PERSONS
UPON PERSONAL PROPERTY IN CERTAIN CASES.**

*Be it enacted by the Council and House of Representatives
of the Territory of Wyoming, as follows:*

Who entitled
to lien.

SEC. 1. That any mechanic, artizan, or other person who shall make, alter, repair or bestow labor upon any article of personal property, at the request of the owner or party having possession thereof, or who shall furnish materials from which the same is made or repaired, shall have a lien upon all such articles of personal property for his reasonable charges for the labor performed, or materials furnished and used in such making, alteration, repair, or improvement.

If charges not
filed in thirty
days.

SEC. 2. If any such charges for which a lien is given by the preceding section, be not filed within thirty days after the same becomes due, and payable, the mechanic or other person to whom such lien is given, may apply to any justice of the peace of the county wherein he resides, to appoint appraisers to appraise the several articles of personal

property, when such lien is claimed. Such justice shall thereupon appoint by warrant, under his hand and seal, the appraisers being responsible householders of the county not interested in the matter, to appraise such personal property.

SEC. 3. The appraisers so appointed, shall be sworn by ^{Appraisers sworn.} the justice to well and faithfully appraise and value all such personal property, and shall thereupon proceed to view and appraise the same, and shall return appraisement, wherein shall be set down each article separately, to the justice, by whom they were appointed, within ten days after their appointment.

SEC. 4. After such appraisement is made, the person to ^{Not a necessary} whom such lien is given by the foregoing sections, shall give ten days prior notice of the time, place, and terms of sale, together with a description of the property ^{personally served} to be sold. Such notice shall be personally served upon the owner, or the person from whose possession such property was received, if such owner or person reside within the County; if not, by publication in some newspaper published in the county wherein the person attempting to enforce his lien resides, (or if there be no such newspaper, then by posting in three public places within such county for at least four weeks,) and shall transmit by mail to the owner at his usual place of abode if known, a copy of such notice, the notice being personally served, or the service being complete after four weeks, the party claiming a lien may proceed to sell all such personal property, or as much thereof as may be necessary to pay his claim, at public auction for cash in hand, at any public place within such county named in such notice, between the hours of ten A. M. and four P. M. of the day appointed; and from the proceeds may pay the reasonable costs of such appraisement, notice, and sale, and his reasonable charges for which he hath his lien. The residue of the property unsold he shall surrender unto the owner. ^{Publication.}

SEC. 5. No such sale shall be made for less than two-thirds of the appraised value of the article sold, nor except upon due notice as required by the preceding section. ^{Sale for not less than two-thirds.}

Every such sale made in violation of the provisions of this section shall be absolutely void.

Holder of lien
may purchase.

SEC. 6. At any such sale the person to whom such lien is given may become the purchaser.

Sale continued
from day to day.

SEC. 7. In any case where the property to be sold cannot conveniently be sold in one day, the sale may be continued from day to day by public outcry at the place of sale. Upon the completion of such sales the person to whom the lien is given hereby, shall cause a bill of sale thereof to be filed with the justice of the peace before whom the appraisement was had, in which shall be set down the sum for which each separate article of property was sold and the name of the purchaser. The justice shall record such bill of sale in his docket, and preserve the original thereof, together with the appraisement.

When right of
action not taken
away.

SEC. 8. Nothing herein contained shall be so construed as to take away the right of action of the party to whom such lien is given for his charges, or for any residue thereof after sale of such property.

Clerk and crier.

SEC. 9. At any such sale, the person to whom such lien is given as herein provided, may appoint a clerk and crier.

Fees.

SEC. 10. Appraisers appointed under the provisions of this act shall receive three dollars per day; justices of the peace shall receive for each warrant of appraisement twenty cents per one hundred words, and the like fees for recording each bill of sale. Clerks and criers at sales made under the provisions hereof, shall receive each three dollars per day.

SEC. 11. The act shall take effect and be in force from and after its passage.

Approved, December 10, 1869.