

**AN ACT** to amend an act entitled "An act concerning Executors, Administrators and Guardians."

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

**SECTION 1.** That whenever any legatee, creditor or other person, interested in the real or personal estate of any person who has heretofore died, or who shall hereafter die, with or without a last will and testament, shall make complaint in writing to the Judge of Probate of the proper county, that the penalty of the bond given by the executor or administrator of such testator or intestate, is not sufficient to secure the assets that have, or may come to the hands of such executor or administrator, or that the securities or any of them to such bond, have removed, or are about to remove from this territory, or that they are not worth the penalty of the bond, or that such bond is otherwise defective and insufficient to secure the estate, the said judge of probate shall cite such executor or administrator, to appear before him on a day certain, to answer the said complaint, and if the said judge of probate shall be of opinion upon the hearing of the said complaint, either that the penalty of such bond is not sufficient to secure the assets of said estate, that the securities to such bond or any of them have removed, or are about to remove from the territory, that they are not worth the penalty of the bond, or that such bond is otherwise defective and insufficient to secure the said estate, he shall order such executor or administrator to give a new bond in such penalty, and with such security as he may judge necessary for the security of such estate, and if such executor or administrator, shall fail or refuse to give such bond, as the said judge of probate shall direct for the space of ten days, the said judge of probate shall grant letters of administration of such estate, to such person as he may think proper, with or without the will annexed as the case may require; and he shall make all necessary orders for the delivery, and paying over to such administrator of all assets, evidences of debt, title, deeds and all other papers belonging to such estate, as is provided in the ninth section of the act to which this

Proceedings when bond of executor is insufficient.

Judge of Probate may cite executor, &c., to appear and answer.

May order a new bond to be given.

May grant letters of administration.

act is amendatory, and in all cases when any judge of probate shall be satisfied from his own knowledge, or otherwise, that the penalty of the bond given by any executor or administrator is not sufficient to secure the assets that have or may come to the hands of such executor or administrator, or that the securities, or any of them, to such bond, have removed or are about to remove from the Territory, or that they are not worth the penalty of such bond, or that such bond is otherwise defective and insufficient to secure the estate, or that the executor or administrator is wasting or mismanaging the estate, such judge of probate may, without any complaint or application being made to him, cite such executor or administrator to appear before him on a day certain, and on the day appointed by such citation the judge may, if in his opinion the safety and security of the estate require it, make the orders and enforce obedience to the same, as is provided in the previous part of this section, and in the ninth section of the act to which this act is amendatory.

Judges may proceed in like manner upon his own knowledge of the facts.

SEC. 2. That the judges of probate, shall, in no case, receive and approve as security to any bond of any executor or administrator, any person who is not a resident of the Territory.

Non residents not received as security.

SEC. 3. That all the provisions of this act shall apply as well to cases where letters testamentary, or of administration, have been heretofore granted, as to cases where they may be hereafter granted. This act shall take effect from and after its passage.

Provisions of this act to apply to letters heretofore granted.

APPROVED, Feb. 20, 1845.

**AN ACT** to amend "An act to change the corporate limits and powers of the Town of Milwaukee," passed March 11th, 1839.

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

SECTION 1. That the President and Trustees of the town of Milwaukee, shall have power to pass ordinances on the subjects hereinafter enumerated, and prescribe and enforce penalties for

Powers of President and Trustees.