

No. 225, A.]

[Published June 17, 1911.]

CHAPTER 367.

AN ACT to create sections 4008—1 to 4008—7, inclusive, of the statutes, relating to the sale of land of incompetents pursuant to land contract in the county court.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes seven new sections to read: Section 4008—1. If any person who is bound by a contract in writing to convey real estate, is adjudged incompetent before making the conveyance, the county court may make an order authorizing and directing the guardian of such incompetent person to convey such real estate to the person entitled thereto, in all cases where such incompetent person, if competent, might be compelled to execute such conveyance.

Section 4008—2. On the presentation of a petition by any person, claiming to be entitled to such conveyance from any such incompetent person, setting forth a description of the land, and the facts upon which such claim to conveyance is predicated, the county court shall, by order, appoint a time and place of hearing such petition, and notice thereof shall be given to those interested by publishing a notice of hearing substantially in the form prescribed in section 4050 at least three successive weeks before the day of such hearing in a newspaper, as provided in section 4045.

Section 4008—3. At such hearing all persons interested in the estate may appear in the county court and oppose such petition, and the court may examine, on oath, the petitioner and all others produced before it for that purpose. All those who are next of kin and heirs apparent or presumptive of the incompetent person, shall be regarded as interested in the estate, and may appear as such and answer to the petition.

Section 4008—4. After a full hearing upon such petition, and examination of the facts and circumstances of such claim, if the county court is satisfied that a conveyance of the real estate described in the petition should be made, it shall thereupon make an order authorizing and directing the guardian of such incompetent person to make and execute a conveyance thereof to the petitioner; otherwise it shall dismiss such petition.

Section 4008—5. Any person interested may appeal from such order or dismissal to the circuit court for the same county, as in other cases, but if no appeal is taken from such order within the time limited therefor by law, or if such order is affirmed on appeal, the guardian shall execute the conveyance according to

the direction contained in such order; and a certified copy of the order shall be recorded with the deed in the office of the register of deeds in the county where the lands lie, and shall be evidence of the correctness of the proceedings, and of the authority of the guardian to make the conveyance.

Section 4008—6. Every conveyance made in pursuance of an order of the county court, as provided in this act, shall be effectual to pass the estate contracted for as fully as if the contracting party himself were still competent and executed the conveyance.

(Am. 1911, c. 664, s. 56.)

Section 4008—7. If the person to whom the conveyance was to be made dies before the commencement of proceedings, according to the provisions of this act, or before the conveyance is completed, any person, who would have been entitled to the estate under him, as heir, devisee or otherwise, in case the conveyance had been made according to the terms of the contract or the executor or administrator of such deceased person, for the benefit of the persons so entitled, may commence such proceedings or prosecute the same, if already commenced, and a conveyance shall thereupon be so made as to vest the estate in the same persons who would have been so entitled to it, or in the executor or administrator, for their benefit.

(Am. 1911, c. 664, s. 56.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 15, 1911.

No. 391, A.]

[Published June 17, 1911.

CHAPTER 368.

AN ACT to create sections 1786e—1 to 1786e—17, inclusive, of the statutes, relating to the incorporation of co-operative associations, and the fees to be paid therefor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes seventeen new sections to read: Section 1786e—1. Any number of persons, not less than five, may associate themselves as a co-operative association, society, company, or exchange, for the purpose of conducting any agricultural, dairy, mercantile, mining, manufacturing or mechanical business on the co-operative plan. For the purposes of this act, the words "association," "company," "corporation," "exchange," "society" or "union," shall be construed to mean the same.

(Am. 1911, c. 664, s. 57.)