

CHAPTER 13.

[Published March 1, 1870.]

AN ACT to amend section three of chapter one of the general laws of 1870, entitled "an act in relation to the settlement of accounts in certain cases."

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

SECTION 1. Section three of chapter one of the general laws of 1870, entitled "an act in relation to the settlement of accounts in certain cases," is hereby amended so as to read as follows: Section 3. In any action has been heretofore commenced upon the administration bond of any such deceased executor or administrator against the sureties or either of them in such bond, and in case such action shall be pending and undetermined at the time of the passage of this act, and in case such sureties or surety against whom such action has been commenced shall apply to the judge of the county court for a final settlement of the administration accounts of such deceased executor or administrator, as provided in this act, the court in which such action is pending shall render judgment against such surety or sureties for the amount which such judge of the county court shall upon such final settlement, find to be due and justly chargeable against such deceased executor or administrator upon his administration accounts, and in case such judge of the county court shall find upon such final settlement that nothing is due upon the administration accounts of such deceased executor or administrator, then the court in which such action is pending shall dismiss such action; but in case an appeal is taken upon the finding of such judge of the county court, the court in which such action upon the bond is pending shall stay judgment until the final determination of the subject matter of such appeal, and shall then render judgment in accordance with the finding of the appellate court.

Amended.

Court may render judgment against surety.

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

Approved February 26, 1870.