

No. 369, A.]

[Published May 1, 1891.

## CHAPTER 342.

AN ACT relating to sales of lands by executors, administrators and guardians, and amendatory of sections 3876, 3877, 3998 and 3999 of the revised statutes.

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

Amends sec.  
3876, R. S. 1878.

Time when  
order for hear-  
ing returnable.

SECTION 1. Section 3876 of the revised statutes is hereby amended by striking out the word "eight," where it occurs in said section and inserting the word "nine" instead thereof, so that said section when so amended, will read as follows: Section 3876. If it shall appear by such petition that the personal estate in the hands of the executor or administrator is insufficient to pay the debts of the deceased and the expenses of administration, and that it is necessary to sell or encumber the whole or part of the real estate for the payment of such debts and expenses, the county court shall make an order fixing the time and place to be therein named, not less than four nor more than nine weeks from the time of making such order, when and where such petition will be heard.

Amends sec.  
3877, R. S. 1878.

Time of publi-  
cation of order.

SECTION 2. Section 3877 of the revised statutes is hereby amended by striking out the word "four," where it occurs after the word "least" in the third line of said section and inserting the word "three" instead thereof, so that when amended, said section will read as follows: Section 3877. Every such order, or a notice of such hearing in the form and manner prescribed in section 4050, shall be published at least three successive weeks before the day fixed for the hearing, in a newspaper as provided in section 4045; and a copy thereof shall be served personally on all persons interested in the estate and residing in the county in which such application is made, at least twenty days before such day; but the notice may be dispensed with if all persons interested in

the estate shall signify in writing their assent to such mortgage, lease or sale.

SECTION 3. Section 3998 of the revised statutes is hereby amended by striking out the word "eight" where it occurs in said section, and inserting the word "nine" instead thereof, so that when amended, said section will read as follows: Section 3998. If it shall appear to the court from such petition that for any of the causes aforesaid it is necessary or would be beneficial to the ward, that such real estate or some part of it should be sold, mortgaged or leased, the court shall thereupon make an order fixing a time and place therein to be specified, not less than four nor more than nine weeks from the time of making such order, when and where such petition will be heard.

Amends sec. 3998, R. S. 1878.

Time when order for hearing on petition returnable.

SECTION 4. Section 3999 of the revised statutes is hereby amended by striking out the word "four," where it occurs after the word "least" in the eighth line of said section, and inserting the word "three" instead thereof, so that when amended, said section will read as follows: Section 3999. All those who are next of kin, and heirs apparent or presumptive of the ward shall be regarded as interested in the estate, and may appear as such and answer to the petition of the guardian; and a copy of such order shall be personally served on all persons interested in the estate, at least twenty days before the day fixed for the hearing of the petition, or such order, or a notice of hearing in substantially the form prescribed in section 4050, shall be published at least three successive weeks before the day of such hearing in a newspaper as provided in section 4045 as the court directs by such order.

Amends sec. 3999, R. S. 1878

Time of publication of order.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.