

shall have the care and management of his estate; and in all cases, until such minor shall arrive at the age of twenty-one years, or until the guardian shall be discharged according to law.

Section 3965. The father of every legitimate minor child, if living, and in case of his death the mother of every such minor child, may, by last will in writing, appoint a guardian or guardians therefor, whether born at the time of making such will or afterwards, to continue during the minority of such child or for a less time. Every such testamentary guardian shall give bond, with surety, in like manner and with like conditions as hereinafter required of a guardian appointed by the county court, and such guardian shall have the same power and perform the same duties and be subject to the same liabilities with regard to the person and estate of the ward as a guardian appointed by the court. Letters of guardianship shall be issued by the county court to such guardian or guardians upon giving the aforesaid bond, but when the testator or testatrix in such will shall have so directed no bond need be taken unless the county court shall be of opinion that the same is required by reason of a change in the situation of such guardian or other sufficient reason.

\* \* \*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 18, 1915.

No. 4, S.]

[Published June 25, 1915.

## CHAPTER 279.

AN ACT to amend section 3838, subsections 1 and 3 of section 3840, and to create subsection 4, of section 3840, of the statutes, relating to probate of wills and administration of estates, and shortening and expediting probate proceedings.

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

SECTION 1. Section 3838, subsections 1 and 3 of section 3840, are amended, and subdivision 4 of section 3840 is created, to read: Section 3838. On \* \* \* *filing a petition for the probate of a will or petition for administration* by any county court it shall be the duty of such court to receive, examine, and adjust the claims and demands of all persons against the deceased.

(Section 3840) 1. At the time of *entering an order for the giving of notice, or upon the due waiver of notice, for granting*

letters testamentary or of administration, or at any time thereafter, the county court, by order, shall fix a time, not less than \* \* \* *four months* nor more than one year thereafter, as the circumstances of the case may require, within which creditors shall present their claims for examination and allowance. For good cause shown and upon such notice to the executor or administrator or other parties in interest as the court may direct and on the application of a creditor filed, not later than sixty days after the expiration of the time fixed as aforesaid, such time may be extended, but not beyond two years from the date of the letters. The court shall fix also by said order a time after the presentation of claims for the examination and adjustment of any claims presented; provided that hearing may be held on such claims and such claims may be examined and determined at any regular or special term of the court, and all hearings on claims, the examination and determination thereof and all proceedings heretofore had relating to such claims shall not be held invalid for the reason that the same had not been heard at a regular term, if such hearings, examinations, determinations or proceedings were in all other respects regular and valid.

3. Notice of the times within which creditors may present their claims and of the time when the same will be examined and adjusted by the court shall be given by publication, as provided in sections 4045 and 4050 for \* \* \* *three consecutive weeks, and, where there is no waiver of notice for granting letters, or when letters have not been granted, may be given with the notice for granting letters testamentary or of administration, or in such other manner as the court may direct, the first publication to be made within fifteen days of the date of said order. At the times so fixed for examining and adjusting claims the court may, if necessary, adjourn the hearing to such other time and from time to time thereafter as may be convenient until the examination and adjustment be completed, and no hearing on claims shall be had and no judgment on claims shall be entered until after issuing letters testamentary or of administration.*

4. *Where notice to creditors has been given pursuant to an order based upon a petition for administration or for probate of a will, and the appointment and qualification of an administrator or executor pursuant to such petition fails, but claims have been duly filed upon such notice, all such claims shall be entered in, and when necessary transferred to, the proper county court, as having been duly filed in such estate, upon the due appointment and qualification of an administrator or executor and*

*upon due notice to creditors in subsequent proceedings in such estate, in the county court having jurisdiction thereof; provided, that in the discretion of the court, the practice heretofore prevailing as to notice to creditors may be continued.*

SECTION 2. This act shall take effect upon September 1, 1915.

Approved June 23, 1915.

No. 103, S.]

[Published June 25, 1915.

## CHAPTER 280.

AN ACT to amend subsection 5 of section 1863a of the statutes, relating to condemnation by electric railways.

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

SECTION 1. Subsection 5 of section 1863a is amended to read:  
 5. All the provisions of these statutes relating to the exercise of eminent domain by railroad companies, *including the provisions of subsection 5 of section 1828, so far as the same relates to streams and water courses*, shall apply to street and electric railway corporations, but nothing herein shall apply to any park or boulevard in any city or village, nor to any street, alley, bridge or viaduct therein, unless the use of such park, boulevard, street, alley, bridge or viaduct shall first be granted, upon such terms and conditions as the proper authorities shall determine, to such street or electric railway company by a franchise duly passed by the board of trustees or common council of such village or city; and nothing herein shall apply to the right of the public or the title of any city or village, in and to any park, boulevard, street, alley, bridge or viaduct within its limits. As far as applicable the provisions of sections 1810, 1811, 1812, 1813 and 1814 of the statutes, relating to the construction and maintenance of fences and cattle guards by railroad companies, shall apply to street and electric railways.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 23, 1915.