

No. 399, S.]

[Published July 3, 1943.]

**CHAPTER 446.**

AN ACT to amend 318.03 (2) and (3) and to create 318.06 (8) and 331.42 of the statutes, relating to deposits of money or property by court officers under order of court, escheat and unclaimed legacies and shares, payments to legatees and heirs who are in the armed forces, and the disposition of money or other property where payment or transfer is prohibited by federal law.

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

SECTION 1. 318.03 (2) and (3) of the statutes are amended to read:

318.03 (2). *Except as provided in section 331.42*, if any legacy or \* \* \* share of intestate property shall be refused or shall not be claimed by the legatee or heir within \* \* \* 120 days after the entry of final judgment by the county court, or within such time as shall be designated in said final judgment, the executor or administrator shall convert the same into money and pay it to the state treasurer for the state school fund, and it shall be part of said fund until and unless refunded as in this section provided.

(3) The moneys received by the state treasurer pursuant to subsection (2) shall be paid to the owner on proof of his right thereto. The claimant may, within \* \* \* 7 years after the date of publication by the treasurer of notice of receipt thereof as provided by section 14.42 (15), file in the county court in which the estate was settled, a petition alleging the basis of his claim to the legacy or share. The court shall order a hearing upon the petition; and \* \* \* 20 days' notice thereof shall be given by the claimant to the attorney-general, who shall appear for the state at the hearing. If the claim is established it shall be allowed without interest; and the court shall so certify to the secretary of state, who shall audit and the state treasurer shall pay the same.

SECTION 2. 318.06 (8) of the statutes is created to read:

318.06 (8) DISPOSITION OF MONEY OR OTHER PROPERTY WHERE PAYMENT OR TRANSFER IS PROHIBITED. Where the laws of the United States or executive orders or

regulations pursuant thereto prohibit payment, conveyance, transfer, assignment or delivery of property or interest therein to a legatee, devisee, distributee, ward or beneficiary of an estate or trust or to any person on his behalf, the county court or other court having jurisdiction thereof, after due notice to such person as prescribed by section 324.18, may, by judgment or decree, authorize such disposition of such property or interest therein as is or may be permissible under or in conformity with the laws, executive orders or regulations of the United States of America.

SECTION 3. 331.42 of the statutes is created to read:

331.42 DEPOSIT OF UNDISTRIBUTED MONEY AND PROPERTY BY ADMINISTRATORS AND OTHERS. (1) In case in any proceeding in any court of record it is (a) determined that moneys or other personal property in the custody of or under the control of any administrator, executor, trustee, receiver or other officer of the court, belongs to a natural person if he is alive, or to an artificial person if it is in existence and entitled to receive, otherwise to some other person, and the court or judge making such determination finds that there is not sufficient evidence showing that the natural person first entitled to take is alive, or that the artificial person is in existence and entitled to receive, or (b) in case such money or other personal property, including any legacy or share of intestate property cannot be delivered to the legatee or heir or person entitled thereto because of the fact that such person is a member of the military or naval forces of the United States or any of its allies or is engaged in any of the armed forces abroad or with the American Red Cross society or other body or other similar business, then in either or any of such cases, the court or judge may direct that the officer having custody or control of such money or other personal property, deposit the same in any trust company, or any state or national bank within the state of Wisconsin authorized to exercise trust powers, or with the public administrator, taking its or his receipt therefor, and the said receipt shall, to the extent of the deposit so made, constitute a complete discharge of the said officer in any accounting by him made in said proceeding.

(2) In case such deposit is directed to be made, the court shall require the trust company or bank in which said deposit is ordered to be made, or the public administrator, as a condition of the receipt thereof, to accept and handle, manage and invest the

same as trust funds to the same extent as if it or he had received the same as a testamentary trust, unless the court shall expressly otherwise direct, except that the reports shall be made to the court of its or his appointment.

(3) No distribution of the moneys or personal property so deposited shall be made by the depository as such trustee or otherwise without an order of the court on notice as prescribed by section 324.18, and the jurisdiction of the court in the proceeding will be continued to determine, at any time at the instance of any party interested, the ownership of said funds, and to order their distribution.

Approved July 1, 1943.

No. 414, S.]

[Published July 3, 1943.]

#### CHAPTER 447.

AN ACT to amend 66.05 (10) (h) 2. of the statutes, relating to the selling, dispensing, giving away or furnishing of fermented malt beverages to persons under the age of 18 years.

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

66.05 (10) (h) 2. of the statutes is amended to read:

66.05 (10) (h) 2. No fermented malt beverages shall be sold, dispensed, given away or furnished to any person under the age of \* \* \* 18 years unless accompanied by parent or guardian.

Approved July 1, 1943.

No. 386, A.]

[Published July 3, 1943.]

#### CHAPTER 448.

AN ACT to amend 39.14 (1) and (7) and 20.25 (1) of the statutes, relating to supervising teachers.

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

SECTION 1. 20.25 (1) of the statutes is amended to read:

20.25 (1) Annually, beginning July 1, \* \* \* 1943, \* \* \* \$260,000, for the salaries and expenses of supervising teachers as provided in \* \* \* section 39.14 (6) and (7).