

in addition to the requirements of section 3875 state the amount of the charges of administration.

When court may order mortgaging or sale of real property.

SECTION 2. Section 3881 of the statutes of 1898 is hereby amended by adding at the end thereof a new subdivision to be known as subdivision four and to read as follows:

“4. That the personal estate of the deceased is insufficient for the payment of the charge of administration.”

So that when amended said section shall read as follows: Section 3881. The court shall make no order for the mortgaging, leasing or sale of the real property of the deceased until upon examination it shall appear to said court:

1. That the executor or administrator making such application has fully complied with the preceding provisions of this chapter;

2. That the debts for the purpose of satisfying which the application is made are justly due and owing;

3. That the personal estate of the deceased is insufficient for the payment of such debts;

4. That the personal estate of the deceased is insufficient for the payment of the charges of administration.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1901.

No. 189, S.]

[Published April 3, 1901.

CHAPTER 113.

AN ACT amending chapter 194 of the laws of Wisconsin for 1899 relating to the search and seizure and the unlawful sale of intoxicating liquors.

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

Complaint for violation of excise law, how made; issue of warrant. SECTION 1. Chapter 194 of the laws of Wisconsin for 1899, is hereby amended by inserting after the figures “1550” as they appear in the eleventh line from the top of page 298, (chapter 194) of the Wisconsin laws for 1899, the following: “or

1565c," so that said chapter 194 of the Wisconsin laws for 1899 when so amended shall read as follows: Section 1551 of the statutes for 1898, is hereby amended so as to read as follows: Section 1551. Upon complaint made to any justice of the peace, by any person that he knows or has good reason to believe, that an offense against any law of this state, relating to excise or the sale of intoxicating liquors, or any violation thereof has been committed, he shall examine the complaint on oath, and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant, reciting therein the substance of such complaint and requiring the officer to whom such warrant shall be directed, forthwith to arrest the accused and bring him before such justice, to be dealt with according to law; and in the same warrant may require the officer to summon such persons as shall be named therein, to appear at the trial to give evidence. ¶ Or upon complaint made to any justice of the peace, by any person that he knows or has good reason to believe that an offense under section 1550 or 1565c statutes for 1898, has been committed by any person on any particular premises or place, he shall examine such complainant on oath, reduce his complaint to writing, describing therein as particularly as may be, the premises on which the offense complained of was committed, and cause the same to be subscribed by the person complaining. If it appear to such justice that there is probable cause to believe that there has been such offense committed on said premises, he shall immediately issue his warrant, reciting therein the substance of the complaint, and containing a description of the premises described therein, and requiring the officer to whom it shall be directed forthwith to search such premises and seize any liquors on said premises which he believes are intoxicating, and to arrest the accused and bring him before such justice, to be dealt with according to law, and to produce, to be used in evidence on the examination and trial of the accused, the liquors so seized, or such portion thereof as the court or district attorney may direct. The officer executing such warrant shall state in his return, as particularly as may be, the kinds and quantities of liquors seized and keep the same in his custody, until said action is finally determined.

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

Approved March 30, 1901.