

Not to apply, where. SECTION 4. This act shall not apply to, or in, any county court already provided with a phonographic reporter, under existing statutes, or under any law, general or special.

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

Approved May 2, 1903.

No. 439, A.]

[Published May 5, 1903.

CHAPTER 148.

AN ACT to appropriate to Griffith Bowen, sometimes called Griffith Roberts, the sum of \$1,399.42 which escheated to the state of Wisconsin, August 6th, 1901, for the reason that the said Griffith Roberts to all intents and purposes should be considered as the adopted child of David Bowen and Margaret Bowen, his wife, who died without issue or heirs.

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

Preamble. SECTION 1. Whereas, Griffith Bowen, sometimes called Griffith Roberts, at the age of six years was left an orphan, with other children, and was in the care and custody of an uncle who was unmarried and living in the state of Ohio in the year 1848; that David Bowen and Margaret Bowen his wife, both deceased, were then living in the state of Ohio; that the said David Bowen and Margaret Bowen took the said Griffith Roberts into their care and custody under the implied promise that they would adopt the said Griffith Roberts; that the said David Bowen and Margaret Bowen moved to Waukesha in the state of Wisconsin, where they lived for two years or more, on a farm; that they moved to Nekimi, in Winnebago county, where they resided for a period of sixteen years or more; that they moved to Oshkosh in said county where they both lived until their death; that during the interval between the time they took the care and custody of the said Griffith Roberts and the death of the said David Bowen, they from time to time assured him, in his presence and in the presence of others,

that if he would continue to live with them, and be a good boy he would be their son and heir and have everything possessed by them when they got through with it. And, Whereas, the said Griffith Roberts continued to live with them until he reached majority; that during his minority he lived with them on their farm and did the usual work of a son and man; that he worked for the neighbors, and that the said David Bowen collected his wages; that after he reached majority he lived with the said David Bowen and Margaret Bowen until he married; that he continued to treat the said David Bowen and Margaret Bowen as his father and mother during all these years and up to the time of their deaths; that he was present at the death of the said David Bowen; that he administered the last medicine and continued faithful to the said David Bowen and Margaret Bowen until their deaths, and that the said David Bowen and Margaret Bowen have both died without issue, without heirs or lineal descendants. And, Whereas, on the administration of the estate of Margaret Bowen, who survived David Bowen, the court has determined that she died without issue and ordered that the residue of \$1,399.42 be paid to the state of Wisconsin as an escheat; and whereas, in truth, in right and in equity the said Griffith Bowen (Roberts) should be considered as an adopted son of said David Bowen and Margaret Bowen, and said sum of money should have been paid to the said Griffith Roberts, sometimes known as Griffith Bowen. And, Whereas, said sum of \$1,399.42 was paid into the state treasury on the 16th day of August, 1901. And, Whereas, section 3937 of the statutes of 1898, provides that the state treasury shall refund any escheat to the proper owner thereof, who has not asserted claim thereto, upon his establishing his right to the same, and that a claimant of an escheat may at any time within five years after the payment of such money into the state treasury file his petition with the county court of the county where the estate was settled, setting forth his right to the same, so paid to the state treasury, and the grounds therefor and provided for a hearing thereon.

Conditional appropriation. SECTION 2. Now, therefore, there is hereby appropriated out of the money in the state treasury and of the fund so received the sum of \$1,399.42, to be paid to the said Griffith Roberts, sometimes otherwise known as Griffith Bowen, on the 16th day of August, 1906, on the condition, and if at that time there is no order or judgment of said county court of Winnebago county, based on the petition of any claimant to said fund determining who are the lawful heirs of

said Margaret Bowen, deceased, and entitled to said fund, or if any proceedings are then pending to recover said sum, said payment shall not be paid to the said Griffith Roberts until said proceedings shall have terminated adversely to the claimant.

Certificate of county judge. SECTION 3. The certificate of the county judge of Winnebago county, to the effect that there has been no further order or judgment made in the matter of the estate of Margaret Bowen, deceased, determining who are the heirs of said Margaret Bowen, and that no proceedings are now pending to determine who are the heirs of said Margaret Bowen, made after the 16th day of August, A. D. 1906, shall be sufficient proof of such fact to authorize the payment of said money to said Griffith Bowen.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 402, A.]

[Published May 5, 1903.

CHAPTER 149.

AN ACT to amend 925—21a of the statutes of 1898, relating to the detachment of territory from cities.

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

Detachment of territory; debts, property. SECTION 1. Section 925—21a of the statutes of 1898 is hereby amended so as to read as follows: Section 925—21a. Upon the petition of a majority of property owners owning three-fourth of the taxable real estate which it is proposed to detach, according to the last tax roll, within the corporate limits of a city of the second, third or fourth class, whether incorporated under the provisions of this chapter or by special charter, and which said taxable property is within a section adjacent to the boundary lines of any such city, the common council may by ordinance detach such real estate from such city. Such ordinance shall require for its adoption the affirmative vote of three-fourths of all the