

No. 252, S.]

[Published July 14, 1943.]

**CHAPTER 513.**

AN ACT to renumber chapter 363, laws of 1933 (72.75 statutes of 1941) section 4. (1) (c) to be section 4. (1) (d) of said chapter; to create chapter 363, laws of 1933 (72.75 statutes of 1941) section 4. (1) (c) and to create 232.495 of the statutes, relating to the release of powers of appointment.

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

SECTION 1. 232.495 of the statutes is created to read:

232.495 RELEASE OF POWERS. (1) A power to appoint real or personal property, whether acquired prior to or subsequent to the effective date of this section, which is exercisable by deed, by will, by deed or will, or otherwise, in favor of the grantee or holder of the power, his estate, his creditors, or the creditors of his estate is releasable, either with or without consideration, by written instrument signed by the grantee or holder.

(2) A power to appoint described in the next preceding paragraph is releasable with respect to the whole or any part of the property subject to such power and is also releasable in such manner as to reduce or limit the persons or objects or classes of persons or objects in whose favor such power would otherwise be exercisable.

(3) It is declared that such releases described in the 2 preceding paragraphs are in accordance with the public policy of this state and are valid and effectual whether heretofore or hereafter made.

(4) Nothing herein contained shall be deemed to prevent the release of any power which was releasable, in whole or in part, prior to the effective date of this section.

SECTION 2. Chapter 363, laws of 1933 (72.75 statutes of 1941) section 4. (1) (c) is renumbered to be section 4. (1) (d) of said chapter.

SECTION 3. Chapter 363, laws of 1933 (72.75 statutes of 1941) section 4. (1) (c) is created to read:

(Chapter 363, Laws of 1933) (72.75 statutes of 1941) section 4. (1) (c) From and after January 1, 1944, whenever any person shall exercise or release a power of appointment derived from any disposition of property, whether heretofore or hereafter

made, such exercise or release, whether in whole or in part, shall be deemed a transfer of property taxable in the same manner as though the property to which such power of appointment relates belonged absolutely to the person possessing such power. For the purpose of this subsection the term "power of appointment", means any power to appoint exercisable by any person either alone or in conjunction with any other person.

Approved July 12, 1943.

No. 308, S.]

[Published July 14, 1943.

#### CHAPTER 514.

AN ACT to amend 315.06 and 318.06 (3) and to create 313.15 (6) of the statutes, relating to allowances to minor children and conclusiveness of certificates of descent and judgments as evidence.

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

SECTION 1. 313.15 (6) of the statutes is created to read:

313.15 (6) The court may grant to the minor children, out of the estate of their mother, all such allowances as they would be entitled to out of the estate of their father under subsections (2), (3) and (4) (a) if he died intestate leaving no widow.

SECTION 2. 315.06 of the statutes is amended to read:

315.06 A certified copy of such judgment shall be recorded in the office of the register of deeds of any county in which any such lands are situated, and such judgment or the record thereof shall be presumptive evidence of the facts found and determined therein in all courts and places and conclusive evidence against the persons \* \* \* or \* \* \* to whom notice shall have been given as provided in section 324.18 or who have appeared in such proceedings and those claiming under them.

SECTION 3. 318.06 (3) of the statutes is amended to read:

318.06 (3) Any finding or determination as to heirship or assignment of real estate in any such judgment shall be presumptive evidence of any fact so found and of the right to the portion of any estate so assigned and shall be conclusive evidence thereof