

manner and upon such terms as they may deem best for the state, and may direct their president to deed said right of way to said railway company.

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

Approved April 1, 1881.

[No. 57, S.]

[Published April 8, 1881.]

CHAPTER 285.

AN ACT to appropriate to the Wisconsin institution for the education of the deaf and dumb, certain sums of money for current expenses and special purposes.

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

Appropriation,
\$26,988.01.

SECTION 1. There is hereby appropriated to the Wisconsin institution for the education of the deaf and dumb, out of any money in the general fund not otherwise appropriated, the following sums for the purposes specified, viz: For the current expenses of the institution to March 1, 1882, twenty-eight thousand dollars; for printing press, five hundred dollars; for refrigerator, one thousand two hundred dollars; for rotary oven, three hundred and fifty dollars; and for the following amounts already expended in accordance with the provisions of section three of chapter two hundred and eighty-nine of the statutes of 1880, viz: for indebtedness, September thirty, three thousand and seventy dollars and sixty-five cents; for steam traps, four hundred and twenty-two dollars; for covering steam pipes, two hundred and seventy-five dollars; for furniture, one thousand five hundred dollars; for architects' fees, etc., one thousand five hundred dollars and thirty-six cents.

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

Approved April 1, 1881.

[No. 18, S.]

[Published April 11, 1881.]

CHAPTER 286.

AN ACT to limit the lien of debts upon the real estate of deceased persons, and to provide for making a record of the descent thereof.

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

When debt
against a per-
son shall not

SECTION 1. No debt of or claim against any deceased person which was not a lien upon the real estate of

such decedent before his death, shall be a lien upon or valid claim against any such real estate in this state, for the payment of which such real estate can be sold by an executor or administrator after three years from the death of such decedent, or when such debt or claim shall become due and payable subsequent to the death of said decedent, then such debt or claim shall cease to be a lien on such real estate after three years from the time they shall become due and payable, excepting in the following cases: First, when such claim is created or charged upon such real estate by some provision in a will. Second, when letters testamentary upon the will, or of administration of the estate of such decedent have been duly issued in this state within such three years, and such claim is duly presented to the county court, or commissioners appointed by the court from which such letters are issued. Third, when delay in issuing such letters is caused by any appeal from the county court which suspends the proceedings therein, the time of such delay shall not be counted as any part of said three years:

be a lien against an estate.

SECTION 2. When any person shall die intestate, seized of an estate of inheritance in any lands in this state, and leaving no personal property in this state which would be proper assets in the hands of an administrator for the payment of debts after six months from the death of such decedent, and in any case in which administration shall not have been granted in this state after three years from the death of such decedent, any heir or grantee of any heirs of such decedent entitled to any interest in such lands, may apply to the county court of the county in which such decedent was last resident, or if such decedent was not an inhabitant of this state, to the county court of any county in which such lands or some part thereof are situated, to determine the descent of such lands.

Application to determine descent of lands.

SECTION 3. Such application shall be by a verified petition which shall show as particularly as known or can be with due diligence ascertained: First, the time and place of death, and last place of residence of such decedent, and the other facts which authorize the proceeding, according to the provisions of the last preceding section. Second, the names, residences and relationship to the decedent, of all the heirs and their grantees, entitled to any interest in said lands, stating who, if any, are minors or under legal disabilities, and the names and residences of their guardians, if any, in this state. Third, a description of all such lands.

What such application shall show.

Hearing o ap-
plication.

SECTION 4. The court shall by order fix a time and place of hearing such petition at a term of such court not less than six weeks from the date of such order and cause notice thereof to be given, by publication at least three successive weeks, as provided in section four thousand and forty-five of the revised statutes, by personal service of such notice on all of said heirs and guardians residing in this state, at least twenty days before such hearing, and by mailing copies of such petition and notice to all said heirs residing out of this state, whose residence is known or can with due diligence be ascertained, at least six weeks before said hearing; but no such personal notice or mailing shall be required to any person of full age, who shall by writing indorsed on such petition, or a copy thereof attested by one witness and acknowledged before a clerk of a court of record or notary public, or signed in open court before the county judge, consent that such petition be granted.

When notice of
hearing has
been insuffi-
cient.

SECTION 5. At or before the time fixed for hearing, any person interested may appear and answer such petition and set up any proper defense to the same or any part thereof, or intervene to assert and protect any interest he may have. If it shall appear that any person interested has not been duly notified, nor appeared, the hearing may be continued, to give the proper notice. Before any testimony is taken a guardian *ad litem* shall be appointed and appear for any minor interested, for whom no general guardian appears.

Determining
rights of heirs.

SECTION 6. Any question as to advancement in real estate alleged to have been made by such decedent to any heir, may be heard and determined by the county court as upon the assignment of the residue of a settled estate. After hearing the evidence, if it shall appear, to the satisfaction of the court, who are all the heirs of such decedent and what are the respective rights and interests of the parties in the title of such decedent in such lands, the court shall, by its judgment, find and determine the same, and in such judgment shall name the persons entitled to interests therein, and the part to which each shall be entitled.

Copy of judg-
ment to be re-
corded in office
of register of
deeds.

SECTION 7. A duly certified copy of such judgment may 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 notified or consenting as

aforesaid, or appearing in such proceedings, and those claiming under them.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 52, S.]

[Published April 8, 1881.]

CHAPTER 287.

AN ACT to amend chapter one hundred and fifty-three, section three thousand three hundred and eighteen of the revised statutes of 1878, relating to liens.

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

SECTION 1. Chapter one hundred and fifty-three, section three thousand three hundred and eighteen of the revised statutes of 1878, is hereby amended so as to read as follows: Section 3318. No lien hereby given shall exist, and no action to enforce the same shall be maintained, unless within six months from the date of the last charge for performing such work and labor, or of the furnishing of such materials, a claim for such lien shall be filed as hereinafter provided, in the office of the clerk of the circuit court of the county in which the lands affected thereby lie, nor unless such action be brought within one year from such date, unless within thirty days next preceding the expiration of the one year, the person filing the lien shall make and annex to the instrument on file, an affidavit setting forth the interest which he has by virtue of such lien in the property therein mentioned, upon which affidavit the clerk shall indorse the time when the same was filed. The effect of such affidavit shall not continue beyond one year from the time when such lien would otherwise cease to be valid as against subsequent purchasers, liens or mortgages, in good faith. Such claim for lien may be filed and docketed within such six months, notwithstanding the death of the owner of the property affected thereby, or of the person with whom the original contract was made, with like effect as if he were then living.

Claim of lien, when to be filed and suit commenced.

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

Approved April 1, 1881.