

is based upon present s. 321.02. However, the statute of limitations has been changed to a straight 6 years. Also the provision for approval of an attorney before suit has been deleted. [Bill 5-S]

**878.09 History:** 1969 c. 339; Stats. 1969 s. 878.09.

**Legislative Council Note, 1969:** This section is a restatement of present s. 321.03. [Bill 5-S]

**878.11 History:** 1969 c. 339; Stats. 1969 s. 878.11.

**Legislative Council Note, 1969:** This section is a restatement of present s. 321.06. [Bill 5-S]

**878.13 History:** 1969 c. 339; Stats. 1969 s. 878.13.

**Legislative Council Note, 1969:** This section is a restatement of present s. 321.08. [Bill 5-S]

#### CHAPTER 879.

##### Notice, Appearance, Appeal and Miscellaneous Procedure.

**Legislative Council Note, 1969:** This chapter replaces chapter 324 and also contains many related provisions that are scattered throughout the probate chapters. [Bill 5-S]

**879.01 History:** 1969 c. 339; Stats. 1969 s. 879.01.

**Legislative Council Note, 1969:** This section is a restatement of present s. 310.045 (1). [Bill 5-S]

**879.03 History:** 1969 c. 339; Stats. 1969 s. 879.03.

**Legislative Council Note, 1969:** Sub. (1) is based upon present ss. 324.18 (1) (a) and 324.19. Sub. (2) (a) is based on s. 324.18 (1) (a). Sub. (2) (b) is new, but is based upon case law. Sub. (2) (c) is based upon present ss. 318.02 and 324.18 (1) (b). Sub. (3) is based upon present s. 310.05 (2). Sub. (4) is based upon present s. 324.18 (1) (a). [Bill 5-S]

**879.05 History:** 1969 c. 339; Stats. 1969 s. 879.05.

**Legislative Council Note, 1969:** The only change from existing procedure is to require publication as a class 3 notice only once in most estates. [Bill 5-S]

**879.07 History:** 1969 c. 339; Stats. 1969 s. 879.07.

**Legislative Council Note, 1969:** Sub. (1) is based upon present s. 324.18 (5) (d). Sub. (2) is based upon present s. 324.18 (5) (a), (b). Sub. (3) is based upon present s. 324.18 (5) (c). [Bill 5-S]

**879.09 History:** 1969 c. 339; Stats. 1969 s. 879.09.

**Legislative Council Note, 1969:** This section is based upon present ss. 310.05 (1) and 324.18 (2). [Bill 5-S]

**879.11 History:** 1969 c. 339; Stats. 1969 s. 879.11.

**Legislative Council Note, 1969:** This section

is based upon present s. 324.14 (3) and existing case law. [Bill 5-S]

**879.13 History:** 1969 c. 339; Stats. 1969 s. 879.13.

**Legislative Council Note, 1969:** This section is based upon present s. 324.36. The last sentence is new to allow persons to waive notice after the fact. [Bill 5-S]

**879.15 History:** 1969 c. 339; Stats. 1969 s. 879.15.

**Legislative Council Note, 1969:** This section is based upon present s. 324.29 (1) and existing case law. [Bill 5-S]

**879.17 History:** 1969 c. 339; Stats. 1969 s. 879.17.

**Legislative Council Note, 1969:** This section is based upon present s. 324.29 (3) but requires the use of the s. 256.27 (3) procedure for the substitution of attorneys. [Bill 5-S]

**879.19 History:** 1969 c. 339; Stats. 1969 s. 879.19.

**Legislative Council Note, 1969:** This section is new and reflects existing practice. [Bill 5-S]

**879.21 History:** 1969 c. 339; Stats. 1969 s. 879.21.

**Legislative Council Note, 1969:** This section is a restatement of present s. 311.16 (3). [Bill 5-S]

**879.23 History:** 1969 c. 339; Stats. 1969 s. 879.23.

**879.25 History:** 1969 c. 339; Stats. 1969 s. 879.25.

**Legislative Council Note, 1969:** This section is a restatement of present s. 324.29 (4). [Bill 5-S]

**879.26 History:** 1969 c. 339; Stats. 1969 s. 879.26.

**Legislative Council Note, 1969:** This section is new. It provides for the waiver of the new requirements for giving information to persons interested. [Bill 5-S]

**879.27 History:** 1969 c. 339; Stats. 1969 s. 879.27.

**Legislative Council Note, 1969:** This section is based upon present ss. 324.01, 324.04 and 324.16. Several archaic and duplicitous provisions have been deleted. [Bill 5-S]

**879.31 History:** 1969 c. 339; Stats. 1969 s. 879.31.

**Legislative Council Note, 1969:** This provision reduces to 6 months the time during which it is possible to bring an appeal. This is consistent with the procedure in civil actions. [Bill 5-S]

**879.33 History:** 1969 c. 339; Stats. 1969 s. 879.33.

**Legislative Council Note, 1969:** This section is based upon present s. 324.11. The provision limiting attorney fees, as taxable cost, to \$25 has been deleted. [Bill 5-S]

**879.35 History:** 1969 c. 339; Stats. 1969 s. 879.35.

**Legislative Council Note, 1969:** This section is a restatement of present s. 324.12. [Bill 5-S]

**879.37 History:** 1969 c. 339; Stats. 1969 s. 879.37.

**Legislative Council Note, 1969:** This section is based upon present s. 324.13 (1). However, the section is made applicable to all contests in administration, not just will contests. [Bill 5-S]

**879.39 History:** 1969 c. 339; Stats. 1969 s. 879.39.

**Legislative Council Note, 1969:** This section is a restatement of present s. 324.14. [Bill 5-S]

**879.41 History:** 1969 c. 339; Stats. 1969 s. 879.41.

**Legislative Council Note, 1969:** This section is based upon present s. 324.27. [Bill 5-S]

**879.43 History:** 1969 c. 339; Stats. 1969 s. 879.43.

**Legislative Council Note, 1969:** This section is based upon present ss. 313.06 and 324.15 and existing case law. [Bill 5-S]

**879.45 History:** 1969 c. 339; Stats. 1969 s. 879.45.

**Legislative Council Note, 1969:** This section retains the existing statute on jury trials in probate court. [Bill 5-S]

**879.47 History:** 1969 c. 339; Stats. 1969 s. 879.47.

**Legislative Council Note, 1969:** This section is based upon present s. 324.30 and existing practice. [Bill 5-S]

**879.49 History:** 1969 c. 339; Stats. 1969 s. 879.49.

**Legislative Council Note, 1969:** This section is based upon present s. 324.30 (2nd sentence). [Bill 5-S]

**879.51 History:** 1969 c. 339; Stats. 1969 s. 879.51.

**Legislative Council Note, 1969:** This section is new. It requires prompt action on the part of the court in setting matters for hearing. [Bill 5-S]

**879.53 History:** 1969 c. 339; Stats. 1969 s. 879.53.

**Legislative Council Note, 1969:** This section is based upon present s. 324.24. However, instead of the matter being set for a term of court, the matter is to be set for a day certain. [Bill 5-S]

**879.55 History:** 1969 c. 339; Stats. 1969 s. 879.55.

**Legislative Council Note, 1969:** This provision follows existing statutes as interpreted and limited in Estate of Cudahy, 196 Wis. 260, 219 N.W. 203 (1928). [Bill 5-S]

**879.57 History:** 1969 c. 339; Stats. 1969 s. 879.57.

**Legislative Council Note, 1969:** This section is a restatement of present s. 311.16 (1) and (2). [Bill 5-S]

**879.59 History:** 1969 c. 339; Stats. 1969 s. 879.59.

**Legislative Council Note, 1969:** This section retains the existing statute on compromises which was held constitutional in Estate of Jorgenson, 267 Wis. 1, 64 N.W. 2d 430 (1954). [Bill 5-S]

**879.61 History:** 1969 c. 339; Stats. 1969 s. 879.61.

**Legislative Council Note, 1969:** This section is based upon present ss. 312.06, 312.07 and 312.08. [Bill 5-S]

**879.63 History:** 1969 c. 339; Stats. 1969 s. 879.63.

**Legislative Council Note, 1969:** This section is new. It gives all persons interested rights similar to creditors under s. 859.40. [Bill 5-S]

**879.65 History:** 1969 c. 339; Stats. 1969 s. 879.65.

**Legislative Council Note, 1969:** This section is based upon present s. 314.06. [Bill 5-S]

**879.67 History:** 1969 c. 339; Stats. 1969 s. 879.67.

**Legislative Council Note, 1969:** This section is based upon present s. 310.21. However, the provisions of s. 262.06 (1) relating to out-of-state service are made applicable. [Bill 5-S]

**879.69 History:** 1969 c. 339; Stats. 1969 s. 879.69.

**Legislative Council Note, 1969:** This section is new. It requires the court, upon petition, to rule on all matter relating to the administration of estates. [Bill 5-S]

## CHAPTER 885.

### Witnesses and Oral Testimony.

**Editor's Note:** The sections comprising this chapter were not assigned decimal numbers by ch. 4, Laws 1925, but were renumbered by the Revisor in 1925 under his general authority.

**885.01 History:** R. S. 1849 c. 88 s. 261; R. S. 1849 c. 98 s. 1; R. S. 1849 c. 131 s. 57; R. S. 1849 c. 146 s. 7; R. S. 1858 c. 120 s. 231; R. S. 1858 c. 133 s. 78; R. S. 1858 c. 137 s. 1; R. S. 1858 c. 177 s. 7; 1860 c. 125 s. 1; 1871 c. 137 s. 43; R. S. 1878 s. 4053; 1879 c. 194 s. 2 sub. 28; Ann. Stats. 1889 s. 4053; Stats. 1898 s. 4053; 1899 c. 351 s. 45; Supl. 1906 s. 4053; Stats. 1925 s. 325.01; 1927 c. 523 s. 2; 1943 c. 20, 229; 1945 c. 34; 1963 c. 6; 1965 c. 66 s. 2; 1965 c. 217, 617; Stats. 1965 s. 885.01; 1967 c. 276 s. 39; 1969 c. 276 s. 590 (2).

**Revisor's Note, 1927:** The words "may be in the form heretofore commonly used" are omitted, because the matter of form is treated in the next section (325.02), and because the meaning is doubtful. See note to section 325.02. The words "or before any magistrate" are added to subsection (2) to make it plain that the attorney general and district attorneys may subpoena witnesses to attend preliminary hearings and inquests as well as trials. Subsection (4) is added to take the place of the provisions for subpoenas contained in sections 16.05 (1), 94.49, 99.19 (1), 101.19, 102.17 (1), 152.01 (5), 195.29 (1), 298.06 and 366.06. The object is to collect and