

No. 225, S.]

[Published April 4, 1893.]

CHAPTER 75.

AN ACT to amend section 2172, of Sanborn and Berryman's Annotated Statutes, relating to election of widow to take the provision made for her by law instead of jointure, devise or other provisions made for her in the will of her husband.

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

Amends sec.
2172, S. & B's.
Anno. Stat.

SECTION 1. Section 2172, of Sanborn and Berryman's Annotated Statutes, is hereby amended by striking out the words "death of her husband," in the fourth line and inserting the following: "filing of a petition for the appointment of an administrator or for the probate of the will;" so that said section, when so amended, shall read as follows: Section 2172. When a widow shall be entitled to an election under either of the last two preceding sections, she shall be deemed to have elected to take such jointure, devise or other provision, unless within one year after the filing of a petition for the appointment of an administrator or for the probate of the will, she file in the court having jurisdiction of the settlement of his estate, notice in writing that she elects to take the provisions made for her by law instead of such jointure, devise or other provision; and upon filing such notice she shall be entitled to the same dower in his lands, and the same right to the homestead, as if he had died intestate leaving lawful issue, and the same share of his personal estate, as if he had died intestate: provided, that when he shall have died testate, the share of personal estate which she may so take, shall not exceed the one-third part of his net personal estate, and the provisions of this and the two next preceding sections shall not apply to any case where the husband shall die intestate, leaving no issue.

When deemed
to have taken
jointure or
devise.

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

Approved March 30, 1893.