

SECTION 3. Section 15, chapter 490, laws of 1905, is amended and made a section of the statutes to read:

* *

Approved July 13, 1907.

(In effect from and after date of publication.)

No. 60, S.]

[Published July 16, 1907.

CHAPTER 635.

AN ACT to amend section 3940 of the statutes, relating to the distribution and partition of estates.

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

SECTION 1. Section 3940 of the statutes is amended to read:

* *

Approved July 13, 1907.

(In effect from and after date of publication.)

No. 692, A.]

[Published July 16, 1907.

CHAPTER 636.

AN ACT to create sections 1952a, 1952b, 1952c and 1952d of the statutes, providing for the annual apportionment and distribution of surplus and requiring reports thereof.

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

SECTION 1. There are added to the statutes four new sections to read:

* *

Approved July 13, 1907.

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settlement of the estate and for his services one dollar *and fifty cents* per day, and commissions upon the amount of personal estate collected and accounted for by him and the proceeds of real estate sold under an order of the county court for the payment of debts or legacies as follows: For the first thousand dollars at the rate of five per cent.; for all above that sum * * * at the rate of one per cent.; and such further sums in cases of unusual difficulty or extraordinary services as the county court shall judge reasonable. The same *provision for compensation* shall * * * *apply to administrators.*

(Ch. 660, 1907.)

[SECTION 3930a created from section 3030a by Sec. 2, Ch. 660, 1907.]

Estates: judgment assigning residue. SECTION 3940. 1. After the payment of the debts, funeral charges and expenses of administration and after deducting all the allowances provided for in this chapter or when sufficient effects shall be reserved in the hands of the executor or administrator for the above purposes, the county court shall, by * * * a judgment assign the residue of the estate, if any, to such * * * persons as * * * by law *are* entitled to the same.

Rights of parties. 2. *Such judgment may be made on the application of the executor or administrator or of any person interested in the estate.* * * * The court shall name therein the persons and * * * assign to each * * * the portion to which he is entitled. * * * The right to recover any such portion from the executor or administrator or from any other person is hereby given to the person entitled thereto. * *

Judgment as evidence. 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 as to all persons appearing in any such proceeding and as to all persons claiming under them.*

To apply to realty. 4. *This section shall apply to all real estate described in any such judgment whether or not in the possession of the executor or administrator.*

(Ch. 635, 1907.)

Partitions: satisfaction of creditors of non-resident heirs and legatees; service of citation. SECTION 3940a.