

No. 526, A.]

[Published June 14, 1929.]

CHAPTER 173.

AN ACT to repeal section 312.03, to renumber section 313.14 to be subsection (1) of said section 313.14, section 313.15 to be subsection (2) of said section 313.14, subsections (1) to (5) of section 318.01 to be subsections (1) to (5) of section 313.15, and subsections (6) to (8) of section 318.01 to be subsections (1) to (3) of said section 318.01, to amend the introductory paragraph of subsection (1) of section 313.16, and subsection (1) of section 318.01, as renumbered, and to create a new introductory paragraph of section 313.15 of the statutes, relating to the probate of estates of decedents.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 312.03 of the statutes is repealed.

SECTION 2. Section 313.14 is renumbered to be subsection (1) of said section 313.14, section 313.15 to be subsection (2) of said section 313.14, subsections (1) to (5) of section 318.01 to be subsections (1) to (5) of section 313.15, and subsections (6) to (8) of section 318.01 to be subsections (1) to (3) of said section 318.01.

SECTION 3. The introductory paragraph of subsection (1) of section 313.16 and subsection (1) of section 318.01, of the statutes, as renumbered, are amended to read: (313.16) (1) (Introductory paragraph) *If, after the allowance provided for by section 313.15 has been made and* after the amount of the claims against any estate shall have been ascertained by the court, it shall appear that the executor or administrator has in his possession sufficient to pay all the debts, he shall pay the same in full within the time limited for that purpose. If the assets received by the executor or administrator, and which can be appropriated to the payment of debts, shall not be sufficient he shall, after paying necessary expenses of administration, pay the debts against the estate in the following order:

(318.01) * * * (1) The residue, if any, of the personal estate of any intestate and the residue of the personal estate of a testator, not disposed of by his will and not required for the purposes * * * mentioned in * * * section 313.15, shall be distributed in the same proportions, and to the same persons, and for the same purposes, as prescribed for the descent

and disposition of real estate in chapter 237, except that when the deceased shall leave a widow and lawful issue the widow shall be entitled to receive the same share of such residue as a child of such deceased, when there is only one child, and in all other cases one-third of such residue.

SECTION 4. An introductory paragraph is added to section 313.15 of the statutes to read: (313.15) (Introductory paragraph) When any person shall die possessed of any personal estate or of any right or interest therein, whether disposed of by will or not, the same shall be applied and distributed as follows:

SECTION 5. This act shall take effect upon passage and publication.

Approved June 12, 1929.

No. 529, A.]

[Published June 14, 1929.]

CHAPTER 174.

AN ACT to amend subsection (1) of section 313.03 of the statutes, relating to notice to creditors in county court proceedings.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 313.03 of the statutes is amended to read: (313.03) (1) At the time of entering an order for the giving of notice, or upon the due waiver of notice, for granting letters testamentary or of administration, or at any time thereafter, the county court, by order, shall fix a time, not less than four months nor more than one year thereafter, as the circumstances of the case may require, within which creditors shall present their claims for examination and allowance. * * * Upon showing satisfactory to the court and upon such notice to the executor or administrator or other parties in interest as the court may direct and on the application of a creditor filed, not later than sixty days after the expiration of the time fixed as aforesaid, such time may be extended, but not beyond two years from the date of the letters. The court shall fix also by said order a time after the presentation of claims for the examination and adjustment of any claims presented; provided that hearing may be held on such claims and such claims may be examined and determined at any regular or special term of the court, and all hearings on claims, the examination and determi-