

no widow *or* *widower* or minor child of such deceased owner of any homestead living at the time of \* \* \* death such homestead shall be subject to and charged with the expenses of \* \* \* last sickness and \* \* \* funeral and the costs and charges of administration; and provided further, that if there be no widow *or* *widower* and no child and no child of any deceased child of such deceased owner of any homestead such homestead shall be subject to all the debts and liabilities of such deceased owner.

SECTION 4. 318.01 (1) of the statutes is amended to read:

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 *or* *widower* and lawful issue the widow *or* *widower* 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.

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### CHAPTER 317.

AN ACT to create 66.35 (6a) and to amend 130.08 (1) of the statutes, relating to auction sales and closing out sales by persons entering the armed services.

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

SECTION 1. 66.35 (6a) of the statutes is created to read:

66.35 (6a) For the duration of the present war and until its termination as proclaimed by the President or the Congress any person applying for such license who shall include in the affidavit required in subsection (2) a statement that he is selling out or disposing of his stock of merchandise on hand because of having been inducted or of imminent induction into the armed forces of the United States or into any women's auxiliary of the

armed forces of the United States created by act of Congress, as the case may be, shall not be required to pay a license fee as provided in this section.

SECTION 2. 130.08 (1) of the statutes is amended to read:

130.08 (1) No jewelry auction sales of any kind shall be exempt from the provisions of \* \* \* section 130.07 (1). Nothing else in this chapter contained, in relation to auction and auctioneers, shall extend to any sale by auction of goods, wares or merchandise under or by virtue of any rule, order or judgment of any court, in relation to judicial sales conducted by court direction or court order only in a pending action before said court, or of any law respecting the collection of any tax or duty, either of state or the United States, or to any sale by auction of property belonging to this state or the United States or to any sale by any trustee in bankruptcy, or any sale made by any executor, administrator or guardian duly authorized by the court to conduct such sale, personally, or when made by an officer of any court in person, or by an officer of this city, county or state or the United States in person, *or to any person making a bona fide disposal of his property for the reason that such person is entering the armed forces of the United States or any of the women's auxiliary military services established by act of Congress.* Provided, however, where an auction sale under the provisions of this section is conducted by virtue of an order or judgment of any state court, in any proceeding pending in said state court, such order shall be granted only upon a verified petition setting forth the purpose of such sale. The petition shall also state the name of the owner of the goods, wares or merchandise, the name of the assignee, the person who is to conduct the auction sale, and shall in addition thereto be accompanied by a detailed inventory of the stock of goods to be sold, the value thereof, and said detailed inventory shall not be supplemented by additional stock not actually on hand at the time the petition is filed. The order of the court shall provide that the sale shall not continue for more than 30 days and that the goods, wares or merchandise listed in the inventory are not to be in any manner supplemented during the course of such sale. The order of the court may be revoked upon a proper showing that the facts set forth in the petition or inventory are untrue or that any of the provisions of the court's order are being violated.

Approved June 16, 1943.