

No. 141, S.]

[Published August 12, 1959.

CHAPTER 268

AN ACT to amend 233.01, 233.16 and 233.23 of the statutes, relating to reconciling certain statutory provisions as to homesteads of widows and dower.

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

SECTION 1. 233.01 of the statutes is amended to read:

233.01 The widow of every deceased person dying after August 31, 1921, shall be entitled to a dower defined to be a one-third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage unless she is lawfully barred thereof \* \* \*. \* \* \* *However, such widow shall have no dower in any homestead of which her husband died seized \* \* \*; instead she shall have homestead rights as provided in s. 237.02.*

SECTION 2. 233.16 of the statutes is amended to read:

233.16 Whenever an executor or trustee is given power of sale in a will any election by the widow or by any person for her shall not prevent the exercise of such power as to any realty, except that any homestead shall not be sold without the written consent of the widow \* \* \*. In case of such sale, *where the widow has a dower interest, she shall \* \* \* be paid one-third of the net proceeds thereof, \* \* \* and where the widow has homestead rights she shall be paid the value thereof to be computed as the value of a life estate. Title to the lands so sold by such executor or trustee shall be clear and free from any dower or homestead interests of the widow \* \* \*.*

SECTION 8. ~~233.23~~ of the statutes is amended to read:

233.23 The husband of every wife dying after September 1, 1947 shall be entitled to curtesy defined to be a one-third part of all the lands of which she died seized of an estate of inheritance and which were not disposed of by her last will and testament. \* \* \* *However*, such surviving husband shall have no curtesy in any homestead of which his wife died seized \* \* \* ; *instead he shall have homestead rights as provided in s. 237.02.*

Approved July 31, 1959.

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