

No. 746, A.]

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CHAPTER 202.

AN ACT to amend section 3968 of the statutes, relating to the time within which actions may be commenced on guardian's bonds.

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

SECTION 1. Section 3968 of the statutes is amended to read: Section 3968. Every bond given by a guardian shall be filed and recorded in the office of the county court requiring the same, and in case of any breach of the condition thereof may be prosecuted in the name of the ward for the use and benefit of such ward or of any person interested in the estate whenever the county court shall direct; and the proceedings in such action may be as provided in respect to actions on the bonds of executors and administrators. No action shall be maintained against the sureties on any bond given by a guardian unless it be commenced within four years from the time when the guardian shall have been discharged; *provided, that in case an accounting is had the time within which said action may be commenced shall not terminate in any event until one year after the final determination of such accounting proceedings.* But if, at the time of such discharge, the person entitled to bring such action shall be under any legal disability to sue, the action may be commenced at any time within four years after such disability shall be removed. Any action upon such bond by or in behalf of one ward shall not bar or in any way affect the right of any other ward or wards interested to bring and maintain an action thereon, but separate actions or a joint action may be maintained thereon by or in behalf of any or all persons interested. Nor shall any such action impair any other remedy of the ward. No accounting in the county court shall be necessary before bringing an action against sureties when the guardian shall die or remove out of the jurisdiction of the court appointing him or shall for any reason become incompetent.

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

Approved May 9, 1913.