

No. 448, S.]

[Published May 23, 1925.]

**CHAPTER 171.**

AN ACT to renumber paragraph (c) of subsection (4) of section 102.09 to be subsection (4a) of section 102.09, to amend subsections (2) and (3) of section 102.05, paragraph (a) of subsection (4n) of section 102.09 and subsection (1) of section 102.16 and to create subsections (5) and (6) of section 102.08 and subsection (9) of section 102.09 of the statutes, relating to the administration of the workmen's compensation act.

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

SECTION 1. Paragraph (c) of subsection (4) of section 102.09 is renumbered to be subsection (4a) of section 102.09 of the statutes.

SECTION 2. Subsections (2) and (3) of section 102.05, paragraph (a) of subsection (4n) of section 102.09 and subsection (1) of section 102.16 of the statutes are amended to read: (102.05) (2) If any employer shall at any time after August 31, 1917, have three or more employes in a common employment he shall be deemed to have elected to accept the provisions of sections 102.03 to 102.34, inclusive, unless prior to that date such employer shall have filed with the industrial commission a notice in writing to the effect that he elects not to accept the provisions hereof. Provided, that any employer commencing business subsequent to August 31, 1917, may make his election not to become subject to sections 102.03 to 102.34, inclusive, at any time prior to becoming an employer of three or more employes in a common employment. Such employer may withdraw from the provisions of sections 102.03 to 102.34, inclusive, in the manner provided in subsection (1) of section 102.05. The provisions of this subsection shall not apply to farmers or to farm labor. In determining the number of employes in the common employment of an employer not engaged in farming, farmers or farm laborers working along with the employes of an employer not engaged in farming shall be counted. *Members of partnerships shall not be counted as employes under this subsection.*

(3) Any employer who shall enter into a contract for the insurance of the compensation provided for in sections 102.03 to

102.35, inclusive, or against liability therefor, shall be deemed thereby to have elected to accept the provisions of sections 102.03 to 102.35, \* \* \* *and such election shall include farm laborers and domestic servants if such intent is clearly shown by the terms of the policy.* Such election shall remain in force until withdrawn in the manner provided in subsection (1) of this section.

(102.09) (4n) (a) *In all cases* where death proximately results from the accident \* \* \* *the employer or insurer shall pay the reasonable expense for burial, not exceeding two hundred dollars.*

(102.16) (1) Any dispute or controversy concerning compensation under sections 102.03 to 102.34, inclusive, including any in which the state may be a party, shall be submitted to said industrial commission in the manner and with the effect provided in sections 102.03 to 102.34, inclusive. Every compromise of any claim for compensation under section 102.03 to \* \* \* 102.35, \* \* \* shall be subject to be reviewed by, and set aside, modified or confirmed by the commission \* \* \* within one year from the \* \* \* *date such compromise is filed with the commission.*

SECTION 3. Two new subsections are added to section 102.08 and a new subsection is added to section 102.09 of the statutes to read: (102.08) (5) Epileptics and persons who are totally blind may elect not to be subject to the provisions of sections 102.03 to 102.35, for injuries resulting because of such epilepsy or blindness and still remain subject to the provisions of such sections for all other injuries.

(6) Except as provided in subsection (5) of this section, any non-election by an employe which was procured by his employer as a condition of employment, or by solicitation, coercion, or fraud shall be void and shall not affect the right of such employe or his dependents to the benefits provided by sections 102.03 to 102.35.

(102.09) (9) Whenever the industrial commission shall certify to the state treasurer that excess payment has been made under paragraph (d) of subsection (6) or under paragraph (f) of subsection (4) of section 102.09 either because of mistake or otherwise, the state treasurer shall within five days after receipt of such certificate draw an order against the fund in the state

treasury into which such excess was paid, reimbursing such payor of such excess payment together with interest actually earned thereon.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 20, 1925.

No. 224, S.]

[Published May 23, 1925.

## CHAPTER 172.

AN ACT to amend subsection (1) of section 324.13 (4041b) of the statutes, relating to allowances for costs and expenses in contests concerning wills and trust estates.

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

SECTION 1. Subsection (1) of section 324.13 (4041b) of the statutes is amended to read: (324.13) (4041b) (1) Any court of record, in contests therein, upon application for the probate of any will, *or in relation to any trust created therein, or for the allowance or approval of any account by law required to be made or filed by an executor or trustee*, in its discretion, may, *if it shall deem such contest to have been necessary or meritorious*, allow to the proponent of such will *or to the successful contestant in such proceedings* a reasonable attorney's fee to be paid out of the estate of the decedent; and *in case of appeal* may also in its discretion, allow to the *proponent if successful or to such contestant if finally successful on appeal* \* \* \* a reasonable attorney's fee *for services on such appeal to be paid* out of said estate \* \* \* .

SECTION 2. This act shall take effect upon passage and publication.

Approved May 20, 1925.