

No. 56, S.]

[Published June 16, 1943.]

**CHAPTER 315.**

AN ACT to create 256.31 of the statutes, providing for the organization and government of the state bar of Wisconsin.

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

256.31 of the statutes is created to read:

256.31 STATE BAR OF WISCONSIN. (1) There shall be an association to be known as the "State Bar of Wisconsin" composed of persons licensed to practice law in this state, and membership in such association shall be a condition precedent to the right to practice law in Wisconsin.

(2) The supreme court by appropriate orders shall provide for the organization and government of the association and shall define the rights, obligations and conditions of membership therein, to the end that such association shall promote the public interest by maintaining high standards of conduct in the legal profession and by aiding in the efficient administration of justice.

Vetoed. Passed over veto, May 5, 1943.

No. 280, A.]

[Published June 17, 1943.]

**CHAPTER 316.**

AN ACT to amend 233.23, 237.01 (2), (3) and (4), 237.02 and 318.01 (1) of the statutes, relating to the descent of property.

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

SECTION 1. 233.23 of the statutes is amended to read:

233.23 The husband on the death of his wife shall \* \* \* be entitled to one-third of the lands of which she died seized and which were not disposed of by her last will and testament \* \* \* ; provided, that if the wife, at her death, shall leave issue by any former husband, to whom the estate might descend, such issue shall take the same discharged from the right of the surviving husband to \* \* \* the same \* \* \* .

SECTION 2. 237.01 (2), (3) and (4) of the statutes are amended to read:

237.01 (2) If \* \* \* *the intestate* leave no lawful issue, to his *or her* widow *or* widower; if \* \* \* *the intestate* leave no such issue, \* \* \* widow *or* widower, to \* \* \* *the parents of the intestate*, if living, and if either *parent* shall not be living, to the survivor \* \* \*.

(3) If \* \* \* *the intestate* leave no lawful issue nor widow *nor* widower nor father nor mother \* \* \* *the estate* shall descend in equal shares to \* \* \* *the intestate's* brothers and sisters and to the lineal descendants of any deceased brother or sister by right of representation.

(4) If the intestate \* \* \* leave no lawful issue, widow, widower, father, mother, brother nor sister \* \* \* *the estate* shall descend to \* \* \* *the intestate's* next of kin in equal degree, except that when there are 2 or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor more remote; provided, however,

SECTION 3. 237.02 of the statutes is amended to read:

237.02 When the owner of any homestead shall die, not having lawfully devised the same, such homestead shall descend, free of all judgments and claims against such deceased owner or his estate except mortgages lawfully executed thereon and laborers' and mechanics' liens, in the manner following:

(1) If \* \* \* *the decedent* shall have no lawful issue, to \* \* \* *the widow or widower*.

(2) If \* \* \* *the decedent* shall leave a widow and issue *or a widower and issue*, to \* \* \* *the widow or widower* \* \* \* *so long as not remarried*, and upon \* \* \* marriage *or* \* \* \* death to \* \* \* *the original decedent's* heirs according to section 237.01, provided, that the limitation as to value of the homestead in \* \* \* section 272.20 (1) shall not apply between a widow *or* widower, *so long as not remarried*, and the heirs of \* \* \* *the decedent* \* \* \*.

(3) If \* \* \* *the decedent* shall leave issue and no widow *or* widower, to such issue according to section 237.01.

(4) If \* \* \* *the decedent* shall leave no issue or widow *or* widower, such homestead shall descend under section 237.01, subject to lawful liens thereon; provided, however, if there be

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.

Approved June 16, 1943.

No. 412, A.]

[Published June 17, 1943.

### 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