

No. 502, A.]

[Published July 18, 1945.]

**CHAPTER 462.**

AN ACT to create 180.13 (3) of the statutes, relating to management of corporations by directors and stockholders rights with reference thereto.

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

180.13 (3) of the statutes is created to read:

180.13 (3) After September 1, 1945, no stockholders' derivative action against one or more directors or officers of a corporation of this state shall be maintained by the holder or holders of less than 5 per cent of the outstanding stock of any class, unless the action be one based on conduct which results, and is wilfully intended to result, in a direct or indirect personal benefit or advantage to one or more directors or officers, or conduct which results in a personal benefit or advantage to one or more stockholders over the other stockholders.

Approved July 10, 1945.

No. 513, A.]

[Published July 18, 1945.]

**CHAPTER 463.**

AN ACT to create 235.255 of the statutes, relating to authorizing and validating instruments and writings executed by persons engaged in war service.

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

235.255 of the statutes is created to read:

235.255 INSTRUMENTS EXECUTED BY PERSONS IN WAR SERVICE VALIDATED. (1) DEFINITIONS. As used in this section the term:

(a) "Person engaged in war service" means any member of the armed forces of the United States, including those held as prisoners of war; any officer or seaman of the merchant marine of the United States; any citizen of the United States who is interned in a foreign country; or any citizen of the United States who is outside the limits of the United States by permission, assignment or direction of any department or official of the United States government, in connection with an activity pertaining to

the prosecution of any war in which the United States is then engaged.

(b) "During the period of the existing war" means the period commencing September 16, 1940, and ending one year after the termination by treaty of peace proclaimed by the President of the wars in which the United States is now (1945) engaged.

(c) "Conveyance" means any (writing signed by the person executing it and intended to be a) deed, mortgage, power of attorney, or other instrument (except a will or codicil) affecting the title to or disposition of real or personal property, and the validity of which is governed by the laws of this state.

(2) VALIDATION. Whenever, during the period of the existing war, a person engaged in war service has executed, or shall execute, a conveyance, it shall not be invalid because of the lack of, or defective, seal, attestation, witnessing or acknowledgment; nor shall the conveyance be denied recordation because of lack of, or defective, acknowledgment, witnessing, or attestation, if there is recorded an affidavit that the person executing it was a person engaged in war service at the time of the execution of the instrument.

(3) WILLS. Whenever, during the period of the existing war, a person engaged in war service has executed, or shall execute, a will or codicil, it shall not be denied probate, because of lack of witnesses; because the witnesses cannot be found or produced to prove the will; because the signatures of the witnesses cannot be proved; because of any defect in attestation or publication; or because the testator was below testamentary age, if the court finds the signature to be genuine and finds from the face of the instrument or other proof that the signer intended it to take effect as a will or codicil. Nothing herein contained shall be construed to affect the validity of nuncupative or oral wills.

(4) EXCEPTIONS. (a) This section shall not apply to a conveyance, will or codicil which, before the effective date of this act (1945) has been judicially construed to be invalid.

(b) Nothing in this section shall be deemed to affect the rights of the signer of such legal instrument, will, or codicil, or his successors in interest, arising out of fraud, duress, undue influence, mental incompetence, or in the case of a conveyance the rights arising out of infancy.

(5) SEVERABILITY. If any subsection, paragraph, or

other provision of this section, or its application to any person or circumstance shall be held unconstitutional, such decision shall not affect the constitutionality of any other subsection, paragraph, or other provision, or its application to other persons or circumstances.

Approved July 10, 1945.

No. 388, A.]

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Corrected Copy]

[Republished Aug. 21, 1945.

#### CHAPTER 464.

AN ACT to create 29.343 of the statutes, relating to the use of slat nets.

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

29.343 of the statutes is created to read:

29.343 SLAT NET FISHING IN THE MISSISSIPPI. (1) Licenses which shall authorize the use of slat nets in the Mississippi river over which this state has jurisdiction between the Minnesota-Iowa boundary line extended and the Wisconsin-Illinois boundary line extended shall be granted for the taking of commercial fish from May 1 to October 1 of each year. The license fee shall be \$20 and each licensee or crew may operate not to exceed 50 nets, but each net before use must have attached thereto a metal tag stamped to designate the kind of net and the number of the license. Tags shall be furnished to the licensee at the time of the issuing of the license on the payment of a fee of 50 cents for each tag. Tags must remain attached to the nets until replaced by renewal tags. No slat net shall be set within 100 feet of any muskrat or beaver house. Any slat net found in such waters after October 1 and any slat net found in such waters or on the Wisconsin banks or shores thereof without a tag and showing evidence of being used in the last 5 months shall be seized and confiscated as provided in section 29.05.

(2) Except as herein provided slat net licenses shall be issued and be subject to section 29.09 except that they shall be issued by the county clerk of the counties bordering on such waters. A sufficient supply of slat net tags shall be furnished such county clerks by the conservation commission.

Approved July 11, 1945.