

[No. 23, S.]

[Published March 4, 1880.]

CHAPTER 65.

AN ACT to amend sections three thousand eight hundred and seventy-five and three thousand eight hundred and seventy-eight of the revised statutes of 1878, relating to the sale of lands by executors and administrators.

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

Petition of executor or administrator,

SECTION 1. Section three thousand eight hundred and seventy-five of the revised statutes of the state of Wisconsin is hereby amended by adding to said section at the end thereof, the words "and if there be unknown heirs stating the fact," so that said section when so amended shall read as follows: In order to obtain such license, the executor or administrator shall present a petition verified by himself, to the county court from which he received his appointment, setting forth the amount of personal estate that has come to his hands, and how much thereof, if any, remains undisposed of; the amount of the debts outstanding against the deceased, so far as the same can be ascertained; a description of all the real estate of which the testator or intestate died seized, and the condition and value of the respective parcels thereof; and the names of the heirs, designating those that are minors, if any, and if there be unknown heirs, stating the fact.

In case of minor or unknown person.

SECTION 2. Section three thousand eight hundred and seventy-eight of the revised statutes of the state of Wisconsin is hereby amended by inserting after the word "county," in the third line of said section the words "or is an unknown person," and by inserting after the word "minor," in the sixth line of said section, the words "or unknown person," so that said section when so amended shall read as follows: If it shall appear to the county court by the petition, or other competent evidence, that any person interested in such estate is a minor and has no general guardian residing in the county, or is an unknown person, the court shall, at or before the time of making the order for hearing the petition, appoint some disinterested freeholder of said county guardian of such minor or unknown person, for the sole purpose of appearing for him and taking care of his interest in the proceedings, and the service of all orders and notices shall be made on such special guardian. If such minor shall have a general guardian in the county, such general guardian shall appear and take care of the interest of such minor, and

all orders and notices required to be served shall be served on such general guardian.

SECTION 3. This act shall take effect and be in force from and after its passage and publication

Approved March 1, 1880.

[No. 27, S.]

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CHAPTER 66.

AN ACT in relation to proceedings in criminal cases in justices' court, and amendatory of section four thousand seven hundred and sixty of chapter one hundred and ninety-four of the revised statutes.

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

SECTION 1. Section four thousand seven hundred and sixty of the revised statutes is hereby amended by adding after the word "may," in the fourteenth line of said section, the following: "In case the complainant shall have given security for costs in the manner provided in section four thousand seven hundred and seventy-one, issue execution on said judgment against both the complainant and the surety, and if the complainant do not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the cause is tried may," so that said section will read, when so amended, as follows: Section 4760. Whenever the accused, tried under the provisions of this chapter, either by the court or by a jury, shall be acquitted, he shall be immediately discharged; and if the court before whom the trial is had shall certify in his docket that the complaint was willful and malicious, and without probable cause, it shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court and sheriff, or constable and jury, and the fees of witnesses in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give said security, or shall neglect to pay such costs, then, in such case, the court before whom the cause is tried may, in case the complainant shall have given security for costs in the manner provided in section four

Amendment.

In case of acquittal.

Willful and malicious complaint.

Neglect of complainant to give security.