

separate trials or hearings. In such cases the taxable costs recovered shall be paid into the general fund.

(103.39) (2) In case of the death of an employe to whom wages are due, the full amount of the wage due shall upon demand be paid by the employer to the wife, children, husband or other dependent living with such employe at the time of his death. Any employer may not less than five days after the death of an employe and before the filing of a petition for letters testamentary or of administration in the matter of the decedent's estate, make payment of the wage due the deceased employe to the wife, children, father or mother, brother or sister of the decedent, giving preference in the foregoing order; or, if no such relative survive, the employer may apply such payment or so much thereof as may be necessary to paying creditors of the decedent in the order of preference prescribed in section 313.16 for satisfaction of debts by executors and administrators. The making of payment in such manner shall be a discharge and release of the employer to the amount of such payment.

(3) In an action by an employe against his employer on a wage claim, no security for payment of costs shall be required. In any such proceeding the court may allow the prevailing party, in addition to all other costs, a reasonable sum not exceeding ten dollars for expenses. No assignee of a wage claim shall be benefited or affected by this subsection except as expressly provided by subsection (14) of section 101.10.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 15, 1931.

No. 64, S.]

[Published June 17, 1931.

CHAPTER 263.

AN ACT to amend section 331.04 of the statutes, relating to the damages recoverable for death by wrongful act.

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

SECTION 1. Section 331.04 of the statutes is amended to read: 331.04 (1) Every such action shall be brought by and in the name of the personal representative of such deceased person, and the amount recovered shall belong and be paid over to the husband or

widow of such deceased person, if such relative survive him or her; but if no husband or widow survive the deceased the amount recovered shall be paid over to his or her lineal descendants and to his or her lineal ancestors in default of such descendants, but if no husband, or widow, or lineal descendant, or ancestor survive the deceased, the amount recovered shall be paid over to the brothers and sisters; and in every such action the jury may give such damages, not exceeding * * * *twelve thousand five hundred dollars*, as they may deem fair and just in reference to the pecuniary injury, resulting from such death to the relatives of the deceased specified in this section; and a nonresident alien surviving wife and minor children shall be entitled to the benefits of this section. *If any of the foregoing relatives shall die at any time after such cause of action shall have accrued, the relative or relatives next in order named above shall be entitled to recover for the wrongful death of the deceased*; provided, that if there be no cause of action in favor of the estate of such decedent and the person or persons to whom the whole amount sued for and recovered belongs, as above provided, shall be the husband, widow, or parent or parents, *lineal descendant or ancestors, brothers or sisters* of the deceased, suit may at his or her or their option be brought directly in his or her or their name or names instead of being brought in the name of the personal representative of such deceased person.

(2) In addition to the benefits provided for in subsection (1), a sum not exceeding twenty-five hundred dollars for loss of society and companionship shall accrue to the parent or parents or husband or wife of the deceased.

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

Approved June 16, 1931.

No. 269, S.]

[Published June 17, 1931.

CHAPTER 264.

AN ACT to create sections 130.07 and 130.08 of the statutes, relating to auctions, and providing a penalty.

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