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NO. 55

Appeal from a judgment of the circuit court for Marathon county, circuit court for Marathon county, by Mr. Justice Nelson. Reversed.

Walton Polzin, Mabel Polzin, Emmet Olson, Beatrice Olson, Naomi Maney, Jesse Maney and Drusilla Maney, plaintiffs and respondents.

vs.

Frank Wachtl and Consolidated Indemnity and Insurance Company, defendents and appellants.

Seven separate actions were commenced on April 25, 1931, against defendant Wachtl alone, to recover damages resulting from an automobile accident which occurred on April 12, 1931. Those actions were thereafter duly consolidated. On Oct. 13, 1931, an amended summons and complaint were served on

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in cash, and was further liable for the foreign residence of the decedent, and paid legacies in whole or in part, and was lost in the transmission of letters and receipts through the mails, and who further did not use due diligence in presenting the legacy checks forwarded to them within a reasonable time."

"The administrator having failed to complete the administration within the time required by law, the risk was thereafter his risk and his default created a liability against his bondsmen. That liability not having been discharged, it was correctly held by the court that the plaintiffs were entitled to judgment."

By the Court.—Judgment affirmed.

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