

[No. 505, A.]

[Published April 16, 1887.]

CHAPTER 553.

AN ACT to amend chapter 183, of the laws of 1880, entitled, "an act to provide for the appointment of a register in probate for Milwaukee county."

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

Amending ch.
183, laws 1880.

SECTION 1. Chapter 183, of the laws of 1880, is hereby amended by striking out the words, "two thousand dollars," where the same appear in said section, and inserting in lieu thereof the words, "two thousand five hundred dollars."

Amending section 2, chapter 183, laws 1880.

SECTION 2. Section 2, of said chapter 183, of the laws of 1880, is hereby amended by striking out the words, "eight hundred," where the same appear in said section, and inserting in lieu thereof the words, "twelve hundred." Section 2, of said chapter, is further amended by adding thereto the following: "The county judge may, whenever the business of the office requires it, appoint a clerk or clerks at a salary not exceeding one thousand dollars per annum for each, and the amount necessarily expended therefor shall be paid monthly at the end of each and every month, out of the treasury of said county," so that said sections when so amended shall read as follows: Section 1. After the first day of May, 1880, there shall be appointed by the county judge of Milwaukee county, a register of probate of the said court of the said county, who shall hold his office during the pleasure of said judge. Such register shall be well versed in the law pertaining to probate business; and before he shall enter upon the duties of his office, he shall procure from the justices of the supreme court of this state, or a majority of them, a certificate to that effect, and he shall also take the oath of office prescribed by the constitution of the state, and give an official bond conforming substantially to the official bond required of the clerk of the circuit court, by chapter 37, of the revised statutes,

except in the description of the office; such bond to be approved, recorded and filed in like manner as the official bond of said clerk, and be subject to the same provisions of law. Said register of probate shall have the care and custody of all books, papers and records now required by law to be kept in the care and custody of the county judge, and shall carefully preserve the same, to be delivered to his successor or to the person authorized by law to receive the same. He shall keep such books and make such entries and records therein as required by section 2456, of the revised statutes, or by any rule of the court, or by any special order of the judge. He may administer oaths and give, under the seal of the court, certified copies and transcripts of any paper, record or document in his custody. He shall keep his office, and the books, papers and records thereof, at the office of said county judge, which office, books, papers and records shall at all reasonable times be open to access and inspection by any person having any business therewith. He shall, if required by the parties, draw petitions, orders and other papers required in matters pending or intended to be brought before said court or judge, until some contest or dispute shall arise in reference to the same, in estates the value of which as shown by the petition does not exceed two thousand dollars. He shall also in such last named estates, from time to time, in matters and proceedings in which there is no contest, advise executors, administrators and guardians in regard to their duties in the administration of estates under their charge, and in regard to the manner of performing such duties. He may draw all orders, judgments and decrees, necessary and proper to carry into effect any decision or order of the court or judge in probate proceedings, whenever directed by the judge. He shall receive for his services a salary of two thousand five hundred dollars per annum payable monthly at the end of each and every month out of the treasury of said county. He shall receive no fees of office or other compensation than his salary; he shall have no connection with any other attorney in the practice of law; he shall not be a commissioner, appraiser or divider of any estate in any case within the jurisdiction of said judge or court. Whenever in the absence of the county

judge from the county, or his inability, any application made to the county court, the hearing whereof requires notice to be given by the court, the register of probate may cause such notice to be given, and the order directing such notice, signed as follows: "By the court ————, register of probate," and the notice given accordingly, when so signed by the register of probate, shall have the same force and effect as if signed by the county judge. Section 2. The county judge may appoint an assistant register of probate of said court whenever the business may require it; such assistant register shall take a like oath and give a like bond as required of said register of probate. He shall hold his office during the pleasure of the county judge. In the absence of the register of probate from his office, the assistant register may perform all the duties of the register of probate, with such exceptions and limitations as may be fixed by the county judge. The salary of the assistant register of probate shall be fixed by the county judge of said county at a sum not greater than twelve hundred dollars, in proportion to amount of services it may be necessary for him to render and be payable monthly at the end of each and every month. He shall receive no fees of office or other compensation than his salary. Nothing in this act shall be construed as prohibiting the county judge of Milwaukee county from drawing any papers or giving any counsel in probate matters or proceedings in which there is no contest involved; provided, such judge shall receive for such service no fees or other compensation than his salary now provided by law. The county judge may, whenever the business of the office requires it, appoint a clerk or clerks at a salary not exceeding one thousand dollars per annum for each, and the amount necessarily expended therefor, shall be paid monthly at the end of each and every month, out of the treasury of said county.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1887.