

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1861.

CHAPTER 31.

[Published February 16, 1861.]

AN ACT for the relief of Racine County.

Preamble.

Whereas, All the probate records of the county court of Racine county, and the greater part of the papers and files belonging to the probate office of said county, were destroyed by fire on the twenty-fourth day of January, one thousand eight hundred and sixty-one: Now, therefore, in order to restore the evidence lost by reason of the destruction of said records and files, and to perpetuate the same, and to relieve the said county, the people thereof, and all other persons interested, from the disorders that might result therefrom, therefore,

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to county judge.

SECTION 1. The judge of the county court of Racine county, in this state, is hereby authorized and empowered to restore the records of all probate proceedings heretofore had in said court, as far as the same can be done, in the manner hereinafter provided.

Duty of guardians, &c., in restoring records.

SECTION 2. It shall be the duty of every guardian, executor and administrator, heretofore appointed by said court, within three months after the passage of this act, to appear before the judge of said court and make application for the restoration of said record in any matter in which he may be guardian, executor or administrator, as aforesaid. Such application shall be by petition, setting forth all such proceedings as have already been had before the said court, as fully as the petitioner is able to do, and praying that the same may be made a matter of record; and if such petition be made by any executor or administrator, with the will annexed, a copy of the will duly certified or proved to be a true copy, to the satisfaction of the judge, shall

be annexed to the petition and made a part of the record.

SECTION 3. Upon the filing of such petition, the judge shall make an order requiring all persons interested in any such estate, to appear before him, at a day therein named, to show cause why the record should not be restored; but no such hearing shall be had till said order has been published at least three successive weeks in some weekly newspaper published within the county of Racine.

Duty of judge when petition filed.

Order to be published.

SECTION 4. If it shall appear upon the hearing, to the satisfaction of the judge, that the guardian, executor or administrator, filing the petition, has fully discharged the duties of his trust, the judge shall enter a certificate of the facts upon the record.

Certificate of facts—when to be made.

SECTION 5. If it shall appear that such guardian, executor or administrator has not fully executed his trust, the judge shall make an order requiring him to give a new bond, in such sum and with such sureties as said judge may direct and approve, conditioned for truly accounting for all moneys and assets which have come into his hands as such guardian, executor or administrator, and otherwise, pursuant to the statute in case of an original bond, and upon filing such bond, such other and further proceedings may be had as if no previous appointment had been made, except as hereinafter provided.

Duty of judge when guardian, &c., has not fully executed his trust.

SECTION 6. Whenever any claims have been allowed by the judge or commissioners, and paid by the executor or administrator, no further proceedings shall be had in relation thereto; but if the claims have not been actually paid, the same proceedings shall be had as if no action had been taken.

In relation to claims.

SECTION 7. Whenever a certified copy of an order for the conveyance by an executor or administrator of lands held under contract, or a certified copy of the record thereof in the office of the register of deeds in any county in this state, shall be produced to said court, the same shall be recorded, and when so recorded shall be *prima facie* evidence that the order was duly made.

Papers to be recorded.

SECTION 8. In any matter in which application shall have been made to said court prior to the destruction of such record by any guardian, executor or administrator, for license to sell real estate, and no confirmation of sale shall have been made, such application and

When application has been made to sell real estate.

all proceedings thereon shall be dismissed upon a new application for said purpose being made.

New guardian,
&c., to be ap-
pointed when re-
fuse to give bonds

SECTION 9. If any guardian, executor or administrator shall neglect or refuse for the space of twenty days to give the bond as provided in section five of this act, he may be removed from said trust without further notice, and a new guardian, administrator with the will annexed, or administrator, may be appointed without further notice.

New guardian,
&c., to be ap-
pointed when re-
fuse to petition.

SECTION 10. If any guardian, executor or administrator shall neglect or refuse to petition the court for the space of two weeks, after application to him in writing by any person interested, either in his own behalf or in behalf of any minor for the restoration of the records as provided in section second of this act, the judge shall make an order removing such guardian, executor or administrator, and shall appoint some suitable person guardian, administrator with the will annexed, or administrator, in place of such removed guardian, executor or administrator, and the guardian, executor or administrator, neglecting or refusing to act in the manner provided in this act after the notice aforesaid, shall be responsible to his successor for all moneys and estate of whatever nature or kind which may have come into his possession as such guardian, executor or administrator, and shall be allowed nothing for services heretofore rendered, or any sums he may claim to have disbursed as such guardian, executor or administrator.

Responsibility of
guardians, &c.,
removed.

Of deeds purport-
ing to be execu-
ted by guardian,
&c.

SECTION 11. All deeds of land purporting to have been executed by any guardian, executor or administrator, prior to the twenty-fourth day of January, in the year one thousand eight hundred and sixty-one, and which shall have been acknowledged prior to that date and duly recorded, or which shall hereafter be recorded, shall to all intents and purposes have the same effect as if the order and proceedings of the county court were in being, and the said deeds shall be *prima facie* evidence of the regularity of all proceeding prior to and including the sale and confirmation thereof, and also of the regularity of all proceedings prior to and including any order made by said court for the conveyance of any land or lands by an executor or administrator held under contract for the conveyance of the same.

In cases of final
decree.

SECTION 12. In all cases where there has been a final decree or order in any matter before the probate or county court, in probate proceedings, and a certified

copy of the same is produced to the judge of said court, or the contents of the same otherwise proved to the satisfaction of said judge, he shall enter the same of record; and said order or decree shall have the same force and effect as the original order or decree, and as if all the prior proceedings were of record, and the same shall be *prima facie* evidence of the regularity of all proceedings prior to granting the same.

SECTION 13. In all cases when dower has been assigned, or partition of real estate made by direction of the county court, the papers relating thereto, entitled to record in the office of the register of deeds, or a certified copy of the record thereof, when produced to said court, shall be recorded; and when so recorded the record thereof shall have the same force and effect as if the proceedings upon which they are predicated had not been destroyed, and shall be *prima facie* evidence of the regularity of all prior proceedings in the case.

In cases where dower has been assigned, &c.

SECTION 14. In case of the death of any guardian, executor or administrator, the petition otherwise to be made by such guardian, executor or administrator, shall be made by the executor or administrator of such deceased guardian, executor or administrator; and in case he shall neglect or refuse to make such petition for the space of two weeks after application to him in writing, by any person interested either in his own behalf, or in behalf of any minor, it shall be the duty of the county judge to remove him from his trust and appoint some other person in his place.

In case of death of any guardian, &c.

SECTION 15. All papers purporting to be copies of last wills and testaments of deceased persons, which shall be proved to said court at a regular term thereof to have been heretofore admitted to probate and allowed as and for the last wills and testaments of said deceased persons, by the probate or county court of Racine county, prior to the twenty-fourth day of January, one thousand eight hundred and sixty-one, and which shall be proved to the satisfaction of said court to be true copies of the original wills heretofore filed in the probate registry of said court, shall be entered of record in said court, together with the aforesaid proof of the probate and allowance of the same, and the said record and the proof of the same, shall have the same force and effect, to all intents and purposes, as the record of the said wills and of the proof thereof, made prior to the

Of papers purporting to be copies of last wills, &c.

said twenty-fourth day of January, one thousand eight hundred and sixty-one.

County judge
authorized to
draft petitions,
&c.—Fees.

SECTION 16. The county judge is hereby authorized to draft all petitions and other papers made necessary by this act, and he shall be entitled to the same fees for such services, and for all other services which he may perform in restoring the records of said court, as are now allowed by law for similar services, and the same, together with all fees for printing, and fees of individuals necessary in restoring said records, shall be audited by the county board of supervisors, and paid out of the county treasury.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved February 15, 1861.

CHAPTER 32.

[Published February 18, 1861.]

AN ACT to extend the time for the collection of taxes in the Town of Centre, in the county of La Fayette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The time for the collection of all taxes, except the state tax, in the town of Centre, in the county of La Fayette, due for the year 1860, is hereby extended until the first day of April next, until which time the treasurer of said town by virtue of his warrant for the collection of taxes, shall have the same power and authority to receive and enforce the payment of taxes in his town, and shall proceed in the same manner as is prescribed by law.

Authority to
Treasurer.

Treasurer to
make returns.

SECTION 2. The said town treasurer shall, on the first day of April next, make returns to the county treasurer of said county, of all lands upon which taxes have not been paid, and the county treasurer shall proceed to sell the lands upon which the taxes remain unpaid, according to law.

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

Approved February 15, 1861.