

CHAPTER 8.

[Published February 6, 1862.]

AN ACT for the relief Jackson county.

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

SECTION 1. The judge of the county court of Jackson county, in this state, is authorized and empowered to restore the records of all probate proceedings heretofore had in said court, prior to the eighteenth day of March, one thousand eight hundred and sixty, as far as may be in his power so to do, in [the] manner provided in this act.

Authority to county judge—restoration of probate records.

SECTION 2. It shall be the duty of every guardian, executor and administrator, heretofore appointed by said court, within six 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 aforesaid. Such application shall be by petition, setting forth all such proceedings as have been had before said court prior to the said eighteenth day of March, one thousand eight hundred and sixty, as fully as the petitioner may be able to do, and praying the same be made a matter of record; and if said petition be made by any executor or administrator with the will annexed, a copy of said will duly certified or proved to be a true copy of such will, to the satisfaction of the judge of said court, shall be annexed to the petition and made a part of the record.

Duty of guardians, &c.

SECTION 3. Upon the filing of the petition provided for in the preceding [preceding] section, the judge shall make an order requiring all persons interested in such estate to appear before him, at a day therein named, to show cause why the record should not be restored; but said hearing shall not be had till said order has been published for at least three successive weeks in some weekly newspaper published in the county of Jackson.

Duty of judge when petition is 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 dis-

Certificate of facts—when to be made.

charged the duties of his trust, the judge shall enter a certificate of the facts upon the record.

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

SECTION 5. If it shall appear upon such hearing 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 shall direct and approve, conditioned for truly accounting for all moneys and assets [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 further proceedings may be had as if no previous appointment had been made, except as in this act provided.

In relation to claims.

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

Papers to be recorded.

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 of 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.

When application has been made to sell real estate.

SECTION 8. In any matter in which application shall have been made to said court prior to the loss and 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 all proceedings thereon shall be dismissed upon a new application for said purpose being made.

When guardian, &c., refuses to give bond, new one to be appointed.

SECTION 9. If any guardian, executor or administrator shall neglect or refuse for the space of twenty days to give the bond provided for in section five of this act, he may, in the discretion of the court, 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.

When guardian, &c., refuses to petition.

SECTION 10. If any guardian, executor or administrator shall neglect or refuse to petition the court within twenty days after application to him, in writing, by any

person interested, either in his own behalf or in the behalf of any minor, for the restoration of the records, as provided in section two of this act, the judge shall make an order removing such guardian, executor or administrator, and shall appoint some suitable person as guardian, administrator with the will annexed, or administrator, in the place of such guardian, administrator or executor removed as aforesaid; and the guardian, executor or administrator who shall neglect or refuse to act in the manner provided in this act, after the notice aforesaid, shall be responsible to his successor for all moneys, or estate of all kinds and nature whatsoever, which may have come into his possession as such guardian, executor or administrator, and shall be allowed nothing for services heretofore rendered, or any such sums he may claim to have disbursed as such guardian, executor or administrator.

SECTION 11. All deeds of land purporting to have been executed by any guardian, executor or administrator, previous [previously] to the eighteenth day of March, one thousand eight hundred and sixty, 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 said county court were in being, and the said deeds shall be *prima facie* proof of the regularity of the proceedings previous [previously] 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 any executor or administrator held under any contract for the conveyance of the same.

Of deeds purporting to be executed by guardian, &c.

SECTION 12. In all cases where there has been a final decree or order in any matter before said 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 the 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* proof of the regularity of all proceedings prior to granting the same.

In case of final decree.

In cases where dower has been assigned.

SECTION 13. In all cases when dower has been assigned, or partition of real estate made by the direction of the said 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* proof of the regularity of all prior proceedings in the case.

In cases of death of any guardian, &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 within twenty days after application to him, in writing, by any person interested, either in his own behalf or in the behalf of any minor, it shall be the duty of such county judge to remove him from his trust and appoint some other suitable person in his place.

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

SECTION 15. All papers purporting to be copies of last wills and testaments of deceased persons, which shall be proved to said county court 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 the county of Jackson, prior to the eighteenth day of March, one thousand eight hundred and sixty, 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 as the record of the said wills and of the proof thereof, made prior to the said eighteenth day of March, one thousand eight hundred and sixty.

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. That all the official acts and duties performed by the county judge of Jackson county, in restoring the records and proceedings of said court, prior to the passage of this act, are hereby legalized and declared to be as valid, to all intents and purposes, as though done under an act authorizing the same.

Former acts of
judge legalized.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved February 5, 1862.

CHAPTER 14.

[Published February 12, 1862.]

AN ACT to provide for the levy of taxes in the county of Pierce, for the year 1861.

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

SECTION 1. The county board of supervisors of the county of Pierce, are hereby authorized and directed to meet at the usual place of meeting of the board of supervisors in said county, on the third Tuesday of February, 1862, at the hour of ten A. M., and at such session cancel and vacate the levy of taxes made at the last annual session of such board, and to levy such taxes as may be necessary, or should have been levied at such last annual session.

Board to meet
Feb. 18, and
levy taxes.

SECTION 2. The taxes levied in pursuance of the provisions of this act, shall be apportioned among the several towns and wards in said county as required by law; and the clerk of the county board of supervisors, immediately after such apportionment, shall make out two certificates of the amount apportioned, to be assessed on the taxable property of each town and ward, for state, county and school purposes, one of which shall be delivered to the county treasurer, and the other to the clerk of the proper town or city, as the case

Clerk of board to
make out certificate
of amounts,
&c.