

No. 11, S.]

[Published March 6, 1901.

**CHAPTER 29.**

**AN ACT** relating to the county court of Milwaukee county and providing for the appointment therein of a register of probate and assistant registers and other officers, and defining their duties and fixing their compensation.

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

**Appointment of register; qualifications; oath, bond, and salary.**

**SECTION 1.** After the first day of May 1901, there shall be appointed by the county judge of Milwaukee county, a register of probate for the county court of the county of Milwaukee, who shall hold his office during the pleasure of said judge. Such register shall be 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, except in 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. He shall receive for his services a salary of twenty-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; and he shall not be a commissioner, appraiser or divider of any estate in any case within the jurisdiction of said court.

**Duties; may advise executors, when; issue and make orders.**

**SECTION 2.** 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 shall be required by law or by any rule of the court or by any special order of the judge; he may 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 mentioned 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; and 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. Said register of probate is also authorized and empowered to make and issue, under the direction of the court, orders for and notices of the publication and hearing of applications made or to be made to the county court, citations and orders to show cause returnable before the court, and subpoenas; such orders, notices, citations and subpoenas shall be signed by him as follows:

By the court,

.....,

Register of Probate.

And when so signed shall be considered the act of the court, and shall have the same force and effect as if signed by the county judge.

**Rates for certified copies; duties as to moneys received.** SECTION 3. The rates allowed by law for certified copies of record or papers in the office of county judge and for certified copies of records and papers on appeal in probate matters, shall be charged and collected by the register of probate, and he shall keep an account thereof in a suitable account book to be provided by the county of Milwaukee. On the first day of each month he shall pay said moneys so received over to the county treasurer of Milwaukee county, who shall issue to said register his receipt therefor, which shall be kept and filed in the office of said county judge.

**County judge may appoint assistants; powers of and salaries.** SECTION 4. The county judge may appoint a first assistant

register of probate and a second assistant register of probate of said county court, whenever the business may require it. Such assistant registers shall take a like oath and give a like bond as required of said register of probate. They shall hold their office during the pleasure of the county judge. In the absence of the register of probate from his office, the first assistant register and in the absence of both the register and the first assistant register, the second 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 first assistant register of probate shall be one thousand eight hundred dollars per annum, and of the second assistant register of probate one thousand two hundred dollars per annum, each payable monthly at the end of each and every month, out of the treasury of said county; they shall receive no fees of office or other compensation than their salary.

**Register or an assistant to be present in court.** SECTION 5. The register of probate or one of his assistants, shall be present at all hearings before the court; he or one of his assistants may administer all necessary oaths, and take and certify the acknowledgment of all deeds and other instruments required or authorized to be acknowledged; and he or one of his assistants, shall keep minutes of all proceedings, and make up and keep the court calendar, under the direction of the judge.

**Powers of judge not abridged.** SECTION 6. Nothing in this act shall be construed as prohibiting the county judge 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 services no fees or other compensation than his salary now provided by law.

**Judge may appoint clerks.** SECTION 7. The county judge may, whenever the business of the office requires it, appoint a clerk or clerks at a salary not exceeding eight hundred 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.

**Appointment of reporter; to be sworn officers; salary and fees.** SECTION 8. The judge of the county court of the county of Milwaukee, is hereby authorized to appoint for said court, a short-hand reporter, whose duty it shall be to attend upon each term of said court when required by the judge, for the purpose of reporting the oral testimony of the witnesses and such other matters as the judge of said court may direct, the said short-

hand reporter to be a sworn officer of the court and well skilled in his art, and fully competent to discharge the duties thereof. He shall hold his office at the pleasure of the judge and shall receive for his services a salary of two thousand dollars per annum, payable monthly at the end of each and every month out of the treasury of said county. The county judge, may in his discretion, order a transcript of the testimony of the witnesses examined in said court or any part thereof, and of the proceedings therein, to be made and certified by the reporter and filed with the register of probate, and the cost thereof at the rate of five cents per folio, shall be paid by the county treasurer upon the certificate of the register of probate. In case any person desires a transcript in longhand of the evidence taken in any proceeding in said court or any part thereof, said reporter shall make such transcript duly certified by him to be correct, and he shall be entitled from the party requesting the same, five cents per folio when written out in full, and when at the request of the party it shall be written in narrative form, ten cents per folio.

**Conflicting laws repealed.** SECTION 9. All acts and provisions of law contravening the provisions of this act or inconsistent therewith, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1901.

No. 43, S.]

[Published March 6, 1901.

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## CHAPTER 30.

AN ACT relating to persons authorized to solemnize marriages and adding two new sections to the statutes of 1898, to be known as section 2331a, and 2331b.

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

**Licentiate may perform ceremony, when.** SECTION 1. Two new sections are hereby added to the statutes of 1898 to be numbered and to read as follows: Section 2331a. In addition to