

CHAPTER 253.

COUNTY COURTS.

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253.01 County court established; where held. There is established in each county a county court which shall be held by the county judge at the county seat of such county and at such other places as the county judge shall order.

Cross References: For provision for keeping office and holding special terms in certain counties, other than at county seat, see 253.26.

For provision for election of a second county judge in counties of over 250,000, see Ch. 3, Laws of 1907.

253.015 Shawano-Menominee County Court. Menominee county shall not be organized separately for county court purposes, but shall be a part of a joint Shawano-Menominee county court, which shall constitute a single judicial district. Such court shall have 2 divisions, the Shawano county division and the Menominee county division. No county judge for Menominee county shall be elected separately, but the duly elected judge of the Shawano-Menominee county court shall serve as county judge of the district. The books, papers and records of the office of such county judge shall be kept at the county seat of the county in which he has his principal office, or, at the discretion of the county judge, at either or both county seats. The incumbent judge of Shawano county court shall assume his duties as judge of Shawano-Menominee county court on the effective date of this section (1959). The judge of Shawano-Menominee county court may appoint a register in probate and a public administrator for each of the 2 divisions of the county court, or, in his discretion, may appoint one register in probate or public administrator to serve both divisions. If a separate register of probate is appointed for the Menominee county division, he may be the same person who is the duly elected clerk of circuit court for Menominee county. If one register of probate serves for both the Shawano and Menominee county divisions of the county court, the office of such register of probate shall be in the city of Shawano. The qualified electors of Menominee county shall cast ballots for the election of the judge of the Shawano-Menominee county court at the first election for county judge held after the effective date of this section (1959), and at every succeeding election for county judge. The Shawano-Menominee county court shall possess all the jurisdiction in Menominee county that it presently has in Shawano county, and the judge of the Shawano-Menominee county court shall possess all of the duties, rights, and powers as a judge that he presently has in Shawano county. Any civil matter or proceeding or criminal matter or action, except a criminal action which the justice of the peace has no jurisdiction to try, commenced in the Shawano-Menominee county court, Menominee county division, justice court branch, which would be within the jurisdiction and authority of the justices of the peace of Menominee county had the action been commenced in Menominee county, shall be, on the motion of the defendant in a criminal case or in the case of a forfeiture, and may be on the motion of either party in other cases, transferred by the county judge to a justice of the peace in Menominee county for trial. The rules of practice and procedure specified in chapter 184, laws of 1951, and by statute for the county court of Shawano county shall, where not inconsistent with this section, apply to

Note: Ch. 253 was revised by Ch. 315, Laws of 1959, effective January 1, 1962. A print of the revised text appears at the end of this chapter.

the Shawano-Menominee county court. The county boards of Menominee county and Shawano county shall enter into an agreement fixing the salary of the county judge who serves both counties and prorating this salary and the other joint expenditures involved in conducting the joint county court, and for such purposes the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses; provided that no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the salaries and other joint expenditures involved, then the judge of the circuit court for the tenth circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedures as he shall prescribe. The county judge may order court held at the county seat in Menominee county or at the county seat in Shawano county or other appropriate place, and the general terms of the court specified in chapter 184, laws of 1951, for the county court of Shawano county shall be the terms of Shawano-Menominee county court. The proper place of trial of civil and criminal actions commenced in such court shall be the place in either county where the judge orders court held. The jury commissioners of Shawano county shall serve as jury commissioners for the Shawano-Menominee county court, and shall add to the present Shawano county court jury list from which jurors shall be drawn the names of qualified residents of Menominee county, and the list shall be known hereinafter as the Shawano-Menominee county court jury list. All fines and all costs and fees collected in Shawano-Menominee county court in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and, in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the county treasurer of Shawano county. All process and pleadings and documents of the Shawano-Menominee county court shall be entitled, "Shawano-Menominee County Court: . . . County Division", to be completed with the name of the appropriate county. Certifications in actions commenced before a justice of the peace in Menominee county and appeals from judgments of such justices of the peace, shall be as provided in chapter 184, laws of 1951. Chapter 184, laws of 1951, is hereby deemed to be amended in all respects necessary to reflect the extension of jurisdiction granted herein and to carry out the purposes and intent of this section.

Note: This section takes effect upon approval by the Secretary of Interior. See ch. 259, sec. 42, laws of 1959.

253.02 County judges; election, term. The term of office of every elected county judge shall be 6 years, and until his successor is elected and qualified, which term commences on the first Monday in January after election. No person shall be eligible to the office of county judge who is not, at the time of his election or appointment, an attorney of a court of record. Commencing January 1, 1954, no person 70 years of age or over shall be eligible to take office as county judge in counties under 500,000 population.

Note: The requirement that judges must be lawyers does not apply to judges who were holding office in 1951. See s. 4, ch. 290, Laws 1951.

253.03 Jurisdiction. (1) The jurisdiction of the county court shall extend to the probate of wills and granting letters testamentary and of administration on the estates of all persons deceased who were at the time of their decease inhabitants of or residents in the same county and of all who shall die without the state having any estate within such county to be administered, and to any other cases authorized by law; to the appointment of guardians to minors and others in the cases prescribed by law; to all matters relating to the settlement of the estates of such deceased persons and of such minors and others under guardianship; to all cases of constructions of wills admitted to probate in such court; and to all cases of trusts and trust powers created by will admitted to probate in such court, including administration under ch. 323 of trusts created in accordance with s. 206.52 (2); and to hearing objections to the granting of licenses to marry, to ordering the refusal of such licenses, and to the granting of stays upon the issuances thereof, and such court shall have and exercise such other jurisdiction and powers as are or may be conferred by law.

(2) (a) The county court shall have concurrent jurisdiction to hear, try and determine all matters and controversies which may arise between any personal representative, guardian or trustee appointed by such court and any other person relating to title to or interest in real and personal property so far as such matter or controversy is incidental to and necessary for the complete administration of the estate, guardianship or trust, and regardless of who has possession of the property or in whose name it may be, to the same

extent and with like effect as such matters and controversies may be heard, tried and determined in courts of general jurisdiction.

(b) The county court shall also have concurrent jurisdiction to hear and determine all matters and proceedings involving inter vivos trusts, and the administration thereof, in the manner provided in ch. 231.

(3) Subsection (2) shall not affect the provisions of chapters 313 and 319 relating to debts of or claims against decedents or persons under guardianship.

253.035 Jurisdiction of estates of deceased foreign persons. (1) The jurisdiction of the county court shall also extend to a determination of the heirs and next of kin of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state.

(2) The jurisdiction of the county court shall also extend to the administration of estates of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state. A claim against the state school fund under section 318.03 (4) shall be deemed an interest in real or personal property.

(3) For the purposes of this section the situs of intangible personal property found in this state belonging to nonresident foreign deceased persons shall be deemed to be within the state.

(4) All matters arising in this section shall be administered in accordance with the statutes, rules and procedure of the county court applicable to the statutes of deceased residents of the state.

(5) All such nonresident foreign persons who have not been heard from for 10 years shall be presumed to be dead.

253.04 Two counties; jurisdiction retained. If a case be originally within the jurisdiction of the county courts of two or more counties the court which shall first take cognizance thereof by the commencement of proceedings shall retain the same throughout.

253.05 Jurisdiction; residence collateral attack. The jurisdiction assumed by any county court in any case, so far as it depends on the place of residence of any person or the location of his estate, shall not be contested in any action or proceeding whatever except on an appeal from the county court in the original case or when the want of jurisdiction appears on the same record.

253.06 May issue process. The several county courts shall have power to issue all summonses, citations, subpoenas, executions, warrants and processes authorized by law which may be necessary to carry into effect any order, judgment or decree thereof, to compel the attendance of witnesses or to carry into execution the powers with which they are vested.

253.07 Disqualification of judge by relationship or interest; by affidavit; another judge called; procedure; pay and expenses. (1) (a) When the county judge or his wife, child, parent, brother or sister is interested, or when the judge is the executor, administrator or guardian in any matter to be decided by the court, he shall be disqualified to act in relation to that matter.

(b) When any person, or the attorney for any person, interested in a matter in the county court, either at the time of filing any petition or any objection, notice of contest or other paper raising an issue, or at any other time up to and including the day set for hearing such matter, files an affidavit stating that he has good reason to believe and verily believes that from prejudice or other cause the judge of the county court, naming him, will not decide impartially, the judge shall thereupon be disqualified to act in relation to that matter. No person shall be allowed to file an affidavit against more than one judge in any matter.

(c) The disqualified judge shall thereupon request another judge to hold court for the purpose of settling or deciding such matter.

(d) The person who files such an affidavit of prejudice may be ordered by the court to immediately pay to the adverse party the fees of his witnesses in attendance on the hearing date and an attorney's fee of \$10, unless the adverse party was notified in writing at least 5 days prior to the hearing that such an affidavit had been or would be filed. Failure to make payment as ordered shall nullify the effect of the affidavit of prejudice. This paragraph does not apply in case an outside judge is presiding at the hearing of such matter unless the affiant has had 8 days' written notice that he was to preside.

(2) The request to another judge to hold court shall be filed in the court forthwith by the judge thereof and a copy mailed to the judge requested to act, and if said matter has

been set for hearing the same shall stand continued until the judge so requested to act shall be ready to take it up for disposition. If the matter has not been set for hearing, the judge requested to act shall order a hearing thereon.

(3) The judge requested to act shall attend and act in such matter, so far as in his judgment the proper discharge of his other duties will permit. Ex parte orders, letters, bonds, petitions and affidavits may be presented to such acting judge, by mail or in person, for signing or approving, wherever he may be holding court, who shall execute or approve the same and forthwith transmit the same to the attorney who presented it, for filing with the county judge of the county where the records and files of the matter are kept.

(4) Whenever any county judge is required to hold court in any county other than that for which he was elected he shall receive \$25 per day and his actual expenses, to be audited and paid by the county board of the county in which he so holds court.

253.08 Courts of record; seals. Every county court is a court of record and shall have a seal, and may direct and from time to time alter the inscriptions and devices thereon, and the respective county boards shall furnish such seals as shall be ordered; and when any such court shall be unprovided with a seal the judge thereof may authorize the use of any temporary seal or any device by way of seal until a seal shall be so provided. The seals now in use by said courts shall continue to be the seals thereof until others shall be provided according to law.

253.09 Filing signature and seal. Every county judge now serving in the state of Wisconsin, and every county judge hereafter elected to that office upon entering upon the duties of his office, shall file with the secretary of state his official signature, together with a certified impression of the seal of his court.

253.10 County court terms; adjournments; court always open. (1) A regular term of the county court shall be held on the first Tuesday of each month, except July and August, and shall continue to the commencement of the next regular term; and in case any matter shall not be heard at the term appointed therefor it shall stand continued until the next regular term unless the court shall otherwise order; but every county court shall be open at all times for the transaction of business.

(2) Special terms may be appointed by a general or special order entered in the minutes of the court; and when any order shall be made and notice given for the hearing of any matter at a term, such order shall be a sufficient appointment of a special term.

(3) In case any matter appointed to be heard at a special term is not heard at the appointed term, it stands continued to the current regular term and may be heard at any time, unless the court orders otherwise.

253.11 Judge may hold court in other counties. Any county judge may act as county judge of any county upon the request of the county judge thereof, and while so acting he shall have the same powers as if elected for the county in which he is acting. In case the office of county judge is vacant or the county judge is totally incapacitated, such request may be made by the circuit judge for the county where the vacancy or disability exists.

See note to 253.07, citing Estate of Hill, 272 W 197, 75 NW (2d) 582.

253.12 Orders to be made in open court. Every order and judgment in probate proceedings which affects the rights of any person shall be made in open court; except that a judge who holds court in a county other than his own may file findings of fact, order or judgment with the same effect as if done in open court.

253.13 Judges, partners, clerk, not to be counsel. No judge of the county court, his law partner, clerk or any person employed in, or about his office shall be retained or employed as solicitor, attorney or counsel in any action or matter which may depend on or in any way relate to any judgment or decree made or passed by him; nor shall he or any such person be solicitor, attorney or counsel for or against any executor, administrator, trustee or guardian appointed within his jurisdiction in any action brought by or against the executor, administrator, trustee or guardian as such, nor in any action relating to the official conduct or duty of such party.

253.14 Clerks, etc., not to be appraisers, etc. No clerk or other person employed in the office of any county judge shall be commissioner, appraiser or divider of any estate in any case that is within the jurisdiction of such county judge or of the county court.

253.15 Salary, judges not to take fees when. (1) The annual salary of the county judge shall be payable out of the county treasury and shall be fixed by the county board

at the annual meeting preceding the ensuing year in which he is to be elected. The salary so fixed shall not be increased or diminished during the term of the county judge.

Note: Chapter 259, laws of 1959, amended (1), effective upon approval by the Secretary of Interior, to read:

"253.15 SALARY, JUDGES NOT TO TAKE FEES WHEN. (1) The annual salary of the county judge shall be payable out of the county treasury and shall be fixed by the county board at the annual meeting preceding the ensuing year in which he is to be elected, except as otherwise provided by s. 253.015. The salary so fixed shall not be increased or diminished during the term of the county judge."

(2) Every county judge is prohibited from taking or receiving, either directly or indirectly, any fees whatever for his official services in the administration of the estates of deceased persons, including proceedings to determine the descent of lands, and for certificates of title by descent, or termination of life estates, or of joint tenancy in lands or real estate mortgages, or certifying copies of any proceedings had before the court, or in the appointment of guardians, or in the administration of the estates of wards, except in the counties in which it is otherwise expressly provided by law.

(3) The judge of any county court where no other provision is made by law shall be entitled to receive five dollars per day, to be paid from the county treasury, for each day he shall be actually engaged in the examination of any person upon a criminal charge, or engaged upon any other matter, not appertaining to probate business, compensation for which is not otherwise provided.

(4) The county board may by resolution provide that the salary fixed shall be in lieu of all fees, per diem or other compensation out of the county treasury for the performance of any official duty imposed upon the county judge by law by virtue of his office which are authorized under the provision of subsection (3) of this section or of any other statute.

253.16 County judge not to draft papers for actions; penalty. No county judge or his clerk or any person employed by him in or about his office shall be allowed to draft or prepare any paper or give advice pertaining to the drafting or preparation of papers or as to who shall prepare them, relating to any matter, proceeding or action pending in or which there is good reason to believe will be brought or instituted in the county court over which such judge presides, except such as are expressly given by law. The prohibitions of this section shall apply to the drawing of wills. Any county judge who shall violate any of the provisions of this section shall be fined not less than fifty dollars nor more than five hundred dollars and be subject to impeachment.

253.18 What books to be kept. There shall be kept in every county court the following books:

(1) A court record in which the judge shall cause every matter or proceeding had in said court to be entered under a proper title, with a brief statement of the nature thereof, and of all papers filed, which in anywise relate to the same, with the date of filing and a reference to the page and volume of the minute book where any minute record shall have been made in any such matter or proceeding, and a reference to the page and volume of the record book or to the microfilm file where any document has been recorded in any such matter or proceeding, so that such record shall be a complete index or brief history of the matter or proceeding from the beginning to the final disposition thereof.

(2) A minute book in which shall be entered a brief statement of all the proceedings of the court during its sessions, and show all motions made and by whom, and all orders granted in open court or otherwise and the names of all witnesses sworn or examined in any matter or proceeding in such court. If this information is all included in the court record, the judge may direct that the minute book be no longer kept.

(3) A record book or books in which shall be recorded in full all wills admitted to probate with the certificate of probate, all letters and all judgments rendered. The judge may require any other documents to be recorded therein. Any documents may be recorded on microfilm instead of in a record book. These records shall be kept irrespective of s. 59.715 (20) (c) unless recorded on microfilm.

(4) An alphabetical index to the court record and the file containing the original documents or microfilm copies thereof.

253.19 Testimony to be written. When any witness is sworn and examined in any contested matter or proceeding in any county court and an appeal is taken, the judge thereof shall cause the testimony to be reduced to writing, and the stenographic reporter of such court shall receive the fees provided by law for transcripts of testimony in circuit court; provided, that nothing herein shall prohibit the judge in his discretion from causing the testimony to be so reduced to writing even in the absence of an appeal.

253.20 Penalty for noncompliance. Every county judge who shall neglect or refuse to comply with the provisions of sections 253.18 and 253.19 shall forfeit for each such neglect or refusal not less than twenty-five nor more than two hundred dollars.

253.21 **Presumption in favor of orders.** When the validity of any order or judgment of a county court shall be drawn in question in any other action or proceeding everything necessary to have been done or proved to render the order or judgment valid, and which might have been proved by parol at the time of making the order or judgment and was not required to be recorded, shall, after twenty years from such time, be presumed to have been done or proved unless the contrary appears on the same record.

253.22 **Orders, etc., how enforced.** If any person shall refuse or neglect to perform any order, judgment or decree of a county court such court may issue a warrant, directed to any sheriff, constable or other proper officer in this state, requiring him to apprehend and imprison such person in the common jail of the county until he shall perform such order, judgment or decree, or be delivered by due course of law.

253.23 **Revocation of warrants, etc.** Any warrant or commission for the appraisement of any estates, for examining claims against estates for partition of real estate or for the assignment of dower may be revoked by the judge of the county court for sufficient cause; and the judge may thereupon issue a new commission or proceed otherwise therein as the circumstances of the case shall require.

253.24 **Judge to give notice of escheats.** Whenever any county judge shall have knowledge or information that any real estate in his county has escheated to the state or that the state is entitled to receive any personal property belonging to the estate of any deceased person for want of heirs or next of kin he shall forthwith notify the attorney general of such fact.

253.25 **Office and records to be kept at county seat.** Every county judge in this state shall keep his office and the books, papers and records of the office of county judge at the county seat of the county in which he holds his office, which office and the books, papers and records thereof shall at all reasonable times be open to access and inspection by any person having any business therewith.

253.26 **Except in certain counties.** (1) The county judges of the counties of Chippewa, Columbia, Dodge, Fond du Lac, Grant, Green Lake, Jefferson, Monroe, Pepin, Pierce, Shawano, Trempealeau, Walworth, Washington and Waukesha may keep their offices and hold special terms of the county court at any time between the times of holding the regular terms and transact any business which might be done at, or which may be continued from, any regular term to such special term at the following places, in their respective counties:

- In the county of Chippewa, at the cities of Chippewa Falls and Stanley;
- In the county of Columbia, at the city of Columbus;
- In the county of Dodge, at the cities of Beaver Dam, Fox Lake, Horicon, Mayville, Watertown and Waupun;
- In the county of Fond du Lac, at the cities of Ripon and Waupun;
- In the county of Grant, at the city of Platteville;
- In the county of Green Lake, at the village of Princeton, the city of Berlin and village of Markesan;
- In the county of Jefferson, at the city of Watertown;
- In the county of Monroe, at the cities of Sparta and Tomah;
- In the county of Pepin, at the village of Pepin;
- In the county of Pierce, at the city of River Falls;
- In the county of Shawano, at the village of Wittenberg;
- In the county of Trempealeau, at the villages of Galesville and Osseo;
- In the county of Walworth, at the city of Whitewater;
- In the county of Washington, at the city of Hartford;
- In the county of Waukesha, at the city of Oconomowoc.

(2) All orders, judgments, and business which shall be made and done at such special terms and places, or as shall have heretofore been so made or done, are declared valid.

(3) Any such county judge so authorized to keep his office and hold special terms of such county court and transact business at any such city as above provided may, when such city is located partly in the county for which such judge was elected, and partly in an adjoining county in this state, keep his office and hold such terms of court and transact any business which might be done at any regular term, within that part of such city in the county adjoining such county for which such judge was so elected, and may compel the attendance of witnesses and issue subpoenas and citations ordering and compelling the attendance of parties and witnesses at such office or place of holding such special term within such adjoining county, and may there transact any and all business which

might be done at, or which may be continued from any regular term to such special term so held by order of such county judge within such adjoining county.

253.27 Register in probate. Any county judge may appoint, from time to time, by an instrument in writing filed with the county clerk, a competent person to act as clerk of the county court, who shall be officially designated as register in probate for the county in which such court is held. Such register shall, before entering upon his duties, take and subscribe the constitutional oath of office and file the same in the office of the clerk of the circuit court for such county. He shall perform such duties as the judge may direct, and whenever such judge shall be absent from the county seat or unable to discharge his duties and any application shall be made to such court which requires notice of hearing to be given such register may cause such notice to be given and make an order directing that it be given. Such order and notice when signed "by the court,, register in probate," shall have the same effect as if signed by the county judge. If the board of any county in which such register may be appointed and in which his salary is not fixed by law shall not fix a salary for him the judge shall compensate such register for his services. The foregoing shall not apply to any county in which a register in probate is provided for by any other statute; but any register may administer any oath required in proceedings in such court and certify to copies of records and files therein.

253.28 Certified copies. Registers in probate shall have the same powers as clerks of courts, to certify to copies of papers, records and judicial proceedings. And copies so certified to by such registers in probate shall be receivable in evidence with like effect as if certified to by clerks of courts.

253.29 Register in probate; clerks; oaths; fees; certified copies. (1) The registers in probate, the duly authorized assistant registers in probate and clerks of the county courts, and duly authorized deputy clerks, shall have the power to administer oaths, and certify to copies of any judgment, order, report or other paper or record of the county courts, and shall collect therefor the fees enumerated in sub. (2), such fees to be disposed of according to law.

(2) The fees enumerated in this subsection shall be charged and collected by the registers in probate, and clerks of the county court, in full for all services rendered in the respective proceedings. The term "register of probate" appearing in any special act means the same as the term "register in probate."

(a) For filing a petition whereby any proceeding in estates of deceased persons is commenced, when the gross estate or value of the property is \$1,000 or less, no fee; when the gross estate is more than \$1,000 and less than \$10,000, a fee of \$3; when the gross estate is \$10,000 or more and less than \$25,000, a fee of \$6; when the gross estate is \$25,000 or more and less than \$100,000, a fee of \$25; when the gross estate is \$100,000 or more, a fee of \$100. Such fee shall be paid at the time of the filing of the inventory, or other documents, setting forth the value of the estate in such proceedings. The fees fixed in this subsection shall also be paid in survivorship proceedings and in such survivorship proceedings the value shall be based on the value of the property passing to the survivor or survivors.

(b) For a certificate terminating a life estate or homestead interest, \$1, but the fee shall not be collected if such termination is consolidated with probate or administration proceedings.

(c) For a certificate or judgment of descent of lands the same fees shall be charged and collected as are charged in estate proceedings in paragraph (a) of this subsection based upon the valuation of the property passing by said certificate or judgment of descent.

(d) For filing objections to the probate of a will, \$10, except that this fee may be waived by the court when objection is filed by a guardian ad litem or attorney for a person in military service. The court may order a refund of said fee to the objector from the assets of the estate.

(e) For receiving a will for safekeeping, one dollar.

(g) For each certificate issued by the registers in probate or county judges, fifty cents.

(h) For copies of records or other papers in the custody and charge of registers in probate at the rate of 50 cents a page; and for the comparison and attestation of such copies as are not provided by the registers, 25 cents for each page, but the minimum charge in each of the above mentioned instances shall be \$1, including the certificate.

(i) In counties having a population of 500,000 or more, for filing claims against estates, \$1, except that the state or the political subdivisions thereof and bureaus and boards of the state and its political subdivisions shall be exempt from the payment of this fee.

(2m) For purposes of determining fees payable under sub. (2), the following shall apply:

(a) U. S. government bonds which by their terms are payable to another person upon

death of the original registered owner are included in his gross estate and not subject to the fee for terminating a life estate.

(b) Life insurance, retirement benefits or annuities are excluded unless paid or payable to the estate or personal representative in which case they are included.

(c) When survivorship proceedings are pursued as part of probate or administration the gross estate is the sum of each.

(d) When survivorship proceedings are pursued independent of probate or administration, a fee shall be collected for each, such fee not to be less than that payable if the proceedings were consolidated.

(e) Proceedings to administer assets subsequent to entry of final judgment in an estate are subject to fees as separate proceedings, which fees shall not be less than those which would have been chargeable if such assets had been included in the original proceedings.

(f) The value of decedent's interest in real estate shall be diminished by the unpaid balance on duly recorded or filed liens and mortgages.

(g) Special administrations are subject to filing fees, such fees to be credited upon fees for subsequent general administration or probate.

(3) The register in probate and the clerk of the county court shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by him and in his hands and still unclaimed as of said day. Each county treasurer of a county under 500,000 shall make a report under oath to the state treasurer on or before the fifth day of January, April, July and October of all fees received by him under s. 253.29 (2)

(a) to (e) up to the first day of each of said months and shall at the same time pay 65 per cent of such fees to the state treasurer for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him under this section for the use of the county. In counties having a population of 500,000 or more all fees paid under this section shall be kept for use by the county.

(4) Nothing herein contained shall be construed as depriving the county judge or any official of the county court of any compensation by way of fees, to which he may be entitled prior to August 19, 1939; and the county treasurer shall reimburse such county judge or official on account of all such fees which shall hereafter be paid into the county treasury.

(5) Any provision of any section or part of any section of the statutes in conflict with the provisions of this section shall be construed to be controlled by the provisions of this section.

253.295 Borrowing court files regulated. The registers in probate and clerks of the county courts shall not permit any papers filed in their offices to be taken therefrom except upon the same terms and conditions specified in section 269.60.

253.30 Board of county judges. The several county judges of the state shall constitute a board to be known as the "Board of County Judges." They shall hold a meeting each year, at such time and place as they may determine. They shall make such rules and regulations in accordance with law, and not inconsistent with the rules of practice adopted by the supreme court, as they shall deem advisable to promote the administration of the judicial business of the county courts of the state, and transact such other business as may properly come before them. Said board shall elect such officers as they may deem advisable for the proper conduct of their business, and such officers shall be elected for such terms as the board of county judges may determine. Such board may prescribe rules or by-laws for the conduct of their business. Each county judge attending the meeting or meetings of the board shall on presenting his certificate of attendance to the county treasurer of his county be reimbursed for his travel and hotel bills out of the general fund in the county treasury.

253.31 Uniform forms for county courts. (1) The board of county judges or its duly authorized committee shall from time to time adopt such uniform forms for use in the administration of the judicial business of the county courts as they deem necessary.

(2) Duly authenticated copies of all legal forms so adopted shall be furnished the office of secretary of state and there be kept on file and copies thereof shall, by the secretary of state, be transmitted to all of the county courts of Wisconsin.

(3) Only such applications and other process when properly presented to the county court on such uniform forms shall in the discretion of the court be received and accepted by every such court on and after January 1, 1931.

253.32 Public administrator; appointment; qualifications, oath, bond, term. The county court shall appoint a public administrator who shall, before entering upon his du-

ties, take the official oath and give bond, with sufficient sureties, to the judge of said court, in a sum not less than one thousand dollars, with conditions substantially like the conditions of administrators' bonds, and that he will faithfully perform his duties; which bond shall be approved by the county court and with the oath filed and recorded therein. Additional bonds may be required by the court. The expense of surety upon such bonds shall be paid by the county treasurer out of inheritance tax funds belonging to the state, on the order of the county judge. The person appointed shall be an attorney if one is available and his term shall terminate upon the appointment of his successor. This section does not apply to Milwaukee county.

253.33 County court reporter. (1) **APPOINTMENT, OATH, DUTIES.** The judge of the county court may appoint, and remove at pleasure, a reporter to take the testimony in contested matters and may require him to file a transcript of such testimony. Every person so appointed is an officer of the court, and shall discharge such duties as the court or judge thereof shall require, and before entering upon his duties shall file his official oath in such court.

(2) **COMPENSATION.** Such reporter shall be paid by the county for his services such compensation as the county board shall direct.

(3) **TRANSCRIPT OF TESTIMONY.** Such reporter shall furnish to any party a transcript of the testimony taken by him in any matter or proceeding mentioned in this section upon being paid therefor the fees provided by law for transcripts of testimony in circuit court.

Note: Ch. 315, Laws of 1959, revised Ch. 253, effective January 1, 1962. The revised text is as follows:

253.01 County court established. There is established in each county a county court which is a court of record with the jurisdiction specified in ss. 253.10 to 253.14.

253.015 SHAWANO-MENOMINEE COUNTY COURT. Menominee county shall not be organized separately for county court purposes, but shall be a part of a joint Shawano-Menominee county court, which shall constitute a single judicial district. Such court shall have 2 divisions, the Shawano county division and the Menominee county division. No county judge for Menominee county shall be elected separately, but the duly elected judge of the Shawano-Menominee county court shall serve as county judge of the district. The books, papers and records of the office of such county judge shall be kept at the county seat of the county in which he has his principal office, or, at the discretion of the county judge, at either or both county seats. The incumbent judge of Shawano county court shall assume his duties as judge of Shawano-Menominee county court on the effective date of this section (1959). The judge of Shawano-Menominee county court may appoint a register in probate and a public administrator for each of the 2 divisions of the county court, or, in his discretion, may appoint one register in probate or public administrator to serve both divisions. If a separate register of probate is appointed for the Menominee county division, he may be the same person who is the duly elected clerk of circuit court for Menominee county. If one register of probate serves for both the Shawano and Menominee county divisions of the county court, the office of such register of probate shall be in the city of Shawano. The qualified electors of Menominee county shall cast ballots for the election of the judge of the Shawano-Menominee county court at the first election for county judge held after the effective date of this section (1959), and at every succeeding election for county judge. The Shawano-Menominee county court shall possess all the jurisdiction in Menominee county that it presently has in Shawano county, and the judge of the Shawano-Menominee county court shall possess all of the duties, rights, and powers as a judge that he presently has in Shawano county. Any civil matter or proceeding or criminal matter or action, except a criminal action which the justice of the peace has no jurisdiction to try, commenced in the Shawano-Menominee county court, Menominee county division, justice court branch, which would be within the jurisdiction and authority of the justices of the peace of Menominee county had the action been commenced in Menominee county, shall be, on the motion of the defendant in a criminal case or in the case of a forfeiture, and may be on the motion of either party in other cases, transferred by the county judge to a justice of the peace in Menominee county for trial. The rules of practice and procedure specified in chapter 184, laws of 1951, and by statute for the county court of Shawano county shall, where not inconsistent with this section, apply to the Shawano-Menominee county court. The county boards of Menominee county and Shawano county shall enter into an agreement fixing the salary of the county judge who serves both counties and prorating this salary and the other joint expenditures involved in conducting the joint county court, and for such purposes the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses; provided that no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the salaries and other joint expenditures involved, then the judge of the circuit court for the tenth circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedures as he shall prescribe. The county judge may order court held at the county seat in Menominee county or at the county seat in Shawano county or other appropriate place, and the general terms of the court specified in chapter 184, laws of 1951, for the county court of Shawano county shall be the terms of Shawano-Menominee county court. The proper place of trial of civil and criminal actions commenced in such court shall be the place in either county where the judge orders court held. The jury commissioners of Shawano county shall serve as jury commissioners for the Shawano-Menominee county court, and shall add to the present Shawano county court jury list from which jurors shall be drawn the names of qualified residents of Menominee county, and the list shall be known hereinafter as the Shawano-Menominee county court jury list. All fines and all costs and fees collected in Shawano-Menominee county court in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and, in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the

county treasurer of Shawano county. All process and pleadings and documents of the Shawano-Menominee county court shall be entitled, "Shawano-Menominee County Court:County Division", to be completed with the name of the appropriate county. Certifications in actions commenced before a justice of the peace in Menominee county and appeals from judgments of such justices of the peace, shall be as provided in chapter 184, laws of 1951. Chapter 184, laws of 1951, is hereby deemed to be amended in all respects necessary to reflect the extension of jurisdiction granted herein and to carry out the purposes and intent of this section.

253.02 BRANCHES OF COUNTY COURT. (1) The county courts of Brown, Fond du Lac, Jefferson, Manitowoc, Marathon, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Waukesha, Winnebago and Wood have 2 branches. The county courts of Dane, Douglas, Kenosha and Rock have 3 branches. The county court of Milwaukee has 11 branches.

Note: Subsection (1) is printed as created by ch. 315 and as amended by ch. 633, laws of 1959. An amendment by ch. 621, laws of 1959, creating a second county court in Walworth county is not shown (see revisor's printing rule stated in item 6 of the Preface to these statutes). Other courts are also not listed; i.e., Dane county will have 4 branches (ch. 99), Milwaukee will have 12 branches (ch. 339) and Washington will have 2 branches (ch. 437).

(2) Each branch of the county court constitutes a court with all the powers and jurisdiction possessed by county courts having one judge only.

(3) In all counties having more than one branch of the county court the incumbent county judge on January 1, 1962, is the judge of branch No. 1 of the county court; in Walworth county and in counties having a population of 500,000 or more the incumbent judge of branch No. 1 of the county court and the incumbent judge of branch No. 2 of the county court on January 1, 1962, are the judges of branches Nos. 1 and 2 of the county court respectively.

(4) Branch No. 1 of the district court of Milwaukee county and branches Nos. 1 and 3 of the civil court of Milwaukee county shall be renamed branches Nos. 4, 5 and 6, respectively, of the Milwaukee county court on January 2, 1962. The judges of these branches of the Milwaukee county court and the judge of the Jefferson, Waukesha and Wood county courts, branch No. 2 shall be elected at the spring, 1961, election. The term of the judge first elected for branch No. 2 of the Jefferson county court shall be for 4 years and to begin on the first Monday in January 1962.

(5) The municipal courts of Douglas, Fond du Lac, Manitowoc, Outagamie, Ozaukee, Rock, Racine, Shawano and Sheboygan counties, the municipal court of the city of Oshkosh and county of Winnebago, the criminal court branch of the municipal court for Brown county, the branch of the municipal court of Kenosha county presided over by the senior judge, and the superior court of Dane county shall be renamed branch No. 2 of the county court of their respective counties on January 2, 1962. The small claims court for Dane county, the superior court of Douglas county, the municipal court of the city of Beloit in Rock county and the 2nd branch of the municipal court of Kenosha county shall be renamed branch No. 3 of the county court of their respective counties on January 2, 1962. Branch No. 2 of the district court of Milwaukee county, branches Nos. 4, 5, 6 and 7 of the civil court of Milwaukee county and the children's court of Milwaukee county shall be renamed branches Nos. 3, 7, 8, 9, 10 and 11, respectively, of the Milwaukee county court on January 2, 1962. The incumbent judges of these courts on January 1, 1962, shall serve as judges of the county court until the term for which they were elected expires. In addition to their compensation as judges of the court to which they were elected, they shall receive an amount for their work as county judges which will make their total compensation equal to that received by the county judge or judges in the county. This additional compensation shall be paid by the state.

(6) (a) The cost of operation of such county court, except for the share of the salaries of the judge and court reporter provided to be paid by the state, shall be paid by the county.

(b) In counties having a population of 500,000 or more the county shall initially pay all of the net operating costs of branches 3 and 4 of the county court exclusive of those revenues transmitted to or retained by the county and city respectively, but the city of the first class in such county shall annually reimburse the county for one-half of such costs as determined by voucher submitted to such city by such county.

253.05 JUDGES OF COUNTY COURT. A county judge shall be elected for each county with the following exceptions:

(1) Florence and Forest counties shall be combined into one district for the purpose of electing a county judge to serve and preside in both the county court of Florence county and the county court of Forest county.

(2) In counties having more than one branch of the county court, a judge shall be elected for each branch.

253.06 TERM OF OFFICE. The term of office of every elected county judge is 6 years, and until his successor is elected and qualified, which term commences with the first Monday in January next succeeding his election, except that the judges elected for the Rock county court, branch No. 3, and for the Brown county court, branch No. 2, at the spring, 1966, election shall serve for terms commencing the first Monday in May 1966 and ending the first Monday in January 1972; the judges elected for the Outagamie county court, branch No. 2, and the Douglas county court, branch No. 3, at the spring, 1967, election shall serve for terms commencing May 1, 1967 and ending the first Monday in January, 1973; the judge elected for the Milwaukee county court, branch No. 11, at the spring, 1967, election shall serve for a term beginning the first Monday in June 1967, and ending the first Monday in January 1973; the judge elected for the Fond du Lac county court, branch No. 2, at the spring, 1962, election shall serve for a term beginning May 1, 1962, and ending the first Monday in January, 1968; the judge elected for the Sheboygan county court branch No. 2, at the spring, 1962, election shall serve for a term beginning the first Monday in June 1962, and ending the first Monday in January 1968; and the judges elected for the Ozaukee county court, branch No. 2, and the Dane county court, branch No. 3, at the spring, 1963, election shall serve for terms beginning the first Monday in July 1963 and ending the first Monday in January 1969.

253.07 COUNTY JUDGES' SALARIES. (1) Every county judge shall receive from the state the salary specified for him in s. 20.930, provided that in counties having a population of 500,000 or more, such salary shall be paid by the county and the state shall annually reimburse the county for \$6,000 of such salary. The county for which each judge is elected, except in counties having a population of 500,000 or more, shall reimburse the state for one-half of his salary. If 2 counties share a single judge, each shall reimburse the state for one-quarter of his salary. On July 1 of each year the department of administration shall certify to the secretary of state a statement of the amount due from each county under this section and mail a duplicate of that statement to the county clerk. These amounts shall then be certified by the secretary of state and levied, collected and paid into the state treasury as a special charge, at the same time as the state taxes.

(2) The county may pay each county judge an equal amount in addition to that specified in s. 20.930 but the total salary of the county judge cannot be more than the total salary of the highest paid circuit judge for the county. In counties having a population of 500,000 or more containing multi-branch county courts the county board in providing for such additional payment may do so by branches.

(3) No judge shall receive any salary or fees other than that specified in this section.

253.10 PROBATE JURISDICTION. (1) The jurisdiction of the county court shall extend to the probate of wills and granting letters testamentary and of administration on the estates of all persons deceased who were at the time of their decease inhabitants of or residents in the same county and of all who shall die without the state having any estate within such county to be administered, and to any other cases authorized by law; to the appointment of guardians to minors and others in the cases prescribed by law; to all matters relating to the settlement of the estates of such deceased persons and of such minors and others under guardianship; to all cases of constructions of wills admitted to probate in such court; and to all cases of trusts and trust powers created by will admitted to probate in such court, including administration under ch. 323 of trusts created in accordance with s. 206.52 (2); and to hearing objections to the granting of licenses to marry, to ordering the refusal of such licenses, and to the granting of stays upon the issuances thereof.

(2) The county court shall have concurrent jurisdiction to hear, try and determine all matters and controversies which may arise between any personal representative, guardian or trustee appointed by such court and any other person relating to title to or interest in real and personal property so far as such matter or controversy is incidental to and necessary for the complete administration of the estate, guardianship or trust, and regardless of who has possession of the property or in whose name it may be, to the same extent and with like effect as such matters and controversies may be heard, tried and determined in courts of general jurisdiction.

(3) Subsection (2) shall not affect the provisions of chs. 313 and 319 relating to debts of or claims against decedents or persons under guardianship.

(4) The jurisdiction of the county court shall also extend to a determination of the heirs and next of kin of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state.

(5) The jurisdiction of the county court shall also extend to the administration of estates of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state. A claim against the state school fund under s. 318.03 (4) shall be deemed an interest in real or personal property.

(6) For the purposes of this section the situs of intangible personal property found in this state belonging to nonresident foreign deceased persons shall be deemed to be within the state.

(7) All matters arising in this section shall be administered in accordance with the statutes, rules and procedure of the county court applicable to the statutes of deceased residents of the state.

(8) All such nonresident foreign persons who have not been heard from for 10 years shall be presumed to be dead.

(9) If a case be originally within the jurisdiction of the county courts of 2 or more counties the court which shall first take cognizance thereof by the commencement of proceedings shall retain the same throughout.

(10) The jurisdiction assumed by any county court in any case, so far as it depends on the place of residence of any person or the location of his estate, shall not be contested in any action or proceeding whatever except on an appeal from the county court in the original case or when the want of jurisdiction appears on the same record.

253.11 CIVIL JURISDICTION. The county court has jurisdiction of all actions to foreclose a land contract, mortgage, or lien concurrent with the circuit court and of all other civil actions and special proceedings of all kinds concurrent with the circuit court except actions for damages in which a sum in excess of \$25,000 exclusive of interest and costs is demanded in the complaint, provided that in counties having a population of 500,000 or more the county court shall not have jurisdiction over any matters arising out of chs. 245 and 247. If a counterclaim or cross complaint for an amount in excess of \$25,000 exclusive of interest and costs is filed, the county court shall order the case transferred to the circuit court and the parties shall proceed as if the action or proceeding had been originally begun in the circuit court. If the party who files the cross complaint or counterclaim is finally adjudged to be entitled to recover less than the amount of \$25,000 exclusive of interest and costs, the circuit court may deny costs or partial costs to that party and, in addition, may impose costs or partial costs on that party.

253.12 CRIMINAL JURISDICTION. The county court has jurisdiction of all criminal matters except treason, concurrent with the circuit court, except in counties having a population of 500,000 or more in which the county court has the jurisdiction set forth in chapter 218, laws of 1899, as amended to and including December 31, 1961, and also as set forth in chapter 295, laws of 1941, as amended to and including December 31, 1961.

253.13 JURISDICTION OF CHILDREN AND OF ADOPTIONS. (1) The county court has exclusive jurisdiction of all proceedings under ch. 48 and under ch. 322.

(2) (a) In counties having a population of 500,000 or more branch 11 of the county court (children's court) in addition to the jurisdiction, powers and duties prescribed for juvenile courts under ch. 48, shall also have jurisdiction in actions or proceedings involving the custody of children under 18 years of age whether raised by habeas corpus or otherwise, except such children as are wards of or whose care and custody is under the control of other courts.

(b) No person shall be eligible to the office of judge of such court unless for 5 years immediately prior to January 1 of the year of election he has been a resident of the county.

(c) The orders and judgments of said branch 11 of the county court (children's court) in all actions and proceedings tried before it may be appealed from, examined and reviewed by either the circuit court of said county, not as a trial de novo, but as a review of the record, or the supreme court in the same manner as other orders and judgments of the circuit court may be appealed from and reviewed.

253.14 MAY ISSUE PROCESS. The several county courts shall have power to issue all summonses, citations, subpoenas, executions, warrants and processes authorized by law which may be necessary to carry into effect any order, judgment or decree thereof, to compel the attendance of witnesses or to carry into execution the powers with which they are vested.

253.16 WHERE COURT TO BE HELD. (1) Court shall be held regularly at the county seat.

(2) In Rock county, branch No. 3 of the county court shall be established permanently at Beloit instead of at the county seat.

(2r) In Waukesha county, branch No. 2, of the county court shall be held in the city of Oconomowoc not less than 2 days in each week.

(3) Provision may be made, by court rule, for holding court in any city or village in the county other than the county seat where the court finds that there are adequate facilities provided and there is sufficient business to warrant holding court, except that jury trials may be held only at cities or villages where a branch of the court is established permanently by the legislature under sub. (2).

(4) When court is held in a city or village located partly in the county for which the judge was elected and partly in another, the judge may hold court for his county, except for trials of criminal offenses, anywhere in that city or village, the same as he could if it were entirely within the county for which he was elected.

253.18 ADMINISTRATION OF WORK IN MULTI-BRANCH COURTS. In courts in which there are 2 or more branches, the judges may provide for the distribution of the work and assignment of cases among branches under the following rules:

(1) Branch No. 1 shall be designated as the probate branch. In addition, the judges may designate by court rule particular branches to handle primarily specific types of cases, such as juvenile matters, domestic relations, criminal matters, traffic or small claims.

(2) In counties having a population of 500,000 or more, branches Nos. 1 and 2 shall be the probate branches. Branch No. 3 shall be the traffic court branch. Branch No. 4 shall be the misdemeanor court branch. Branches Nos. 5, 6, 7, 8, 9 and 10 shall be the civil court branches. Branch No. 11 shall be the juvenile court branch. The revenue from all actions for the violation of ordinances of a city of the first class, in any such county, brought in the county court shall be paid to the city as provided in s. 288.10.

(3) Regardless of the name given to a particular branch or the type of cases assigned to it, the judge of that branch shall handle other matters assigned to him as time permits.

(4) Whenever a branch is given a particular name by statute, all cases of the type described by the name of the branch shall be assigned initially to that branch by the clerk and shall be reassigned to another branch only in the case of disqualification, illness or vacation of the judge or congestion or vacancy in the branch named by statute.

235.19 TEMPORARY DUTY. A county judge may act as county judge in another county or as a circuit judge on the written request of the judge of said court or of the chief justice of the supreme court; and, when requested to so act by the chief justice, shall do so. While acting temporarily as a county judge in another county or as a circuit judge, a county judge has the power to hold court, try cases and exercise all the authority of the presiding judge.

253.29 REGISTER IN PROBATE; CLERKS; OATHS; FEES; CERTIFIED COPIES. (1) The registers in probate, the duly authorized assistant registers in probate and clerks of the county courts, and duly authorized deputy clerks, shall have the power to administer oaths, and certify to copies of any judgment, order, report or other paper or record of the county courts, and shall collect therefor the fees enumerated in sub. (2), such fees to be disposed of according to law.

(2) The fees enumerated in this subsection shall be charged and collected by the registers in probate, and clerks of the county court, in full for all services rendered in the respective proceedings. The term "register of probate" appearing in any special act means the same as the term "register in probate."

(a) For filing a petition whereby any proceeding in estates of deceased persons is commenced, when the gross estate or value of the property is \$1,000 or less, no fee; when the gross estate is more than \$1,000 and less than \$10,000, a fee of \$3; when the gross estate is \$10,000 or more and less than \$25,000, a fee of \$6; when the gross estate is \$25,000 or more and less than \$100,000, a fee of \$25; when the gross estate is \$100,000 or more, a fee of \$100. Such fee shall be paid at the time of the filing of the inventory, or other documents, setting forth the value of the estate in such proceedings. The fees fixed in this subsection shall also be paid in survivorship proceedings and in such survivorship proceedings the value shall be based on the value of the property passing to the survivor or survivors.

(b) For a certificate terminating a life estate or homestead interest, \$1, but the fee shall not be collected if such termination is consolidated with probate or administration proceedings.

(c) For a certificate or judgment of descent of lands the same fees shall be charged and collected as are charged in estate proceedings in paragraph (a) of this subsection based upon the valuation of the property passing by said certificate or judgment of descent.

(d) For filing objections to the probate of a will, \$10, except that this fee may be waived by the court when objection is filed by a guardian ad litem or attorney for a person in military service. The court may order a refund of said fee to the objector from the assets of the estate.

(e) For receiving a will for safekeeping, one dollar.

(g) For each certificate issued by the registers in probate or county judges, fifty cents.

(h) For copies of records or other papers in the custody and charge of registers in probate at the rate of 50 cents a page; and for the comparison and attestation of such copies as are not provided by the registers, 25 cents for each page, but the minimum charge in each of the above mentioned instances shall be \$1, including the certificate.

(i) In counties having a population of 500,000 or more, for filing claims against estates, \$1, except that the state or the political subdivisions thereof and bureaus and boards of the state and its political subdivisions shall be exempt from the payment of this fee.

(2m) For purposes of determining fees payable under sub. (2), the following shall apply:

(a) U. S. government bonds which by their terms are payable to another person upon death of the original registered owner are included in his gross estate and not subject to the fee for terminating a life estate.

(b) Life insurance, retirement benefits or annuities are excluded unless paid or payable to the estate or personal representative in which case they are included.

(c) When survivorship proceedings are pursued as part of probate or administration the gross estate is the sum of each.

(d) When survivorship proceedings are pursued independent of probate or administration, a fee shall be collected for each, such fee not to be less than that payable if the proceedings were consolidated.

(e) Proceedings to administer assets subsequent to entry of final judgment in an estate are subject to fees as separate proceedings, which fees shall not be less than those which would have been chargeable if such assets had been included in the original proceedings.

(f) The value of decedent's interest in real estate shall be diminished by the unpaid balance on duly recorded or filed liens and mortgages.

(g) Special administrations are subject to filing fees, such fees to be credited upon fees for subsequent general administration or probate.

(3) The register in probate and the clerk of the county court shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by him and in his hands and still unclaimed as of said day. Each county treasurer of a county under 500,000 shall make a report under oath to the state treasurer on or before the fifth day of January, April, July and October of all fees received by him under s. 253.29 (2) (a) to (e) up to the first day of each of said months and shall at the same time pay 65 per cent of such fees to the state treasurer for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him under this section for the use of the county. In counties having a population of 500,000 or more all fees paid under this section shall be kept for use by the county.

(4) Nothing herein contained shall be construed as depriving the county judge or any official of the county court of any compensation by way of fees, to which he may be entitled prior to August 19, 1939; and the county treasurer shall reimburse such county judge or official on account of all such fees which shall hereafter be paid into the county treasury.

(5) Any provision of any section or part of any section of the statutes in conflict with the provisions of this section shall be construed to be controlled by the provisions of this section.

253.30 CLERK OF CIRCUIT COURT. (1) The clerk of circuit court shall keep the books and records under s. 59.39 and perform the duties under s. 59.395 for all matters in the county court except those under ch. 48 and Title XXIX.

(2) In counties with multi-branch county courts, the clerk of circuit court may appoint one or more deputies for each branch except branch No. 1 and, in counties having a population of 500,000 or more, branch No. 2, which appointments shall be approved by the judge of the branch which the deputy will serve. A deputy appointed to serve a particular branch may serve any other branch of the county court.

(3) In counties having a population of 500,000 or more the clerk of the circuit court shall:

(a) Appoint, pursuant to ss. 63.01 to 63.16, a chief deputy clerk for the exclusive handling of the clerk's work in all criminal and ordinance matters in circuit and county courts, provided that the clerk of the circuit court or such chief deputy clerk shall sign all extradition requisition papers as required by law. The incumbent clerk of the municipal and district courts of such counties in office January 1, 1962, shall automatically become the first such chief deputy clerk provided that he shall have served at least 2 consecutive years in such former capacity.

(b) Appoint, pursuant to ss. 63.01 to 63.16, a chief deputy clerk for the exclusive handling of the clerk's work in all civil matters in county court excluding probate and juvenile matters. The incumbent clerk of the civil court of such county on January 1, 1962 shall automatically become the first chief deputy clerk provided that he has served at least 2 consecutive years in such former capacity.

(c) Appoint, pursuant to ss. 63.01 to 63.16, a chief deputy clerk for the exclusive handling of the clerk's work in the children's court branch of such county court. The incumbent clerk of the children's court of such county on January 1, 1962 shall automatically become the first such chief deputy clerk provided that he has civil service status on such date in such former capacity.

(4) All other clerks and assistants in such courts having civil service status on January 1, 1962 shall automatically continue in such service in the county court and retain their civil service status. The county board shall fix and pay the salaries of all such clerks and assistants.

253.31 APPOINTMENT AND COMPENSATION OF REGISTERS OF PROBATE. (1) In each county, the county judge, or in multi-branch courts the judge of branch No. 1 shall appoint and may remove a register of probate, who, before entering upon his duties, shall take and subscribe the constitutional oath of office and file it, together with the order of appointment, in the office of the clerk of circuit court.

(2) One or more deputies may be appointed in like manner.

(3) The salary of the register of probate and of any deputies shall be fixed by the county board and paid by the county.

(4) In counties having a population of 500,000 or more, the appointment under sub. (1) shall be made by joint action of the judges of branches Nos. 1 and 2.

253.32 DUTIES OF REGISTERS OF PROBATE. The register of probate shall:

(1) File and keep all papers properly deposited with him unless required to transmit such papers.

(2) Keep a book called a court record and enter therein every proceeding in the court under Title XXIX under its proper title, a brief statement of the nature of the proceeding and of all papers filed therein, with the date of filing and a reference to the volume and page of the minute book where minute records can be found or to the microfilm file where papers have been recorded so that the court record is a complete index or brief history of each proceeding from beginning to final disposition.

(3) Keep a book called a minute book and enter therein a brief statement of all proceedings of the court under Title XXIX during its sessions, all motions made and by whom, all orders granted in open court or otherwise, and the names of all witnesses sworn or examined. If this information is all included in the court record, the judge may direct that the minute book be no longer kept.

(4) Keep a record book or books and record therein in full all wills admitted to probate with the certificate of probate, all letters and all judgments rendered. The judge may require any other documents to be recorded therein. Any documents may be recorded on microfilm instead of in a record book. These records shall be kept irrespective of s. 59.715 (20) (c) unless recorded on microfilm.

(5) Keep an alphabetical index to the court record and the file containing the original documents or microfilm copies thereof.

(6) Perform any other administrative duties as the judge directs.

(7) Except in counties having a population of 500,000 or more, perform the duties of clerk of the juvenile court under ch. 48 unless these duties are performed by a person appointed under s. 48.04.

253.33 POWERS OF REGISTERS OF PROBATE. (1) The register of probate:

(a) May make orders for hearings when the judge is away from the county seat or unable to discharge his duties or when given authority in writing by the judge and an application is made to the court in a proceeding under Title XXIX requiring notice of hearing. The order and notice when signed "By the court, . . . , register in probate" has the same effect as if signed by the judge.

(b) Has the same powers as clerks of court to certify copies of papers, records and judicial proceedings. Copies certified by registers in probate are receivable in evidence as if certified by clerks of court.

(c) Has the power to administer any oath required by law.

(2) Subsection (1) applies to duly authorized deputy registers in probate.

253.35 APPOINTMENT OF COURT REPORTER AND ASSISTANT. (1) Every county judge, may, in his discretion, appoint a competent phonographic reporter under s. 252.18. He may also appoint as many assistant reporters as necessary under s. 252.18.

(2) When qualified under s. 252.18 every court reporter and assistant reporter shall attend the sessions of the court for which he was appointed and, on request of the judge appointing him, sessions of court presided over by that judge in other counties and shall perform any other duties as the judge directs. In counties having a population of 500,000 or more, reporters appointed to the misdemeanor and traffic branches shall report all preliminary examinations held before said courts, but in all cases of prosecutions for misdemeanors and traffic forfeitures, said reporters shall not be required to report such trial or proceeding, nor shall it be necessary for said judge of said court to take minutes of the evidence given before him; but said misdemeanor or traffic branch judge may, in his discretion, require said reporters to report and transcribe the evidence given upon any trial or proceeding, other than preliminary examinations, which may be had before said court. Any court reporter or assistant reporter may act in any circuit or county court of the state on request of the judge of that court and with permission of the judge by whom he was appointed.

(3) Except as hereinafter provided for reporters in counties having a population of 500,000 or more, every reporter appointed under sub. (1) shall receive from the state the salary specified for him in s. 20.930. The county for which each reporter is appointed shall reimburse the state for one-half of his salary as described in s. 253.07 (1). If 2 counties share a single reporter, each shall reimburse the state for one-quarter of his salary.

(4) In counties having a population of 500,000 or more every reporter appointed under sub. (1) shall receive the salary specified for him by s. 20.930 directly from the county. The state shall annually reimburse the county for \$3,000 of such salary. The county may pay each county court reporter an equal amount in addition to that specified in s. 20.930. All reporters of the former district, traffic, civil, county and children's court of such county who have civil service status in such county on the first Monday in January 1962, shall retain such status as reporter in the county court. Such reporters who are members of the county employe's retirement system on said date shall remain as members subject to all provisions of the retirement system law.

(5) Every reporter appointed under sub. (1) shall furnish to any party a transcript of the testimony taken by him in any matter or proceeding in the manner and for the fees provided in s. 252.20