

# KANSAS JUDICIAL COUNCIL BULLETIN

DECEMBER, 1936

PART 4—TENTH ANNUAL REPORT

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## MEMBERS OF THE JUDICIAL COUNCIL

---

W. W. HARVEY, <i>Chairman</i> .....	Ashland.
Justice of the Supreme Court.	
J. C. RUPPENTHAL, <i>Secretary</i> .....	Russell.
Formerly Judge Twenty-third Judicial District.	
EDWARD L. FISCHER.....	Kansas City.
Judge First Division, Twenty-ninth Judicial District.	
RAY H. BEALS.....	St. John.
Judge Twentieth Judicial District.	
E. H. REES.....	Emporia.
Chairman Senate Judiciary Committee.	
O. P. MAY.....	Atchison.
Chairman House Judiciary Committee.	
CHARLES L. HUNT.....	Concordia.
ROBERT C. FOULSTON.....	Wichita.
CHESTER STEVENS .....	Independence.

### COÖPERATING WITH THE—

KANSAS STATE BAR ASSOCIATION,  
 SOUTHWESTERN KANSAS BAR ASSOCIATION,  
 NORTHWESTERN KANSAS BAR ASSOCIATION,  
 LOCAL BAR ASSOCIATIONS OF KANSAS,  
 JUDGES OF STATE COURTS AND THEIR ASSOCIATION,  
 COURT OFFICIALS AND THEIR ASSOCIATIONS,  
 THE LEGISLATIVE COUNCIL,  
 MEMBERS OF THE PRESS,  
 OTHER ORGANIZATIONS, and leading citizens generally throughout the  
 state.

For the improvement of our Judicial System and its more  
 efficient functioning.

## MOTION DAYS IN DISTRICT COURTS

1937.

County.	County seat.	Judge.	Clerk.	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May.	Jun.	Sept.	Oct.	Nov.	Dec.
Allen.....	Iola.....	Wallace H. Anderson,	Nell Hogan Stirnaman,	37	5 12	16 23	2	6 13 20 27	4 11	29	7 14	12 19 26	2 9 30	7 14
Anderson.....	Garnett.....	Hugh Means.....	Mrs. Erna Miller.....	4	2	5	1	2	8	14	10	11	5	10
Atchison.....	Atchison.....	Lawrence F. Day.....	Hal Waisner.....	2	2 9 16 23 30	6 13 20 27	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	11 18 25	2 9 23 30	6 13 20 27	4 11 18
Barber.....	Medicine Lodge...	George L. Hay.....	Edith Myers.....	24	7	8	6	26	14	5	11	25	5	10
Barton.....	Great Bend.....	Ray H. Beals.....	Jack Morrison, Jr.....	20	9	6	2	3	1	1	4	2	6	4
Bourbon.....	Fort Scott.....	W. F. Jackson.....	Geo. T. Farmer.....	6	2 9 16 23 30	6 13 20 27	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	4 11 18 25	2 9 23 30	6 13 20 27	4 11 18
Brown.....	Hiawatha.....	C. W. Ryan.....	H. N. Zimmerman.....	22	26	23	23	27	25	15	28	26	23	21
Butler.....	El Dorado.....	A. T. Ayres..... Geo. J. Benson.	Charles G. Smith.....	13	2	6	1	2	1	14	4	2	8	7
Chase.....	Cottonwood Falls,	Lon C. McCarty....	Clinton W. Scott.....	5	22	26	26	23	28	25	24	22	26	22
Chautauqua.....	Sedan.....	A. T. Ayres..... Geo. J. Benson.	J. B. McNown.....	13	16	2	15	5	8	1	6	12	2	6
Cherokee.....	Columbus.....	V. J. Bowersock.....	Ernest Milton.....	11	5 7	2 4	2 4	6 8	4 6	8 3	7 9	5 7	2 4	7 9
Columbia div. Galena div.	St. Francis.....	E. E. Kite.....	Minnie A. Lawless.....	17	23	13	29	5	24	5	18	9	29	6-18
Cheyenne.....	Ashland.....	Karl Miller.....	Mrs. Hope Grimes.....	31	14b	11b	11b	15b	13b	17b	9b	7b	4b	16b

MOTION DAYS IN DISTRICT COURTS—CONTINUED

COUNTY.	County seat.	Judge.	Clerk.	No. Jud. Dist.	1937.											
					Jan.	Feb.	Mar.	Apr.	May.	Jun.	Sept.	Oct.	Nov.	Dec.		
Clay.....	Clay Center.....	Edgar C. Bennett...	Harold Crawford.....	21	7	5	1	1	6	7	2	7	1	2		
Cloud.....	Concordia.....	Tom Kennett.....	Lawrence Johnston...	12	4	2	2	5	4	8	27	19	16	14		
Coffey.....	Burlington.....	Lon C. McCarty...	Bernice Thompson.....	5	25	22	22	26	24	28	27	25	22	27		
Conanache.....	Coldwater.....	Karl Miller.....	Jessie Chamness.....	31	13a	10a	10a	14a	12a	16a	8a	6a	3a	15a		
Cowley.....	Winfield.....	Stewart F. Bloss...	Mrs. Marie Snyder...	19	4 18	1 15	1 15	5 19	3 17	7 21	6 20	4 18	1 15	6 20		
Crawford.....	Girard.....	L. M. Resler.....	Jean Bell.....	38	11 18	1 15	1 15	5 19	3 10	7 21	6 20	4 18	1 16	6 20		
Girard div. Pittsburg div.																
Decatur.....	Oberlin.....	E. E. Kite.....	Dorothy McGee.....	17	21	11 - 22	12	16	10	3	16	5 - 11	5	14		
Dickinson.....	Abilene.....	C. M. Clark.....	Seth Barter, Jr.....	8	4a	12a	1c	17c	17a	7c	13a	15a	8c	18a		
Doniphan.....	Troy.....	C. W. Ryan.....	Mrs. L. D. Swiggett...	22	28	25	25	29	27	17	30	28	24	22		
Douglas.....	Lawrence.....	Hugh Means.....	John Callahan.....	4	9	1	6	3	3	5	11	2	1	4		
Edwards.....	Kinsley.....	Lorin T. Peters.....	C. E. Burke.....	33	5	8	3	5	3	2	9	6	1	7		
Elk.....	Howard.....	A. T. Ayres..... Geo. J. Benson.	Mary E. Johnson.....	13	4	1	20	3	3	7	20	4	1	7		
Ellis.....	Hays.....	Herman Long.....	Clement J. Worth.....	23	15	1	26	16	17	17	16	18	26	16		
Ellsworth.....	Ellsworth.....	Dallas Grover.....	James M. Wilson.....	30	25	26	4	26	14	1	4	11	3	3		
Finney.....	Garden City.....	Fred J. Evans.....	Mrs. Walter Harvey...	32	11e	10e	19e	23e	10e	20e	13e, 27e	22e	19e	10e		
Ford.....	Dodge City.....	Karl Miller.....	Susan Ader Evans.....	31	16a	13a	13a	17a	15a	19a	11a	9a	6a	18a		
Franklin.....	Ottawa.....	Hugh Means.....	Mrs. Ann M. Shiras...	4	4	6	5	5	1	12	13	1	6	11		
Geary.....	Junction City.....	C. M. Clark.....	Geo. J. Webster.....	8	4c	12c	1a	17a	17c	7a	13c	15c	8a	18c		



## MOTION DAYS IN DISTRICT COURTS—CONTINUED

County.	County seat.	Judge.	Clerk.	No. Jud. Dist.	1937.											
					Jan.	Feb.	Mar.	Apr.	May.	Jun.	Sept.	Oct.	Nov.	Dec.		
Gove.....	Gove City.....	Herman Long.....	J. B. Chenoweth.....	23	18	12	15	15	14	21	17	15	15	17		
Graham.....	Hill City.....	W. K. Skinner.....	Grace Schweitzer.....	34	9	1	5	15	17	3	20	11	12	7		
Grant.....	Ulysses.....	F. O. Rindom.....	Jewell Rowland.....	39	4d	1d	1b	13b	3d	7d	4d	4d	3d	6b		
Gray.....	Cimarron.....	Karl Miller.....	Mollie Parks.....	31	11f	8f	8f	12f	10f	14f	6f	4f	1f	13f		
Greeley.....	Tribune.....	Fred J. Evans.....	T. P. Tucker.....	32	6e	8e	18e	20e	26e	23e	16e	18e	16e	8e		
Greenwood.....	Eureka.....	A. T. Ayres..... Geo. J. Benson	Warren R. Willis.....	13	18	3	19	2	17	12	7	11	3	1		
Hamilton.....	Syracuse.....	Fred J. Evans.....	Amelia J. Minor.....	32	5e	22e	17e	19e	25e	22e	15e	25e	15e	7e		
Harper.....	Anthony.....	George L. Hay.....	Ed C. Wolff.....	24	11	4	5	12	13	21	10	11	4	9		
Harvey.....	Newton.....	J. G. Somers.....	Lloyd L. McMullen.....	9	6	8	9	7	10	8	22	29	8	7		
Haskell.....	Sublette.....	F. O. Rindom.....	Mrs. E. M. Yarbrough.....	39	4b	1b	8b	7b	3b	7b	20b	4b	3b	2b		
Hodgeman.....	Jenmore.....	Lorin T. Peters.....	Fred R. Wilson.....	33	6	22	1	6	17	4	10	5	8	8		
Jackson.....	Holton.....	Lloyd Morris.....	Mrs. Elfa Rudy.....	36	11	4	4	8	3	11	9	4	4	9		
Jefferson.....	Oskaloosa.....	Lloyd Morris.....	Marguerite N. McCoy.....	36	4	1	1	9	7	7	10	8	1	10		
Jewell.....	Mankato.....	W. R. Mitchell.....	Bernice Howard.....	15	9	19	1	16	27	7	24	14	8	23		
Johnson.....	Olathe.....	G. A. Roberts.....	Violet Paris.....	10	4	15	22	12	3	24	7	18	15	13		
Kearny.....	Lakin.....	Fred J. Evans.....	Paul Wood.....	32	4e	15e	8e	22e	24e	21e	14e	12e	8e	6e		
Kingman.....	Kingman.....	George L. Hay.....	Mrs. Nell H. Walter.....	24	9	6	22	10	15	7	27	9	6	13		
Kiowa.....	Greensburg.....	Karl Miller.....	Herbert Miller.....	31	12d	9d	9d	13d	11d	15d	7d	5d	2d	14d		
Labette.....	Oswego.....	L. E. Goodrich.....	Fred Wyrick.....	16	22	26	26	30	28	25	24	29	26	17		
Oswego div.....	.....	.....	.....	.....	18	22	22	26	24	21	20	18	22	20		
Parsons div.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		

MOTION DAYS IN DISTRICT COURTS—CONTINUED

County.	County seat.	Judge.	Clerk.	No. Jud. Dist.	1937.											
					Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.		
Lane.....	Dighton.....	Fred J. Evans.....	Q. H. Jewett.....	32	9e	19e	22a	21e	28e	28e	21e	13e	22e	9e		
Leavenworth.....	Leavenworth.....	J. H. Wendorf.....	Howard Oliver.....	1	2 16	2 20	6 20	3 17	1 15	5 19	4 18	2 16	6 20	4 18		
Lincoln.....	Lincoln.....	Dallas Grover.....	Ernest D. Harlow.....	30	4	15	20	2	17	2	1	5	8	2		
Linn.....	Mound City.....	W. F. Jackson.....	C. B. Platt.....	6	5 19	1 15	1 15	12 26	3 17	7 21	7 20	4 18	1 15	6 20		
Logan.....	Russell Springs.....	Herman Long.....	Alfred Rogge.....	23	19	15	12	5	27	18	6	28	12c	6		
Lyon.....	Emporia.....	Lon C. McCarty.....	Mrs. Maude Evans.....	5	27	24	24	21	26	23	22	27	24	21		
Marion.....	Marion.....	C. M. Clark.....	Peter F. Flannery.....	8	16a	1a	13a	12a	3a	19a	7a	4a	1a	0		
Marshall.....	Marysville.....	Edgar C. Bennett.....	Wallace J. Koppes.....	21	8	7	5	2	3	4	3	4	5	3		
McPherson.....	McPherson.....	J. G. Somers.....	Donald S. Clark.....	9	7	11	8	8	13	7	23	28	11	6		
Meade.....	Meade.....	Karl Miller.....	Ethel Copenhaver.....	31	15b	12b	12b	16b	14b	18b	10b	8b	5b	17b		
Miami.....	Paola.....	G. A. Roberds.....	Hugh W. Campbell.....	10	18	7	15	26	17	7 - 28	2	4	8	20		
Mitchell.....	Beloit.....	W. R. Mitchell.....	Herbert Shaefer.....	15	11	18	19	19	28	28	27	15	30	22		
Montgomery.....	Independence.....	Jas. W. Holdren.....	Chester Critton.....	14	2 16	6 20	6 20	3 17	1 15	5 19	4 18	2 16	6 20	4 18		
Coffeyville div.	Independence.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Morris.....	Council Grove.....	C. M. Clark.....	J. A. Bruton.....	8	16c	13	12	5a	15a	21a	7c	16a	1c	6a		
Morton.....	Richfield.....	F. O. Rindom.....	Kathleen Crawford.....	39	5d	8b	2b	1b	4d	8d	6b	5d	4d	3b		
Nemaha.....	Seneca.....	C. W. Ryan.....	Ella Schneider.....	22	25	22	22	26	24	14	27	25	22	20		
Neosho.....	Erte.....	J. T. Cooper.....	Margaret Whitworth.....	7	6	9	3	7	11	2	1	12	3	1		
Ness.....	Ness City.....	Lorin T. Peters.....	Laura M. Jackson.....	33	7	3	8	8	8	5	13	7	4	13		

MOTION DAYS IN DISTRICT COURTS—CONTINUED

1937.

County.	County seat.	Judge.	Clerk.	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Norton.....	Norton.....	E. E. Kite.....	Ethel Bechtoldt.....	17	4 11 - 20	10	10	19	6	2	6 15	7	3	16
Osage.....	Lyndon.....	Robert T. Price.....	Paul F. Cummings.....	35	8	5	9	2	7	8	10	1	9	3
Osborne.....	Osborne.....	W. R. Mitchell.....	Alva Anderson.....	15	8	1	18	15	10	30	23	18	23	21
Ottawa.....	Minneapolis.....	Dallas Grover.....	A. H. Finley.....	30	11	4	3	12	28	3	2	6	2	4
Pawnee.....	Larned.....	Lorin T. Peters.....	Rose Mason.....	33	4	1	2	12	13	1	8	11	2	6
Phillips.....	Phillipsburg.....	E. E. Kite.....	L. R. Halbert.....	17	19	1	11	17	3	1	14 - 20	6	4	15
Pottawatomie.....	Westmoreland.....	Lloyd Morris.....	Chas. S. Smith.....	36	7	5	5	6	6	10	7	7	5	7
Pratt.....	Pratt.....	George L. Hay.....	Mary Fairchild.....	24	8	5	8	9	17	4	19	8	8	11
Rawlins.....	Atwood.....	E. E. Kite.....	Elizabeth Thompson.....	17	22	12	9 - 15	15	17	4	17	8	8	17
Reno.....	Hutchinson.....	J. G. Somers.....	Walter Mead.....	9	9 16 23 30	6 13 20 27	6 13 20 27	3 10 17 24	1 8 15 22 - 29	5 12 19 26	18 25 19 23 - 30	2 9 16 23 - 30	6 13 20 27	4 11 18
Republic.....	Belleville.....	Tom Kennett.....	Wm. R. Goodwin.....	12	5	1	3	6	3	9	28	18	17	15
Rice.....	Lyons.....	Ray H. Beals.....	L. A. Hollaway.....	20	5	1	6	6	3	5	7	4	1	1
Riley.....	Manhattan.....	Edgar C. Bennett.....	Hal McCord.....	21	4	4	4	5	7	3	6	8	4	1
Rooks.....	Stockton.....	W. K. Skinner.....	Geo. F. Crane.....	34	11	13	13	14	3	5	6	12	13	6
Rush.....	La Crosse.....	Lorin T. Peters.....	Edwin Popp.....	33	11	2	22	7	14	3	7	4	3	9
Russell.....	Russell.....	Herman Long.....	Geo. W. Brandt.....	23	4	17	25	14	3	16	15	4	25	15
Saline.....	Salina.....	Dallas Grover.....	Howard Ford.....	30	2	3	8	1	12	4	3	1	1	6
Scott.....	Scott City.....	Fred J. Evans.....	Nellie Scheuerman.....	32	8e	17e	15e	12e	29e	25e	20e	14e	18e	13e

MOTION DAYS IN DISTRICT COURTS—CONTINUED

COUNTY.	County seat.	Judge.	Clerk.	No. Jud. Dist.	1937.											
					Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.		
Sedgwick. First div. Second div. Third div. Fourth div.	Wichita.	Ross McCormick. R. L. NeSmith. Grover Pierpont. I. N. Williams.	A. E. Jaques. 1st and 2d divisions. 3d and 4th divisions.	18	2 16	6 20	6 20	3 17	1 15	5 19	4 4	2 16	6 20	4 18		
					9 23	13 27	13 27	10 24	8 22	12 26	11 25	9 23	13 27	11		
					39	11b	20b	17b	24b	19b	18b	16b	8b	19b		
					3	9 30	20	13	1 15	5 26	18	9 30	20	11		
Shawnee. First div. Second div. Third div.	Topeka.	Geo A. Kline. Paul L. Heinz. Otis E. Hungate.	Leah B. Willcuts.	3	16	6 27	8 20	10	1 22	12	4 25	16	6 27	18		
					2 23	13	6 27	17	8 29	19	11	2 23	13	4		
					34	8	22	16	13	7	2	4	11	8		
Sheridan. Sherman. Smith. Stafford. Stanton. Stevens. Sumner. Thomas. Trego. Wabausee.	Hoxie. Goodland. Smith Center. St. John. Johnson. Hugoton. Wellington. Colby. Wakeeney. Alma.	W. K. Skinner. W. K. Skinner. W. R. Mitchell. Ray H. Beals. F. O. Rindom. F. O. Rindom. Wendell Ready. W. K. Skinner. Herman Long. Robert T. Price.	Noah Turner. William Mangus. Ronald McClain. Gertrude Bartle. J. E. Saunders. John F. Fulkerson. Jessie Haverstock. N. C. Knudson. Elba Brandenberg. Mrs. Eva Dorman.	34 34 15 20 39 39 25 34 23 35	6	15	23	5	14	4	4	1	15	10		
					7	17	22	2	26	21	22	13	22	6		
					4	2	1	5	4	7	6	5	2	2		
					5b	22b	1d	7d	4b	8b	13b	5b	4b	2d		
					25b	2b	22b	1d	5b	9b	4b	25b	5b	3d		
					5	4	4	1	4	3	7	7	4	2		
					7	16	15	17	15	21	3	2	1	9		
					16	13	1	17	15	7	18	16	1	18		
					6	2	3	7	4	2	8	5	3	1		

MOTION DAYS IN DISTRICT COURTS—CONCLUDED

County.	County seat.	Judge.	Clerk.	No. Jud. Dist.	1937.											
					Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.		
Wallace.....	Sharon Springs....	Herman Long.....	Mrs. Ida Ward.....	23	20	16	13	19	28	19	20	29	12a	20		
Washington.....	Washington.....	Tom Kennett.....	Mrs. Alta Hermon....	12	6	3	1	7	5	7	29	20	15	13		
Wichita.....	Leoti.....	Fred J. Evans.....	Mrs. Kate Elder.....	32	7e	18e	16e	26e	27e	24e	17e	15e	17e	20e		
Wilson.....	Fredonia.....	J. T. Cooper.....	Leslie V. York.....	7	5	2	2	6	4	1	7	5	2	7		
Woodson.....	Yates Center.....	Wallace H. Anderson,	John F. Timm.....	37	1 8	19 26	5 12	9 16 23-30	14 .....	8 25	3	8 15 22-29	5 9 .....	3 10 17		
Wyandotte.....	Kansas City.....	E. L. Fischer.....	Pal E. Bush.....	29	2	6	6	3	1	5	4	2	6	4		
First div.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Second div.....	.....	Willard M. Benton..	.....	.....	9	13	13	10	8	12	11	9	13	11		
Third div.....	.....	J. O. Emerson.....	.....	.....	16	20	20	17	15	19	18	16	20	18		
Fourth div.....	.....	C. A. Miller.....	.....	.....	23	27	27	24	22	26	25	23	27	0		

a. 9:00 a. m.      b. 10:00 a. m.      c. 1:30 p. m.      d. 2:00 p. m.      e. 10:00 a. m. mountain time.      f. 1:00 p. m. mountain time.

NOTE.—Italics indicate the date is also the first day of a regular term of court.

NOTE.—The four divisions of the court in Wyandotte county work with three jury divisions and one "law division," which is rotated among the judges. The "law division" has a motion day each week. The day of the week is designated by the judge at the beginning of the term. Except as modified by the work of the "law division," the motion days are as shown in the above tabulation.

NOTE.—For the months of July and August, in the judicial districts having two or more divisions, one or more judges holds court for the hearing of matters needing prompt attention, and in all the judicial districts some provision is made for the hearing of urgent matters. The days for such hearing are not stated in the above schedule. Parties interested should take the matter up with the judge or clerk of the court with respect to the time of hearing. In a few districts there is a publication, such as the *Legal News* in Shawnee county, in which notice is given of matters not covered by the above schedule.

## FOREWORD

---

We print in this issue a list of "motion days" for the various district courts in the several counties of the state for the year 1937. This has been compiled from orders made by the respective district judges and filed by the clerk of the supreme court. In order to avoid any mistakes in the dates we have sent to each of the district judges the portion of the list which applies to the counties of his district for any correction which needed to be made thereon and have complied with the request of the judges for corrections when such requests have been made.

These motion days have been fixed in compliance with Rule 43 of the supreme court promulgated at the suggestion of the Judicial Council. They have proved helpful in the prompt dispatch of business in our district courts, not only to the courts, but to attorneys and to litigants. All of the rules heretofore promulgated by the supreme court, at the suggestion of the Judicial Council, and which pertain to district courts, are being printed in the General Statutes of Kansas of 1935, under section 60-3827, with the history and effective date of each of the rules. The General Statutes are now being printed and will be ready for distribution about the first of the year.

We also print herein proposed statutory and constitutional measures which we plan to present to the legislature for adoption. Each of these measures is the product of much research and study on the part of the Judicial Council, and we believe their adoption will effect substantial improvements in the structure and functioning of our judicial system.

The Judicial Council has had five meetings this year, of two days each, devoted to the study of the measures recommended, and others. In addition to that the individual members of the Council have done a great deal of work between meetings. The members of the Council put in their time and perform their work in connection with it without financial remuneration, being entitled only to be reimbursed for actual expenses incurred by their attendance at these meetings.

In our October, 1936, BULLETIN we printed summaries made up from reports furnished to us from 76 probate judges of the state of the business transacted in their courts within the year ending June 30, 1936, and of the business pending July 1, 1936. In this issue we print summaries of the reports from the remaining counties (except from Lyon county, from which we have received no report). We also print a summary of the state as a whole. These reports sent us from probate judges, and the summaries and tables made from them, are by far the most complete and instructive of any heretofore made of the probate courts. They show in a way not otherwise easy to see the vast importance of these courts to the citizens of our state, and they also disclose the necessity of making these courts more efficient.

## PROBATE AND COUNTY COURT

For several years we have sought to improve our judicial system with respect to courts inferior to the district court. We have not only made an intensive study of the matter ourselves, but have published statements and proposed measures about it in our BULLETIN, discussed it at bar association meetings, and with attorneys, legislators and others. We have concluded that, generally speaking, justice-of-the-peace courts have outlived their usefulness in this state and that the most useful thing to our people, so far as such courts are concerned, is to have one well equipped court in each county, open all the time for the transaction of business, for the purpose of handling all business now handled by the probate courts and justices of the peace, and having jurisdiction in civil actions for the recovery of money or specific personal property where the amount involved does not exceed \$1,000. To accomplish this we have provided a measure creating what we have called a probate and county court. The sentiment throughout the state favorable to such a court has been constantly growing until we feel the people are ready to take the necessary steps for the creation of such a court. A bill designed to accomplish that purpose was introduced at the last regular session of the legislature. It was purposely held up in the committee in order to have printed copies of the bill sent to the probate judges and at least one attorney in each county, with the request that the specific bill be discussed with the attorneys and others interested in the county, and that letters be written to the members of the legislature and to us respecting the merits of the bill. We received letters from more than eighty counties favorable to the measure. Only two or three letters expressed opposition to it. The bill was then considered in the judiciary committee of the House. An amendment was sought and obtained to eliminate from it those counties which have city courts at the county seat. With this amendment the bill was recommended for passage. By that time it was late in the session, there were a number of bills on the calendar, and it was not reached for action. Since then the measure has been discussed at meetings of bar associations, by attorneys and others, and reports coming to us indicate even greater sentiment favorable to the measure than existed when the legislature was last in session. We recommend the adoption of the measure at the coming session. As proposed it reads as follows:

AN ACT relating to the judiciary, creating courts inferior to the district court, limiting the jurisdiction of justices of the peace, and repealing sections 20-801 to 20-819, inclusive, and sections 20-1601 to 20-1634, inclusive, and section 80-204, and sections 80-701 to 80-707, inclusive, of the Revised Statutes of Kansas of 1923, and chapter 154, Laws of 1925, and chapter 178, Laws of 1927, and chapter 167, Laws of 1929, and chapter 170, Laws of 1933, and all acts of the present session of the legislature amending or supplementing any of the statutes above mentioned, and fixing a time when such repeal shall become effective.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. In each county in the state except counties in which the county seat is the city of the first class having a city court there shall be a court known as a probate and county court, which is hereby created, and is to be organized so as to come into existence on the second Monday in January, 1939. The probate judge shall be judge of the probate and county court.

SEC. 2. The probate and county court shall be a court of record, and the court and the judge thereof shall have such jurisdiction as is now conferred upon probate courts and the judges thereof, and such jurisdiction as is now conferred upon justices of the peace, and in addition thereto shall have jurisdiction in civil actions for the recovery of personal property or money only where the amount claimed does not exceed one thousand dollars, and in proceedings for attachment and garnishment in such actions.

SEC. 3. The supreme court by rule may prescribe the procedure for all actions and proceedings in the probate and county court and in appeals therefrom, which rules, when made, shall supersede any statutes relating thereto. When the volume of business in any probate and county court is sufficient to justify it, the supreme court may by rule create divisions of the probate and county court, and when so created there shall be a judge for each division. The judges of the extra divisions so created shall, by virtue of their positions, be judges pro tem of probate court. The supreme court may by rule provide the procedure for designating a judge pro tem for the probate and county court for temporary purposes. Where the centers of population in a county are such as to justify it the supreme court may by rule provide for the sitting of the probate and county court at some place in the county in addition to the county seat, either for the trial of specific cases or for permanent division of the court in such county. The supreme court shall, before the first Monday of March, 1938, designate divisions of the probate and county court in counties where such is deemed necessary, and the cities other than the county seat in which a division of the probate and county court shall sit, and changes in such divisions and places where the court shall sit shall not be made oftener than once in two years.

SEC. 4. The judge of the probate and county court shall be elected at the general election held biennially in November, the first election to be held in November, 1938, and shall hold their offices for a term of two years, beginning on the second Monday in January following such election. No one shall be qualified to act as judge of the probate and county court who is not regularly admitted to practice law in this state, or who has not served as a probate judge in this state for as long as two years prior to the beginning of his term as judge of the probate and county court. No judge of the probate and county court shall, while serving in this capacity, practice law in any of the courts of the state.

SEC. 5. The salary of the judge of the probate and county court in the various counties of this state shall be as follows: In counties with a population of less than five thousand, \$1,800; in counties with a population from five to ten thousand, \$2,100; in counties with a population from ten to twenty-five thousand, \$2,400; in counties with a population of more than twenty-five thousand and not more than sixty thousand, \$2,700; and in counties with a population over sixty thousand, \$3,000; the salaries to be paid by the county in monthly payments. All fees received by the judge of the probate and county court except fees for performing marriage ceremonies for services performed by virtue of his office shall be by him paid into the county treasury and become a part of the general fund of the county. The county commissioners shall provide such facilities in the way of a court room, supplies and clerical and stenographic help as may be necessary properly to conduct the business of the court. The clerical help shall be appointed by the judge, or judges, of the probate and county court and hold their positions at the pleasure of the court.

SEC. 6. All process issued by the probate and county court shall be executed by the sheriff. If the sheriff is the party to be served the court shall appoint someone not interested in the case as a special officer to make the service.

SEC. 7. On and after the first Monday in January, 1939, justices of the peace in each and every county in this state shall have no jurisdiction in any case, civil or criminal, except in civil actions for the recovery of money only in which the amount claimed does not exceed one dollar.



SEC. 8. The following statutes are hereby repealed, the repeal to take effect on the second Monday of January, 1939: Sections 20-801 to 20-819, inclusive, and sections 20-1601 to 20-1634 and section 80-204 and sections 80-701 to 80-707, inclusive, of the Revised Statutes of 1923, and chapter 154, Laws of 1925, and chapter 178, Laws of 1927, and chapter 167, Laws of 1929, and chapter 170, Laws of 1933, and all acts of the present session of the legislature amending or supplementing any of the statutes above mentioned, and all acts and parts of acts in conflict herewith. Courts existing under statutes repealed by this section shall cease to function at the time the repeal goes into effect, and the dockets, records and files of such courts shall be transferred to and become a part of the records and files of the probate and county court, and all actions then pending in such courts shall proceed in the probate and county court as though originally brought in that court.

SEC. 9. This act shall take effect and be in force from and after its publication in the statute book.

When this bill becomes effective a bill should be passed creating courts of limited jurisdiction for the use of merchants and others in cities or communities outside of the county seat of any county, such as the proposed magistrate courts mentioned in sections 6 and 7 of our suggested bill, p. 51 of our October, 1934, BULLETIN.

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## APPEALS IN CRIMINAL CASES

To avoid unnecessary delay between the time a criminal case is disposed of in the district court and when it is submitted to the supreme court on its merits, whether the appeal be taken by the defendant or by the state on a question reserved, we have proposed a measure revising our statute on that subject. It leaves the right of any defendant to appeal from any judgment against him in a criminal case, and also leaves the right of the state to appeal on a question reserved, as these rights now exist, but it places the duty upon the appellant to take his appeal promptly and see to it that his appeal papers are filed promptly in the supreme court, and that the other necessary steps be taken as rapidly as the circumstances of the case will permit to have his appeal presented to the supreme court. The measure has the recommendation of the State Bar Association and of others interested in the prompt dispatch of business in our courts. At the last regular session of the legislature the bill was introduced and passed the house of representatives. We think it should be enacted into law. The bill follows:

AN ACT relating to appeals in criminal actions, and repealing sections 62-1702, 62-1704, 62-1709, 62-1710, 62-1711, 62-1712, 62-1713, 62-1714 of the Revised Statutes of Kansas of 1923.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. In any criminal action in which defendant pleads guilty, or is found guilty by a jury, or by the court if the trial is to the court, if defendant is not then in custody of the sheriff, he shall be taken into custody at once; and unless he announces that he desires to file a motion for a new trial, he shall be sentenced either on that date or at a fixed time within ten days.

SEC. 2. If at the time the plea, verdict, or finding of guilty is made defendant announces that he desires to file a motion for a new trial, the court shall fix a time, not exceeding five days, in which to file the motion for a new trial, and such motion shall be heard and determined as expeditiously as possible and in no event later than thirty days after it is filed. Pending the

filing and hearing of the motion for a new trial, if defendant desires to be at liberty on bond, and the offense is bailable after conviction, the court shall fix the amount of the bond, which bond shall be approved by the court, or, if the court so direct, by the clerk of the court. If the motion for a new trial is overruled, sentence shall be imposed at once. If defendant desires to appeal promptly, and has given bond pending the hearing of his motion for a new trial, the court may order the bond to be in force pending the application to the supreme court for bond.

SEC. 3. *Proceeding on appeal:* (a) If defendant does not seek to have execution of his sentence stayed, or release from custody on bond pending his appeal, he may appeal at any time within six months from the date of the sentence by serving notice of appeal on the county attorney of the county in which he was tried and filing the same with the clerk of the district court; and such clerk, within ten days after such notice is filed with him, shall send a certified copy of such notice with proof of service and a certified copy of the journal entry of defendant's conviction to the clerk of the supreme court. Defendant shall then prepare and present his appeal in accordance with the statutes and rules of court applicable thereto. (b) If defendant seeks stay of execution of the sentence, or release from custody, or both, pending his appeal, he shall serve notice of his intention to appeal on the county attorney and file the same with the clerk of the court, order a transcript of so much of the testimony as is needed to present his case on appeal, see that the journal entry of trial and sentence is filed, and cause copies of such notice of appeal, with proof of service, order for transcript and journal entry to be filed with the clerk of the supreme court within ten days after sentence. On the application of defendant the supreme court, or any justice thereof, shall order execution of the sentence stayed, and if the offense is bailable after conviction shall fix the amount of the bond and direct that it be approved by the supreme court, or any justice thereof, or its clerk, or by the trial court, or its clerk. Defendant shall thereafter prepare and present his appeal in accordance with statutes and rules of court applicable thereto: *Provided*, If the offense of which defendant was convicted was a misdemeanor, and the bonds mentioned in section 62-1705 of the Revised Statutes of Kansas of 1923 have been given, and that fact duly certified as required by section 62-1706 of the Revised Statutes of Kansas of 1923, no further bond shall be required.

SEC. 4. If the state desires to appeal in any case mentioned in section 62-1703 of the Revised Statutes of 1923, the county attorney, within ten days after the ruling complained of, shall serve notice of appeal upon the defendant, or his attorney of record, and file the same with the clerk of the court, order a transcript of so much of the testimony as is needed to present the case on appeal, see that the journal entry of the ruling complained of is filed, and cause copies of such notice of appeal, with proof of service, order for transcript and journal entry, to be filed with the clerk of the supreme court. The appeal by the state in no case stays or affects the operation of the ruling or judgment appealed from until the ruling or judgment is reversed. The state shall thereafter prepare and present its appeal in accordance with statutes and rules of the court applicable thereto.

SEC. 5. The supreme court shall have authority to make such additional rules, not repugnant to statute, as it may deem necessary or proper in order to facilitate the prompt and orderly preparation and presentation of the appeal and to carry into effect the final order of the court in such appealed actions.

SEC. 6. Sections 62-1702, 62-1704, 62-1709, 62-1710, 62-1711, 62-1712, 62-1713 and 62-1714 of the Revised Statutes of Kansas of 1923 are hereby repealed: *Provided*, That appeals in criminal actions in which the verdict of guilty was returned before the effective date of this act may be appealed and the appeal disposed of under the statutes in force at the time the verdict was returned.

SEC. 7. This act shall take effect and be in force from and after July 1, 1935, and its publication in the statute book.

## APPEALS IN CIVIL ACTIONS

Another proposed measure seeks to do away with unnecessary delay in the appeal of civil actions. In this respect it would make a substantial improvement over the provisions of our present statute. It reads as follows:

AN ACT relating to civil procedure, amending sections 60-3307, 60-3309, 60-3312 and 60-3314 of the Revised Statutes of Kansas of 1923, and repealing said original sections, and also repealing section 60-3313 of the Revised Statutes of Kansas of 1923.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 60-3307 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3307. When the appeal is perfected and proof of service of notice of the appeal, or the affidavit provided for in the preceding section showing inability to make service on a nonresident party, is filed with the clerk of the trial court, he shall forthwith make a certified copy of such notice and proof of service or affidavit and transmit the same to the clerk of the supreme court, together with a certified copy of the journal entry of the judgment or order from which the appeal is taken. The failure of the clerk of the trial court without just cause to make such copies and transmit them to the clerk of the supreme court within ten days after the notice of appeal or affidavit above mentioned is filed with him, shall be grounds for his removal from office.

SEC. 2. That section 60-3309 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3309. The appeal shall be perfected within two months from the date of the judgment or order from which the appeal is taken: *Provided*, That appeals from judgments and appealable orders of a date within four months immediately prior to the taking effect of this act may be perfected within two months after the effective date of this act.

SEC. 3. That section 60-3312 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3312. In all cases in which a transcript of the evidence is not necessary in order to review the questions presented on appeal, the abstract of appellant shall be served on the opposing party or his attorney of record and filed in the supreme court within forty days after the notice of appeal is filed with the clerk of the trial court, and in all cases in which a transcript of the testimony is necessary to present the question presented on appeal the abstract of appellant shall be so served and filed within four months after the notice of appeal is filed with the clerk of the trial court. The abstract of the appellant shall contain a synopsis of so much and of such parts of the pleadings, record, evidence and proceedings in the case as appellant deems necessary for the consideration of the court. If appellee deems the abstract of appellant to be insufficient to present the questions for review he may, within thirty days after the service upon him of appellant's abstract, serve upon appellant, or his counsel, and file with the clerk of the supreme court a counter abstract. Abstracts not challenged shall be deemed accurate and sufficiently complete to present the questions sought to be reviewed. In the event the accuracy of any abstract is challenged, the court shall make such an order as the nature of the case and justice warrant. Abstracts shall be printed unless, on application therefor and for good cause shown, the court orders that they be presented otherwise. The abstract may be bound separately or with the brief, as the party presenting the same desires.

SEC. 4. That section 60-3314 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3314. When notice of appeal has been served in a case and the appellee desires to have a review of rulings and decisions of which he complains, he shall, within twenty days after the notice of appeal is filed with the clerk of the trial court, give notice to the adverse party, or his attorney of record, of his cross-appeal and file the same with the clerk of the trial court, who shall forthwith forward a duly attested copy of it to the clerk of the supreme court.

SEC. 5. When a party appeals, after a final judgment against him, the fact that some ruling of which he complains was made more than two months before he perfected his appeal shall not prevent a review of the ruling.

SEC. 6. That sections 60-3307, 60-3309, 60-3312, 60-3313 and 60-3314 of the Revised Statutes of Kansas of 1923 be and the same are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its publication in the statute book.

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## JOINT TRIAL OF DEFENDANTS JOINTLY CHARGED

Our statute, R. S. 72-1429, now provides that when two or more persons are jointly charged with the same offense any one of them can demand a separate trial if the offense charged is a felony, but if the offense charged is a misdemeanor they may be tried together, or separately, in the discretion of the court. We think the latter rule should apply whether the offense charged is a felony or a misdemeanor. Many county attorneys in the state have been forced to go through two, or as many as five or six trials for that many defendants who collectively constitute a gang of robbers. Some of these trials drag out over six months or a year or more before all of them can be tried, each trial being an expensive one for the county, with the possible loss of material witnesses. In the federal court, and in many of the states, such trials are conducted jointly whether the charge be a felony or a misdemeanor, unless the court, in its discretion, grants a severance. To remedy this we have recommended the following bill:

AN ACT relating to criminal procedure, amending section 62-1429 of the Revised Statutes of 1923, and repealing said original section.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 62-1429 of the Revised Statutes of 1923 be amended so as to read: Section 62-1429. When two or more defendants are jointly charged with the same offense in the same complaint, indictment, or information, they shall be tried jointly: *Provided*, The court, upon the hearing of an application for separate trials, timely made, may order separate trials in the interests of justice.

SEC. 2. That section 62-1429 of the Revised Statutes of 1923 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

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## DEPOSITIONS IN CRIMINAL CASES

In the trial of criminal cases it sometimes happens that a material witness for the prosecution is outside of the state, or because of illness cannot be produced as a witness at the trial. This results in a serious disadvantage to the prosecution and occasionally requires the dismissal of a case which should be prosecuted. Our statutes now authorize the defendant to take depositions under such circumstances, but there is no provision in our law authorizing the prosecution to take depositions. Some other states have enacted statutes authorizing the prosecution to take depositions under such circumstances. Such statutes may be framed so as not to be in violation of any provision of

our constitution. We see no reason why a statute of this kind should not be enacted in this state. We therefore propose a measure to read as follows:

AN ACT relating to criminal procedure and providing for the taking and use of depositions, and repealing sections 62-1313, 62-1314 and 62-1315 of the Revised Statutes of 1923.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. In any criminal action or proceeding pending in a court of this state, or before a judge thereof, depositions may be taken when allowed by an order of the court or judge. Such order may be made only when the court or judge is satisfied that due diligence has been used in making application therefor, that the person whose deposition is wanted is a material witness, and that the witness resides without this state; or, residing in this state, is pregnant, sick, or infirm, or is about to or likely to leave the state, and that his attendance at the trial or examination cannot be procured by the use of ordinary diligence. Such application by the defendant shall be accompanied by proof of notice to the county attorney of the time and place it is to be presented, and such an application on the part of the state shall be accompanied by proof of like notice to the defendant or to his attorney of record. The order for the taking of the depositions shall direct whether they shall be taken on oral or written interrogatories.

SEC. 2. When the state procures such an order its notice, in addition to what is required by the preceding section, shall inform the defendant that he is required personally to attend the taking of such deposition and that his failure to do so shall constitute a waiver of his right to face the witness whose deposition is to be taken; and the failure of defendant to attend the taking of such depositions shall constitute such waiver unless the court or judge is satisfied when the deposition is offered in evidence that defendant was physically unable to attend. If the defendant be not then in custody he shall be paid by the county in which the action or proceeding is pending a sum equal to witness fees for travel and attendance upon the taking of such deposition; but if defendant be in custody the court shall adjudge, direct and order the sheriff to convey defendant to and from the place the deposition is to be taken and to have the defendant in attendance at the taking of such deposition, the expense to be paid by the county. If the order for the taking of the deposition has been made upon application of the state, and defendant shows to the court that he desires his attorney present and that he is unable financially to pay the expense of his attorney to attend the taking of such deposition, the court shall order a sum equal to witness fees for travel and attendance to be paid defendant for the use of his attorney in attending, on behalf of defendant, the taking of such deposition. Any sum the court orders to be paid by the county, under the provisions of this act, to enable defendant or his attorney to be present at the taking of such deposition, shall be paid by the county promptly and before the taking of the deposition.

SEC. 3. Depositions taken under the provisions of this act may be read in evidence upon the hearing of the action or proceeding subject to rulings applicable to the reception in evidence in a civil action of depositions taken upon due notice.

SEC. 4. Sections 62-1313, 62-1314 and 62-1315 of the Revised Statutes of 1923 be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

## TRIAL BY JURY OF SIX UNLESS TWELVE REQUESTED

When we collected data on the question a few years ago we found that the several counties in this state pay approximately one fourth of a billion dollars a year for the per diem and mileage of jurors called to serve in the district courts. Having studied the matter, we concluded that a substantial saving can be made by having the cases tried by a jury of six unless a jury of twelve should be demanded by one of the litigants. Some of the trial judges have encouraged litigants to use six jurors instead of twelve, and it is found that the results are fully as satisfactory as when twelve are used. In many of the states one who demands a jury trial in a civil action is required to deposit a sum of money equal to the amount necessary to pay the per diem of the jurors. We do not feel like going that far in our recommendation, but we do think if a litigant insists on having a jury of twelve the litigant should reimburse the county for a part of the additional expense made necessary thereby. To carry out our ideas on this matter we propose two measures, one amending a section of our civil code and another amending a section of our criminal code. They read as follows:

AN ACT relating to civil procedure, amending section 60-2903 of the Revised Statutes of Kansas of 1923, and repealing said original section.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 60-2903 of the Revised Statutes of Kansas of 1923 be and the same is hereby amended to read as follows: Section 60-2903. Issues of fact arising in actions for the recovery of money or of specific real or personal property shall be tried by jury, unless a jury trial is waived or a reference be ordered as hereinafter provided. All other issues of fact shall be tried by the court, subject to its power to order any issue or issues to be tried by a jury or referred as provided in this code. Unless a jury of twelve be demanded by either party within ten days after the answer is filed the trial shall be by six jurors. The party demanding a jury of twelve at the time the demand is made shall deposit \$18 with the clerk of the court, which sum shall be paid to the county treasurer and become a part of the county's general fund. The clerk of the court shall tax the amount as costs in the case, and in the final disposition of the action the same shall be adjudged against the party liable for costs.

SEC. 2. That section 60-2903 of the Revised Statutes of Kansas of 1923, and all acts or parts of acts in conflict herewith, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

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AN ACT relating to criminal procedure, amending section 62-1401 of the Revised Statutes of Kansas of 1923, and repealing said original section.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 62-1401 of the Revised Statutes of Kansas of 1923 be and the same is hereby amended to read as follows: Section 62-1401. The defendant and prosecuting attorney, with the assent of the court, may submit the trial to the court, except in cases of felonies. All other trials shall be by jury, to be selected, summoned and returned as prescribed by law: *Provided*, Misdemeanor cases shall be tried by a jury of six, unless the defendant, the complaining witness, or the prosecuting attorney, in writing filed with the clerk of the court ten days before the case is called for trial, shall demand a jury of twelve: *And further provided*, That upon due application and for good cause

shown the court may, in its discretion, permit the demand to be made at any time before the day the case is called for trial.

SEC. 2. That section 62-1401 of the Revised Statutes of Kansas of 1923, and all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

## IMPROVEMENTS IN OUR PROBATE LAW AND PROCEDURE

We have been unable to complete all of the plans we have had in mind respecting improvements in our law pertaining to the estates of decedents and minors, or other incompetents, and procedure in our probate courts. We have, however, prepared two measures which if enacted into law, would make substantial improvement in our law respecting those matters. Both of these measures passed the Senate at the last session of the legislature, but reached the House too late for final action there. It is possible that by the time the legislature meets we will have other measures formulated. If so, they will be recommended at that time. The two measures now prepared, which we earnestly recommend be enacted into law, are as follows:

AN ACT relating to decedents' estates, providing what property of deceased persons shall be chargeable with payment of debts and costs of administration, and for the possession, management, control, and disposition of such property, and the rents, issues, and profits thereof, by executors and administrators.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The property owned by a deceased person at the time of his death, except such as is specifically exempt therefrom, shall be chargeable with the payment of his debts and the costs of administration, and shall be applied to such purposes in the following order: *First*, the personal property; *second*, the rents, issues and profits of the real property, whether accrued before or accrued after the death of decedent, including income by whatever name called from mining leases on such property; *third*, the real property, including any share, interest or right which decedent had in or to such property, or which his heirs, devisees or legatees had therein by reason of his death. If a debt proved, or provable, against the estate is secured by specific real or personal property, the property securing such debt shall be used to pay or apply upon the debt before other property of decedent is used for that purpose.

SEC. 2. The administrator or executor (unless other provision is made by a will) shall have the right to the possession of all the real and personal property of decedent chargeable with the payment of debts, and shall control and manage the same under the direction and orders of the probate court. When directed or ordered to do so by the court the administrator or executor may lease the real property under his control, or any part thereof, for a term not exceeding one year, and shall receive the rents, issues and profits therefrom, and by like direction or order may keep up the repairs, insurance and taxes, on the real property. The administrator or executor may join with the heirs or devisees of any real property under his control in executing a mining lease on such property, the income therefrom by whatever name called to be paid to such administrator or executor and to be chargeable with debts of decedent and costs as are other rents, issues and profits of real property.

SEC. 3. If in the judgment of the court it will promote the interest of the estate, and not be prejudicial to creditors, the court shall have power to order the administrator or executor to pay interest or installments of principal on

any mortgage or other lien on any real or personal property chargeable with payments of debts of the deceased, or to entirely discharge or pay off any such liens, or to redeem, for the benefit of the estate, any nonexempt real estate sold at execution or judicial sale either before or after the death of the deceased out of the personal assets of the estate in the hands of the administrator or executor, or to order the sale of any of the nonexempt real estate to provide funds for any of the purposes mentioned in this section: *Provided*, This act shall not be construed so as to take away or alter the right of the heirs or devisees of the deceased to redeem, for their own benefit, pledged personal property, or to redeem, for their own benefit, real estate sold at execution or judicial sale, in the event that the executor or administrator does not elect to redeem for the benefit of the estate any such personal property or real estate, and upon the application of any of the heirs or devisees, interested in such pledged personal property, or real estate subject to redemption, the court, if such redemption appears to be to the best interest of the estate and the creditors, shall make an order directing the executor or administrator to redeem such property for the benefit of the estate, but if the court shall find that such redemption will not be to the best interest of the estate or creditors the court shall order such redemption right surrendered and the property turned over to the heirs or devisees.

SEC. 4. Whenever the court shall be satisfied that any real estate need not be sold or leased for the payment of debts of the estate, legacies, or costs of administration, the executor or administrator may be ordered to deliver possession of the same to those entitled to it as heirs or devisees.

SEC. 5. Upon final settlement and distribution of the estate all real estate not sold for the payment of debts, legacies, or costs of administration, and remaining in the possession of the administrator or executor, shall be turned over to the heirs or devisees entitled to the same.

SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage and publication in the statute book.

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AN ACT relating to executors and administrators, providing for hearing contingent demands against decedents' estates, amending sections 22-504, 22-507 and 22-601 of the Revised Statutes of 1923, and sections 22-702 and 22-729 of the Revised Statutes Supplement of 1933, and repealing said original sections.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 22-504 of the Revised Statutes of 1923 is hereby amended to read as follows: Section 22-504. The personal estate and effects, together with the real estate chargeable with the payment of debts, comprised in the inventory, shall be appraised by three disinterested householders of the county, who shall be appointed by the court.

SEC. 2. That section 22-507 of the Revised Statutes of 1923 is hereby amended to read as follows: Section 22-507. The appraisers shall proceed to estimate and appraise the personal property, together with the real estate, or interest in real estate, chargeable with the payment of debts, and each article or item of personal property and each tract of real estate shall be set down separately, with the value thereof in dollars and cents, distinctly in figures, opposite to the articles or items of personal property, or tracts of real estate, respectively.

SEC. 3. That section 22-601 of the Revised Statutes of 1923 is hereby amended to read as follows: Section 22-601. The executor or administrator shall, within such time as the court may order, sell the whole of the personal property belonging to the estate, not exempt by law from payments of debts, and which constitutes assets in his hands to be administered: *Provided*, That such personal property as is specifically bequeathed shall not be sold until the court, by its orders, shall have determined the residue of the personal estate,



subject to the payment of debts, to be insufficient for the payment of debts of the estate and costs of administration, and direct the personal property specifically bequeathed to be sold: *And provided further*, That whenever the court shall find that the sale of the personal property, or any part thereof, is not necessary for the payment of debts, legacies, or costs of administration, it may, in its discretion, order such property not sold.

SEC. 4. That section 22-702 of the Revised Statutes Supplement of 1933 is hereby amended to read as follows: Section 22-702. All demands against an estate, whether due or to become due, whether absolute or contingent, not exhibited as required by statute within one year after the date of the administration bond, shall be forever barred, including any demand arising from or out of any statutory liability of decedent or on account of or arising from any liability of decedent as surety, guarantor or indemnitor; saving to infants, persons of unsound mind, imprisoned or absent from the United States, one year after the removal of their disabilities, from payment by an administrator or by an executor unless a provision of a will requires payment of a demand filed later. No creditor shall have any claim against or lien upon the real property of the decedent, other than a lien of record prior to death of decedent, unless he shall have filed his claim in the probate court within one year after the death of decedent.

SEC. 5. That section 22-729 of the Revised Statutes Supplement of 1933 is hereby amended to read as follows: Section 22-729. Any creditor of the deceased whose right of action shall not accrue within the said one year after the date of the administration bond, must nevertheless present his demands within that time, and if on examination thereof it shall appear to the court that the same is justly due from the estate, it may by consent of that creditor and the executor or administrator, order the same to be discharged in like manner as if due, after discounting interest as mentioned in this article, or the court may order the executor or administrator to retain in his hands sufficient to satisfy the same; or if any of the heirs of the deceased, or devisees, or others interested in the estate, shall offer to give bond to the alleged creditor with sufficient surety or sureties, for the payment of the demand in case the same shall be proved to be due from the estate, the court may, if it thinks proper, order such bond to be taken instead of ordering the claim to be discharged as aforesaid, and instead of requiring the executor or administrator to retain the assets as aforesaid.

SEC. 6. Contingent claims or demands against an estate shall be heard and determined by the court in accord with the rights of the parties respecting such claims and in such a way as not to delay the closing of the estate, if that can be done with justice to the parties.

SEC. 7. That sections 22-504, 22-507 and 22-601 of the Revised Statutes of 1923, section 22-702 of the Revised Statutes Supplement of 1933, and section 22-729 of the Revised Statutes of Kansas, Supplement of 1933, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its publication in the statute book.

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## COMPENSATION FOR CLERKS OF DISTRICT COURT AND PROBATE JUDGES FOR MAKING REPORTS

The data collected by the Judicial Council from clerks of the district court and from probate judges requires a lot of work of those officers. The Judicial Council is required by statute to collect this class of data and it is essential to enable it to make the necessary study of the condition of business in our courts so we can make proper recommendations for the improvement of procedure in such courts. A few years ago the clerks of the district court found the task to be so great that they asked the legislature to make a small special

compensation for that work. As a result of this, chapter 189 of the Laws of 1931 was enacted, which in substance provides that the clerk shall be paid by the county ten cents for each case reported, and that he shall tax a fee of ten cents in each case as costs, which, when collected, will be turned into the county treasury to reimburse the county for the payment. This fee taxed as costs is inadequate if the clerks of the court are required to make reports each year, as should be done, for the reason that there are a substantial number of district court cases—perhaps twenty-five percent of them—in which, for one reason or another, costs are never collected. Again, a case may be reported more than once, and a fee taxed but one time is insufficient to reimburse the county for paying the clerk for reporting it two or more times. The legislature has not provided for paying probate judges for making such reports. That should be done, for the blanks now used in collecting such reports call for a great deal of information, some of it of a detailed character, all of which is beneficial to the Council in its work. To enable us to collect reports both from the clerks of the district court and from the probate courts each year, and in order for them to be paid a small fee therefor by the county, and the county be reimbursed by a cost taxed especially for that purpose, we propose the following measure:

**AN ACT** relating to salaries of clerks of the district court and of judges of the probate court in all counties, providing for extra compensation in preparing material for the Judicial Council, as required by law, and providing for the collection of fees to pay the same, and repealing chapter 189 of the Session Laws of 1931.

*Be it enacted by the Legislature of the State of Kansas:*

**SECTION 1.** That when the Judicial Council requests clerks of the district court to furnish complete and accurate detailed information with respect to cases disposed of or pending in their respective courts, and such clerks do so, the chairman of the Judicial Council shall certify that fact to the board of county commissioners of the county from which the report is made, together with the number of cases so reported, and the board of county commissioners shall allow and pay to the clerk of the court a sum equal to a fee of ten cents for each case so reported, the sum so paid to be in addition to the salary of the clerk of the court as otherwise provided by law. The clerk of the court shall tax a fee of fifteen cents as costs in each case for each time such case is so reported as pending or closed, which fee shall be collected as other costs are collected by the clerk of the court, and when collected shall be paid by him into the county treasury.

**Sec. 2.** That when the Judicial Council requests judges of the probate court to furnish complete and accurate detailed information with respect to cases disposed of or pending in their respective courts, and such judges do so, the chairman of the Judicial Council shall certify that fact to the board of county commissioners of the county from which the report is made, together with the number of cases so reported, and the board of county commissioners shall allow and pay to the probate judge a sum equal to a fee of ten cents for each case so reported, the sum so paid to be in addition to the salary of the probate judge as otherwise provided by law. The probate judge shall tax a fee of fifteen cents as costs in each case or proceeding for each time the same is so reported as closed or pending, which fee shall be collected as other costs are collected by the probate judge, and when collected shall be paid by him into the county treasury.

**Sec. 3.** That chapter 189 of the Session Laws of 1931 be and the same is hereby repealed.

**Sec. 4.** This act shall take effect and be in force from and after its publication in the official state paper.

## THE JUDICIAL ARTICLE OF OUR CONSTITUTION

Soon after the Judicial Council was first organized and had undertaken the study of our judicial system and procedure therein and methods of improvement we concluded it would be advantageous to redraft the judicial article of our constitution. First and last members of the Council, and others interested in the question, have given the matter extensive study. Suggested redrafts have been presented to the State Bar Association and other bar associations within the state, and have been printed from time to time in our BULLETIN. Several of these drafts were proposed simply as a basis for study. Shortly prior to and since the last general session of the legislature a committee from the State Bar Association, of which Judge W. D. Jochems, of Wichita, is chairman, and others, have coöperated with the Judicial Council in preparing the amendment in the form which we feel justified in asking the legislature to submit to a vote of the people. We believe its adoption would be a long step forward in the improvement of the judicial system of our state. As proposed the judiciary article of our constitution would read as follows:

## ARTICLE III—THE JUDICIARY

SECTION 1. The judicial power of the state is vested in a system of courts composed of the supreme court, district courts and county courts, which shall be courts of record, and in such other courts inferior to the district court as may be created by law.

SEC. 2. The supreme court shall be the highest court in the judicial system and shall supervise the administration of justice in all state courts. It shall consist of seven justices, of whom the older justice who is senior in continuous service shall be the chief justice. It may appoint a clerk, a reporter, and other necessary officers of the court. It shall have original jurisdiction of any legal action or proceeding when the facts have been agreed upon in writing, and also in any proceeding in quo warranto, mandamus and habeas corpus. It shall have jurisdiction on questions of law by appeal from any final decision of a district court, and of the right to such appeal litigants shall not be denied; and it shall have such other appellate jurisdiction as may be provided by law. It may prescribe the practice and procedure in all state courts, and provide for the selection of judges pro tem, of courts inferior to it. It may require district judges to assist in the work of the supreme court, and may transfer the judge of any district court to serve temporarily as judge of any other district court.

SEC. 3. The legislature, by joint resolution adopted by a two-thirds vote in each house, after notice and hearing, may remove, or retire on terms, any justice or judge of any state court, for the good of the service; and the supreme court, by a two-thirds vote of its members, for like reason and under procedure provided by it, after notice and hearing, may remove any justice or judge of any state court, or may retire such justice or judge upon such terms as may be provided by law; but neither the legislature nor the supreme court may remove or retire more than two justices of the supreme court within any two-year period.

SEC. 4. There shall be a district court in each county, but the legislature may place several counties in one district and make divisions of the court in any district. The district court shall be a court of original general jurisdiction for the trial of all civil and criminal actions and special proceedings, except as original jurisdiction is vested herein in county courts. It shall have appellate jurisdiction of questions of law and of fact of all actions or special proceedings originating in courts inferior to the district court and before boards, commissions, tribunals and officers when exercising judicial functions, and of the right to such appeal litigants shall not be denied.

SEC. 5. In each county there shall be a county court which shall have original jurisdiction in all actions or proceedings, whether the questions presented be legal or equitable, relating to the probate of wills and the administration upon and distribution of estates of decedents, minors and incompetents. It shall have, also, such other original jurisdiction, concurrent with the district court, in civil and criminal actions and special proceedings as may be provided by law. The legislature may make divisions of the county court in any county.

At the first session of the legislature following the adoption of this article the legislature shall provide for the organization of county courts in accordance with this section, and until such provision is so made effective courts then existing shall continue to function.

SEC. 6. In each county there shall be a court clerk who shall be selected as provided by law and who shall serve as clerk for both the district court and the county court in such county, and whose duties shall be prescribed by rule of the supreme court.

SEC. 7. To be eligible to hold the office of justice or judge of a court of record a person must have been duly admitted to practice law in this state and be a citizen and a resident of the state and county or district for which he is selected, and before taking such office must have been engaged in the active practice of law, or have served as judge of a court of record, or both, in this state, in the aggregate as follows: For justice of the supreme court, ten years; for judge of the district court, five years; for judge of the county court, two years. Additional requirements of eligibility for justice or judge of any state court may be provided by law. No person shall be ineligible to accept any judicial office in this state on account of his holding another judicial office, but no person shall hold more than one judicial office at the same time. In the event a justice or judge of any court of record shall file for, or accept a nomination for, or an appointment to, a nonjudicial office, his office of justice or judge shall become vacant immediately.

SEC. 8. Justices and judges, provided for herein, shall be elected for terms as follows: Justices of the supreme court, ten years; judges of the district court, six years; judges of the county court, four years. When a vacancy occurs in the office of such justice or judge, the governor shall appoint some qualified person to fill the position until the second Monday in January next after the first general election held more than six months after the vacancy occurs, at which general election a justice or judge shall be elected for a full term beginning the second Monday in the next January.

SEC. 9. Justices and judges, provided for herein, shall receive such annual salaries, payable monthly by the state, as the legislature may provide, but such salaries shall not be less than: For justices of the supreme court, \$6,000; for judges of the district court, \$4,000; for judges of the county court, \$2,000. The salaries of judges of the county court may be graduated by population. No such justice or judge shall receive any additional fee, salary or perquisite from the state or any of its subdivisions, nor shall he practice law while he continues in office.

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## PROBATE COURT SUMMARIES

In our October BULLETIN we published summaries of the work of the probate court prepared from reports sent to us from probate judges of 76 counties. Reports from other counties had not reached us in time for summaries to be prepared and printed in that bulletin. We now have reports from all of the probate judges but one, although some of them were not as complete as we would like to have had them. We have had no part of the report from the judge of Lyon county.

Summaries prepared from these reports not heretofore published are herewith set out in alphabetical order of the counties.

## BARBER COUNTY

Area, 1,134 square miles; population 9,096; assessed value, \$16,840,927.

Report made by Hon. S. P. Garrison, probate judge for 29 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, 2 juvenile cases were heard within the year and 1 was pending. There was 1 habeas corpus case in which writ was denied. There were 9 orders made in district court cases, and no proceedings in aid of execution within the year. Two adoption proceedings were had and 4 insanity cases heard within the year.

The estates of 15 deceased persons were closed within the year. In 3 cases the final report was filed within 1 year after letters of administration were issued. Nine cases had been pending from 1 to 2 years, and 3 cases from 3 to 4 years. In 8 cases there was a will and in 7 cases decedent was intestate, in 2 cases being insolvent. In 7 cases bond was required of the executor or administrator and all bonds were kept good. In 8 cases no bond was required. The inventory was filed within 60 days in 5 cases, after 60 days in 2 cases and in 8 cases no inventory was filed. No first annual reports were filed. The aggregate value of these estates as appraised was \$105,535, and the estimated value of property not appraised was \$10,400. In 12 cases an attorney appeared for the executor or administrator, and in no case for the heirs or devisees. In 3 cases the report does not show an attorney appeared for anyone. Fees amounting to \$1,275 were allowed for executors or administrators and \$2,850 for attorneys. In 13 cases the estates paid claims in full and in 2 cases did not pay claims in full.

The estates of 27 deceased persons were pending July 1, 1936. All cases had been pending less than 1 year. In 17 cases there was a will and in 10 cases decedent was intestate. In 14 cases bond was required and all bonds were kept good. In 13 cases no bond was required. The inventory was filed within 60 days in 9 cases, after 60 days in 5 cases, and in 13 cases no inventory was filed. No first annual reports were filed in any case. The aggregate value of these estates as appraised was \$141,839.02, and the estimated value of property not appraised was \$36,675.00. In 25 cases an attorney represented the executor or administrator and in 2 cases the heirs or devisees, and in 2 cases the report does not show an attorney appeared for anyone.

The report does not show that any guardianship estates of minors or other incompetents were closed within the year.

There were 8 guardianship estate cases pending July 1, 1936. Of these 4 had been pending less than 1 year, 1 case from 1 to 2 years, 2 cases from 5 to 10 years, and 1 case longer than 10 years. These were estates of 7 minors and 1 insane person. A guardian was also appointed for the person of the ward in 6 cases, and in 2 cases a guardian was not appointed for the person of the ward. The value of these estates is \$2,130. In 7 cases bond was required of the guardian and all bonds were kept good. In 1 case no bond was required. An inventory was filed after 30 days in 1 case and in 7 cases no inventory was filed. In these cases 2 annual reports have been filed. The investment of funds of the ward has been supervised by the court in all cases. An attorney appeared for the guardian in 6 cases, but in no case for the ward. In 2 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$260 were allowed for guardian and \$270 for attorneys. The wards' funds have been properly preserved and cared for in all cases.

## CHAUTAUQUA COUNTY

Area, 651 square miles; population 10,099; assessed valuation, \$11,334,075.

Report made by Hon. W. H. Helmick, probate judge for 4 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, and 3 juvenile cases were heard within the year. There were no habeas corpus cases, 2 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Two adoption proceedings were had, and 9 insanity cases heard within the year.

The estates of 8 deceased persons were closed within the year. In 4 cases the final report was filed within 1 year after letters of administration were issued; 2 cases had been pending from 1 to 2 years, and 2 cases from 2 to 3 years. In 4 cases bond was required of the executor or administrator and all bonds were kept good. In 4 cases no bond was required. The inventory was filed within 60 days in 3 cases, after 60 days in 3 cases, and in 2 cases no inventory was filed. In these cases 6 first annual reports were filed. The aggregate value of 5 of these estates as appraised was \$9,454.42, and the estimated value of property not appraised, was \$12,826.74. In 6 cases an attorney represented the executor or administrator, and in 2 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$325 were allowed for executors or administrators, and \$451.50 for attorneys. In all cases the estates paid claims in full.

The estates of 48 deceased persons were pending July 1, 1936. In these cases 27 had been pending less than 1 year, 13 from 1 to 2 years, and 8 from 2 to 3 years. In 15 cases there was a will, and in 33 cases the deceased was intestate. In 36 cases bond was required of the executor or administrator, and all bonds have been kept good. In 12 cases no bond was required. In 18 cases the inventory was filed within 60 days, in 12 cases after 60 days and in 18 cases no inventory was filed. The appraised value of these estates, as reported, is \$74,755.34, and the estimated value of the property not appraised is \$25,619. In 4 cases first annual reports have been filed, and in 45 cases such reports have not been filed. An attorney represented the executor or administrator in 38 cases, and in 2 cases the heirs or legatees. In 10 cases the report does not show an attorney appeared for anyone.

There were 2 guardianship estates of insane persons closed within the year. The report does not show how long these cases had been pending. The report shows that in both cases there was no property of value, and no guardian was appointed for the person of the ward. In both cases the wards were represented by the county attorney.

There were 43 guardianship estate cases pending July 1, 1936. Of these 13 cases had been pending less than 1 year, 12 from 1 to 2 years, and 17 from 2 to 3 years. These were estates of 10 minors, 20 insane persons, and 13 other incompetents. In all cases a guardian was also appointed for the person of the ward. The value of 17 of these estates as appraised is \$4,040. In 15 cases bond was required of the guardian, and all bonds were kept good. In 28 cases no bond was required. An inventory was filed within 30 days in 12 cases, after 30 days in 2 cases, and in 29 cases no inventory was filed. In these cases 9 annual reports have been filed. The investment of the funds of the ward are supervised by the court in 14 cases, and in 29 cases they are

not supervised by the court. An attorney appeared for the guardian in 11 cases and in 5 cases for the ward. In 32 cases the report does not show that an attorney appeared for anyone. The report shows that the wards' funds have been properly preserved and cared for in 15 cases. In 26 cases there were no funds. Fees amounting to \$75 each were allowed for guardians in 2 cases.

#### CHEROKEE COUNTY

Area, 589 square miles; population, 31,228; assessed value, \$23,562,073.

Report made by Hon. Walter Largen, probate judge for 3½ years. There had been no defalcations by guardians, executors or administrators within the year. Three juvenile officers are employed, and 15 juvenile cases were heard within the year. There were no habeas corpus cases, no orders made in district court cases, and no proceedings in aid of execution within the year. Six adoption proceedings were had and 11 insanity cases were heard within the year.

The report does not show that any estates of deceased persons were closed within the year.

The estates of 123 deceased persons were pending July 1, 1936. In these cases 63 had been pending less than 1 year, 31 cases from 1 to 2 years, 12 cases from 2 to 3 years, 6 cases from 3 to 4 years, 5 cases from 4 to 5 years, and 6 cases from 5 to 10 years. In 56 cases there was a will, and in 65 cases decedent was intestate. In 74 cases bond was required of the executor or administrator, and 72 bonds have been kept good. In 49 cases no bond was required. In 86 cases the inventory was filed within 60 days, and in 16 cases inventory was filed after 60 days. In 21 cases no inventory was filed. The appraised value of these estates is \$488,259.25, and the estimated value of property not appraised is \$50. In 1 case first annual report has been filed; in 122 cases such reports have not been filed. An attorney represented the executor or administrator in 5 cases and the heirs or devisees in 27 cases. In 96 cases the report does not show that an attorney appeared for anyone.

The report does not show any guardianship estates of minors or other incompetents closed within the year.

There were 150 guardianship estate cases pending July 1, 1936. Of these, 24 cases had been pending less than 1 year, 19 cases from 1 to 2 years, 10 cases from 2 to 3 years, 6 cases from 3 to 4 years, 7 cases from 4 to 5 years, 43 cases from 5 to 10 years, and 41 cases longer than 10 years. These were estates of 105 minors, 30 insane persons, and 15 incompetents. A guardian was also appointed for the person of the ward in 116 cases. The value of these estates, as reported, is \$17,475. In 118 cases bond was required of the guardian, and the report shows 103 bonds have been kept good. In 32 cases no bond was required. An inventory was filed within 30 days in 5 cases, after 30 days in 1 case, and in 144 cases no inventory has been filed. In these cases 34 annual reports have been filed. The investment of funds of the wards is supervised by the court in 21 cases, and in 129 cases it is not supervised by the court. An attorney appeared for the guardian in 5 cases, but in no case for the ward. In 145 cases the report does not show an attorney appeared for anyone. In 1 case fees of \$900 were allowed for the guardian, but in no cases were fees allowed for attorneys.

## CRAWFORD COUNTY

Area, 592 square miles; population, 49,222; assessed value, \$36,377,268.

Report made by Hon. Robert W. Colburn, probate judge for 15 years. There had been 1 defalcation, amounting to \$4,500, by a guardian, executor or administrator. The entire amount was recovered. One juvenile officer is employed part time, and 10 juvenile cases were heard within the year. There was 1 habeas corpus case in which writ was denied. Two orders were made in district court cases, and there were 2 proceedings in aid of execution within the year. Five adoption proceedings were had and 23 insanity cases heard within the year.

The estates of 70 deceased persons were closed within the year. In 24 cases the final report was filed within 1 year after letters of administration were issued, 34 cases had been pending from 1 to 2 years, 6 cases from 2 to 3 years, 2 cases from 3 to 4 years, 2 cases from 4 to 5 years, and 2 cases from 5 to 10 years. In 41 cases there was a will, and in 29 cases decedent was intestate. In 44 cases bond was required of the executor or administrator and all bonds were kept good. In 26 cases no bond was required. The inventory was filed within 60 days in 59 cases, after 60 days in 10 cases, and in 1 case no inventory was filed. In these cases 70 first annual reports were filed. The aggregate value of these estates as appraised was \$31,190.71, and the estimated value of property not appraised was \$2,927. In 31 cases attorneys represented the executor or administrator, and in 3 cases the heirs or devisees. In 39 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$5,254.47 were allowed for executors or administrators, and \$4,862 for attorneys. The estates paid claims in full in 66 cases, and in 4 cases the estates did not pay claims in full.

The estates of 232 deceased persons were pending July 1, 1936. In these cases 91 had been pending less than 1 year, 36 cases from 1 to 2 years, 13 cases from 2 to 3 years, 16 cases from 3 to 4 years, 12 cases from 4 to 5 years, 39 cases from 5 to 10 years, and 25 cases longer than 10 years. In 115 cases there was a will and in 117 cases decedent was intestate. In 167 cases bond was required of the executor or administrator and all bonds were kept good. In 65 cases no bond was required. In 175 cases the inventory was filed within 60 days, in 31 cases after 60 days, and in 26 cases no inventory was filed. The appraised value of these estates is \$984,882.57, and the estimated value of the property not appraised is \$64,200. In 46 cases first annual reports have been filed; and in 186 cases such reports have not been filed. An attorney represented the executor or administrator in 122 cases, and the heirs or devisees in 15 cases. In 110 cases the report does not show that an attorney appeared for anyone.

There were 16 guardianship estates of minors or other incompetents closed within the year. In 2 cases the final report was filed within 1 year after letters of guardianship were issued, 2 cases had been pending from 1 to 2 years, 1 case from 3 to 4 years, 7 cases from 5 to 10 years, and 4 cases longer than 10 years. Of these estates 11 were of minors, 4 of insane persons, and 1 of an incompetent person. In 10 cases a guardian was also appointed for the person of the ward, and in 6 cases no guardian was appointed for the person of the ward. The value of these estates as reported is \$31,190.71. In these cases all guardians were required to give bond and all bonds have been kept good. The



inventory was filed within 30 days in 1 case, and in 15 cases no inventory was filed. Five annual reports were filed. Investment of funds of the ward was supervised by the court in all cases. An attorney appeared for the guardian in 4 cases, but in no case for the ward. In 12 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$413 were allowed for guardians and \$162.50 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 124 guardianship estate cases pending July 1, 1936. Of these 20 had been pending less than 1 year, 13 from 1 to 2 years, 9 from 2 to 3 years, 6 from 3 to 4 years, 7 cases from 4 to 5 years, 39 cases from 5 to 10 years, and 30 cases longer than 10 years. These were the estates of 93 minors, 22 insane persons, and 9 other incompetents. A guardian was also appointed for the person of the ward in 98 cases. The value of these estates as reported is \$172,075.58. In all cases bond has been required of the guardian and all bonds have been kept good. The report does not show that an inventory was filed in any case. In these cases 372 annual reports have been filed. The investment of funds of the ward is supervised by the court in 108 cases; in some cases funds are being used for care of the ward, and in some cases funds are exhausted. An attorney appeared for the guardian in 28 cases and for the ward in 1 case. In 96 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$6,565 have been allowed for guardians and \$3,790 for attorneys.

In 39 cases the report shows that the funds of the wards have been properly preserved and cared for.

#### DECATUR COUNTY

Area, 900 square miles; population 8,411; assessed value, \$10,407,949.

Report made by Hon. Ralph McLaughlin, probate judge for 1½ years. There had been no defalcations by guardians, executors or administrators within the year. No juvenile officer is employed. One juvenile case was heard within the year. There were no habeas corpus cases, 2 orders were made in district court cases, and there were no proceedings in aid of execution within the year.

The estates of 16 deceased persons were closed within the year. When closed, 9 cases had been pending from 1 to 2 years, 2 cases from 3 to 4 years, 3 cases from 5 to 10 years, and 2 cases longer than 10 years. In 7 cases there was a will, and in 9 cases decedent was intestate. In 14 cases bond was required of the executor or administrator, and all bonds have been kept good. In 2 cases no bond was required. The inventory was filed within 60 days in 13 cases, after 60 days in 2 cases and in 1 case no inventory was filed. Two first annual reports have been filed. The aggregate value of 15 of these estates as appraised, was \$133,102, and the estimated value of property not appraised was \$41,000 and in 1 case the value was not given. In 14 cases an attorney represented the executor or administrator, in 3 cases an attorney represented the heirs or devisees, and in 2 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$2,585 were allowed for executors or administrators, and \$1,560 for attorneys. In 15 cases the estates paid claims in full, and in 1 case the estate did not pay claims in full.

No report was made on estates of deceased persons pending.

There were 4 guardianship estate cases closed July 1, 1936. In 1 case the final report was filed within 1 year after letters of guardianship were issued, 1 case had been pending from 1 to 2 years, 1 case from 3 to 4 years, and 1 case from 5 to 10 years. Of these estates, 3 were of minors, and 1 of an insane person. In all cases a guardian was also appointed for the person of the ward. The value of these estates is \$6,500. In all cases bond was required of the guardian, and all bonds were kept good. An inventory was filed within 30 days in 1 case, and in 3 cases no inventory was filed. One annual report has been filed. In 2 cases the investment of funds of the ward was supervised by the court. An attorney appeared for the guardian in all cases, but in no case for the ward. Fees amounting to \$125 were allowed for guardians and \$50 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 40 guardianship estate cases pending July 1, 1936. Of these 8 cases had been pending less than 1 year, 7 from 1 to 2 years, 2 from 2 to 3 years, 1 from 3 to 4 years, 1 from 4 to 5 years, 11 from 5 to 10 years, and 10 longer than 10 years. These were estates of 28 minors, 6 insane persons and 6 other incompetents. A guardian was also appointed for the person of the ward in all cases. The value of these estates is \$80,950. In 38 cases bond was required of the guardian and all bonds were kept good. In 2 cases no bond was required. An inventory was filed within 30 days in 10 cases, after 30 days in 3 cases and in 27 cases no inventory was filed. In these cases 106 annual reports have been filed. The investment of funds of the ward is supervised by the court in 5 cases and in 35 cases investment of funds is not supervised by the court. An attorney appeared for the guardian in 12 cases and for the ward in no case. In 28 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$980 were allowed for guardians, but the report does not show that any fees have been allowed for attorneys. The wards' funds have been properly preserved and cared for in 39 cases.

#### DICKINSON COUNTY

Area, 851 square miles; population, 25,130; assessed value, \$44,073,475.

Report made by Hon. D. W. Nickles, probate judge for 3½ years. There have been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, and 24 juvenile cases have been heard within the year. There were no habeas corpus cases; 7 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Three adoption proceedings were had, and 15 insanity cases were heard within the year.

The estates of 58 deceased persons were closed within the year. In these cases 47 had been pending from 1 to 2 years, 4 from 2 to 3 years, 2 from 3 to 4 years, 2 from 4 to 5 years, and 3 from 5 to 10 years. In 38 cases there was a will, and in 20 cases decedent was intestate. In 39 cases bond was required of the executor or administrator, and all bonds have been kept good. In 19 cases no bond was required. The inventory was filed within 60 days in 48 cases, and after 60 days in 10 cases. In these cases 58 first annual reports have been filed. The aggregate value of these estates as appraised was \$633,715.29. In 22 cases an attorney represented the executor or administrator, and in 4 cases the heirs or devisees, and in 36 cases the report does not show that

an attorney appeared for anyone. Fees amounting to \$6,649.38 were allowed for executors or administrators and \$1,597.85 for attorneys. In 55 cases the estates paid claims in full and in 3 cases they did not pay in full.

The estates of 133 deceased persons were pending July 1, 1936. In these cases 62 had been pending less than 1 year, 29 from 1 to 2 years, 12 from 2 to 3 years, 9 from 3 to 4 years, 8 from 4 to 5 years, 11 from 5 to 10 years, and 2 longer than 10 years. In 100 cases there was a will, and in 33 cases the deceased was intestate. In 83 cases bond was required of the executor or administrator, and 82 of these bonds have been kept good. In 52 cases no bond was required. In 92 cases the inventory was filed within 60 days, in 32 cases after 60 days, and in 9 cases no inventory was filed. The appraised value of these estates as reported was \$507,999.30, and the estimated value of the property not appraised was \$577,080.92. In 64 cases first annual reports have been filed, and in 69 cases such reports have not been filed. Some of these reports are not yet due. In 39 cases an attorney represented the executor or administrator, and in 2 cases the administrators are attorneys. An attorney represented the heirs or devisees in 13 cases, and in 90 cases the report does not show an attorney appeared for any one.

There were 18 guardianship estates of minors or other incompetents closed within the year. In 2 cases final report was filed within 1 year after letters of administration were issued, 2 cases had been pending from 1 to 2 years, 1 case from 2 to 3 years, 1 case from 3 to 4 years, 3 cases from 5 to 10 years, and 9 cases longer than 10 years. Of these estates 13 were of minors and 5 of incompetent persons. In 13 cases a guardian was appointed for the person of the ward, and in 5 cases no guardian was appointed for the person of the ward. The value of these estates as reported was \$158,925.17. In 18 cases guardians were required to give bond, and all bonds have been kept good. The inventory was filed within 30 days in 5 cases, after 30 days in 7 cases, and in 6 cases no inventory was filed. In these cases 96 annual reports have been filed. Investment of funds of the ward was supervised by the court in 16 cases. An attorney appeared for the guardian in 10 cases, and in 2 cases for the ward. In 8 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,184.26 were allowed for guardians, and \$114.60 for attorneys. In all cases the wards' funds have been properly accounted for and disbursed.

There were 198 guardianship cases pending July 1, 1936. Of these 10 had been pending less than 1 year, 15 from 1 to 2 years, 15 from 2 to 3 years, 15 from 3 to 4 years, 11 from 4 to 5 years, 71 from 5 to 10 years, and 60 longer than 10 years. These were estates of 148 minors, 25 insane persons, and 25 other incompetents. A guardian was also appointed for the person of the ward in 91 cases. The value of these estates as reported is \$821,757.03. These estates also include real estate, value of which is not given. In all cases bond was required of the guardian, and all bonds were kept good. An inventory was filed within 30 days in 89 cases, after 30 days in 71 cases, and in 38 cases no inventory was filed. In these cases 130 annual reports have been filed. The investment of funds of the ward is being supervised by the court in 153 cases. An attorney appeared for the guardian in 58 cases, and in 1 case for the ward. In 140 cases the report does not show an attorney appeared for anyone. Fees amounting to \$12,050.57 have been allowed for

guardians, and in 5 cases the guardian received 5 percent of income from estate. Fees amounting to \$1,624.57 have been allowed for attorneys. The report shows that in 156 cases the wards' funds have been preserved and cared for to date.

#### DOUGLAS COUNTY

Area, 469 square miles; population, 25,753; assessed value, \$39,179,287.

Report made by Hon. L. H. Menger, probate judge for 15 years. There had been 1 defalcation by a guardian, executor or administrator within the year, no part of which has been recovered. The report did not state the amount of defalcation. One juvenile officer is employed, 7 juvenile cases were heard within the year, and 16 cases were pending. There were no habeas corpus cases, no orders made in district court cases, and no proceedings in aid of execution within the year. No adoption proceedings were had, and 8 insanity cases were heard within the year.

The estates of 51 deceased persons were closed within the year. When closed, 31 cases had been pending from 1 to 2 years, 13 cases from 2 to 3 years, 3 cases from 3 to 4 years, 1 case from 4 to 5 years, 1 case from 5 to 10 years, and 2 cases longer than 10 years. In 34 cases there was a will, and in 17 cases decedent was intestate. In 34 cases bond was required of the executor or administrator, and all bonds have been kept good. In 17 cases no bond was required. The inventory was filed within 60 days in 37 cases and in 14 cases after 60 days. Eight annual reports have been filed. The aggregate value of 50 of these estates as appraised is \$603,413.81, and in 1 case the value of the estate is not known. The report does not show that an attorney appeared for anyone in any case. Fees amounting to \$15,865.08 were allowed for executors or administrators. The report does not show whether or not estates paid claims in full.

The estates of 175 deceased persons were pending July 1, 1936. In these cases, 22 had been pending less than 1 year, 21 cases from 1 to 2 years, 13 cases from 2 to 3 years, 8 cases from 3 to 4 years, 11 cases from 4 to 5 years, 26 cases from 5 to 10 years, and 74 cases longer than 10 years. In 116 cases there was a will, and in 59 cases the deceased was intestate. In 82 cases bond was required of the executor or administrator and all bonds were kept good. In 93 cases no bond was required. In 101 cases the inventory was filed within 60 days, in 46 cases after 60 days, and in 28 cases no inventory has been filed. The appraised value of 145 of these estates as reported is \$1,170,968.30. In several cases the estates consisted of real estate not appraised, and in 17 cases there was no property of value. No first annual reports have been filed. The report does not show that an attorney represented anyone in any case.

There were 14 guardianship cases of minors or insane persons closed within the year. In 3 cases the final report was filed within 1 year after letters of guardianship were issued, 3 cases had been pending from 1 to 2 years, 1 case from 3 to 4 years, 1 case from 4 to 5 years, 3 cases from 5 to 10 years, and 3 cases longer than 10 years. Nine of these estates were of minors, and 5 of insane persons. In 8 cases a guardian was also appointed for the person of the ward. The value of these estates, as reported, is \$4,586.75, and there was some real estate, the value of which was not reported. Eleven guardians were required to give bond, and all bonds were kept good. In 3 cases no bond

was required. The inventory was filed within 30 days in 6 cases, after 30 days in 5 cases, and in 3 cases no inventory was filed. In these cases 38 annual reports have been filed. The report does not show whether or not the investment of wards' funds has been supervised by the court, or that an attorney represented anyone in any case.

There were 164 guardianship estate cases pending July 1, 1936. Of these 11 had been pending less than 1 year, 14 from 1 to 2 years, 6 from 2 to 3 years, 17 from 3 to 4 years, 8 from 4 to 5 years, 50 from 5 to 10 years, and 58 cases longer than 10 years. These were estates of 128 minors, 31 insane persons and 5 other incompetents. A guardian was also appointed for the person of the ward in 160 cases. The value of 88 of these estates as appraised, is \$157,393.96, and in many cases the value of real estate and other property in the estate was not known. In 155 cases bond was required of the guardian, and 154 bonds were kept good. In 9 cases no bond was required. An inventory was filed within 30 days in 67 cases, after 30 days in 54 cases, and in 43 cases no inventory was filed. In these cases 470 annual reports have been filed. The investment of the funds of the ward is supervised by the court in 160 cases, and in 4 cases there are no funds to be supervised. The report does not show that an attorney appeared for anyone in any case, or that any fees have been allowed for guardians or attorneys. In all cases where wards have funds they have been properly preserved and cared for.

#### JACKSON COUNTY

Area, 658 square miles; population, 15,061; assessed value, \$22,929,393.

Report made by Arthur P. Hoagland, probate judge for 3¼ years. There had been no defalcations by guardians, executors or administrators within the year. No juvenile officer is employed. Nineteen juvenile cases were heard within the year. There were no habeas corpus cases, 4 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Two adoption proceedings were had, and 10 insanity cases were heard within the year.

The estates of 48 deceased persons were closed within the year. In 3 cases the final report was filed within 1 year after letters of administration were issued, 27 cases were pending from 1 to 2 years, 6 cases from 2 to 3 years, 1 case from 3 to 4 years, 4 cases from 4 to 5 years, and 7 cases from 5 to 10 years. In 24 cases there was a will, and in 24 cases decedent was intestate. In 34 cases bond was required of the executor or administrator, and all bonds were kept good. In 14 cases no bond was required of the executor or administrator, and all bonds were kept good. In 14 cases no bond was required. The inventory was filed within 60 days in 29 cases, after 60 days in 16 cases, and in 3 cases no inventory was filed. Ten first annual reports have been filed. The aggregate value of 45 of these estates as appraised was \$287,402.74, and the estimated value of property not appraised was \$6,050, and in 3 cases the value was not given. In 30 cases attorneys represented the executor or administrator, and in 18 cases the heirs or devisees. In 18 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,738.90 were allowed for executors or administrators and \$932.50 for attorneys. In all cases the estates paid claims in full.

The estates of 58 deceased persons were pending July 1, 1936. All of these cases have been pending less than 1 year. In 27 cases there was a will, and in

31 cases the deceased was intestate. In 43 cases bond was required of the executor or administrator, and all bonds have been kept good. In 15 cases no bond was required. In 42 cases the inventory was filed within 60 days, in 14 cases after 60 days, and in 2 cases no inventory has been filed. The appraised value of these estates is \$414,720.83. No first annual reports have been filed. In all cases an attorney represented the executor or administrator, and also the heirs or devisees.

There were 3 guardianship estates of minors or other incompetents closed within the year. In all cases the final report was filed within 1 year after letters of guardianship were issued. Of these estates 2 were of minors and 1 of an insane person. A guardian was not appointed for the person of the ward in any case. No annual reports have been filed. In no case was the guardian represented by an attorney, but wards were represented by attorneys in all cases. No fees were allowed for anyone in these cases.

There were 17 guardianship estate cases pending July 1, 1936, all of which had been pending less than 1 year. These were the estates of 8 minors, 6 insane persons and 3 other incompetents. A guardian was also appointed for the person of the ward in 13 cases, and in 4 cases no guardian was appointed for the person of the ward. The value of these estates, as reported, is \$53,368.52. In 12 cases bond was required of the guardian and all bonds have been kept good. In 5 cases no bond was required. An inventory was filed within 30 days in 9 cases, after 30 days in 4 cases, and in 4 cases no inventory was filed. No annual reports have been filed in these cases. The investment of funds of the ward is being supervised by the court in 15 cases, and in 2 cases there are no funds. An attorney appeared for the guardian in 13 cases, and in 5 cases for the ward. In 4 cases the report does not show an attorney appeared for anyone. Fees were allowed for guardians in 3 cases, which amounted to \$15. In 4 cases fees amounting to \$20 were allowed for attorneys. In 15 cases the wards' funds have been preserved and cared for to date.

### LABETTE COUNTY

Area, 649 square miles; population, 32,312; assessed value, \$36,899,502.

Report made by Hon. C. S. Carlton, probate judge for 13 years. There had been no defalcations by guardians, executors, or administrators within the year. Two juvenile officers are employed, 20 juvenile cases were heard within the year, and of this number 3 were pending. There were no habeas corpus cases, 2 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Four adoption proceedings were had, and 25 insanity cases heard within the year.

The estates of 48 deceased persons were closed within the year. In 7 cases the final report was filed within 1 year after letters of administration were issued, 30 cases had been pending from 1 to 2 years, 6 cases from 2 to 3 years, 1 case from 3 to 4 years, 3 cases from 4 to 5 years, and 1 case longer than 10 years. In 28 cases there was a will, and in 20 cases decedent was intestate. In 21 cases bond was required, and in 27 cases no bond was required. The report does not state how many bonds were kept good. The inventory was filed within 60 days in 26 cases, after 60 days in 14 cases, and in 8 cases no inventory was filed. The report does not show that any first annual reports have been filed. The aggregate value of 43 of these estates, as appraised, was \$172,411.25, and in 5 cases the value was not given. In 11 cases an at-

torney represented the executor or administrator, but in no cases were heirs or devisees represented by attorneys. In 37 cases the report does not show an attorney appeared for anyone. Fees amounting to \$2,970.36 were allowed for executors or administrators and \$1,511.48 for attorneys. In 19 cases the estates paid claims in full, and in 29 cases estates did not pay claims in full.

The estates of 117 deceased persons were pending July 1, 1936. In these cases 54 had been pending less than 1 year, 14 from 1 to 2 years, 5 from 2 to 3 years, 8 from 3 to 4 years, 9 from 4 to 5 years, and 27 from 5 to 10 years. In 2 cases there was a will. In 108 cases bond was required of the executor or administrator, and in 9 cases no bond was required. All bonds were kept good. The inventory was filed within 60 days in 39 cases, after 60 days in 21 cases, and in 57 cases no inventory was filed. The appraised value of these estates is \$183,811.67. The report does not show that any first annual reports have been filed. An attorney represented the executor or administrator in 43 cases, but in no cases were the heirs or devisees represented by attorneys. In 74 cases the report does not show that anyone was represented by an attorney.

There were 18 guardianship estates of minors or insane persons closed within the year. In 3 cases the final report was filed within 1 year after letters of guardianship were issued, 1 case had been pending from 1 to 2 years, 1 from 2 to 3 years, 3 cases from 3 to 4 years, 1 case from 4 to 5 years, 7 cases from 5 to 10 years, and 2 cases longer than 10 years. Of these estates 12 were of minors and 6 of insane persons. The value of these estates as reported, is \$43,792.74. In 17 cases guardians were required to give bond and all bonds were kept good. In 1 case no bond was required. The inventory was filed within 30 days in 1 case, and in 17 cases no inventory was filed. Investment of funds of the ward was supervised by the court in 1 case. In these cases 56 annual reports have been filed. An attorney appeared for the guardian in 1 case, and in 17 cases the report does not show an attorney appeared for anyone. Fees amounting to \$284 were allowed for guardians, and \$134.50 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 220 guardianship estate cases pending July 1, 1936. Of these 30 cases had been pending from 1 to 2 years, 30 cases from 2 to 3 years, 21 cases from 3 to 4 years, 29 cases from 4 to 5 years, and 110 cases from 5 to 10 years. These were the estates of 154 minors, 44 insane persons, and 22 other incompetents. In each case a guardian was appointed for the person and estate. The value of these estates as reported, is \$69,864.63. In 180 cases bond was required of the guardian and in 40 cases no bond was required. The report does not show how many bonds were kept good, or that inventory was filed in any case. In these cases 120 annual reports have been filed. The investment of funds of the ward is being supervised by the court in 21 cases. The report does not show that an attorney appeared for anyone in any case. The wards' funds have been properly preserved and cared for in 111 cases.

#### LEAVENWORTH COUNTY

Area, 455 square miles; population, 35,121; assessed value, \$32,940,711.

Report made by Hon. Sam Parisa, probate judge for 1½ years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed; 242 juvenile cases were heard within

the year. There were 8 habeas corpus cases; in 3 cases writ was allowed, and in 5 cases writ was denied. There were no orders made in district court cases, and no proceedings in aid of execution within the year. Seventeen adoption proceedings were had and 19 insanity cases heard within the year.

The estates of 90 deceased persons were closed within the year. In 27 cases the final report was filed within 1 year after letters of administration were issued, 27 cases had been pending from 1 to 2 years, 22 cases from 2 to 3 years, 1 case from 3 to 4 years, 1 case from 4 to 5 years, and 2 cases from 5 to 10 years. In 58 cases there was a will and in 32 cases decedent was intestate. In 35 cases bond was required of the executor or administrator, and 34 bonds have been kept good. In 55 cases no bond was required. The inventory was filed within 60 days in 28 cases, after 60 days in 38 cases, and in 24 cases no inventory was filed. In these cases 7 first annual reports have been filed. The aggregate value of 36 of these estates as appraised, was \$190,008.03, and the estimated value of property not appraised was \$1,009,036.19. In 65 cases attorneys represented the executor or administrator, and in 1 case the heirs or devisees, and in 25 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$32,585.66 were allowed for executors or administrators, and \$11,113.90 for attorneys. In 85 cases the estates paid claims in full and in 5 cases the estates did not pay claims in full.

There was no report from Leavenworth county covering estates of deceased persons pending.

There was no report of guardianship estates of minors or other incompetents closed within the year.

There was no report covering guardianship estate cases pending July 1, 1936.

#### MCPHERSON COUNTY

Area, 900 square miles; population, 25,335; assessed value, \$52,252,465.

Report made by Hon. J. J. Heidebrecht, probate judge for 11 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed. Seven juvenile cases were heard within the year and 6 were pending. There were no habeas corpus cases; 9 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Six adoption proceedings were had and 1 insanity case heard within the year.

Estates of 78 deceased persons were closed within the year. When closed these cases had been pending, 2 less than 1 year, 49 from 1 to 2 years, 11 from 2 to 3 years, 6 from 3 to 4 years, 2 from 4 to 5 years, 5 from 5 to 10 years, and 3 longer than 10 years. In 35 of these there was a will and in 43 cases decedent was intestate. In 63 cases bond was required of the executor or administrator, and in 15 cases no bond was required. All bonds have been kept good. The inventory was filed within 60 days in 56 cases, after 60 days in 20 cases, and in 2 cases no inventory was filed. Eight first annual reports have been filed. The aggregate value of 77 of these estates, as appraised, was \$1,271,369.64. The estimated value of 2 estates not appraised was \$2,500. In 51 cases an attorney represented the executor or administrator, and in 6 cases the heirs or devisees. In 26 cases the report does not show an attorney appeared for anyone. Fees amounting to \$10,771.31 were allowed for the executors or administrators and \$12,142.15 for attorneys. In 72 cases the estates paid claims in full and in 6 cases the estates did not pay claims in full.



Estates of 195 deceased persons were pending July 1, 1936. In these cases 59 have been pending less than 1 year, 30 from 1 to 2 years, 21 from 2 to 3 years, 12 from 3 to 4 years, 11 from 4 to 5 years, 32 from 5 to 10 years, and 30 longer than 10 years. In 111 of these there was a will and in 84 cases the deceased was intestate. In 134 cases bond was required of the executor or administrator. In 133 cases bonds have been kept good. In 61 cases no bond was required. In 140 cases the inventory was filed within 60 days, in 38 cases after 60 days, and in 17 cases no inventory has been filed. The appraised value of 189 of these estates is \$3,587,412.65. The estimated value of property not appraised is \$82,900.00. In 25 cases first annual reports have been filed; in 170 cases such reports have not been filed. An attorney represented the executor or administrator in 137 cases and the heirs or devisees in 15 cases. In 58 cases the report does not show that an attorney appeared for anyone.

There were 9 guardianship estates of minors or other incompetents closed within the year. In these cases 2 had been pending from 2 to 3 years, 1 case from 3 to 4 years, 1 case from 4 to 5 years, 2 cases from 5 to 10 years, and 3 cases longer than 10 years. Of these estates 7 were of minors and 2 of insane persons. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported, is \$45,720.49. All guardians were required to give bond and all bonds were kept good. The inventory was filed within 30 days in 2 cases, after 30 days in 3 cases, and in 4 cases no inventory was filed. In these cases 29 annual reports have been filed. Investment of the funds of the ward was supervised by the court in 8 cases. In 5 cases an attorney appeared for the guardian but in no case for the ward. In 4 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$390 were allowed for guardians and \$9,713 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 120 guardianship estate cases pending July 1, 1936. Of these 9 had been pending less than 1 year, 11 cases from 1 to 2 years, 8 cases from 2 to 3 years, 5 cases from 3 to 4 years, 6 cases from 4 to 5 years, 46 cases from 5 to 10 years, and 35 cases longer than 10 years. Of these estates 96 were of minors, 18 of insane persons and 6 of other incompetents. In 115 cases a guardian was also appointed for the person of the ward and in 5 cases no guardian was appointed for the person of the ward. The value of these estates as reported, is \$442,845.52. In 119 cases bond was required of the guardian and 116 bonds were kept good. In 1 case no bond was required. The inventory was filed within 30 days in 23 cases, after 30 days in 8 cases and in 89 cases no inventory was filed. In these cases 208 annual reports were filed. The investment of funds of the ward is supervised by the court in 75 cases, and in 45 cases investment of funds is not supervised by the court. An attorney appeared for the guardian in 54 cases and for the ward in 3 cases. In 66 cases the report does not show an attorney appeared for anyone. Fees amounting to \$3,098.91 were allowed for guardians and \$2,169.15 for attorneys. In 81 cases the report shows that the wards' funds have been properly preserved and cared for.

#### MIAMI COUNTY

Area, 588 square miles; population, 19,872; assessed value, \$27,140,342.

Report made by Hon. C. E. Rossman, probate judge.

No report was made regarding defalcations, juvenile or habeas corpus cases, etc.

The estates of 47 deceased persons were closed within the year. In 10 cases the final report was filed within 1 year after letters of administration were issued, 21 cases had been pending from 1 to 2 years, 6 cases from 2 to 3 years, 3 cases from 3 to 4 years, 2 cases from 4 to 5 years, and 5 cases from 5 to 10 years. In 25 cases there was a will and in 22 cases decedent was intestate. In 34 cases bond was required of the executor or administrator and 28 bonds were kept good. In 13 cases no bond was required. The inventory was filed within 60 days in 31 cases, after 60 days in 5 cases and in 11 cases no inventory was filed. In these cases 13 first annual reports have been filed. The aggregate value of these estates as appraised was \$827,824.72 and the estimated value of property not appraised, was \$79,391.13. In 11 cases attorneys represented the executor or administrator, in 2 cases the heirs or devisees were represented by attorneys, and in 34 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$6,349.45 were allowed for administrators or executors, and \$1,034.75 for attorneys. In 45 cases the estates paid claims in full and in 2 cases the estates did not pay claims in full.

There was no report on estates of deceased persons pending July 1, 1936, from Miami county.

There were 11 guardianship estates of minors or other incompetents closed within the year. In these cases 3 had been pending from 1 to 2 years, 1 case from 2 to 3 years, 5 cases from 5 to 10 years, and 1 case longer than 10 years. In 1 case guardian died and no final report was made. Of these estates 10 were of minors and 1 of an insane person. In 7 cases a guardian was also appointed for the person of the ward and in 4 cases a guardian was not appointed for the person of the ward. The value of these estates as reported, was \$38,397.46. All guardians were required to give bond and all kept their bonds good. The inventory was filed within 30 days in 3 cases, and in 8 cases no inventory was filed. In these cases 48 annual reports were filed. The investment of funds of the wards was supervised by the court in 10 cases. An attorney appeared for the guardian in 1 case, and in 10 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,350 were allowed for guardians and \$48.65 for attorneys. In 10 cases the funds of the ward were properly accounted for and disbursed.

There was no report on guardianship estate cases pending July 1, 1936.

#### MONTGOMERY COUNTY

Area, 648 square miles; population, 50,493; assessed value, \$51,342,961.

Report made by Hon. Earl L. Bailey, probate judge for 1½ years. There had been no defalcations by guardians, executors or administrators within the year. Three juvenile officers are employed part time, and 251 juvenile cases were heard within the year. There were no habeas corpus cases, no orders made in district court cases, and no proceedings in aid of execution within the year. Thirteen adoption proceedings were had and 23 insanity cases and 14 feeble-minded cases were heard within the year.

The estates of 93 deceased persons were closed within the year. In 8 cases the final report was filed within 1 year after letters of administration were issued, 63 cases were pending from 1 to 2 years, 10 cases from 2 to 3 years, 3 cases from 3 to 4 years, and 9 cases from 5 to 10 years. In 46 cases there was a will and in 47 cases decedent was intestate. In 62 cases bond was required of the executor or administrator and all bonds were kept good. In

31 cases no bond was required. An inventory was filed within 60 days in 63 cases, after 60 days in 29 cases, and in 1 case no inventory was filed. In these cases 2 first annual reports have been filed. The aggregate value of these estates as appraised is \$395,922.74, and the estimated value of property not appraised is \$332,569.54. In 61 cases attorneys represented the executor or administrator, and in 6 cases the heirs or devisees were represented by attorneys. In 32 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$10,304.73 were allowed for executors or administrators and \$4,634.01 for attorneys. In 88 cases the estates paid claims in full and in 5 cases the estates did not pay claims in full.

The estates of 430 deceased persons were pending July 1, 1936. In these cases 166 were pending less than 1 year, 35 from 1 to 2 years, 30 cases from 2 to 3 years, 25 cases from 3 to 4 years, 19 cases from 4 to 5 years, 81 cases from 5 to 10 years, and 174 cases longer than 10 years. In 226 cases there was a will, and in 204 cases the deceased was intestate. In 60 cases bond was required of the executor or administrator. In 52 cases bond has been kept good. In 370 cases no bond was required. The inventory was filed within 60 days in 140 cases, after 60 days in 90 cases, and in 200 cases no inventory was filed. The appraised value of these estates is \$229,968.80, and the estimated value of property not appraised is \$200,742.73. In these cases 67 first annual reports have been filed. In 363 cases such reports have not been filed. An attorney represented the executor or administrator in 178 cases, but in no cases were the heirs or devisees represented by attorneys. In 252 cases the report does not show that an attorney appeared for anyone.

There were 14 guardianship estates of minors closed within the year. In these cases 1 had been pending from 3 to 4 years, 5 cases from 5 to 10 years, and 8 cases longer than 10 years. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported, was \$44,319.07. In these cases 13 guardians were required to give bond and all bonds were kept good. In 1 case no bond was required. The inventory was filed after 30 days in 9 cases, and in 5 cases no inventory was filed. In these cases 53 annual reports have been filed. Investment of funds of the ward have been supervised in all cases. An attorney appeared for the guardian in 4 cases and in 1 case for the ward. In 10 cases the report does not show that an attorney appeared for anyone. No fees were allowed for guardians or ward in any case. In all cases the funds of the ward were properly accounted for and disbursed.

There were 345 guardianship estate cases pending July 1, 1936. In these cases 12 had been pending from 3 to 4 years, 18 cases from 4 to 5 years, 106 cases from 5 to 10 years, and 209 cases longer than 10 years. These were estates of 304 minors, 32 insane persons and 9 other incompetents. A guardian was also appointed for the person of the ward in 156 cases, and in 189 cases no guardian was appointed for the person of the ward. The value of 12 of these estates as reported is \$33,750.84. In 333 cases the value was not given. In 12 cases bond was required and 11 bonds were kept good. In 333 cases the report does not show that bond was required. The inventory was filed within 30 days in 35 cases, after 30 days in 53 cases, and in 257 cases no inventory was filed. In these cases 426 annual reports have been filed. The investment of funds of the ward is supervised by the court in 12 cases, in 1 case there were no funds, and in 332 cases the report does not show whether

funds are supervised by the court. An attorney appeared for the guardian in 103 cases and for the ward in 2 cases. In 242 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$77 were allowed in 1 case. In 3 cases the total amount of fees was \$756. The wards' funds have been properly preserved and cared for in 11 cases. In 2 cases there were no funds. In 334 cases there is no report in regard to wards' funds being preserved and cared for.

#### NEMAHA COUNTY

Area, 720 square miles; population, 17,661; assessed value, \$32,008,367.

Report made by Hon. L. S. Slocum, probate judge.

No miscellaneous report was made covering defalcations by guardians, executors, juvenile cases, habeas corpus cases, adoption, or insanity cases, etc.

The estates of 49 deceased persons were closed within the year. In 2 cases the final report was filed within 1 year after letter of administration was issued, 27 cases had been pending from 1 to 2 years, 6 cases from 2 to 3 years, 7 cases from 3 to 4 years, 1 case from 4 to 5 years, 5 cases from 5 to 10 years, and 1 case longer than 10 years. In 23 cases there was a will and in 26 cases decedent was intestate. In 31 cases bond was required of the executor or administrator and all bonds were kept good. In 18 cases no bond was required. The inventory was filed within 60 days in 38 cases, after 60 days in 9 cases, and in 2 cases no inventory was filed. In these cases 17 first annual reports were filed. The aggregate value of these estates, as appraised, was \$188,289.92, and the estimated value of property not appraised was \$201,799.83. In 26 cases attorneys represented the executor or administrator, and in 6 cases the heirs or devisees. In 23 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$2,567.65 were allowed for executors or administrators, and \$1,355.25 for attorneys. In 47 cases the estates paid claims in full, and in 2 cases the estates did not pay claims in full.

The estates of 139 deceased persons were pending July 1, 1936. In these cases 63 had been pending less than 1 year, 22 cases from 1 to 2 years, 5 cases from 2 to 3 years, 15 cases from 3 to 4 years, 8 cases from 4 to 5 years, 23 cases from 5 to 10 years, and 3 cases longer than 10 years. In 84 cases there was a will and in 55 cases the deceased was intestate. In 83 cases bond was required of the executor or administrator and all bonds were kept good. In 56 cases no bond was required. The inventory was filed within 60 days in 112 cases, after 60 days in 19 cases and in 8 cases no inventory was filed. The appraised value of these estates is \$2,421,669, and the estimated value of property not appraised is \$75,803. In 49 cases first annual reports were filed; in 90 cases such reports have not been filed. An attorney appeared for the executor or administrator in 79 cases, and in 17 cases for the heirs or devisees, and in 60 cases the report does not show an attorney appeared for anyone.

There were no reports on guardianship estates of minors or other incompetents closed within the year.

There were 76 guardianship estate cases pending July 1, 1936. Of these 8 cases had been pending less than 1 year, 6 cases from 1 to 2 years, 4 cases from 2 to 3 years, 6 cases from 3 to 4 years, 6 cases from 4 to 5 years, 19 cases from 5 to 10 years, and 27 cases longer than 10 years. These were estates of 42 minors, 17 insane persons and 17 other incompetents. A guardian was also

appointed for the person of the ward in 75 cases. The value of these estates as reported, is \$229,437.88. In 74 cases bond was required of the guardian and 73 bonds were kept good. In 2 cases no bond was required. An inventory was filed within 30 days in 14 cases, after 30 days in 15 cases and in 47 cases no inventory was filed. In these cases 442 annual reports have been filed. The investment of funds of the ward is being supervised by the court in 73 cases. In 1 case there are no funds. An attorney appeared for the guardian in 20 cases, and in 5 cases the guardians are attorneys. In 9 cases attorneys appeared for the wards, and in 50 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$8,217.17 were allowed for guardians and \$2,369.33 for attorneys. In 73 cases the funds of the wards have been properly preserved and cared for.

#### NEOSHO COUNTY

Area, 576 square miles; population, 22,336; assessed value, \$25,821,127.

Report made by Hon. C. C. Yockey, probate judge for 5½ years. There had been no defalcations by guardians, executors, or administrators within the year. One juvenile officer is employed part time, and 10 juvenile cases were heard within the year. No habeas corpus cases were had, and there were 10 orders made in district court cases. There were no proceedings in aid of execution within the year, 5 adoption proceedings were had, and 13 insanity cases heard within the year.

The estates of 43 deceased persons were closed within the year. In 1 case the final report was filed within 1 year after letter of administration was issued, 34 cases had been pending from 1 to 2 years, 3 cases from 2 to 3 years, 1 case from 3 to 4 years, 2 cases from 4 to 5 years, and 2 cases longer than 10 years. In 21 cases there was a will and in 22 cases decedent was intestate. In 31 cases bond was required of the executor or administrator, and 30 bonds were kept good. In 12 cases no bond was required. The inventory was filed within 60 days in 26 cases, after 60 days in 10 cases, and in 7 cases no inventory was filed. In these cases 40 first annual reports have been filed. The aggregate value of 37 of these estates, as appraised, was \$160,869.65, and the estimated value of property not appraised, was \$91,182.50, and in 5 cases the value was not given. In 19 cases attorneys represented the executor or administrator, and in 18 cases the heirs or devisees. In 24 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$4,227.18 were allowed for executors or administrators, and \$2,150 for attorneys. In 38 cases the estates paid claims in full, and in 5 cases the estates did not pay claims in full.

Estates of 92 deceased persons were pending July 1, 1936. In these 52 cases have been pending less than 1 year, 15 cases from 1 to 2 years, 7 cases from 2 to 3 years, 9 cases from 3 to 4 years, 3 cases from 4 to 5 years, 5 cases from 5 to 10 years, and 1 case longer than 10 years. In 51 cases there was a will and in 41 cases the deceased was intestate. In 67 cases bond was required of the executor or administrator and 63 bonds were kept good. In 25 cases no bond was required. In 58 cases the inventory was filed within 60 days, in 21 cases after 60 days, and in 13 cases no inventory was filed. The appraised value of these estates is \$607,275.95, and the estimated value of property not appraised is \$241,247.95. In 33 cases first annual reports have been filed, and in 59 cases such reports have not been filed. An attorney repre-

sented the executor or administrator in 37 cases, and the heirs or devisees in 33 cases. In 53 cases the report does not show that an attorney appeared for anyone.

The report does not show any guardianship estates of minors, or other incompetents either pending or closed.

#### OSAGE COUNTY

Area, 720 square miles; population, 16,812; assessed value, \$23,193,664.

Report made by Hon. George E. Ramskill, probate judge for 1½ years. There had been no defalcations by guardians, executors or administrators within the year. No juvenile officer is employed regularly, but special probation officers are employed for each case. Nine juvenile cases were heard within the year. There were no habeas corpus cases, 1 order was made in district court case, and there were no proceedings in aid of execution within the year.

The estates of 35 deceased persons were closed within the year. In 3 cases the final report was filed within 1 year after letters of administration were issued, 18 cases had been pending from 1 to 2 years, 5 cases from 2 to 3 years, 2 cases from 3 to 4 years, 3 cases from 4 to 5 years, 3 cases from 5 to 10 years, and 1 case longer than 10 years. In 17 cases there was a will and in 18 cases decedent was intestate. In 29 cases bond was required of the executor or administrator and all bonds have been kept good. In 6 cases no bond was required. The inventory was filed within 60 days in 26 cases and after 60 days in 9 cases. In these cases 12 first annual reports have been filed. The aggregate value of these estates as appraised was \$154,345.23, and the estimated value of property not appraised was \$110,742.91. In 13 cases attorneys represented the executors or administrators, but in no cases were the heirs or devisees represented by attorneys. In 22 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$3,330.90 were allowed for executors or administrators, and \$278.40 for attorneys. In 33 cases the estates paid claims in full, and in 2 cases the estates did not pay claims in full.

The estates of 121 deceased persons were pending July 1, 1936. In these cases 51 had been pending less than 1 year, 25 cases from 1 to 2 years, 10 cases from 2 to 3 years, 11 cases from 3 to 4 years, 6 cases from 4 to 5 years, 14 cases from 5 to 10 years, and 4 cases longer than 10 years. In 82 cases there was a will, and in 39 cases the deceased was intestate. In 80 cases bond was required of the executor or administrator and 79 bonds were kept good. In 41 cases no bond was required. In 94 cases the inventory was filed within 60 days, in 19 cases after 60 days and in 8 cases no inventory was filed. The appraised value of these estates, as reported is \$473,158.06, and the estimated value of property not appraised, is \$439,873.75. In 49 cases first annual reports have been filed and in 72 cases such reports have not been filed. An attorney represented the executor or administrator in 49 cases, and the heirs or devisees in 5 cases. In 71 cases the report does not show that an attorney appeared for anyone.

There were 5 guardianship estates closed within the year. In 2 cases the final report was filed within 1 year after letters of guardianship were issued, 1 case had been pending from 1 to 2 years, 1 case from 2 to 3 years, and 1 case from 5 to 10 years. One estate was that of a minor and 4 were estates

of insane persons. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported is \$7,731.72. Four guardians were required to give bond, and all bonds were kept good. In 1 case no bond was required. The inventory was filed within 30 days in 2 cases, and in 3 cases no inventory was filed. In these cases 6 annual reports have been filed. In all cases the investment of funds of the wards' has been supervised by the court. In 3 cases an attorney appeared for the guardian, and in 3 cases for the ward. Fees amounting to \$143.50 were allowed for guardians, and \$30 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 54 guardianship estate cases pending July 1, 1936. Of these 9 cases had been pending less than 1 year, 8 cases from 1 to 2 years, 10 cases from 2 to 3 years, 4 cases from 3 to 4 years, 4 cases from 4 to 5 years, 17 cases from 5 to 10 years, and 2 cases longer than 10 years. These were estates of 34 minors, 13 insane persons and 7 other incompetents. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported, is \$121,321.68. In 53 cases bond was required of the guardians, and all bonds have been kept good. In 1 case no bond was required. An inventory was filed within 30 days in 25 cases, after 30 days in 17 cases, and in 12 cases no inventory had been filed. In these cases 139 annual reports have been filed. The investment of funds of the ward is supervised by the court in all cases. An attorney appeared for the guardian in 14 cases and in 12 cases for the ward. In 30 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$2,424.70 have been allowed for guardians and \$555 for attorneys. The wards' funds have been properly preserved and cared for in all cases.

#### OTTAWA COUNTY

Area, 720 square miles; population, 10,016; assessed value, \$20,768,491.

Report made by Hon. G. R. King, probate judge for 3½ years. There had been no defalcations by guardians, executors or administrators within the year. Juvenile officers are employed, part time as needed, and 1 juvenile case was heard within the year. There were no habeas corpus cases, 2 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Two adoption proceedings were had, and 4 insanity cases were heard within the year.

The estates of 29 deceased persons were closed within the year. In these cases 18 had been pending from 1 to 2 years, 4 cases from 2 to 3 years, 2 cases from 3 to 4 years, 4 cases from 5 to 10 years, and 1 case longer than 10 years. In 12 cases there was a will and in 17 cases decedent was intestate. In 21 cases bond was required of the executor or administrator and all bonds were kept good. In 8 cases no bond was required. The inventory was filed within 60 days in 24 cases, and after 60 days in 5 cases. The aggregate value of these estates, as appraised, was \$307,687.01. In these cases 29 first annual reports have been filed. In 20 cases attorneys represented the executors or administrators, and in 3 cases the heirs or devisees, and in 7 cases the report does not show an attorney appeared for anyone. Fees amounting to \$4,232.81 were allowed for executors or administrators, and \$2,903.90 for attorneys. In 28 cases the estate paid claims in full, and in 1 case the estate did not pay claims in full.

The estates of 59 deceased persons were pending July 1, 1936. In these cases 25 have been pending less than 1 year, 8 from 1 to 2 years, 6 from 2 to 3 years, 6 from 3 to 4 years, 5 from 4 to 5 years, 6 from 5 to 10 years, and 3 longer than 10 years. In 26 of these there was a will, and in 33 cases the deceased was intestate. In 53 cases bond was required of the executor or administrator, and 50 bonds have been kept good. In 6 cases no bond was required. In 50 cases the inventory was filed within 60 days, in 7 cases after 60 days, and in 2 cases no inventory was filed. The appraised value of these estates as reported, is \$567,012.62. In 30 cases first annual reports have been filed; in 29 cases no such reports have been filed. An attorney represented the executor or administrator in 25 cases, and the heirs or legatees in 1 case. In 34 cases the report does not show an attorney appeared for anyone.

There were 8 guardianship estates of minors closed within the year. In these cases 1 had been pending from 4 to 5 years, 3 cases from 5 to 10 years, and 4 cases longer than 10 years. In all cases a guardian was appointed for the person of the ward. The value of these estates as reported, is \$20,970. All guardians were required to give bond, and all bonds were kept good. The inventory was filed after 30 days in 1 case and in 7 cases no inventory was filed. In these cases 34 annual reports have been filed. In 5 cases the investment of funds of the ward was supervised by the court, in 1 case there are no funds, and in 2 cases there are no records to show whether or not investments are supervised by the court. No fees have been allowed for guardians. In 1 case a fee of \$25 was allowed for attorney. In all cases the wards' funds were properly accounted for and disbursed.

There were 36 guardianship estate cases pending July 1, 1936. Of these cases 4 had been pending less than 1 year, 5 from 1 to 2 years, 5 from 2 to 3 years, 1 from 3 to 4 years, 2 from 4 to 5 years, 12 from 5 to 10 years, and 7 longer than 10 years. These were the estates of 25 minors, 6 insane persons, and 5 other incompetents. A guardian was also appointed for the person of the ward in 34 cases. The value of these estates as reported, is \$56,906.38. In 34 cases bond was required of the guardian and 33 bonds have been kept good. In 2 cases no bond was required. An inventory was filed within 30 days in 8 cases, after 30 days in 4 cases, and in 24 cases no inventory was filed. In these cases 103 annual reports have been filed. The investment of the funds of the ward is supervised by the court in 20 cases, in 6 cases there are no funds, and in some cases the estate consists of real estate. An attorney appeared for the guardian in 3 cases, but in no case was the ward represented by an attorney. In 33 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,003.60 were allowed for guardians, and in 1 case fee amounting to \$5 was allowed for the attorney. The wards' funds have been properly preserved and cared for in 18 cases.

### RENO COUNTY

Area, 1,260 square miles; population, 54,437; assessed value, \$86,875,717.

Report made by Hon. A. B. Leigh, probate judge for 3 years. There had been no defalcations by guardians, executors, or administrators within the year. One juvenile officer is employed, 41 juvenile cases were heard within the year, and 2 of this number were pending. There were no habeas corpus cases, 3 orders were made in district court cases, and there was 1 proceeding in aid of execution within the year. Twelve adoption proceedings were had, and 13 insanity cases were heard within the year.



The estates of 84 deceased persons were closed within the year. When closed 63 cases had been pending from 1 to 2 years, 10 cases from 2 to 3 years, 4 cases from 3 to 4 years, 6 cases from 4 to 5 years, and 1 case from 5 to 10 years. In 41 cases there was a will and in 43 cases decedent was intestate. In 52 cases bond was required of the executor or administrator and all bonds were kept good. In 32 cases no bond was required. The inventory was filed within 60 days in 44 cases, after 60 days in 39 cases, and in 1 case no inventory was filed. In 83 cases first annual reports were filed. The aggregate value of these estates, as appraised, was \$1,411,568.50. In 83 cases attorneys represented the executor or administrator, and in 1 case the heirs or devisees were represented. Fees amounting to \$8,890 were allowed for executors or administrators, and \$13,010 for attorneys. In all cases the estates paid claims in full.

The estates of 222 deceased persons were pending July 1, 1936. In these cases 76 have been pending less than 1 year, 24 cases from 1 to 2 years, 14 cases from 2 to 3 years, 19 cases from 3 to 4 years, 9 cases from 4 to 5 years, 47 cases from 5 to 10 years, and 33 cases longer than 10 years. In 107 of these there was a will and in 115 cases the deceased was intestate. In 138 cases bond was required of the executor or administrator; in 87 cases bonds were kept good, and in 51 cases there is no record to show whether or not bonds were kept good. In 84 cases no bond was required. In 102 cases the inventory was filed within 60 days, in 66 cases after 60 days, and in 54 cases no inventory has been filed. The appraised value of 187 of these estates is \$2,213,349.29, and the estimated value of property not appraised, is \$1,500 and in 33 cases the value is not stated. In 29 cases first annual reports have been filed; in 193 cases such reports have not been filed. In 211 cases an attorney represented the executor or administrator. The report does not show that the heirs or devisees were represented in any case.

There were 6 guardianship estates of minors and other incompetents closed within the year. In 1 case the final report was filed within 1 year after letter of guardianship was issued, 2 cases had been pending from 1 to 2 years, 1 case from 2 to 3 years, 1 case from 3 to 4 years, and 1 case from 5 to 10 years. Of these estates, 3 were of minors and 3 of insane persons. In all cases a guardian was also appointed for the person of the ward. The value of 3 of these estates as reported is \$18,250. In all cases guardians were required to give bond and all bonds were kept good. The inventory was filed within 30 days in 1 case, and in 5 cases no inventory was filed. Seven annual reports have been filed. Investment of the funds of the ward was supervised by the court in all cases. An attorney appeared for the guardian in all cases, but in no case for the ward. Fees amounting to \$85 were allowed guardians, and \$240 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 353 guardianship estate cases pending July 1, 1936. Of these 25 had been pending less than 1 year, 31 from 1 to 2 years, 16 from 2 to 3 years, 18 from 3 to 4 years, 14 from 4 to 5 years, 108 from 5 to 10 years, and 141 longer than 10 years. These were the estates of 306 minors, 27 insane persons, and 20 other incompetents. A guardian was also appointed for the person of the ward in 350 cases. The value of these estates, as reported, is \$317,204.27. In 335 cases bond was required of the guardian and the report shows 196 bonds were kept good. In 17 cases no bond was required. An inventory

was filed within 30 days in 54 cases, and after 30 days in 35 cases. In 264 cases no inventory was filed. In these cases 547 annual reports have been filed. The investment of funds of the ward is supervised by the court in 115 cases, and in 238 cases the report does not show that they are being supervised by the court. An attorney appeared for the guardian in 287 cases, but the report does not show that an attorney appeared for the ward in any case. Fees amounting to \$3,236 were allowed for guardians, and \$1,601.80 for attorneys. The wards' funds have been properly preserved and cared for in 143 cases.

### REPUBLIC COUNTY

Area, 720 square miles; population, 15,057; assessed value, \$28,860,412.

Report made by Hon. Henry Van Natta, probate judge for 17 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed part time as needed, 6 juvenile cases were heard within the year, and 3 were pending. There were no habeas corpus cases, 8 orders were made in district court cases, and there were no proceedings in aid of execution within the year. One adoption proceeding was had and 5 insanity cases heard within the year.

The estates of 9 deceased persons were closed within the year. In 6 cases the final report was filed within 1 year after letters of administration were issued, and 3 cases were of foreign estates. In 4 cases there was a will and in 5 cases decedent was intestate. In 6 cases bond was required of the executor or administrator, and all bonds were kept good. In 3 cases no bond was required. The inventory was filed within 60 days in 6 cases and in 3 cases no inventory was filed. No first annual reports have been filed. The aggregate value of 6 of these estates as appraised was \$108,089.45. In 3 cases an attorney represented the executor or administrator, but in no cases were the heirs or devisees represented by attorneys. In 6 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,041.07 were allowed for executors or administrators, and \$675 for attorneys. In 5 cases the estates paid claims in full.

The estates of 59 deceased persons were pending July 1, 1936. All of these cases had been pending less than 1 year. In 28 cases there was a will; 4 of these being foreign wills filed to make title. In 31 cases the deceased was intestate. In 42 cases bond was required of the executor or administrator, and all bonds were kept good. In 17 cases no bond was required. In 44 cases the inventory was filed within 60 days, in 6 cases after 60 days, and in 9 cases no inventory was filed. The appraised value of 51 of these estates is \$442,196.59. No first annual reports have been filed. An attorney represented the executor or administrator in 13 cases, and the heirs or devisees in 5 cases. In 45 cases the report does not show that an attorney appeared for anyone.

There were no guardianship estates of minors or other incompetents closed within the year.

There were 12 guardianship estate cases pending July 1, 1936. Of these 11 had been pending less than 1 year, and 1 from 1 to 2 years. These were estates of 5 minors, 4 insane persons and 3 other incompetents. A guardian was also appointed for the person of the ward in 8 cases. The value of 8 of these estates as appraised is \$20,220.50. In all cases bond was required of the guardian and all bonds were kept good. An inventory was filed within

30 days in 5 cases, after 30 days in 2 cases and in 5 cases no inventory was filed. One annual report has been filed. The investment of the funds of the ward is supervised in all cases where there are funds in the estate. An attorney appeared for the guardian in 4 cases, but in no case for the ward. In 8 cases the report does not show that an attorney appeared for anyone. In 1 case fees amounting to \$35 were allowed for guardian, and \$50 for attorney. In 5 cases the wards' funds have been properly preserved and cared for. In some cases there are no funds.

### RICE COUNTY

Area, 720 square miles; population, 16,441; assessed value, \$40,208,527.

Report made by Hon. Calvin G. Cook, probate judge for 11 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, 2 juvenile cases were heard within the year, and 1 was pending. There were no habeas corpus cases, 2 orders were made in district court cases, and there were no proceedings in aid of execution within the year. No adoption proceedings were had, and 5 insanity cases were heard within the year.

The estates of 34 deceased persons were closed within the year. When closed 24 cases had been pending from 1 to 2 years, 5 cases from 2 to 3 years, 1 case from 3 to 4 years, 1 case from 4 to 5 years, 2 cases from 5 to 10 years, and 1 case longer than 10 years. In 21 cases there was a will, and in 13 cases decedent was intestate. In 21 cases bond was required of the executor or administrator, and all bonds were kept good. In 13 cases no bond was required. The inventory was filed within 60 days in 18 cases, after 60 days in 5 cases, and in 11 cases no inventory was filed. In 2 cases first annual reports have been filed. The aggregate value of 23 of these estates as appraised was \$240,638, and the estimated value of property not appraised was \$198,925. In 20 cases an attorney appeared for the executor or administrator, and in 3 cases for the heirs or devisees, and in 14 cases the report does not show an attorney appeared for anyone. Fees amounting to \$3,689 were allowed for executors or administrators, and \$1,978.50 for attorneys. In 32 cases the estates paid claims in full, and in 2 cases the estates did not pay claims in full.

The estates of 88 deceased persons were pending July 1, 1936. In these cases, 30 had been pending less than 1 year, 19 from 1 to 2 years, 11 from 2 to 3 years, 10 from 3 to 4 years, 5 from 4 to 5 years, and 13 from 5 to 10 years. In 53 cases there was a will, and in 32 cases decedent was intestate. In 46 cases bond was required of the executor or administrator, and 45 bonds were kept good. In 42 cases no bond was required. The inventory was filed within 60 days in 25 cases, after 60 days in 13 cases, and in 50 cases no inventory was filed. The appraised value of these estates is \$278,968, and the estimated value of the property not appraised is \$23,700. In 2 cases first annual reports have been filed, and in 86 cases such reports have not been filed. An attorney represented the executor or administrator in 16 cases and the heirs or devisees in 3 cases; in 72 cases the report does not show that an attorney appeared for anyone.

There were 5 guardianship estates of minors closed within the year. In these cases, 1 had been pending from 1 to 2 years, 2 cases from 5 to 10 years, and 2 cases longer than 10 years: In all cases a guardian was appointed for the person of the ward. The value of these estates as reported is \$29,484. In

all cases guardians were required to give bond, and all have kept their bonds good. The inventory was filed within 30 days in 2 cases, and in 3 cases no inventory has been filed. In these cases 29 annual reports have been filed. Investment of the funds of the ward was supervised by the court in all cases. An attorney appeared for the guardian in 2 cases, and in 3 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,200 were allowed for guardians, and \$250 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 82 guardianship estate cases pending July 1, 1936. Of these 11 cases had been pending less than 1 year, 6 cases from 1 to 2 years, 9 cases from 2 to 3 years, 4 cases from 3 to 4 years, 10 cases from 4 to 5 years, 30 cases from 5 to 10 years, and 12 cases longer than 10 years. These were estates of 75 minors and 7 other incompetents. In all cases a guardian was also appointed for the person of the ward. The value of 59 of these estates as appraised was \$122,117, in some cases the estate consisted of real estate, not appraised, and in 19 cases there was no property of value. In 74 cases bond was required of the guardian and 73 bonds were kept good. In 8 cases no bond was required. An inventory was filed after 30 days in 3 cases, and in 79 cases no inventory had been filed. In these cases 62 annual reports have been filed. In all cases where there are funds, the investment of these funds has been supervised by the court. An attorney appeared for the guardian in 5 cases, but in no case for the ward. In 77 cases the report does not show that an attorney appeared for anyone. Fees of \$1,550 have been allowed for guardians in these cases, but report does not show any fees allowed for attorneys. The wards' funds have been properly cared for in all cases where there are funds.

#### RUSH COUNTY

Area, 720 square miles; population, 9,080; assessed value, \$14,756,871.

Report made by Hon. J. W. Seuser, probate judge for six years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, and 1 juvenile case was heard within the year. There were no habeas corpus cases, no orders made in district court cases, and no proceedings in aid of execution within the year. One adoption proceeding was had, and 3 insanity cases were heard within the year.

The estates of 24 deceased persons were closed within the year. When closed 19 cases had been pending from 1 to 2 years, 2 cases from 2 to 3 years, and 1 case longer than 10 years. In 15 cases there was a will and in 9 cases decedent was intestate. In 17 cases bond was required of the executor or administrator and all bonds were kept good. In 7 cases no bond was required. The inventory was filed within 60 days in 14 cases, after 60 days in 7 cases, and in 3 cases no inventory was filed. No first annual reports have been filed in these cases. The aggregate value of 21 of these estates, as appraised, was \$200,488.03. In 4 cases an attorney represented the executor or administrator, and in 1 case an attorney represented the heirs or devisees, and in 20 cases the report does not show that an attorney appeared for anyone. In 22 cases the estates paid claims in full, and in 2 cases the report does not show that they were paid in full. Fees amounting to \$884.75 were allowed for executors or administrators and \$425 for attorneys.

The estates of 76 deceased persons were pending July 1, 1936. In these cases 4 have been pending less than 1 year, 9 cases from 1 to 2 years, 4 cases from 2 to 3 years, 6 cases from 3 to 4 years, 6 cases from 4 to 5 years, 5 cases from 5 to 10 years, and 42 cases longer than 10 years. In 20 cases there was a will and in 56 cases the deceased was intestate. In 54 cases bond was required of the executor or administrator, and 39 bonds were kept good. In 22 cases no bond was required. The inventory was filed within 60 days in 40 cases, after 60 days in 12 cases, and in 22 cases no inventory was filed. The appraised value of 54 of these estates is \$481,110.13. In 22 cases the value of the estates was not given. In 15 cases first annual reports have been filed; in 61 cases such reports have not been filed. In 1 case an attorney represented the executor or administrator, and in 1 case the heirs or devisees were represented by attorneys; in 75 cases the report does not show an attorney appeared for anyone.

The report does not show any guardianship estates of minors or other incompetents closed within the year.

There were 124 guardianship estate cases pending July 1, 1936. Of these 4 cases had been pending less than 1 year, 13 cases from 1 to 2 years, 9 cases from 2 to 3 years, 8 cases from 3 to 4 years, 2 cases from 4 to 5 years, 23 cases from 5 to 10 years, and 65 cases longer than 10 years. These were the estates of 116 minors, 4 insane persons and 4 other incompetents. A guardian was also appointed for the person of the ward in 117 cases, and in 7 cases no guardian was appointed for the person of the ward. The value of 49 of these estates as appraised, is \$52,646.90; in 73 cases the value is not given; in 37 cases the estate consists of real estate; in 4 cases the estate consists of bonds or securities, and in 14 cases the report shows there is nothing of value. In 104 cases bond was required of the guardian and 100 bonds were kept good. In 20 cases no bond was required. The inventory was filed within 30 days in 16 cases, after 30 days in 2 cases, and in 106 cases no inventory was filed. In these cases 98 annual reports have been filed. The investment of funds of the ward is not supervised by the court in any case. The report does not show an attorney appeared for anyone in any case. The report does not show that wards' funds have been preserved and cared for in any case.

#### RUSSELL COUNTY

Area, 900 square miles; population, 11,850; assessed value, \$25,537,226.

Report made by Hon. J. D. Steinle, probate judge for 3½ years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, and 5 juvenile cases were heard within the year. There were no habeas corpus cases, there were 6 orders made in district court cases, and no proceedings in aid of execution within the year. No adoption proceedings were had, and 10 insanity cases were heard within the year.

The estates of 25 deceased persons were closed within the year. In 4 cases the final report was filed within 1 year after letters of administration were issued. 19 cases had been pending from 1 to 2 years, 1 case from 2 to 3 years, and 1 case from 4 to 5 years. In 13 cases there was a will and in 12 cases decedent was intestate. In 16 cases bond was required of the executor and all bonds were kept good. In 9 cases no bond was required. An inven-

tory was filed within 60 days in 21 cases, after 60 days in 2 cases, and in 2 cases no inventory was filed. Three first annual reports were filed. The aggregate value of 25 of these estates as appraised, is \$225,083.36. The estimated value of property not appraised was \$215,521. In 18 cases attorneys represented the executor or administrator and in 5 cases the heirs or devisees, and in 7 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$2,761.57 were allowed for executors or administrators and \$1,815 for attorneys. In 24 cases the estates paid claims in full and in 1 case the estate did not pay claims in full.

The estates of 85 deceased persons were pending July 1, 1936. In these cases 34 had been pending less than 1 year, 19 cases from 1 to 2 years, 8 cases from 2 to 3 years, 7 cases from 3 to 4 years, 9 cases from 4 to 5 years, and 8 cases from 5 to 10 years. In 47 cases there was a will and in 38 cases the deceased was intestate. In 63 cases bond was required of the executor or administrator and all bonds have been kept good. In 22 cases no bond was required. In 53 cases the inventory was filed within 60 days, in 22 cases after 60 days and in 10 cases no inventory was filed. The appraised value of these estates as reported, is \$891,582.22, and the estimated value of the property not appraised, is \$840,832.37. In 10 cases first annual reports have been filed, and in 75 cases such reports have not been filed. An attorney represented the executor or administrator in 73 cases and the heirs or devisees in 27 cases. In 12 cases the report does not show an attorney appeared for anyone.

There were 6 guardianship estates of minors closed within the year. In 1 case the final report was filed within 1 year after letter of guardianship was issued, 1 case had been pending from 1 to 2 years, 1 case from 3 to 4 years, 1 case from 5 to 10 years, and 2 cases longer than 10 years. In all cases a guardian was appointed for the person of the ward. The value of these estates as reported is \$14,000. In all cases guardians were required to give bond and all bonds were kept good. An inventory was filed within 30 days in 1 case, after 30 days in 1 case, and in 4 cases no inventory was filed. In these cases 31 annual reports have been filed. In all cases the investment of funds of the ward was supervised by the court. An attorney appeared for the guardian in 2 cases but in no case for the ward. In 4 cases the report does not show that an attorney appeared for anyone. In 1 case fees amounting to \$10 were allowed for the guardian, and in 1 case \$40 was allowed for attorney. In all cases the funds of the ward were properly accounted for and disbursed.

There were 143 guardianship estate cases pending July 1, 1936. Of these 26 had been pending less than 1 year, 15 from 1 to 2 years, 11 from 2 to 3 years, 11 from 3 to 4 years, 7 from 4 to 5 years, 37 from 5 to 10 years, and 36 longer than 10 years. These were estates of 102 minors and 41 insane persons. A guardian was also appointed for the person of the ward in 127 cases. The value of these estates as reported, is \$268,939.12. In 127 cases bond was required of the guardian and all bonds were kept good. In 16 cases no bond was required. An inventory was filed within 30 days in 33 cases, after 30 days in 11 cases and in 99 cases no inventory was filed. In these cases 394 annual reports have been filed. The investment of funds of the ward is supervised by the court in 123 cases, and in 20 cases it is not super-

vised by the court. An attorney appeared for the guardian in 52 cases, and in 2 cases for the ward. In 91 cases the report does not show that an attorney appeared for anyone. Fees of \$10,931.62 were allowed for guardians and \$756.44 for attorneys. The wards' funds have been properly preserved and cared for in 126 cases.

### SALINE COUNTY

Area, 720 square miles; population, 28,012; assessed value, \$50,964,802.

Report made by Hon. Will F. Miller, probate judge for 12 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, and 25 juvenile cases were heard within the year. There were no habeas corpus cases, 15 orders were made in district court cases, and there were no proceedings in aid of execution within the year. Twenty-seven adoption proceedings were had and 24 insanity cases heard within the year.

The estates of 61 deceased persons were closed within the year. In 4 cases the final report was filed within 1 year after letters of administration were issued, 54 cases were pending from 1 to 2 years, 2 cases from 2 to 3 years, and 1 case from 5 to 10 years. In 28 cases there was a will and in 33 cases decedent was intestate. In 45 cases bond was required of the executor or administrator, and all bonds were kept good. In 16 cases no bond was required. The inventory was filed within 60 days in 45 cases and after 60 days in 15 cases, and in 1 case no inventory was filed. In all cases first annual reports have been filed. The aggregate value of these estates, as appraised was \$674,315 and the estimated value of property not appraised, was \$10,500. In 43 cases attorneys represented the executor or administrator; in 4 cases the heirs or devisees, and in 18 cases the report does not show an attorney appeared for anyone. Fees amounting to \$5,300 were allowed for executors or administrators, and \$9,850 for attorneys. In 58 cases the estate paid claims in full, and in 3 cases the estates did not pay claims in full.

The estates of 147 deceased persons were pending July 1, 1936. In these cases, 97 have been pending less than 1 year, 38 cases from 1 to 2 years, 4 cases from 2 to 3 years, 2 cases from 3 to 4 years, 3 cases from 4 to 5 years, and 3 cases from 5 to 10 years. In 70 cases there was a will, and in 77 cases the deceased was intestate. In 93 cases bond was required of the executor or administrator, and 53 bonds were kept good. In 54 cases no bond was required. In 100 cases the inventory was filed within 60 days, in 34 cases after 60 days, and in 13 cases no inventory was filed. The appraised value of 135 of these estates is \$2,257,893, and the estimated value of property not appraised, is \$12,000. In these cases 33 first annual reports have been filed. In many cases it is too soon to file such reports. An attorney represented the executor or administrator in 93 cases, the heirs or devisees in 17 cases, and in 54 cases the report does not show an attorney appeared for anyone.

There were 11 guardianship estates of minors or other incompetents closed within the year. In 4 cases the final report was filed within 1 year after letters of guardianship were issued, 2 cases had been pending from 1 to 2 years, 2 cases from 5 to 10 years, and 3 cases longer than 10 years. Of these estates 5 were of minors, 2 of insane persons, and 4 of other incompetent persons. In all cases a guardian was also appointed for the person of the ward. The value of 10 of these estates, as reported, is \$55,820. All guardians were required to

give bond, and all have kept their bonds good. The inventory was filed within 30 days in 6 cases, after 30 days in 4 cases, and in 1 case no inventory was filed. In these cases 77 annual reports have been filed. Investment of funds of the ward was supervised by the court in 10 cases, and in 1 case there were no funds. An attorney appeared for the guardian in 9 cases, and for the ward in 3 cases. In 2 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,800 were allowed for guardians, and \$1,360 for attorneys. In 9 cases the funds of the ward were properly accounted for and disbursed.

There were 82 guardianship estate cases pending July 1, 1936. Of these, 21 cases had been pending less than 1 year, 13 cases from 1 to 2 years, 4 cases from 2 to 3 years, 8 cases from 3 to 4 years, 4 cases from 4 to 5 years, 17 cases from 5 to 10 years, and 15 cases longer than 10 years. These were estates of 66 minors, 6 insane persons, and 10 other incompetents. A guardian was also appointed for the person of the ward in 17 cases, and in 65 cases no guardian was appointed for the person of the ward. The value of these estates as reported is \$375,995. In 81 cases bond was required of the guardian, and nearly all bonds were kept good. In 1 case no bond was required. An inventory was filed within 30 days in 43 cases, after 30 days in 21 cases, and in 18 cases no inventory was filed. In these cases 194 annual reports have been filed. The investment of the funds of the ward is supervised by the court in 54 cases. In some cases funds are being used for support of ward, and in some cases there are no funds. An attorney appeared for the guardian in 46 cases but in no case for the ward. In 36 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$2,450 have been allowed for guardians, and \$5,405 for attorneys. The wards' funds have been preserved and cared for in 52 cases.

#### SHAWNEE COUNTY

Area, 558 square miles; population, 92,517; assessed value, \$115,042,200.

Report made by Hon. Roy N. McCue, probate judge for 1½ years. There had been 1 defalcation by a guardian, executor or administrator within the year, amounting to \$3,500. The report shows that bonding company is in the hands of a receiver, and does not show that any part of this amount has been recovered. Three juvenile officers are employed and 99 juvenile cases have been heard within the year. In addition to the figure above which indicates the cases that were actually heard, some 450 investigations were made and reported by the probation officers. 1 was pending. In addition to the 1 case set for hearing, 90 cases involving boys and girls were being checked by and were responsible to the officers of the juvenile court. There were no habeas corpus cases, no orders made in district court cases, and no proceedings in aid of execution within the year. Seventy adoption proceedings were had, and 99 insanity cases were heard within the year.

The estates of 105 deceased persons were closed within the year. In 12 cases the final report was filed within 1 year after letters of administration were issued, in 68 cases from 1 to 2 years, in 14 cases from 2 to 3 years, in 2 cases from 3 to 4 years, in 4 cases from 4 to 5 years, in 3 cases from 5 to 10 years, and in 2 cases after 10 years. In 53 cases there was a will, and in 52 cases decedent was intestate. In 77 cases bond was required of the executor



or administrator, and in 62 cases bonds were kept good. In 28 cases no bond was required. The inventory was filed within 60 days in 57 cases, after 60 days in 45 cases, and in 3 cases no inventory was filed. In these cases 103 first annual reports were filed. The aggregate value of 97 of these estates, as appraised, was \$3,127,711.97. The estimated value of property not appraised, was \$31,674.48, and in 2 cases there was no property of any value. In 42 cases attorneys represented the executor or administrator, in 6 cases the heirs or devisees, and in 62 cases the report does not show an attorney appeared for anyone. Fees amounting to \$59,666.03 were allowed for executors or administrators and \$16,579.24 for attorneys. In 101 cases the estates paid claims in full, 1 was prorated, and in 3 cases the estates did not pay claims in full.

The estates of 460 deceased persons were pending July 1, 1936. In these cases 141 were pending less than 1 year, 60 from 1 to 2 years, 50 from 2 to 3 years, 37 from 3 to 4 years, 44 from 4 to 5 years, 75 from 5 to 10 years, and 53 longer than 10 years. In 244 of these there was a will, and in 216 cases the deceased was intestate. In 301 cases bond was required of the executor or administrator; in 49 cases the report shows bond was kept good, and in 252 cases the report does not show whether or not bonds were kept good. In 159 cases no bond was required. In 94 cases the inventory was filed within 60 days, in 265 cases after 60 days, and in 101 cases no inventory has been filed. The appraised value of these estates, as reported, is \$5,598,129.75, and there is some real estate reported on which the value is not given. In 163 cases first annual reports have been filed, and in 299 cases such reports have not been filed. The report does not show whether or not attorneys represented administrators, executors or heirs in any case.

There were 23 guardianship estates of minors or other incompetents closed within the year. In 5 cases the final report was filed within 1 year after letters of guardianship were issued, 1 case was pending from 1 to 2 years, 2 cases from 2 to 3 years, 1 case from 3 to 4 years, 4 cases from 4 to 5 years, 2 cases from 5 to 10 years, and 8 cases longer than 10 years. Of these estates, 15 were of minors, 7 of insane persons, and 1 of an incompetent person. In 21 cases a guardian was also appointed for the person of the ward. The value of these estates as reported, is \$54,938.23. In all cases guardians were required to give bond, and all bonds have been kept good. In 6 cases the inventory was filed within 30 days, in 16 cases after 30 days, and in 1 case no inventory was filed. In these cases 127 annual reports have been filed. In all cases the investment of the funds of the ward was supervised and approved by the court. An attorney appeared for the guardian in 8 cases and in 1 case for the ward. In 15 cases the report does not show that an attorney appeared for anyone. Fees amounting to \$1,692.56 were allowed for guardians, and \$245.50 for attorneys. In 22 cases the report shows that the funds of the ward were properly accounted for and disbursed.

There were 514 guardianship estate cases pending July 1, 1936. Of these 85 had been pending less than 1 year, 45 from 1 to 2 years, 63 from 2 to 3 years, 43 from 3 to 4 years, 28 from 4 to 5 years, 162 from 5 to 10 years, and 88 longer than 10 years. These were the estates of 335 minors and 179 incompetent persons. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported is \$520,121.14, and there was also some real estate that had not been appraised. In 397 cases bond was

required of the guardian, and 279 bonds were reported kept good. In 117 cases no bond was required. The inventory was filed within 60 days in 157 cases, after 60 days in 268 cases, and in 89 cases no inventory was filed. In these cases 1,534 annual reports have been filed. In 263 cases the investment of funds of the ward is being supervised by the court, and in 251 cases the report does not show that investments are being supervised by the court. An attorney appeared for the guardian in 141 cases and in 7 cases for the ward. In 373 cases the report does not show an attorney appeared for anyone. Fees amounting to \$30,722.47 were allowed for guardians, and \$7,859.66 for attorneys. The wards' funds have been properly preserved and cared for in 335 cases.

#### SMITH COUNTY

Area, 900 square miles; population, 11,993; assessed value, \$20,023,746.

Report made by Hon. Charles Buell, probate judge for 3½ years. There had been no defalcations by guardians, executors or administrators within the year. No juvenile officer is employed. Three juvenile cases were heard within the year. There were no habeas corpus cases, there were 4 orders made in district court cases, and no proceedings in aid of execution within the year. No adoption proceedings were had, and 6 insanity cases were heard within the year.

The estates of 43 deceased persons were closed within the year. In 1 case the final report was filed within 1 year after letter of administration was issued, 23 cases had been pending from 1 to 2 years, 8 cases from 2 to 3 years, 1 case from 3 to 4 years, 1 case from 4 to 5 years, 6 cases from 5 to 10 years, and 3 cases longer than 10 years. In 16 cases there was a will, and in 27 cases decedent was intestate. In 33 cases bond was required of the executor or administrator, and all bonds were kept good. In 10 cases no bond was required. The inventory was filed within 60 days in 31 cases, after 60 days in 10 cases, and in 2 cases no inventory was filed. The aggregate value of these estates as appraised is \$68,964.08, and the estimated value of property not appraised, is \$289,120. In 4 cases attorneys represented the executor or administrator, and in 39 cases the report does not show that anyone was represented by an attorney. Fees amounting to \$265.50 were allowed for executors or administrators and \$40 for attorneys. In 42 cases the estates paid claims in full.

The estates of 38 deceased persons were pending July 1, 1936. In these cases 29 had been pending less than 1 year, 6 cases from 1 to 2 years, and 3 cases from 2 to 3 years. In 10 cases there was a will and in 28 cases the deceased was intestate. In 33 cases bond was required of the executor or administrator and all bonds were kept good. In 5 cases no bond was required. The inventory was filed within 60 days in 20 cases, after 60 days in 16 cases and in 2 cases no inventory was filed. The appraised value of these estates is \$113,007.54 and the estimated value of property not appraised is \$133,250. In 14 cases first annual reports have been filed, and in 24 cases such reports have not been filed. The report does not show that an attorney represented anyone in any case.

There were 13 estates of minors or other incompetents closed within the year. In 6 cases the final report was filed within 1 year after letter of guardianship was issued, 3 cases had been pending from 1 to 2 years, 1 case from 2 to 3 years, and 3 cases from 3 to 4 years. Of these estates 5 were of minors,

7 of insane persons and 1 of an incompetent person. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported is \$3,169. All guardians were required to give bond, and all bonds have been kept good. In 7 cases the inventory was filed within 30 days, in 3 cases after 30 days and in 3 cases no inventory was filed. In these cases 21 annual reports have been filed. In all cases the funds of the ward were properly accounted for and disbursed, and the investment of funds of the wards has been supervised by the court in all cases. An attorney appeared for the guardian in 1 case and for the ward in 1 case. In 12 cases the report does not show that an attorney appeared for anyone in any case. Fees amounting to \$17 were allowed for guardians but the report does not show any fees allowed for attorneys.

The report does not show any guardianship estate cases pending July 1, 1936.

#### STANTON COUNTY

Area, 672 square miles; population, 1,647; assessed value, \$4,604,213.

Report made by Hon. W. J. Gaskill, probate judge for 1½ years. There had been no defalcations by guardians, executors, or administrators within the year. No juvenile officers are employed, no juvenile cases were heard within the year and none were pending. There were no habeas corpus cases, no orders made in district court cases, and no proceedings in aid of execution within the year. Two adoption cases were had and 1 insanity case was heard within the year.

Estates of 2 deceased persons were closed within the year. Both cases had been pending from 1 to 2 years, and in both cases decedent was intestate. Bond was required of the executor or administrator in both cases and both bonds were kept good. In both cases the inventory was filed within 60 days. No first annual reports have been filed. The aggregate value of these estates, as appraised, was \$3,749.67. In both cases an attorney represented the executor or administrator, but in neither case the heirs or devisees. Fees amounting to \$200 were allowed for executors or administrators, and \$100 for attorneys. In 1 case the estate paid claims in full, and in 1 case estate did not pay claims in full.

Estates of 5 deceased persons were pending July 1, 1936. Three had been pending less than 1 year and 2 from 1 to 2 years. In 2 of these there was a will and in 3 the deceased was intestate. In 4 cases bond was required of the executor or administrator and all bonds were kept good. In 1 case no bond was required. In all cases the inventory was filed within 60 days. The appraised value of these estates is \$12,657.20, and the estimated value of property not appraised is \$30,575. The report does not show that any annual reports were filed in these cases. In all cases attorneys appeared for both the executors or administrators and the heirs or devisees.

The report does not show any guardianship estate cases of minors or other incompetents closed within the year.

There were 3 guardianship estate cases pending July 1, 1936. Of these, 1 case had been pending less than 1 year, 1 case from 4 to 5 years, and 1 case from 5 to 10 years. These were estates of 3 minors. A guardian was also appointed for the person of the ward in each case. The value of these estates as reported is \$5,750. In all cases bond was required of the guardian and all

bonds have been kept good. An inventory was filed within 30 days in 2 cases and after 30 days in 1 case. In these cases 6 annual reports have been filed. An attorney appeared for the guardian in each case, but in no case for the ward. The wards' funds have been properly cared for in all cases.

### SUMNER COUNTY

Area, 1,188 square miles; population, 27,308; assessed value, \$50,221,877.

Report made by Hon. Charles P. Hangen, probate judge for 14 years. There had been no defalcations by guardians, executors or administrators within the year. One juvenile officer is employed, and 18 juvenile cases were heard within the year. There were no habeas corpus cases, no orders made in district court cases and no proceedings in aid of execution within the year. Two adoption proceedings were had and 12 insanity cases were heard within the year.

The estates of 49 deceased persons were closed within the year. In 3 cases the final report was filed within one year after letters of administration were filed, 31 cases had been pending from 1 to 2 years, 6 cases from 2 to 3 years, 3 cases from 3 to 4 years, 2 cases from 4 to 5 years, 2 cases from 5 to 10 years, and 2 cases longer than 10 years. In 30 cases there was a will and in 19 cases decedent was intestate. In 34 cases bond was required of the executor or administrator and all bonds were kept good. In 15 cases no bond was required. The inventory was filed within 60 days in 17 cases, after 60 days in 31 cases and in 1 case no inventory was filed. In these cases 3 first annual reports were filed. The aggregate value of these estates as appraised was \$677,113.83. In all cases attorneys represented the executor or administrator, but the heirs or devisees were not represented in any case. Fees amounting to \$5,375 were allowed for executors or administrators, and \$4,775 for attorneys. In all cases the estate paid claims in full.

The estates of 214 deceased persons were pending July 1, 1936. In these cases 81 had been pending less than 1 year, 35 from 1 to 2 years, 23 from 2 to 3 years, 18 from 3 to 4 years, 18 from 4 to 5 years, 33 from 5 to 10 years, and 6 longer than 10 years. In 129 cases there was a will and in 85 cases the deceased was intestate. In 136 cases bond was required of the executor or administrator, and all bonds were kept good. In 78 cases no bond was required. In 84 cases the inventory was filed within 60 days, in 76 cases after 60 days and in 54 cases no inventory was filed. The appraised value of these estates is \$1,799,873.15, and the estimated value of property not appraised, is \$802,768.76. In 52 cases first annual reports have been filed; in 162 cases such reports have not been filed. An attorney represented the executor or administrator in 108 cases and the heirs or devisees in 1 case. In 106 cases the report does not show that an attorney appeared for anyone.

There were 10 guardianship estates closed within the year. In these cases 2 had been pending from 1 to 2 years, 3 from 3 to 4 years, 1 from 5 to 10 years, and 4 cases longer than 10 years. Of these estates 5 were of minors and 5 of other incompetents. In all cases a guardian was also appointed for the person of the ward. The value of these estates as reported, is \$93,206.82. All guardians were required to give bond, and all bonds were kept good. The inventory was filed within 30 days in 1 case, after 30 days in 1 case, and in 8 cases no inventory was filed. In these cases 17 annual reports have been filed.

The investment of funds of the ward was supervised by the court in all cases. An attorney appeared for the guardian in 9 cases, but in no case for the ward. In 1 case no one was represented by an attorney. Fees amounting to \$608 were allowed for guardians, and \$500 for attorneys. In all cases the funds of the ward were properly accounted for and disbursed.

There were 115 guardianship estate cases pending July 1, 1936. Of these 23 had been pending less than 1 year, 9 from 1 to 2 years, 13 from 2 to 3 years, 14 from 3 to 4 years, 11 from 4 to 5 years, 28 from 5 to 10 years, and 17 longer than 10 years. These were the estates of 89 minors, 15 insane persons and 11 other incompetents. A guardian was also appointed for the person of the ward in all cases. The value of these estates is \$367,783.96. In 111 cases bond was required of the guardian and all bonds were kept good. In 4 cases no bond was required. An inventory was filed within 30 days in 10 cases, after 30 days in 7 cases, and in 98 cases no inventory was filed. In these cases 202 annual reports have been filed. The investment of the funds of the ward is supervised by the court in 104 cases, and in 11 cases investment of wards' funds is not supervised by the court. An attorney appeared for the guardian in 111 cases, but in no case was the ward represented by an attorney. In 4 cases the report does not show that an attorney appeared for anyone. Fees of \$3,598.54 were allowed for guardians and \$6,072.46 for attorneys. In all cases the wards' funds have been properly preserved and cared for.

#### THOMAS COUNTY

Area, 1080 square miles; population, 7,319; assessed value, \$9,954,215.

Report made by Hon. C. A. Snell, probate judge for 4 years. There had been no defalcations by guardians, executors or administrators within the year. No juvenile officer is employed, and 1 juvenile case was heard within the year. There were no habeas corpus cases, 1 order was made in a district court case, and there were no proceedings in aid of execution within the year. No adoption proceedings were had, and 3 insanity cases were heard within the year.

The estates of 24 deceased persons were closed within the year. In 2 cases the final report was filed within 1 year after letter of administration was issued. Fourteen cases had been pending from 1 to 2 years, 4 cases from 2 to 3 years, 2 cases from 3 to 4 years, 1 case from 5 to 10 years, and 1 case longer than 10 years. In 9 cases there was a will, and in 15 cases decedent was intestate. In 19 cases bond was required of the executor or administrator, and all bonds were kept good. In 5 cases no bond was required. The inventory was filed within 60 days in 20 cases, after 60 days in 3 cases, and in 1 case no inventory was filed. In these cases 21 first annual reports have been filed. The aggregate value of these estates, as appraised, was \$444,201.08. In 21 cases an attorney represented the executor or administrator, but in no cases were the heirs or devisees represented by attorneys. Fees amounting to \$440.00 were allowed for executors or administrators, and \$1,115.00 for attorneys. In 21 cases the estates paid claims in full, and in 3 cases estates did not pay claims in full.

The estates of 58 deceased persons were pending July 1, 1936. In these cases 28 have been pending less than 1 year, 12 cases from 1 to 2 years, 5 cases from 2 to 3 years, 4 cases from 3 to 4 years, 5 cases from 4 to 5 years,

3 cases from 5 to 10 years, and 1 case longer than 10 years. In 20 cases there was a will and in 38 cases the deceased was intestate. In 49 cases bond was required of the executor or administrator, and all bonds were kept good. In 9 cases no bond was required. In 55 cases the inventory was filed within 60 days, in 2 cases after 60 days, and in 1 case no inventory was filed. The appraised value of these estates is \$513,715.82, and the estimated value of property not appraised is \$7,600. In these cases 21 first annual reports were filed, and in 37 cases such reports have not been filed. An attorney represented the executor or administrator in 47 cases, and the heirs or devisees in 2 cases. In 11 cases the report does not show that an attorney appeared for anyone.

The report does not show that any guardianship estates of minors or other incompetents were closed within the year.

There were 32 guardianship estate cases pending July 1, 1936. Of these 3 had been pending less than 1 year, 6 from 1 to 2 years, 3 from 2 to 3 years, 2 from 3 to 4 years, 1 from 4 to 5 years, 11 from 5 to 10 years, and 6 longer than 10 years. These were the estates of 29 minors, 2 insane persons and 1 other incompetent. A guardian was also appointed for the person of the ward in 27 cases. The value of these estates, as reported, is \$101,480.73. In 32 cases bond was required of the guardian and all bonds were kept good. An inventory was filed within 30 days in 27 cases and after 30 days in 5 cases. In these cases 92 annual reports have been filed. The investments of wards' funds are being supervised by the court in 21 cases, and in 11 cases they are not. An attorney appeared for the guardian in 30 cases, but in no case for the ward. In 2 cases the report does not show an attorney appeared for anyone. The report does not show that any fees have been allowed in any case for either guardians or attorneys.

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## SUMMARY FOR THE STATE AS A WHOLE

From the reports sent to us by the probate judges of the state (except Lyon county, from which we have no report) of the business transacted in those courts within the year ending June 30, 1936, and pending therein on July 30, 1936, we have prepared the following summary for the state as a whole:

Reports from 103 counties (Lyon, Miami and Nemaha not reporting), show 8 defalcations by guardians, executors or administrators within the year, amounting in the aggregate to \$17,931.91; that full-time and 17 part-time juvenile officers are employed, and in some instances juvenile officers were called only when needed; that 2,149 juvenile cases and 21 habeas corpus cases were heard, 237 orders were made in cases pending in the district court, 39 proceedings in aid of execution, 481 adoption proceedings, and 1,026 insanity hearings were had within the year.

*Estates of deceased persons closed within the year ending June 30, 1936.*

Reports from 101 counties (Cherokee, Grant, Greeley and Lyon not reporting) show that 3,549 estates of deceased persons were closed within the year. In 401 cases the final report was filed within 1 year after letters of administration were issued, in 2,158 cases from 1 to 2 years, in 440 cases from 2 to 3 years, in 163 cases from 3 to 4 years, in 108 cases from 4 to 5 years, in 167 cases from 5 to 10 years, and in 112 cases longer than 10 years. In 1,877 cases

the decedent left a will and in 1,672 cases decedent died intestate. Bond was required of the executor or administrator in 2,346 cases, and of these 2,201 are reported as having been kept good. Bond was not required in 1,203 cases. In 2,414 cases the inventory was filed within 60 days after letters of administration were issued, in 914 cases after 60 days, and in 221 cases no inventory was filed. The aggregate appraised value of the property of these estates was \$36,809,187.34, and the estimated value of the estates not appraised was \$4,474,021.30. In 1,328 cases first annual reports were filed. In 1,773 cases an attorney appeared for the executor or administrator, and in 228 cases an attorney represented the heirs or devisees, and in 1,451 cases no attorney is shown as having represented any party in the case. In 2,896 of the estates the claims filed were paid in full, and in 311 cases the property in the estate was insufficient to pay claims in full. The report shows fees aggregating \$374,594.50 paid to executor or administrator, and \$171,273.01 to attorneys representing executors, administrators, heirs or devisees.

*Estates of deceased persons pending July 1, 1936.* Reports from 99 counties (Decatur, Leavenworth, Lyon, Miami, Montgomery and Nemaha not reporting) show estates of 8,625 deceased persons pending on July 1, 1936. Of these 3,986 had been pending less than one year, 1,453 from 1 to 2 years, 743 from 2 to 3 years, 532 from 3 to 4 years, 465 from 4 to 5 years, 941 from 5 to 10 years, 505 longer than 10 years, and several of the probate judges reported to us that there were a number of old cases in their respective courts which had not been closed and in which no orders had been made for many years. In 4,479 of the cases reported as pending the decedent had left a will, and in 4,146 he had died intestate. In 5,736 cases the executor or administrator had given bond, 5,193 of which were reported as having been kept good, and in 2,889 cases no bond had been required. In 5,226 of these cases the inventory was filed within 60 days after letters of administration were issued, and in 1,870 cases later than 60 days, and in 1,529 cases no inventory has been filed. The aggregate value of these estates as shown by the appraisement is \$79,395,148.77, and the estimated value of property of the estates not appraised is \$9,415,805.24. In 1,743 cases first annual reports had been filed, and in 6,702 cases such reports had not been filed. In 4,041 cases an attorney represented the executor or administrator, and in 472 cases an attorney represented heirs or devisees, and in 3,950 cases no attorney is shown as representing any party to the case.

*Guardianship estates closed within the year ending June 30, 1936.* Reports from 73 counties show that 524 guardianship estates (of minors, insane, or other incompetent persons) were closed within the year ending June 30, 1936. Reports received from 32 counties either report nothing on such estates, or specifically report that no such estates had been closed within the year. (See Table IV for counties which reported or did not report such estates as closed.) Of such estates reported as closed within the year, 75 of them had been pending less than one year, 76 from 1 to 2 years, 47 from 2 to 3 years, 37 from 3 to 4 years, 26 from 4 to 5 years, 126 from 5 to 10 years, and 137 longer than 10 years. Of these estates 366 were of minors, 89 of insane persons, and 69 of other incompetents. In 358 cases the guardian was appointed for the person of the ward as well as for the estate, and in 166 cases the guardian was not appointed for the person. The aggregate value of these estates is reported as

\$3,826,305.96. In 489 cases bond was required of the guardian, and in 485 cases the bond was reported as having been kept good, and in 35 cases no bond was required. In 137 of these cases an inventory was filed within 30 days, in 107 cases after 30 days, and in 280 cases no bond was reported as having been filed. In 349 cases the investments of the ward by the guardian are reported as having been supervised by the court. In 214 cases an attorney is reported as representing the guardian, and in 82 cases as representing the ward. Total fees allowed guardians is reported as \$20,280.34, and allowed attorneys as \$18,926.87. In 391 cases the ward's funds were reported as having been properly accounted for and disbursed.

*Guardianship estate cases pending July 1, 1936.* From reports sent to us from all of the probate judges in the state (except the counties of Gove, Grant, Leavenworth, Lyon, Miami, Nemaha, and Neosho) there were 6,381 cases of guardianship estates of minors, insane and other incompetent persons pending on July 1, 1936. Of these 1,015 had been pending less than 1 year, 707 from 1 to 2 years, 555 from 2 to 3 years, 395 from 3 to 4 years, 387 from 4 to 5 years, 1,871 from 5 to 10 years, and 1,451 more than 10 years. These were estates of 4,818 minors, 885 insane persons and 678 of other incompetent persons. A guardian was also appointed for the person of the ward in 4,827 cases. The aggregate value of the property of these estates was reported as \$10,003,827.30. The reports showed that the guardian gave bond in 5,610 cases and that the bonds had been kept good in 5,000 cases. No bond had been required in 771 cases. An inventory had been filed in 1,618 cases within 30 days after the appointment of the guardian and in 1,074 cases more than 30 days after the appointment, no inventory had been filed in 3,689 cases. In these cases, 11,176 annual reports have been filed. The reports show that the investments of the guardians for the ward are supervised by the court in 3,161 cases. An attorney is shown as representing the guardian in 2,057 cases and as representing the ward in 220 cases. In 3,735 cases no attorney is shown as representing any of the parties. Aggregate fees amounting to \$168,144.73 have been allowed to guardians and \$54,228.97 to attorneys. In 3,512 cases the reports show the wards funds have been kept intact and properly accounted for.



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