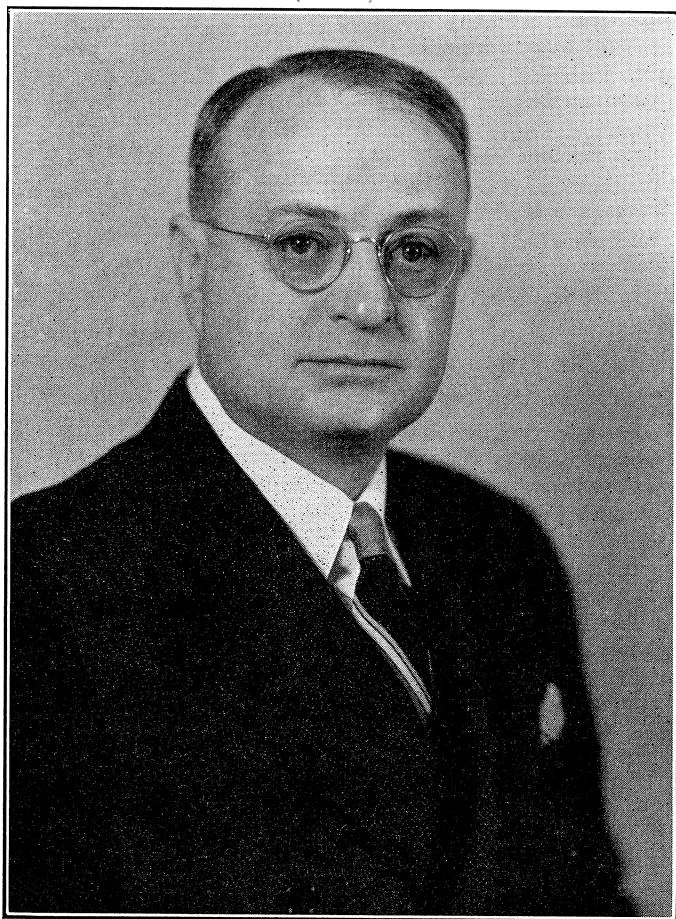


# KANSAS JUDICIAL COUNCIL BULLETIN

APRIL, 1938

PART 1—TWELFTH ANNUAL REPORT



SAMUEL E. BARTLETT

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

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## FOREWORD

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Mr. Samuel E. Bartlett, whose portrait appears as the frontispiece of this issue, is a graduate of our K. U. law school, and for about thirty years has been actively engaged in the practice of law at Ellsworth. His "hobby" is the study of legal questions, particularly those relating to property, our statutes pertaining to the descent of property, to wills, and to the administration upon the estates of intestate decedents and under wills, and upon estates of minors and other persons under guardianship, and subjects closely related thereto. Several articles written by him on some phase of this general branch of the law have been printed in previous issues of our BULLETIN, in the Journal of the State Bar Association, and in other legal publications. At our request he has attended meetings of our Council when questions relating to those subjects were under consideration. His contributions to our discussions always were helpful. Last September, when we definitely started to work to rewrite the substantive law of estates of decedents and wards, primarily to remove procedural provisions from the sections and then to write a code of probate procedure, we induced Mr. Bartlett to do the work necessary to put that into tentative form and to assist us in perfecting it to be presented to the legislature. The results of his labors have been considered at several meetings of the Council, in all consuming about ten days. He found the task assigned to him to be an enormous one. His work has included: (1) The examination of all Kansas statutes on probate law and procedure. (2) The examination and written analysis of all Kansas cases on the subject, including federal cases construing Kansas statutes. (3) The examination of the probate statutes of other states, Canada and England. Recent revisions in other states having a system similar to our own were given special study. (4) The examination and written analysis of more than 1,500 cases construing probate statutes of other states. (5) A restatement of the Kansas probate statutes in the light of the decisions, with the procedural provisions omitted, and a draft of a separate code of probate procedure. (6) The section-by-section examination of the work by members of the Council, as well as by other lawyers and probate judges, with suggestions, criticisms and amendments. (7) Revising the draft of the proposed probate code, including both law and procedure. (8) And further study and revision with the Council, and completion of the proposed code as published in this issue of the BULLETIN.

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We invite constructive criticism of this tentative draft as published. We hope lawyers, judges of the probate courts, judges of the district courts, and others who read it, will be free to write to the Council, or to any of its members, or to Mr. Bartlett, any suggestions or criticisms they have to the draft as a whole, or to any specific provision therein. We make no claim that it is perfect in all its parts, and no doubt we will make some modifications on our own motion as a result of further study. Mr. Franklin Corrick, Revisor of Statutes, and Mr. Fred Gulick, his assistant, have consented to go through it



and make suggestions. Perhaps it will receive the attention of a group of attorneys at the State Bar Association at its meeting in May, and of other bar associations throughout the state. Suggestions from all these sources will be considered by the Council and by Mr. Bartlett before the finished product is submitted to the legislature. We hope its merits will warrant its prompt enactment into law.

Limits on the size of a BULLETIN make it impossible for us to include in this issue a detailed discussion of the tentative draft. Generally speaking, the substantive law has not been changed except in the relatively few instances in which changes seemed obviously to be proper. That part of the work largely has been combining, revising and clarifying the law. More changes will be noted in the procedural provisions, where the principal purposes have been to construct as simple a code of procedure as possible, insuring to heirs, beneficiaries under wills and creditors an opportunity to be heard on contested matters, and a more just and equitable administration upon estates of decedents and wards.

The 275 sections of the tentative draft include everything worth while in the 552 sections it is designed to supplant, and also a few sections pertaining to the care of estates of absent persons. Two sections, G. S. 1935, 22-132 and 22-256, although desirable to be retained in some form, are not included in the draft for the reason that they are not applicable to property acquired by descent, and to place them under wills leaves them open to the construction of not applying to deeds. They properly belong in a property act. A general act pertaining to property is now being formulated by the Commission on Uniform Laws working in conjunction with the American Law Institute. In our next BULLETIN we plan to discuss this, and possibly suggest an act embodying such features of it as we think would be helpful in this state, including matters dealt with in the two sections above mentioned.

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We are including in this issue the tables made from reports collected from probate judges as of the date of July 1, 1937, omitted from our December BULLETIN. These and other tables and summaries, compiled from reports collected from probate judges and previously published, demonstrate what many of us have known, that the probate courts constitute an exceedingly important unit of our judicial system. They show that in practically every county in the state a large amount of property is being administered, the value of which is probably in excess of the amounts involved in the district court of the county. The legal questions arising in the handling of these estates are just as important and frequently as difficult of solution as those which arise in the district court; yet these courts, and the work they are required to perform, and the manner in which it has been done heretofore, have received less serious attention than has the work of any of our courts. Our present efforts are to make these courts more useful to our people.

## PRACTICE AND PROCEDURE IN PROBATE COURTS

AN ACT to clarify, rearrange, consolidate, supplement, and revise the laws relating to probate courts, the practice and procedure therein, descent and distribution, homesteads, allowances, wills and the probate and contest thereof, administration, guardianships, commitments, and adoptions, to establish a probate code, and to repeal all of chapter 5; all of article 11, chapter 19; all of chapter 199, Laws 1903; all of article 11, chapter 20; all of chapter 22; sections 38-105, 38-106, 38-107, 38-117, 38-118, 38-119; all of article 2, chapter 38; all of article 2, chapter 39; all of article 20, chapter 62; all of article 7, chapter 67; sections 76-1203 to 76-1217, inclusive; sections 76-1224, 76-1225, 76-1226 and 76-1229 of the General Statutes of Kansas of 1935; and chapter 218, chapter 219, and chapter 220, Laws of Kansas of 1937, and all other laws inconsistent herewith:

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

SECTION 1. *Definitions.* As used in this act the term "probate court" means judge of the probate court when that meaning is necessary to effectuate the general purpose of the provisions of this act. As used in this act, unless the context otherwise indicates, the word "representative" includes executors, administrators, administrators with the will annexed, administrator *de bonis non*, and guardians; the word "fiduciary" includes representatives, trustees, and surviving partners administering their trusts.

### ARTICLE 1.—PROBATE COURTS

SEC. 2. *Election; term; bond.* There shall be elected in each county a probate judge, who shall hold his office two years, and who, before he enters upon the duties of his office, shall execute to the state of Kansas a bond, in the sum of not less than two thousand dollars nor more than five thousand dollars, with two or more sufficient sureties, or by a surety company duly authorized to do business in this state, the amount to be fixed and the bond to be approved by the board of county commissioners, and filed in office of county clerk, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office.

SEC. 3. *Clerks and compensation.* The probate judge shall be the clerk of the probate court, and shall have such clerical assistants as may be allowed by law. He may appoint in writing one of such assistants as deputy clerk. The probate judge shall receive only such compensation as may be provided by law.

SEC. 4. *Vacancy in office.* If a vacancy occur in the office of probate judge, the governor shall appoint some suitable person to fill such vacancy until a successor shall be elected according to law.

SEC. 5. *Probate judge pro tem.* The probate judge may appoint some suitable person, who shall be an elector of the county, to act as probate judge pro tem during the absence or incapacity of the probate judge. When an affidavit of a party to a probate proceeding, or of his attorney of record, is filed with the clerk of the district court showing that the probate judge is insane, or that he is interested or has been counsel in the subject matter of the probate pro-

ceeding, the clerk of the district court shall appoint a probate judge pro tem, who shall be a member of the bar, to act as probate judge.

SEC. 6. *Qualification of probate judge pro tem.* The probate judge pro tem shall take and subscribe to the same oath as required of the probate judge. When such selection is made by the clerk of the district court, such oath, with a transcript of the proceedings for the appointment of such probate judge pro tem, shall be filed in the probate court.

SEC. 7. *Insanity of probate judge.* If the probate judge is duly and finally adjudged insane or incapacitated to act by reason of mental disability, the probate judge pro tem trying the case shall certify such adjudication to the governor, who shall thereupon declare the office of such probate judge vacant and fill the same by appointment. The probate judge pro tem trying the case of insanity or mental incapacity shall not be eligible for such appointment.

SEC. 8. *Not to deal in assets, or be counsel.* No judge, clerk, deputy clerk, or employee of any probate court shall directly or indirectly invest or deal in any property or securities involved in any proceeding over which such court has jurisdiction; nor shall he be counsel or attorney in any action or proceeding for or against any devisee, legatee, heir, creditor, representative, or ward, over whom or whose estate, claim, or accounts such court has jurisdiction. Except in matters relating to commitments, none of them shall give counsel or advice, nor shall any of them draw or prepare any paper relating to any matter which is or may be brought before such court, except orders, judgments, decrees, executions, warrants, certificates, commissions, citations, or subpoenas issuing out of such court.

SEC. 9. *Delivery and completion of records.* Whenever the term of office of any judge expires he shall deliver to his successor all books, records, and papers in his possession relating to his office. Willful failure to do so within five days after demand by his successor shall constitute contempt. Whenever the records, books and papers, or any of them, belonging to the probate court, have been delivered to the judge by his predecessor in an unfinished or imperfect condition, and it shall be necessary for the business of his court that the same be completed, the said judge shall proceed at once with the completion of said records, as far as possible; and his predecessor shall be liable on his official bond for the expense of the completion of such records for his term.

#### ARTICLE 2.—JURISDICTION

SEC. 10. *Jurisdiction.* The probate courts shall be courts of record, and, within their respective counties, shall have original jurisdiction:

1. To admit last wills and testaments to probate.
2. To grant and revoke letters testamentary and of administration.
3. To direct and control the official acts of executors and administrators, settle their accounts, and order the distribution of estates.
4. Of partnership estates as provided in this act.
5. To determine the heirs, devisees, and legatees of decedents.
6. To appoint and remove guardians for minors and incompetent persons, and make all necessary orders, relating to their estates, to direct and control their official acts, and settle their accounts.
7. To hear and determine cases of habeas corpus.

8. Of trusts and trust powers created by will admitted to probate, to appoint and remove trustees for such trusts, to make all necessary orders relating to their estates, to direct and control their official acts, and to settle their accounts.

9. Of trusts and trust powers created by written instrument other than by will, in favor of persons subject to guardianship, to appoint and remove trustees for such trusts, to make all necessary orders relating to their estates, to direct and control their official acts, and to settle their accounts: *Provided*, That paragraphs 8 and 9 shall not affect the jurisdiction of district courts in such cases.

10. To appoint trustees of estates of convicts imprisoned in the penitentiary, to make all necessary orders relating to their estates, to direct and control their official acts of such trustees, and to settle their accounts.

11. To appoint trustees of estates of absentees, to make all necessary orders relating to their estates, to direct and control their official acts, and to settle their accounts.

12. To hold inquests respecting insane persons, and commit insane persons to hospitals for the insane, or elsewhere, for their care and treatment.

13. To have power and authority to enforce its orders or judgments by any process or procedure appropriate for that purpose.

14. To exercise such equitable powers as may be necessary and proper fully to dispose of any matter properly before the court.

15. And shall have and exercise such other jurisdiction as may be given to the court by statutes pertaining to particular subjects.

SEC. 11. *Powers*. Probate courts, in addition to their general powers, shall have power:

1. To compel the attendance of witnesses, to examine them on oath, and to preserve order during proceedings before them.

2. To issue subpoenas, citations, executions, and attachments, to make orders and render judgments and decrees, and to issue process to enforce them; to issue commissions to take depositions of witnesses either within or without the state in any matter pending before them: *Provided*, That in any contested matter notice of the taking of depositions shall be given as provided by law.

3. To compel throughout the state the performance of any duty incumbent upon any fiduciary appointed by or accounting to such courts.

4. To adjourn any hearing with or without terms: *Provided*, That when objection is made the adjournment shall be only for cause.

5. To correct, modify, or amend their records to conform to the facts.

6. To vacate or modify their orders, judgments, and decrees procured by fraud or misrepresentation, or through surprise or excusable inadvertance and neglect.

7. To order any fiduciary to surrender and deliver property to his successor or to distribute it.

8. To authorize and confirm contracts made by fiduciaries for the employment of attorneys, auditors, accountants, and experts.

9. To punish for contempt.

SEC. 12. *Seal*. Each probate court shall have a seal with which all process issuing therefrom shall be authenticated; which seal shall be provided by the county commissioners, and shall contain the following words, viz.: "Probate

court, ——— county, Kansas"—naming the county for which such seal is provided.

SEC. 13. *No terms.* There shall be no terms of the probate court. It shall be open for the transaction of business at the county seat at all reasonable hours. Hearings may be had at such other places in the county as the court may deem advisable.

SEC. 14. *Process.* All writs, orders, and other process of the probate court shall be issued and directed to the sheriff of the proper county where such process is to be served: *Provided*, That in the absence or nonattendance of the sheriff, or where he is a party, the probate court may appoint any suitable person of the county and swear him as a special sheriff for the service of any such process.

SEC. 15. *Books of record.* The following books shall be kept by the probate court:

1. An appearance docket, in which shall be listed under the name of the decedent, ward, insane person, or other person involved, all documents pertaining thereto and in the order filed. Such list shall show the nature of the document, the date of the filing thereof, shall give a reference to the volume and page of any other book in which any record shall have been made of such document, and shall state the charge therefor.

2. A claims docket, in which shall be listed under the title of the estate all claims filed against such estate. It shall show the number of the claim, the date of the filing, the name of the claimant, the amount of the claim, and the date of the adjudication, and the amounts allowed and disallowed.

3. A general index, in which files pertaining to estates of decedents shall be indexed under the name of the decedent, those pertaining to guardianships under the name of the ward, those pertaining to insane persons under the name of such person, those pertaining to adoption of children under both the name and adopted name of the child, and those pertaining to wills deposited pursuant to section 55 under the name of the testator. After the name of each file shall be shown the file number, the book and page of the appearance docket in which the documents pertaining to such file are listed, and the date of filing of the first document.

4. An index to each book of record.

5. Books of record, kept for that purpose in which the following documents shall be recorded by the probate court: (1) all wills admitted to probate. (2) all elections filed; (3) all letters of appointment issued; (4) all certificates of appointment filed; (5) all bonds filed; (6) all orders, judgments, and decrees, including inheritance tax orders. (7) such other documents as the court may determine.

### ARTICLE 3.—HOMESTEAD AND FAMILY ALLOWANCES

SEC. 16. *Homestead.* A homestead to the extent of one hundred and sixty acres of land lying without or of one acre lying within, the limits of an incorporated city, occupied by the intestate and family, at the time of the owner's death, as a residence, and continued to be so occupied by the surviving spouse and children, after such death, together with all the improvements on the same, shall be wholly exempt from distribution under any of the laws of this state, and from the payment of the debts of the intestate, but it shall

not be exempt from sale for taxes thereon, or for the payment of obligations contracted for the purchase thereof, or for the erection of improvements thereon, or for the payment of any lien given thereon by the joint consent of husband and wife. The title to the homestead property of a decedent shall pass the same as title to other of his property.

SEC. 17. *Partition of homestead.* If the intestate left a spouse and children, and the spouse again marry, the homestead may be partitioned when all said children arrive at the age of majority.

SEC. 18. *Allowances to spouse and minor children.* When a resident of the state dies, testate or intestate, the surviving spouse shall be allowed for the benefit of such spouse and the minor children of the decedent from the personal property of which the decedent was possessed or to which he was entitled at the time of death, the following:

(1) The wearing apparel, family library, pictures, musical instruments, furniture and household goods, utensils and implements used in the home, one automobile, and provisions and fuel on hand necessary for the support of the spouse and minor children for one year.

(2) Other personal property, not exceeding an appraised value of seven hundred fifty dollars. If the appraised value, above any liens thereon, of such other personal property does not amount to seven hundred fifty dollars, the balance shall be paid in money. If there be no minor children, the property shall belong to the spouse; if there be minor children and no spouse, it shall belong to the minor children. The selection shall be made by the spouse, if living, otherwise by the guardian of the minor children.

SEC. 19. *Election no waiver.* The surviving spouse, by electing to take under the will of the decedent or by consenting thereto, does not waive the right to such allowance, unless it clearly appears from the will that the provision therein made for such spouse was intended to be in lieu of such allowance.

#### ARTICLE 4.—DESCENT OF PROPERTY

SEC. 20. *Children defined.* The word "children" as used in this article, means natural children, including a posthumous child, and children adopted as provided by law, and includes illegitimate children when applied to mother and child, and also when applied to father and child where the father has notoriously recognized the child as his, or has recognized the child in writing as his, or when the fact that he is the father of the child has been determined in his lifetime in any action or proceeding involving that question in a court of competent jurisdiction.

SEC. 21. *Descent of property.* Subject to any homestead rights, and except personal property or other property rights allowed by statute to the surviving spouse and to the family or children of a resident of this state who dies intestate, and subject to the rights of creditors of decedent and costs of administration, the property owned by a decedent at the time of his death shall pass by descent as provided in this article.

SEC. 22. *Surviving spouse.* If the decedent left a surviving spouse and no children, all the property shall pass to the surviving spouse.

SEC. 23. *Surviving spouse and children.* If the decedent left a surviving spouse and a child, or children, one half of such property shall pass to the

surviving spouse and the other half to the surviving child, or in equal shares to the children, and to the living children, if any, of a previously deceased child, and the shares of the children of such deceased child shall pass to them in equal parts.

SEC. 24. *Half of realty to spouse.* Also, the surviving spouse shall be entitled to receive one half of all real property to which the decedent at any time during the marriage was seized or possessed and to the disposition whereof the survivor shall not have consented in writing, or by a will, or an election as provided by law to take under a will, except of such real property as has been sold on execution, or order of sale issued out of any court of competent jurisdiction: *Provided*, That the surviving spouse shall not be entitled to any interest under the provisions of this section in any real estate to which such decedent in his lifetime made a conveyance, when such spouse at the time of the conveyance is not and never has been a resident of this state during the existence of the marriage relation.

SEC. 25. *No spouse or children.* If the decedent leaves no surviving spouse or children, but leaves a surviving parent, or surviving parents, either by nature or by adoption, all of his property shall pass to such surviving parent, or in equal shares to such surviving parents.

SEC. 26. *No spouse, children or parents.* If the decedent leaves no surviving spouse, children, or parents, the respective shares of his property which would have passed to the parents, had all of them been living, shall pass to the heirs of such parents respectively (excluding their respective spouses), the same as it would have passed had each of such parents owned it at the time of his death and died intestate.

SEC. 27. *Limitation on descent.* In computing degrees of relationship by blood for the purpose of the passing of property of an intestate decedent, each generation in the ascending or descending line shall be counted as one degree. None of such property shall pass to a person farther removed from the decedent than the fourth degree, as so computed. In all cases of descent the right of a living person to have the property, or a share of it, pass to him, shall be determined as above provided, but the property shall pass directly from the decedent to the person entitled to receive it.

SEC. 28. *What law governs.* Real property situated in this state, owned by an intestate decedent who is a nonresident of this state at the time of his death, shall pass by descent in the same manner as though he were a resident of this state at the time of his death. The personal property of such a decedent shall pass by descent under the laws of the place of his residence at the time of his death.

SEC. 29. *Advancement.* Property which had been given by an intestate decedent by way of an advancement to one to whom the decedent's property, or a part of it, would pass by descent, shall be counted as a part of the distributive share of such property to such person, and to that extent shall be taken into account in determining the estate to be distributed among those to whom it passes by descent, but if such advancement exceeds the amount to which such person would be entitled under statutes of descent he shall not be required to refund any portion of it.

SEC. 30. *Rights of aliens to transmit and inherit.* All aliens eligible to citizenship under the laws of the United States may transmit and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States. All other aliens may transmit and inherit real property, or any interest therein, in this state, in the manner and to the extent and for the purpose prescribed by any treaty existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

SEC. 31. *Sale of realty when alien not permitted to take.* Whenever by reason of section 30 an heir or devisee cannot take real property in this state, the probate court shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such property.

SEC. 32. *Incapacity to inherit.* No person, otherwise qualified to take property by descent, shall have capacity to do so if he be convicted of killing, procuring the killing, or conspiring to kill the person whose property is the subject of descent.

SEC. 33. *Escheat.* If an intestate decedent leaves no person entitled to take his property by descent, as provided in this article, it shall escheat to and become the property of the state of Kansas.

#### ARTICLE 5.—WILLS

SEC. 34. *Testamentary power.* Any person, of full age and sound mind and under no undue influence, being the owner of property, or having an interest of any description therein, may will the same to any person, subject to the rights of creditors and to the provisions of this article.

SEC. 35. *Limitation on testamentary.* No spouse shall will away from the other more than half of his property. But either may consent in writing, executed in the presence of two witnesses, that the other may will more than one half thereof from the one so consenting.

SEC. 36. *Execution and attestation.* Every will, except an oral will as provided in section 38, shall be in writing, and signed at the end thereof by the party making the same, or by some other person in his presence and by his express direction, and shall be attested and subscribed in the presence of such party by two or more competent witnesses, who saw the testator subscribe or heard him acknowledge the same.

SEC. 37. *Competency of witnesses.* If a witness to a will is competent at the time of his attestation, his subsequent incompetency shall not prevent the admission to probate of such will.

SEC. 38. *Nuncupative will.* An oral will made in the last sickness shall be valid in respect to personal property, if reduced to writing and subscribed by two competent, disinterested witnesses within thirty days after the speaking of the testamentary words, when the testator called upon some person present at the time the testamentary words were spoken to bear testimony to said disposition as his will.

SEC. 39. *Will executed without state.* A last will and testament executed without this state in the mode prescribed by the law, either of the place where



executed or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state: *Provided*, Said last will and testament is in writing and subscribed by the testator.

SEC. 40. *Devise or bequest to witness.* A beneficial devise or bequest made in a will to a subscribing witness thereto shall be void, unless there be two other competent subscribing witnesses who are not beneficiaries thereunder. But if such witness would have been entitled to any share of the testator's estate in the absence of a will, then so much of such share as will not exceed the value of the devise or bequest shall pass to him from the part of the estate included in the void devise or bequest.

SEC. 41. *Preparation by principal beneficiary.* If it shall appear that any will was written or prepared by the sole or principal beneficiary in such will, who, at the time of writing or preparing the same, was the confidential agent or legal adviser of the testator, or who occupied at the time any other position of confidence or trust to such testator, such will shall not be held to be valid unless it shall affirmatively appear that the testator had read or knew the contents of such will, and had independent advice with reference thereto.

SEC. 42. *Probate essential.* No will shall be effectual to pass real or personal estate unless it shall have been duly admitted to probate.

SEC. 43. *Offered within one year.* No will of a testator who died while a resident of this state shall be effective to pass property unless it is offered for probate within one year after the death of the testator and is duly admitted to probate.

SEC. 44. *Liability for withholding will.* One having possession of the will of a testator who died while a resident of this state, or who knows of such a will and has free access to it for the purpose of probate, and withholds it from probate for more than one year after the death of the testator, shall be barred from all rights under the will, and shall be liable to those beneficiaries under the will who did not have such possession or such knowledge and access for any loss they sustain by reason of the fact that the will had not been offered for probate.

SEC. 45. *Manner of revocation.* No will in writing shall be revoked or altered otherwise than by some other will in writing; or by some other writing of the testator declaring such revocation or alteration and executed with the same formalities with which the will itself was required by law to be executed; or unless such will be burnt, torn, canceled, obliterated or destroyed, with the intent and for the purpose of revoking the same, by the testator himself or by another person in his presence by his direction and consent. Nothing in this section shall prevent the revocation implied by law from subsequent change in the condition or circumstances of the testator.

SEC. 46. *Marriage and birth of child.* If after making a will the testator marries and has a child by birth or adoption, the will is thereby revoked.

SEC. 47. *Nonintentional omission of child.* When any testator shall omit to provide in his will for any of his children, or for the issue of any deceased child, and it shall appear from the will that such omission was not intentional, but was made by mistake or accident, such child, or the issue of such child,

shall have the same share in the estate of the testator as if he had died intestate, but for the purpose of contribution such share shall be considered as a bequest or devise.

SEC. 48. *Revocation of second will not revivor of first.* If the testator shall make a second will, the revocation of the second will shall not revive the first will, unless it appears by the terms of such revocation that it was his intention to revive the first will, or unless after such revocation he shall duly republish his first will.

SEC. 49. *Election of spouse.* The surviving spouse, who shall not have consented in the lifetime of the testator to his will as provided by law, may make an election whether he will take under the will or take what he is entitled to under the law of descents and distributions; but he shall not be entitled to both. If the survivor fail to consent or make an election, he shall take under the law of descents and distributions.

SEC. 50. *After-acquired property.* All property acquired by the testator after making his will shall pass thereby in like manner as if possessed by him at the time when he made his will, unless a different intention appears from the will.

SEC. 51. *Devise passing whole.* Every devise of real estate shall pass all the estate of the testator therein, unless it clearly appears by the will that he intended a less estate to pass.

SEC. 52. *Issue of relative.* If a devise or bequest be made to any blood relative or an adopted child of the testator, and such blood relative or adopted child dies before the testator, leaving issue who survive the testator, such issue shall take the same estate which said devisee or legatee would have taken if he had survived, unless a different disposition is made or required by the will.

SEC. 53. *Chargeable with debts.* If the testator's personal property shall be insufficient for the payment of the debts, any undevised real property, subject to the payment of debts, shall be chargeable therewith, unless the will provides for payment otherwise.

SEC. 54. *Contribution.* When any specific devise or bequest shall be taken from the devisee or legatee for the payment of the debts of the testator, all the other devisees and legatees shall contribute their respective proportions of the loss to the person from whom the estate is taken.

SEC. 55. *Deposit.* A will enclosed in a sealed wrapper upon which is endorsed the name and address of the testator, the day when and the person by whom it is delivered, may be deposited in the probate court of the county where the testator resides. The court shall give a certificate of its deposit and shall retain such will. During the testator's lifetime, such will shall be delivered only to him or upon his written order witnessed by at least two subscribing witnesses. After the testator's death the court shall open the will publicly and retain the same. Notice shall be given to the executor and beneficiaries named therein and to such other persons as the court may designate. If the proper venue is in another court the will shall be transmitted to such court, but before such transmission a true copy thereof shall be made by and retained in the court in which the will was deposited.

SEC. 56. *Delivery.* After the death of a testator the person having custody

of his will shall deliver it to the court which has jurisdiction thereof. Every person who willfully neglects or refuses to deliver a will after being duly ordered to do so, shall be guilty of contempt of court. He shall be further liable to the action of any party aggrieved for the damages which may be sustained by such neglect or refusal.

#### ARTICLE 6.—LETTERS TESTAMENTARY AND OF ADMINISTRATION

SEC. 57. *Letters testamentary.* Letters testamentary shall be granted to the executor, if any be named in the will, if he is legally competent and shall accept the trust; otherwise letters of administration shall be granted with will annexed.

SEC. 58. *Minor as executor.* When a person appointed executor is under the age of twenty-one years at the time of proving the will, administration may be granted with the will annexed during his minority, unless there be another executor who will accept the trust, in which case the estate shall be administered by such other executor until the minor shall arrive at full age, when he may be admitted as joint executor with the former.

SEC. 59. *Executor of an executor.* The executor of an executor shall have no authority, as such, to administer the estate of the first testator; but on the death of the sole or surviving executor of any last will, administration of the estate of the first testator not already administered, may be granted with the will annexed, to such person as the court shall think proper to appoint.

SEC. 60. *Powers before letters granted.* No executor named in a will shall, before letters testamentary are granted, have any power to dispose of any part of the estate of the testator, except to pay funeral charges, nor to interfere in any manner with such estate, further than is necessary for its preservation.

SEC. 61. *To whom administration granted.* Administration of the estate of a person dying intestate shall be granted to one or more of the persons hereinafter mentioned, suitable and competent to discharge the trust, and in the following order: (1) The surviving spouse or next of kin or both, as the court may determine, or some person or persons selected by them or any of them. (2) If all such persons are incompetent or unsuitable, or do not accept, administration may be granted to one or more of the creditors, or to a nominee or nominees thereof. (3) Whenever the court determines that it is for the best interest of the estate and all persons interested therein, administration may be granted to any other person, whether interested in the estate or not.

SEC. 62. *Residence of domiciliary administrator.* In cases of domiciliary administration letters of administration shall in no case be granted to a non-resident of this state; and when a domiciliary administrator shall become a nonresident, the probate court shall revoke his letters.

SEC. 63. *Appointment of Agent.* Every nonresident appointed representative in this state shall, before entering upon the duties of his trust, appoint in writing an agent residing in the county where the appointment is made, and shall by such writing consent that the service of any notice or process when made upon said agent shall have the same force and effect as if made upon the representative personally within said county and state. Such writing shall state the correct address of such agent and shall be filed in the probate court where such appointment is made.

SEC. 64. *Qualification.* Every executor or administrator, before entering upon the duties of his trust, shall take and subscribe to an oath that he will faithfully and impartially and to the best of his ability discharge all the duties of his trust according to law; and, except as herein otherwise provided, he shall give bond as provided by law in such amount as the court directs, with sufficient sureties, conditioned upon the faithful discharge of all the duties of his trust.

SEC. 65. *Effect of will on administration.* If, after the appointment of an administrator, a will is admitted to probate, the powers of such administrator shall cease, and he shall proceed to a final accounting. The new executor or administrator with the will annexed shall continue the administration.

SEC. 66. *Administrator de bonis non.* If the authority of the sole or surviving executor or administrator terminates before the estate is fully administered, a new administrator shall be appointed to administer the estate not already administered. Such successor shall have the same powers and duties as his predecessor.

SEC. 67. *Termination of authority not to invalidate acts.* All the acts of a representative as such, before the termination of his authority, shall be as valid to all intents and purposes as if such representative had continued lawfully to execute the duties of his trust.

SEC. 68. *Effect of resignation.* The acceptance of such resignation and the appointment of another administrator shall not affect the liability of such former executor or administrator, or his sureties, previously incurred.

SEC. 69. *Notice of appointment.* An executor or administrator, except a special administrator, shall within thirty days after his appointment and qualification cause notice of his appointment to be published in some newspaper of the county authorized by law to publish legal notices, which notice shall be published for three consecutive weeks. A new administrator shall give notice of his appointment in the same manner. If notice of appointment shall not be published within the time herein prescribed, the court shall order such notice to be published; but such order shall not exempt the executor or administrator or his sureties from liability which they would otherwise incur by reason of the failure to give notice within the time herein first prescribed.

SEC. 70. *Notice to consular representative.* When it appears in the administration of an estate of a decedent or ward that subjects, citizens or nationals of any foreign country are or may be interested as heirs, devisees, legatees, or otherwise, the court before whom the matter is pending shall give notice by mail to the consular representative of such country for this state of the pendency of such matter and the probable interest of such foreign citizens, subjects, and nationals therein, if such consular representative has filed his name and address in such court: *Provided*, That the failure to give such notice shall not effect the validity of any proceeding.

SEC. 71. *Special administrator.* At any time while an estate is being administered upon, the court, for good cause and without removing the administrator or executor, may appoint a special administrator for a specified time, or to perform duties respecting specific effects of the decedent, or for the performance of some particular acts. The duties of such special administrator shall be clearly stated in the order of appointment. If the court deems it ad-

visible he may be required to give bond in such sum as the court shall fix. He shall make such reports as the court may order, and shall make a complete report at the termination of his duties.

#### ARTICLE 7.—ESTATES OF NONRESIDENTS

SEC. 72. *Wills proved elsewhere.* Authenticated copies of wills executed and proved outside of this state according to the laws in force in the place where proved, relative to any property in this state, may be admitted to probate and record in the probate court of any county in this state where any part of such property may be situated; and such authenticated copies so admitted and recorded shall have the same validity as wills made in this state in conformity with the laws thereof.

SEC. 73. *Administration.* The estate of a nonresident decedent shall be administered in the same manner as an estate of a resident decedent. Upon the payment of the expenses of administration, of the debts and other items here proved and of the inheritance taxes, the residue of the personal property shall be transmitted to the domiciliary executor or administrator to be disposed of by him; or the court may direct it to be distributed according to the terms of the will applicable thereto, or if the terms of the will be not applicable thereto, or if there be no will, it shall be distributed according to the law of the decedent's domicile. The real estate not sold in the course of administration shall be assigned according to the terms of the will applicable thereto, or if the terms of the will be not applicable thereto, or if there be no will, it shall descend according to the laws of this state.

SEC. 74. *Foreign representatives.* Upon the filing for record in the probate court of the proper county of an authenticated copy of his letters or other record of his authority and a certificate that the same are still in force, a representative appointed by a court of competent jurisdiction in another state or country may assign, extend, release, satisfy, or foreclose any mortgage, judgment, or lien or collect any debt secured thereby belonging to the estate represented by him. Real estate acquired by a foreign representative on foreclosure or execution sale shall be held, sold, mortgaged, or leased pursuant to article 18.

SEC. 75. *Innocent purchaser.* The title of any purchaser in good faith, without knowledge of a will, to any land situated in this state, derived from the heirs of any person not a resident of this state at the time of his death, shall not be defeated by the production of the will of such decedent unless such will shall be offered for probate in this state within one year from the death of the testator.

SEC. 76. *Foreign executor or administrator sue and be sued.* An executor or administrator duly appointed in any other state or country may sue or be sued in any court in this state, in his capacity of executor or administrator, in like manner and under like restrictions as a nonresident may sue or be sued.

## ARTICLE 8.—ESTATES OF INTESTATES WITHOUT HEIRS

SEC. 77. *Administration.* The estate of an intestate decedent without known heirs shall be administered in the same manner as the estate of any other intestate decedent except as herein otherwise provided. The administrator shall as expeditiously as possible convert the personal property into money, and collect the rents, income, and profits from the real property. If no one claims as heir, devisee, or legatee within one year after the appointment of the administrator, the administrator shall sell the real property and close the estate as other estates are closed and pay the net proceeds of the estate to the state treasurer.

SEC. 78. *Disposition of proceeds.* The state school-fund commissioners shall invest and handle this money as other moneys of the state school fund, except that it shall be kept as a temporary fund until ten years after it shall have been first received, at which time it shall be covered into the perpetual school fund of the state, provided no one in the meantime has established his right thereto as heir, devisee or legatee.

SEC. 79. *Claimants.* Any person who claims as heir of such decedent shall present his claim to the probate court within ten years after the appointment and qualification of the administrator or such claim shall be forever barred. If he establishes his claim it shall be allowed by the court. The court shall determine which of several claimants have established their claims and the share of the estate to which each is entitled. If at the time of such determination the estate is in the hands of the administrator, the same shall be paid or delivered to those adjudged entitled thereto, less claims previously allowed and costs of administration. If the proceeds of the estate have been delivered to the state treasurer, the school-fund commissioners shall pay to those entitled thereto the sum or share of the estate the court has adjudged they are entitled to receive. No interest shall be allowed or paid thereon.

SEC. 80. *Subsequent claimants.* If another or others later, but within ten years after the appointment and qualification of the administrator, claim as heirs of such decedent and are thereafter adjudged to be heirs of the decedent and entitled to the said estate or some part thereof, and the said estate or its proceeds or some part thereof shall have been delivered or paid to those whose claims were earlier adjudged, neither the state nor the school-fund commissioners shall be liable to such claimants for moneys previously paid to those adjudged to be heirs of the decedent; but the later claimants whose claims were duly established shall have a cause of action in the district court against the earlier claimants whose claims were established to determine the rights of the respective parties.

SEC. 81. *Duty of attorney general and county attorney.* The state shall be a party to all such proceedings. The county attorney shall represent the state and the administrator. He shall diligently protect and conserve the estate for the benefit of the state school fund, scrutinize all claims due the estate or against it, and diligently defend against all such claims. Claimants shall have the burden of proving their claims by clear and convincing evidence. Expenses incurred by the county attorney shall be paid by the county. The attorney general may appear and assist the county attorney, or may take charge thereof in lieu of the county attorney. Expenses incurred by the attorney general

shall be paid from the appropriations from his office. No attorneys' fees shall be allowed or paid from the estate to anyone representing the state or the administrator. The state may institute any proceeding deemed necessary or proper in the handling of such estate and defend any proceeding instituted by another.

#### ARTICLE 9.—PARTNERSHIP ESTATES

SEC. 82. *Management.* The property of a partnership dissolved by the death of any of its members shall be delivered over to the surviving partner who may be disposed to undertake the management thereof agreeably to the conditions of a bond which he shall give as provided by law. Upon the giving of such bond he shall use due diligence in closing the affairs of the late partnership, applying the property thereof toward the payment of the partnership debts, render an account upon oath to the probate court whenever by it thereunto required of all the partnership affairs, including the property owned by the late firm and the debts due thereto, as well as what may have been paid by the survivor toward the partnership debts, and what may still be due and owing therefor, and pay over within one year, unless a longer time be allowed by the probate court, to the executor or administrator his proportion of the excess, if any there be, beyond satisfying the partnership debts.

SEC. 83. *When administrator takes charge.* In case the surviving partner, having been duly cited for that purpose, shall neglect or refuse to give the bond required by law, the executor or administrator of the estate of the deceased partner, in giving a bond as provided by law, shall take the whole of the partnership estate into his possession, and shall be authorized to use the name of the survivor in collecting the debts due the late firm if necessary, and shall with the partnership property pay the debts due from the late firm with as much expedition as possible, and return or pay the surviving partner his proportion of the net proceeds, if there be any.

SEC. 84. *Sale of assets.* An executor or administrator having the whole of the partnership estate in his possession, as herein provided, may sell the assets thereof at public or private sale as provided by law, and may in any event sell the interest of the deceased partner therein in the manner aforesaid. The surviving partner shall be an eligible purchaser.

SEC. 85. *Accounting.* The person executing the trust, whether surviving partner or executor or administrator, shall have the same duty to account and to have his account adjudicated as in the case of ordinary administration; and such person shall be subject to the same liabilities, remedies, and penalties with reference thereto as an ordinary administrator.

#### ARTICLE 10.—BONDS

SEC. 86. *Condition.* Every fiduciary except as otherwise provided in this act, shall execute and file with the court a bond, with good and sufficient sureties in such sum as the court may direct, which sum shall not be less than 125 percent of the value of the personal property which shall come into his possession, conditioned upon the faithful discharge of all the duties of his trust and proper accounting and distribution of all property which shall come into his possession.

SEC. 87. *Approval and prosecution.* All such bonds shall run to the state of Kansas. They shall be subject to the approval of the probate court and shall not be approved until the court is fully satisfied as to the sufficiency of the sureties. In case of breach of any condition thereof, an action on any such bond may be prosecuted in the name and for the benefit of any person interested.

SEC. 88. *Joint or separate bonds.* When two or more persons are appointed joint representatives, the court may approve a separate bond for all.

SEC. 89. *Request of testator.* When by the terms of any last will the testator shall express a wish that the executor, testamentary guardian, or trustee named therein shall execute the same or the trust created by or condition contained in the will without giving bond, no bond shall be required unless the probate court, for sufficient cause, deems it proper to require it; but the court may, at any subsequent period, upon the application of any party interested, or upon its own motion, require bond to be given.

SEC. 90. *Increase or reduction of bond.* The court, on its own motion or upon petition of any interested person, may for good cause require a fiduciary to file a new or additional bond, upon which his accounts shall be settled, and if approved the liability of the sureties on such new or additional bond shall be limited to the property then in the possession of the representative, or thereafter acquired by him. Whenever the court shall find the bond of a fiduciary is larger than necessary, it may, by order, reduce the liability thereon to the proper amount. It may, by like order, cancel any bond found to be unnecessary.

SEC. 91. *Discharge of surety.* The court shall, upon petition of a surety and after notice, require a fiduciary to settle his account and file a new bond. If such account be approved, such petitioning surety shall be discharged from liability thereafter accruing. The fiduciary shall file a new bond, to be approved by the court, and if he fail or refuse to do so he shall be removed.

## ARTICLE 11.—MANAGEMENT OF ESTATE

### A. INVENTORY AND APPRAISEMENT

SEC. 92. *Inventory.* Within thirty days from the date of his letters of appointment, unless a longer time has been granted by the court, every representative shall make and return to the court an inventory, verified by his affidavit, of all the estate of the decedent or ward which shall come to his possession or knowledge. Such property shall be classified therein as follows: (1) Real estate, with plat or survey description, and if a homestead, designated as such. (2) The statutory allowances classified according to section 18 of the estate of a decedent leaving spouse or minor children; otherwise the furniture, household goods, and wearing apparel. (3) Corporation stocks, described by certificate numbers. (4) Bonds, mortgages, notes, and other written evidence of debt, described by name of debtor, recording data, and other identification. (5) All other personal property accurately identified. If the decedent was a member of a copartnership, the inventory shall contain a separate inventory of the whole of the partnership estate and of the decedent's proportional share therein.

SEC. 93. *Appraisalment.* If the inventory lists no property other than moneys.



of the United States, no appraisement shall be required; otherwise the property shall be appraised at its full and fair value as of the date of death or date of appointment of guardian, by three disinterested persons appointed by the court. Within sixty days after appointment, unless a longer time has been granted by the court, the appraisers shall state opposite each item the value thereof, and forthwith deliver such inventory and appraisement, certified by them under oath, to the representative who shall return it to the probate court.

SEC. 94. *Supplementary inventory and appraisement.* Whenever property or assets of any kind, not mentioned in the inventory that has been made, come to the knowledge or possession of a representative, he shall make an inventory thereof and cause such property to be appraised, and the inventory and appraisement to be returned within thirty days after the discovery thereof.

SEC. 95. *Discharged debt to be included.* The discharge or bequest, in a will, of any debt or demand of a testator against any executor named in his will, or against any other person, shall not be valid as against the creditors of the deceased, but shall be construed only as a specific bequest of such debt or demand; and the amount thereof shall be included in the inventory of the credits and effects of the deceased, and shall, if necessary, be applied to the payment of his debts, and if not necessary for that purpose, shall be paid in the same manner and proportion as other specific legacies.

SEC. 96. *Debt of executor to be included.* The naming of any person executor in a will shall not operate as a discharge or bequest of any just claim which the testator had against such executor, but such claim shall be included among the credits and effects of the deceased in the inventory; and the executor shall be liable for the same as for so much money in his hands at the time such debt or demand became due, and he shall apply and distribute the same in the payment of debts and legacies, and among the next of kin, as part of the personal estate of the deceased.

#### B. COLLECTION OF ASSETS

SEC. 97. *Duties of fiduciary.* No fiduciary shall make a profit by the increase, nor suffer loss by the decrease or destruction without his fault, of any part of the estate, and he shall account for the excess when he sells for more than the appraisement and shall not be responsible for the loss when he sells for less if such sale appears to be beneficial to the estate. He shall not be responsible for any loss happening by the insolvency of any purchaser, or his sureties, for any sale duly made according to law, if he proceeded with due caution in taking surety, and has used due diligence to collect thereon. He shall not be accountable for debts due the decedent or ward which remain uncollected without fault on his part, but where he neglects or unreasonably delays to raise money by collecting debts or selling property, or neglects to pay over the money in his hands and by reason thereof the value of the estate is lessened, or unnecessary costs, interest, or penalties accrue, or the persons interested suffer loss, the same shall be deemed waste and the fiduciary shall be charged in his account with the damages sustained. He shall not purchase any claim against the estate nor shall he purchase directly or indirectly or be interested in the purchase of any property sold by him.

SEC. 98. *Liability for conversion.* If any person embezzles or converts to his own use any of the personal estate of a decedent or ward, such person shall be liable for double the value of the property so embezzled or converted.

SEC. 99. *Annual crops.* The emblements or annual crops raised by labor, and whether severed or not from the land of the deceased at the time of his death, shall be deemed personal assets in the hands of the executor or administrator and shall be administered and accounted for as such.

SEC. 100. *Compromise with debtor.* Whenever it appears for the best interest of the estate, the representative may, on order of the court, effect a fair and reasonable compromise with any debtor or other obligator.

SEC. 101. *Foreclosure of mortgage.* An executor or administrator shall have the same right to foreclose a mortgage or collect the debt secured thereby as the decedent would have had if living and he may complete any such proceeding commenced by such decedent.

SEC. 102. *Realty acquired.* When a foreclosure sale or a sale on execution for the recovery of a debt due the estate is had, or redemption is made, the executor or administrator shall receive the money paid and execute the necessary satisfaction or release. If bid in by the executor or administrator, the real estate shall be treated as personal property, but any sale or lease shall be pursuant to article 18. If not so sold or leased the realty, or if so sold or leased the proceeds, shall be assigned or distributed to the same persons and in the same proportions as if it had been a part of the personal estate of the decedent.

#### C. CLASSIFICATION AND PAYMENT OF DEMANDS

SEC. 103. *Classification of demands.* All demands against the estate of a deceased person shall be classified and the executor or administrator, after their allowance and classification, shall make payment thereof from the applicable assets of the estate in the following order: (1) Necessary funeral expenses. (2) Expenses of last sickness, wages of servants during the last sickness, and expenses of administration. (3) Debts having preference by laws of the United States and by the laws of this state. (4) Judgments rendered against the deceased in his lifetime; but if any such judgments shall be liens on the real estate of the deceased and the estate shall be insolvent, such judgments as are liens upon the real estate shall be paid without reference to classification, except the classes of demands mentioned in subsections 1 and 2 of this section shall have precedence of judgments. (5) All other demands duly proved.

No preference shall be given in the payments of any demand over any other demand of the same class, nor shall a debt due and payable be entitled to preference over debts not due.

SEC. 104. *When payment may be made.* If any executor or administrator shall not, within nine months after having given notice of his appointment, have notice of demands against the estate of the deceased which will authorize him to represent it insolvent, he may after the expiration of said nine months proceed to pay the debts due from the estate, according to their classification.

SEC. 105. *How proceeds applied.* The proceeds arising from the sale or lease of real estate of a decedent shall be applied to the payment of the costs and expenses thereof, the payment of any mortgage or other liens thereon ac-

cording to their priorities so far as they operate as a lien thereon at the time of the decedent's death, and the balance thereof shall be deemed assets in the hands of the executor or administrator, to be accounted for as such.

#### D. SALE OR OTHER DISPOSITION OF ASSETS

SEC. 106. *Possession.* The executor or administrator shall have a right to the possession of all the property of the decedent, except the homestead and allowances to the surviving spouse and minor children. He shall collect the rents and earnings thereon until the estate is settled or until delivered by order of the court to the heirs, devisees, and legatees. He shall keep in tenable repair the buildings and fixtures under his control and protect the same by insurance. He may by himself or with the heirs or devisees maintain an action for the possession of the real estate or to quiet title to the same.

SEC. 107. *Sale of personal property.* The executor or administrator shall, within such time as the court may order, sell the whole of the personal property belonging to the estate: *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 such 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. 108. *Specially bequeathed property.* The property specially bequeathed may be delivered to the legatee entitled thereto, he securing the redelivery thereof, on demand, to the executor or administrator; otherwise the same shall remain in the hands of the executor or administrator, to be distributed or sold as may be required by law.

SEC. 109. *Division in kind.* If a division of any personal property cannot be made in kind to those entitled thereto, a sale thereof may be had and the money distributed according to the rights of those entitled to distribution.

SEC. 110. *Refund.* If after the payment of legacies or distributions it becomes necessary that the same or any part thereof be refunded for the payment of debts, the amount necessary to be refunded shall be apportioned among the legatees and distributees according to the amount received by them, except that specific legacies shall not be required to be refunded unless the residue be insufficient to satisfy such debts.

SEC. 111. *Lease.* The administrator or executor may lease real property in his possession for a term of not more than one year. He, together with the heirs, and devisees, may lease such property for a term longer than one year, and they may execute an oil, gas and mining lease for such property. The income from any lease, by whatever name called, shall be received by the executor or administrator as income from such property.

SEC. 112. *Sale of realty.* Whenever the personal property is insufficient to pay the allowances to the spouse and minor children, necessary funeral expenses, expenses of last sickness, taxes, debts, and bequests charged upon the real estate of a decedent, or whenever it shall be determined by the court that

a sale or lease of any real estate of a decedent subject thereto is for the best interests of the estate and of the persons interested in such real estate, such real estate may be sold or leased. The proceeds of any such sale or lease which may be available for distribution shall be distributed to the same persons and in the same shares as if it had remained real estate.

SEC. 113. *What realty included.* The real estate liable to be sold as aforesaid shall include all that the deceased may have conveyed with intent to defraud his creditors, and all other rights and interests in lands and tenements not exempt by law: *Provided*, That lands so fraudulently conveyed shall not be taken from anyone who purchased them for a valuable consideration, in good faith, and without knowledge of the fraud, and no claim to the real estate so fraudulently conveyed shall be made unless within two years next after the death of the grantor.

SEC. 114. *Sale of part or whole.* If it shall appear that it is necessary to sell some part of the real estate, and that by such partial sale the residue of the estate, or some specific part thereof, would be greatly injured, the whole of the estate or such part thereof as is necessary and most beneficial to the interest of all concerned therein may be sold.

SEC. 115. *Provisions of will control.* If there should be in the last will of the deceased any disposition of his estate for the payment of his debts, or any provision that may require or induce a distribution of the assets in any manner different from that which the law would otherwise prescribe, the assets shall be distributed accordingly so far as the same can be done consistently with the rights of the creditors.

SEC. 116. *Sale under will.* If a will authorizes the executor to sell real estate, he, or an administrator with will annexed, may exercise such power without any order of the probate court, unless the will provides otherwise.

SEC. 117. *Bond to prevent sale.* No real estate of the decedent shall be sold to pay debts if any party interested shall give a good and sufficient bond, with sureties, approved by the probate court for the benefit of creditors, conditioned upon the payment of decedent's debts, and costs of administration.

SEC. 118. *Sale to pay legacy.* When a testator gives a legacy by will that is effectual to charge real estate, and his personal property shall be insufficient to pay such legacy, together with his debts and the costs of administration, the executor or administrator with the will annexed may sell his real estate for that purpose, as prescribed herein for the payment of debts.

SEC. 119. *Platting real estate.* Whenever it is for the best interests of the estate of a decedent or ward, real estate may, with the approval of the court, be platted by the representative.

SEC. 120. *Specific performance.* When any person legally bound to make a conveyance or lease dies before making the same, or when any ward is legally bound to make a conveyance or lease, the representative of the estate may upon order of the court and with its approval make the conveyance or lease to the person entitled thereto.

## ARTICLE 12.—ACCOUNTING AND DISTRIBUTION

SEC. 121. *Duration of administration.* Every executor and administrator shall have one year from the date of his appointment for the settlement of the estate. An administrator *de bonis non* shall have such time not exceeding one year as the court may determine. For cause shown the period herein limited may be extended by the court, not exceeding one year at a time. The executor or administrator shall not be disqualified thereafter in any way, unless removed, but he shall not be relieved from any loss, liability, or penalty incurred by his failure to settle the estate within the time limited.

SEC. 122. *Duty to account.* Every executor or administrator shall present a verified account of his administration within the time limited and make application to the court to settle and allow his account and to assign the estate to the persons entitled thereto. He shall also account at such other times as the court may require.

SEC. 123. *Time for distribution.* If upon any settlement it appears that there is sufficient money to satisfy all the demands against an estate, the executor or administrator may on order of the court make payment of legacies and distribution of shares, except that specific legacies shall be first satisfied; but no executor or administrator shall be compelled to pay legacies or make distribution within one year from the date of his qualification unless ordered to do so by the court and until bond and security be given by the legatee or distributee to refund his due proportion of any demand which may afterward be established against the estate and the cost attending the recovery thereof.

SEC. 124. *Compensation and expenses.* Every representative shall be allowed his necessary expenses incurred in the execution of his trust, and shall have such compensation for his services and those of his attorneys as shall be just and reasonable; but where a decedent by will makes provision for the compensation of his executor, that shall be taken as his full compensation. At any time during administration the representative may apply to the court for an allowance upon his compensation and upon attorney's fees. Whenever any person named as executor in a will or codicil defends it, or prosecutes any proceedings in good faith and with just cause, for the purpose of having it admitted to probate, whether successful or not, or if any person successfully opposes the allowance of any will or codicil, he shall be allowed out of the estate his necessary expenses and disbursements in such proceedings together with such compensation for his services and those of his attorneys as the court shall deem just and proper.

SEC. 125. *Accounting on resignation.* A representative may resign his trust at any time, but his resignation shall not be operative until the court shall have examined and allowed his final account and shall have made an order accepting such resignation.

SEC. 126. *Removal for incapacity.* Whenever a representative is or becomes insane, or unsuitable, and incapable of discharging his trust, or has mismanaged the estate, or has failed to perform any duty imposed by law or by any lawful order of the court, or has absconded, the court may remove him.

SEC. 127. *Accounting on disability.* Whenever a sole or the last surviving representative dies, or is adjudged insane or otherwise mentally incompetent,

his representative, upon appointment, shall file an account and petition for the settlement and allowance thereof and, if proper, for distribution. If the estate has not been fully administered, the surety shall not be discharged until a successor has been appointed and qualified and receipted for the unadministered property.

SEC. 128. *Discharge.* Whenever any representative has paid or transferred to the persons entitled thereto all of the property in the estate, paid all taxes required to be paid by him and has filed proof thereof, and has complied with all the orders and decrees of the court and with the provisions of law, and has otherwise fully discharged his trust, the court shall finally discharge him and his sureties. Whenever any bequest or devise to a testamentary trustee is made and the will contains no express waiver, the executor or administrator shall not be discharged until a trustee has qualified in a court of competent jurisdiction and until proof of such qualification and a receipt by the trustee have been filed. No executor or administrator who has received any funds for death by wrongful act shall be discharged until he has filed a certified copy of the order, judgment or decree of distribution of the court wherein such funds were recovered and vouchers from the persons entitled to such funds, or copies thereof certified by the clerk of such court.

SEC. 129. *Summary proceedings.* Whenever it is established that the estate of a decedent, exclusive of the homestead and allowances to the spouse and minor children, does not exceed the amounts required for funeral expenses, expenses of last sickness, wages of servants during the last sickness, expenses of administration, debts having preference under the laws of the United States or this state, and taxes, the executor or administrator may by order of the court pay the same in the order named, and file his account with his petition for the settlement and allowance thereof. Thereupon the court, with or without notice, may adjust, correct, settle, allow or disallow such account, and if the account be allowed, summarily determine the heirs, legatees, and devisees, and close the administration.

SEC. 130. *Unclaimed money.* If any part of the money on hand has not been paid over because the person entitled thereto cannot be found, or refuses to accept the same, or for any other good and sufficient reason, the court may order the executor or administrator to deposit the same with the county treasurer for the benefit of the common schools of the county: *Provided*, If the person to whom said sum is ordered to be paid refuses to accept the same when it is tendered him by the executor or administrator, the court may either before or after the sum has been deposited order the same to be paid and distributed to those who would be entitled thereto had the refusing legatee or distributee not been entitled to it. Upon application to the probate court within ten years after such deposit, and upon notice to the county attorney and the county treasurer, the court may order the county treasurer to pay the same to the person entitled thereto. No interest shall be allowed or paid thereon, and if the deposit is not claimed within such time no recovery thereof can be had.

## ARTICLE 13.—GUARDIANSHIP

SEC. 131. *Definition.* As used in this article, the term "incompetent person" includes insane person, lunatic, idiot, imbecile, distracted person, feeble-minded person, drug habitue, or an habitual drunkard, who is incapable of managing his person or estate.

SEC. 132. *Persons subject.* When it is necessary, the probate court shall appoint one or more persons suitable and competent to discharge the trust as guardians of the person or estate or both of any person who is a minor, or an incompetent person: *Provided*, Such person is a resident of the county, or being a nonresident of this state has property in the county. No guardian of the person of any minor shall be appointed while proceedings for his care and custody are pending in any court of this state. Nothing herein contained shall abridge the power of any court to appoint a guardian *ad litem* to serve or protect the interest of any minor or incompetent person in any proceedings therein, nor abridge the rights of the father and mother, if suitable and competent, as the natural guardians of their minor children. When a person is of full age by the laws of his domicile, but would, if domiciled here, be a minor by the laws of this state, a guardian of his estate may be appointed.

SEC. 133. *General provisions.* The father and mother are the natural guardians of the persons of their minor children. If either dies, or is incapable of acting, the natural guardianship devolves upon the other. The survivor may, by last will, appoint a guardian for any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time; and every such testamentary guardian shall have the same power and shall perform the same duties with regard to the person and estate of the ward, as natural guardians, subject to the provisions of the will. If without such will both parents be dead or disqualified to act as guardian, the probate court may appoint one. Although the parents are living and of sound mind, yet if the minor has property not derived from either of them, a guardian must be appointed to manage such property.

SEC. 134. *Guardian's duties.* A guardian shall be subject to the control and direction of the court at all times and in all things. A guardian of the person shall have charge of the person of the ward. A guardian of the estate shall (1) pay the reasonable charges for the support, maintenance and education of the ward in a manner suitable to his station in life and the value of his estate; but nothing herein contained shall release parents from obligations imposed by law as to the support, maintenance and education of their minor children; (2) pay all just and lawful debts of the ward and the reasonable charges incurred for the support, maintenance, and education of his wife and children, and upon order of the court for the support of any person unable to earn a livelihood who is or may become legally entitled to support from the ward; (3) possess and manage the estate, collect all debts and claims in favor of the ward, or with the approval of the court compromise the same, and invest all funds, except such as may be currently needed for the debts and charges aforesaid and the management of the estate, in such securities as are proper for the investment of trust funds. Any person having a demand, other than tort, against the estate of a ward, or against his guardian as such, may

present it to the probate court for determination, and upon proof thereof procure an order for its allowance and payment.

SEC. 135. *Original assets.* A guardian may retain, until maturity, any security or investment which was a part of the trust estate as received by him, even though such security or investment is not of the class considered as proper for the investment of trust funds, unless circumstances are such to require the guardian to dispose of such security or investment in the performance of his duties according to law. A guardian entitled to a distributive share of the assets of an estate or trust shall have the same right as other distributees or beneficiaries to accept or demand distribution in kind, and may retain any security or investment so distributed to him as though it were a part of the original estate received by him.

SEC. 136. *Power to lease for three years.* A guardian of the estate may, subject to the approval of the court, lease for three years or less the possession or use of any real estate of his ward whenever it appears to be for the best interest of the estate and the ward.

SEC. 137. *Sale, lease, or mortgage.* A guardian of the estate may proceed according to law to sell, lease for oil or gas or other minerals, or beyond the term of three years, or mortgage any real estate of a ward subject thereto whenever the personal property is insufficient to pay his debts and other charges against the estate, or to provide for the support, maintenance, and education of the ward, his wife and children, or whenever it shall be determined such sale, lease or mortgage is for the best interest of the ward.

SEC. 138. *Sale of inchoate right.* The guardian of the estate of a spouse may, with or without notice, upon order of the probate court, sell, convey, mortgage, or lease any real estate, except the homestead, the title to which is in the other spouse: *Provided*, That no guardian's deed or other instrument executed by virtue of such order shall be valid unless the other spouse shall join therein as one of the grantors thereof.

SEC. 139. *Extension of mortgage.* A guardian may, subject to the approval of the court, make an extension of an existing mortgage for a period of five years or less, if the extension agreement contains the same prepayment privileges and the rate of interest does not exceed the lowest rate in the mortgage extended.

SEC. 140. *No personal liability.* No guardian shall be liable personally on any mortgage note or by reason of the covenants in any instrument of conveyance duly executed by him in his representative capacity.

SEC. 141. *Accounting and settlement.* Except where expressly waived by the court, every guardian annually shall present a verified account covering the period from the date of appointment or the last account. At the termination of the guardianship, or upon the guardian's removal or resignation, he or his surety, or in the event of his death or disability, his representative or surety, shall present a verified final account for the settlement and allowance thereof. Upon settlement of the final account, and upon delivery of the property on hand to the person entitled thereto, the court shall discharge the guardian and his sureties.

SEC. 142. *Termination of guardianship.* A guardianship of a minor shall terminate upon his death or upon his attainment of legal age. The marriage



of a ward under guardianship as a minor only shall terminate the guardianship of his person, but not of his estate unless by such marriage the rights of majority are thereby conferred. The guardianship of a ward, other than a minor, shall terminate upon his death or upon his restoration to capacity. Whenever there is no further need of any guardianship the court may terminate it.

SEC. 143. *Estate less than five hundred dollars.* If the estate of a ward is less than five hundred dollars, and the ward be a minor, the court may in its discretion, without the appointment of a guardian, or the giving of bond, authorize the deposit thereof in a savings bank, payable to the legal guardian when appointed or to the ward upon his attaining the age of majority; or the court may authorize the payment or delivery thereof to the natural guardian of the minor, or to the person by whom the minor is maintained, or to the minor himself.

SEC. 144. *Living trusts for persons subject to guardianship.* The same proceedings may be had with reference to trustees of trusts created by written instrument, other than by will, in favor of persons subject to guardianship, as may be had relative to guardians of the estates of such persons; and such trustees shall be subject to the provisions of law relative to guardians.

#### ARTICLE 14.—ESTATES OF CONVICTS

SEC. 145. *Appointment of trustee.* The probate court may appoint a trustee for the estate of any person imprisoned in the penitentiary to take charge of and manage his property. Whenever any person shall be imprisoned under a sentence of imprisonment for life, his property shall be administered as if he were naturally dead. Upon the completion of the administration the residue thereof, if any, shall be paid and delivered to the trustee of his estate.

SEC. 146. *Provisions applicable thereto.* The provisions relating to the estates of incompetents, guardians thereof, and their powers, duties, and liabilities in connection therewith shall govern in the estates of imprisoned convicts, trustees thereof, and their powers, duties, and liabilities in connection therewith. Upon the death of the imprisoned convict or his lawful discharge from his imprisonment, the trustee shall settle his accounts as required of a guardian upon the death or restoration of an incompetent person.

#### ARTICLE 15.—TESTAMENTARY TRUSTS

SEC. 147. *Testamentary trusts.* Every trustee to whom any property shall be devised or bequeathed in trust for, or in whom as trustee any trust shall be created in any manner in favor or for the benefit of another person by the will of a decedent, or who may be appointed by any probate court to execute the provisions of any will which creates a trust without naming a trustee, shall give bond as provided by law in the probate court having jurisdiction of the probate of the will.

SEC. 148. *Duties.* (1) Such trustee shall make and return to the probate court within such time as the court shall direct, a true inventory of all the property so devised or bequeathed. (2) He shall annually render an account of the trust estate in his hands, of the management, disposition, and annual income thereof, unless excused by the court. (3) He shall faithfully execute such trust under the direction of the court according to the true intent and

meaning thereof. (4) He shall adjust and settle his accounts with such court at the expiration of his trust and pay and deliver to the person entitled thereto all balances in money or property in his possession and for which he is liable as trustee.

**SEC. 149. *When trust declined.*** Any person appointed trustee by any will who shall refuse to give the bond required or neglect to do so for twenty days after receiving notice that such bond is required shall be deemed to have declined such trust.

**SEC. 150. *Refusal to act.*** If any trustee appointed in any will not containing a provision for perpetuating the trust shall refuse to accept the same, or shall resign, be removed or die, or if a trust be created by the will and no trustee be therein named to execute such trust, a trustee may be appointed by the probate court, after notice to the persons interested in such trust estate. Every trustee so appointed by the court shall be bound by the provisions of this article in the same manner and to the same extent as though appointed by will, and the estate so given in trust shall vest in such trustee in like manner, to all intents and purposes, as the same vested in the original trustee named in such will, and he may demand, sue for and recover from any other person holding the same any and all property belonging to such trust estate.

**SEC. 151. *Resignation.*** Any trustee so appointed by will or by the court may, upon a request in writing, be permitted to resign the trust if the court shall think it expedient.

**SEC. 152. *Removal.*** Any trustee who shall become disqualified by insanity or incapacity, or who shall be evidently unsuitable to perform his duties as such trustee, or who shall neglect or refuse to comply with the provisions of this article shall be removed by the court after notice to such trustee and other parties interested.

**SEC. 153. *Powers.*** The probate court, on application of any such trustee or any person interested, may, after notice to all parties in interest, authorize and require such trustee to sell any property so held in trust in such manner as the court may direct and to invest the proceeds of such sale in such manner as will be most for the interest of all concerned therein; and such court may from time to time make such orders and decrees as it may deem just and reasonable in relation to the sale, management, investment and disposition of such trust property and to the settlement of the accounts of such trustee, but no such order shall be made in violation of the terms of the trust.

**SEC. 154. *Accounting.*** Upon rendering any account to the court of his trusteeship, the testamentary trustee shall produce for examination by the court, all securities, evidences of deposits, and investments reported by him, which shall be described in such account in sufficient detail so that the same may be readily identified, and the court shall ascertain whether such securities, evidences of deposits, and investments correspond with such account.

**SEC. 155. *Trusts created by foreign will.*** Trusts created by the will of a nonresident decedent relating to real estate situated in this state shall be executed and administered in the same manner as trusts created by the will of a resident decedent.

## ARTICLE 16.—COMMITMENT AND CARE OF INSANE PERSONS

SEC. 156. *Definitions.* As used in this article, unless the context otherwise indicates: (1) The term "insane person" means any person who is so far disordered in his mind as to endanger health, person or property; or any person who is so far disordered in his mind as to render him a proper person for care and treatment in a hospital for insanity or mental diseases: *Provided*, That no person idiotic from birth or whose mental development was arrested prior to the age of puberty, and no person afflicted with simple epilepsy shall be regarded as insane, unless the manifestations thereof are such as to endanger health, person, or property. (2) The word "patient" means any person for whose commitment as an insane person proceedings have been instituted or completed. (3) The term "state hospital" includes the Topeka state hospital for the insane, the Osawatomie state hospital for the insane, the Larned state hospital for the insane, the Parsons state hospital for epileptics, and the Winfield state training school.

SEC. 157. *Temporary detention.* No person who has not been adjudged insane shall by reason of his insanity be restrained of his liberty: *Provided*, He may be temporarily detained for a reasonable time, not exceeding ten days, pending a judicial determination of his mental condition.

SEC. 158. *Admission to hospital.* Any person adjudged to be insane may be committed to a state hospital. In case of commitment the probate court shall make an application in the manner prescribed by the state board of administration for the admission of the patient to a state hospital and shall furnish the board with a transcript of the proceedings. The state board shall determine whether the patient shall be admitted and, in case of admission, shall designate the hospital to which admission shall be made. Thereupon the court shall issue to the sheriff or any other person a warrant in duplicate committing the patient to the custody of the superintendent of the proper state hospital. The probate court, at the time of the inquest, shall inquire into the pecuniary condition of the patient and those bound by law to support him, and shall transmit to the superintendent a statement showing the assets and liabilities of the patient and of those bound by law to support him. The patient committed shall be designated as either a private or county patient.

SEC. 159. *Release before commitment.* Before the delivery of the warrant of commitment, the court may release an insane patient to any person who files a bond to the state in such amount as the court may direct, conditioned upon the care and safekeeping of the patient; but no person against whom a criminal proceeding is pending, or who is dangerous to the public, shall be so released.

SEC. 160. *Detention.* Upon delivery of an insane patient to the state hospital to which he has been committed, the superintendent thereof shall retain the duplicate warrant and endorse his receipt upon the original which shall be filed in the court of commitment. After such delivery, the patient shall be under the care, custody, and control of the board of administration until discharged by it or by a court of competent jurisdiction. Whenever a patient is paroled, discharged, transferred to another institution, dies, escapes,

or is returned, the hospital having charge of the patient shall file notice thereof in the probate court of the patient's residence. Whenever a patient in a state hospital is duly adjudged not to be insane he shall be discharged therefrom.

SEC. 161. *Duty to support.* The following shall be bound by law to support persons adjudged to be insane: spouses, parents, and children. The maintenance, care, and treatment of such person shall be paid by the guardian of his estate, or by any person bound by law to support him, or by the county. In case of payment by the county it may recover the amount paid from the estate of such person or from any person bound by law to support such person. The state may recover the sum of five dollars per week, to be applied on the maintenance, care, and treatment of a patient in a state hospital, from the estate of such person, or from any person bound by law to support such person: *Provided*, If no proceeding is instituted or claim filed for such compensation within one year after the date of the patient's death, the real estate of the decedent shall be free from any lien on account thereof.

SEC. 162. *Discharge.* Authority to discharge patients from state hospitals for the insane is vested in the board of administration, but may be delegated to the superintendent, under such regulations as the board may adopt. Discharges may be made for any of the following reasons: (1) The patient is not insane. (2) He has been restored to capacity. (3) He is capable of caring for himself. (4) Friends of the patient request his discharge and in the judgment of the superintendent no evil consequences are likely to follow his discharge. (5) There is no prospect of further improvement and the room occupied by him is needed for others. Authority is also vested in the board to release patients on parole. No patient who is violent, dangerous or unusually troublesome or filthy shall be released or returned to any county not provided with suitable facilities for the proper care of the patient. No patient who has not been restored to capacity, or who is charged with a criminal offense, shall be released until at least ten days after notice that he is to be released has been transmitted to the probate court of patient's residence. The probate court on receipt of such information shall transmit the information to the county attorney.

SEC. 163. *Criminal prosecutions.* Whenever it appears in a court of record that a defendant in a criminal proceeding is insane, the court may summarily refer the defendant to the probate court of the county for examination under the provisions of this act. Whenever a defendant in a criminal proceeding has been examined in the probate court, pursuant to an order of a court of record, the probate court shall transmit its findings and return the defendant to such court, unless otherwise ordered.

SEC. 164. *Penalty for unlawful acts.* Whoever for a corrupt consideration or advantage, or through malice, shall make or join in making, or advise the making of any false petition, report, or verdict, or shall knowingly or willfully make any false representation for the purpose of causing such petition, report, or verdict to be made, shall be guilty of a misdemeanor, and punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year.

## ARTICLE 17.—ADOPTION OF CHILDREN

SEC. 165. *Who may adopt.* Any adult resident of the state may adopt a minor child in the manner herein provided; but one spouse cannot without the consent of the other adopt a minor child.

SEC. 166. *Written consents required.* Before any minor child is adopted, consents must be given to such adoptions: (1) By the child sought to be adopted if the child is over fourteen years of age. (2) By the living parents of the child or by the mother of an illegitimate child except as hereinafter provided. (3) By one of the parents if the other has failed to support the child for two consecutive years or is incapable of giving such consent. (4) By the parent or person awarded the custody of the child during minority by a divorce decree. (5) By the parent or person awarded the custody of the child during minority by reason of dependence or by reason of the unfitness of one or both parents. (6) By the legal guardian of the person of the child if the parents are dead or have failed to support the child for two consecutive years. (7) By the proper authority of any charitable institution or agency established or authorized by the laws of this state to care for children when such institution or agency has acquired custody and legal control of the child during minority. All such consents shall be in writing, acknowledged to have been freely and voluntarily made, and shall be duly witnessed.

SEC. 167. *Effect of adoption.* Any child adopted as herein provided shall assume the surname of the person by whom the child is adopted, and shall be entitled to the same rights of person and property as a child of the person thus adopting the child. The person so adopting such child shall be entitled to exercise all the rights of a parent and be subject to all the liabilities of that relation.

SEC. 168. The probate court shall report the adoption to the state registrar of vital statistics.

## ARTICLE 18.—PROBATE PROCEDURE

## A. PLEADINGS

SEC. 169. *Pleading.* Every application in a probate proceeding, unless made during a hearing or trial, shall be by petition signed and verified by or on behalf of the petitioner. No defect in form shall impair substantial rights; and no defect in the statement of jurisdictional facts actually existing shall invalidate any proceedings.

SEC. 170. *Petition.* Every petition in a probate proceeding shall state: (1) the name, residence, and address of the petitioner; (2) the interest of the petitioner and his right to apply to the court; (3) the jurisdictional facts; (4) the facts, in ordinary and concise language, showing that the petitioner is entitled to the relief sought; and (5) a prayer for relief.

SEC. 171. *Petition for Administration.* A petition for administration shall state: (1) the name, residence, and date and place of death, of the decedent; (2) the names, ages, residences, and addresses of the heirs of the decedent so far as known or can with reasonable diligence be ascertained; (3) the general character and probable value of the real and personal property; (4) and the name, residence and address of the person for whom letters are prayed.

SEC. 172. *Petition for probate of will.* A petition for the probate of a will, in addition to the requirements of a petition for administration, shall state: (1) the names, ages, residences, and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained; and (2) the name, residence, and address of the person, if any, named as executor. The will shall accompany the petition if it can be produced. A petition for the probate of a lost or destroyed will shall contain a statement of the provisions of the will.

SEC. 173. *Petition for guardianship.* A petition for the appointment of a guardian shall state: (1) the name, residence, and address of the person for whom a guardian is sought; (2) the date and place of his birth; (3) if he be a minor, the names, residences, and address of his parents, or if the parents be dead or have abandoned the minor, the names, residences, and addresses of his custodians and of any person named as testamentary guardian; (4) if he be unmarried and not a minor, the names, residences, and addresses of his nearest kindred; (5) if he be married, the name, residence, and address of his spouse; (6) the reasons for the guardianship; (7) the general character and probable value of his real and personal property; (8) whether the proposed appointment is for his person or estate, or both; and (9) the names, residences, and addresses of the proposed guardians.

#### B. PARTIES

SEC. 174. *Who may petition for probate or administration.* Any person interested in the estate, at any time after the death of the testator or intestate, may petition for the probate of his will or for administration.

SEC. 175. *Who may petition for guardianship.* Any person may petition for the appointment of a guardian for the person or estate of any person believed to be subject to guardianship: *Provided*, That the petition of any of the following shall have priority in the order named over that of any other person: (1) a minor over the age of fourteen years, if of sound intellect; (2) natural guardians; and (3) testamentary guardians.

#### C. PROBATE PROCEEDINGS

SEC. 176. *Commencement of proceeding.* A probate proceeding may be commenced in the probate court by filing a petition and causing it to be set for hearing. When a petition is filed the court shall fix the time and place for the hearing thereof. When a petition is filed for the appointment of a representative, the court may appoint the proposed representative or some other suitable person, with or without bond, to conserve the estate until a hearing is had and a representative is appointed.

SEC. 177. *Guardian ad litem.* The court may appoint a guardian *ad litem* in a probate proceeding to represent and defend a party thereto under legal disability.

SEC. 178. *No abatement.* No probate proceedings commenced by a representative shall abate by reason of the termination of his authority.

SEC. 179. *Filing proceedings in other county.* A duly certified copy of any probate proceedings in this state may be filed and recorded in the probate court of any other county of the state, and when so filed shall have the same effect in such other county as in the county of origin.

SEC. 180. *Venue.* Proceedings for the probate of a will or for administration shall be had in the county of the legal residence of the decedent at the time of his death; if the decedent was not a resident of this state, proceedings may be had in any county wherein he left any estate to be administered. Proceedings for the appointment of a guardian of the person may be had in the county of the ward's residence or where he may be found. Proceedings for the appointment of a guardian of his estate shall be had in the county of the ward's residence; if he be a nonresident of this state, proceedings may be had in any county in which any of his property is situated. Such proceedings first legally commenced shall extend to all of the property of the decedent or ward in this state. If proceedings are instituted in more than one county, they shall be stayed except in the county where first commenced until final determination of venue. If the proper venue be determined to be in another county, the court, after making and retaining a true copy of the entire file, shall transmit the original to the proper county.

#### D. NOTICE

SEC. 181. *Notice fixed by court.* When notice of any probate proceedings is required by law or deemed necessary by the court and the manner of giving the same shall not be directed by law the court shall order notice to be given to all persons interested in such manner and for such length of time as it shall deem reasonable. Any required notice may be waived in writing by any competent person or by any representative or trustee.

SEC. 182. *Notice by publication and mailing.* When notice of hearing is required by any provision of this act by specific reference to this section, such notice shall be published once a week for three consecutive weeks in some newspaper of the county authorized by law to publish legal notices. The first publication shall be had within ten days after the order fixing the time and place of the hearing; and within three days after the first published notice the petitioner shall mail or cause to be mailed a copy of the notice to each heir, devisee, and legatee whose name and address are known to him.

SEC. 183. *Form of notice.* Notice of any hearing, if such is required, shall be in substantially the following form:

State of Kansas.....County, ss. In the probate court of said county and state. In the matter of the estate of (name of decedent or person under disability, with a specific designation which it is). Notice of Hearing. The state of Kansas to (names of persons to whom notice is given), and all other persons concerned.

You are hereby notified that a petition has been filed in said court by (name of petitioner and capacity in which he appears), praying for (state nature of petition and the nature of the judgment, order or other relief sought), and you are hereby required to file your written defenses thereto on or before the..... day of....., 19...., at.....o'clock.....M. of said day, in said court, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition. Witness my hand in the city of.....in said county and state this.....day of....., 19....

.....Petitioner.

SEC. 184. *Proof of service.* Proof by affidavit of service in all cases requiring notice, whether by publication, mailing, or otherwise, shall be filed before the hearing. No defect in any notice nor in the service thereof, not affecting the substantial rights of the parties, shall invalidate any proceedings after such notice and the proof of service thereof shall have been approved by the court.

SEC. 185. *Notice for probate or administration.* When a petition for the probate of a will or for administration is filed, the court shall fix the time and place for the hearing thereof, notice of which shall be given pursuant to section 182 unless the court shall make an order to the contrary. If notice is by order of the court not required to be given pursuant to section 182, the court shall order notice thereof to be given, unless waived, by personal service on all persons interested as heirs, devisees, and legatees at least ten days before the date of hearing. When the state is a proper party the notice shall be served upon the attorney general and the county attorney of the county.

SEC. 186. *Waiver of notice.* When a petition is filed for the probate of a will or for administration, if all the parties interested as heirs, devisees, and legatees enter their appearance in writing, waive the notice otherwise required, and consent to an immediate hearing, a hearing may in the discretion of the court be had as if notice had been given.

SEC. 187. *Notice for guardianship.* If a petition for guardianship be made by the person for whom a guardian is sought, or by a parent, custodian, or testamentary guardian, the court may hear the same with or without notice. In all other cases, personal service shall be made upon the ward. If he have a spouse, custodian, testamentary, natural guardian, notice shall be given to such persons and to such of the nearest kindred and in such manner as the court may direct. If he be an inmate of any hospital notice by mail shall be given to the superintendent thereof. If he be a nonresident, notice shall be given as otherwise provided in this act.

#### E. HEARINGS AND EVIDENCE

SEC. 188. *Hearings and rules of evidence.* Trials and hearings in probate proceedings shall be by the court unless otherwise provided by law. The determination of any issue of fact or controverted matter on the hearing of any probate proceeding shall be in accordance with the rules of evidence provided for civil cases by the code of civil procedure.

SEC. 189. *No default judgment.* No default judgment or decree shall be rendered in a probate proceeding; and no final order, judgment, or decree shall be vacated, or modified after the expiration of three months from the date of the rendition thereof, except for fraud.

SEC. 190. *Hearing for probate of will.* On the hearing of a petition for the probate of a will at least two of the subscribing witnesses shall be examined if they are within the state and competent and able to testify. Otherwise the court may admit the testimony of other witnesses to prove the capacity of the testator and the due execution of the will; and as evidence of such execution may admit proof of the handwriting of the testator and of the subscribing witnesses. Any heir, devisee, or legatee may prosecute or oppose the probate of any will. If the instrument is not allowed as the last will and if the estate should be administered, the court shall grant administration to the person or persons entitled thereto.

SEC. 191. *Oral will.* No oral will shall be admitted to probate unless it shall be presented for probate within six months after the death of the testator.

SEC. 192. *Hearing on will in opposition.* If, after a petition for the probate of a will has been filed, another instrument in writing purporting to be the last



will or codicil shall be presented, proceedings shall be had for the probate thereof and thereupon the hearing on the petition theretofore filed shall be adjourned to the time fixed for the hearing of the subsequent petition. At such time proof shall be had upon all of such wills, codicils, and all matters pertaining thereto, and the court shall determine which of such instruments, if any, should be allowed as the last will.

SEC. 193. *Will presented after probate of will.* If, after a will has been admitted to probate, a later instrument in writing purporting to be the last will or codicil shall be presented, proceedings shall be had for the probate thereof, but notice of the hearing thereof shall be given to the devisees and legatees named in the will admitted to probate in addition to the heirs, and the devisees and legatees named in the will or codicil presented for probate. If the court admits the later will or codicil to probate, the order so admitting such will or codicil shall operate as a revocation of the order admitting the earlier will to probate so far as is necessary to give effect to the later will or codicil.

SEC. 194. *Granting of letters.* Upon the admission of the will to probate, the court shall appoint an executor or administrator with will annexed and fix the amount of his bond as required by law, if such be required. If any person appointed does not qualify within ten days, the court may with or without notice grant letters to another or others. Upon the filing of the oath and bond as required by law, letters shall issue.

SEC. 195. *Hearing for probate of lost will.* No lost or destroyed will shall be established unless it is proved to have remained unrevoked nor unless its provisions are clearly and distinctly proved. When such will is established the provisions thereof shall be distinctly stated, certified by the court, and filed and recorded. Letters shall issue thereon as in the case of other wills.

SEC. 196. *Petition for admission of foreign probated will.* When a copy of a will executed outside this state and the probate thereof, duly authenticated, shall be presented by the executor or any other person interested in the will, with a petition for the probate thereof, the court shall fix the time and place for the hearing of the petition, notice of which shall be given pursuant to section 181.

SEC. 197. *Hearing for admission of foreign probated will.* If, upon the hearing, it appears to the satisfaction of the court that the will has been duly proved and admitted to probate outside this state, and that it was executed according to the law of the place in which it was made, or in which the testator was at the time domiciled, or in conformity with the laws of this state, it shall be admitted to probate, which probate shall have the same force and effect as the original probate of a domestic will.

SEC. 198. *Record of order setting aside foreign will.* If such will shall later be set aside according to the law of the place where it was originally proved and admitted to probate, a duly authenticated copy of the final decree setting said will aside may be admitted to record in this state in the same manner and with like notice as the authenticated copy of said will was admitted to probate, and when so admitted to record shall have the same force and effect as a like order as to a domestic will.

SEC. 199. *Hearing for administration.* On the hearing of a petition for administration and proof thereof, the court shall appoint an administrator and

fix the amount of his bond, as required by law. If the person appointed neglects for ten days after written notice of such appointment, served as the court may direct, to file the oath and bond required by law, such neglect shall be deemed a refusal to serve and the court, with or without notice, may appoint such other person or persons as may be entitled to administer such estate.

#### F. ELECTION AND SELECTION

SEC. 200. *Election.* When a will is admitted to probate the court shall forthwith transmit to the surviving spouse a certified copy thereof. Such spouse shall be deemed to have renounced and refused to elect to take under the will unless he shall have filed in the probate court an instrument in writing to accept the provisions of such will after the expiration of one month and within six months after the probate of the will. For good cause shown, the court may permit an election within such further time as the court may determine.

SEC. 201. *Election in case of incapacity.* If the surviving spouse shall be insane or incapacitated to act by reason of mental disability, it shall be the duty of the court to appoint some competent person as commissioner, who shall ascertain the value of the provision made by will in lieu of the rights in the estate secured by statute and the value of the rights secured by statute. The commissioner shall make his report to the court in writing verified by his affidavit. Thereupon the court shall make such election for such spouse under disability as is more valuable or advantageous to the spouse, which election shall be deemed as effectual as if made by the spouse when fully competent.

SEC. 202. *Selection of homestead and allowances.* After the inventory and appraisement have been filed, the surviving spouse, or in case there be none, the children may petition the court to set apart the homestead, and the personal property allowed in section 18. The petition of minor children shall be by their guardian or next friend. Such petition shall show the names, ages, and relationship of the parties, a description of the homestead claimed and of the personal property selected, and the appraised value thereof. The petition may be heard with or without notice. Upon proof of the petition, the court shall set apart such homestead and personal property. The property so set apart shall be delivered by the executor or administrator to the persons entitled thereto, and shall not be treated as assets in his hands, but the title to the homestead shall be included in the final decree of distribution.

#### G. DEMANDS OF CREDITORS

SEC. 203. *Notice to creditors.* The notice of appointment to be published by an executor or administrator shall be to the creditors, heirs, devisees, legatees, and all others concerned. It shall state the date of appointment and qualification, and shall notify the creditors to exhibit their demands against the estate within nine months from the date of the first published notice as provided by law, and that if their demands be not thus exhibited they shall be forever barred.

SEC. 204. *Exhibition of demands and hearing thereon.* Any person may exhibit his demand against the estate of a decedent by filing his petition for its allowance in the proper probate court. The petition shall contain a statement of all effects to which the estate is entitled. The court shall from time to time

as it deems advisable, and must at the request of the executor or administrator, or at the request of any creditor having exhibited his demand, fix the time and place for the hearing of such demands, notice of which shall be given. Upon the adjudication of any demand, the court shall enter its judgment allowing or disallowing it. Such judgment shall show the date of adjudication, the amount allowed, and the amount disallowed. Judgment relating to contingent demands shall state the nature of the contingency.

SEC. 205. *Exhibition by revivor or action.* Any action pending against any person at the time of his death, which by law survives against the executor or administrator, shall be considered a demand legally exhibited against such estate from the time such action shall be revived. Any action commenced against such executor or administrator after the death of the decedent shall be considered a demand legally exhibited against such estate from the time of serving the original process on such executor or administrator. The judgment-creditor shall file a certified copy of the judgment in the proper probate court within thirty days after said judgment becomes final.

SEC. 206. *Nonclaim statute.* All demands against a decedent's estate, whether due or to become due, whether absolute or contingent, including any demand arising from or out of any statutory liability of decedent or on account of or arising from any liability as surety, guarantor, or indemnitor, not exhibited as required by this act within nine months after the date of the first published notice to creditors as herein provided, shall be forever barred from payment: *Provided:* (1) The provisions of the testator's will requiring the payment of a demand exhibited later shall control; and (2) no creditor shall have any claim against or lien upon the real property of a decedent, other than a lien of record prior to his death, unless an executor or administrator of his estate has been appointed, or such creditor shall have filed his claim in the probate court, within one year after the death of the decedent.

SEC. 207. *Demands not due.* The court may allow demands, which are payable at a future day, at the then present value thereof, or the court may order the executor or administrator to retain in his hands sufficient funds to satisfy the same upon maturity; or if the heirs, devisees, or legatees offer to give bond to a creditor for the payment of his demand according to the terms thereof, the court may order such bond to be given in satisfaction of such demand.

SEC. 208. *Hearing on contingent demands.* 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 manner as not to delay the closing of the estate, if that can be done with justice to the parties.

SEC. 209. *Secured demands.* When a claimant holds any security for his claim, it may be allowed, conditioned upon the claimant surrendering the security or exhausting the security; it shall be allowed for the full amount found to be due if the security has been surrendered, or for any remaining amount found to be due if the security has been exhausted.

SEC. 210. *Encumbered assets.* When any assets of the estate are encumbered by mortgage, pledge, or otherwise, the executor or administrator may pay such encumbrance or any part thereof, whether or not the holder of the encumbrance has filed a claim, if it appears to be for the best interest of the

estate and if the court, with or without notice, shall have so ordered. No such payment shall increase the share of the devisee, legatee, or heir entitled to receive such encumbered assets, unless otherwise provided in the will.

SEC. 211. *Continuation of business.* Upon a showing of advantage to the estate the court, with or without notice, may authorize a representative to continue and operate any business of a decedent or ward for the benefit of his estate, under such conditions, restrictions, regulations and requirements, and for such period of time not exceeding three months as the court may determine. No debts incurred or contracts entered into shall involve the estate beyond the assets used in such business immediately prior to the death of the decedent or the appointment of a guardian for the estate of the ward.

#### H. PERSONAL PROPERTY

SEC. 212. *Sale of personal property.* A petition for the sale of personal property of a decedent may be heard with or without notice. The order of sale shall describe the property, and direct whether it shall be sold at private sale or public auction. No sale of personal property shall be made at private sale for less than three fourths the appraised value.

SEC. 213. *Notice of sale at public auction.* In all sales at public auction the executor or administrator shall give notice containing a description of the property to be sold, and stating the time, terms, and place of sale by advertisement for ten days in some newspaper, authorized to publish legal notices, of the county where the sale is to be had.

SEC. 214. *Credit may be given.* In all sales of personal property, the court may authorize credit to be given by the executor or administrator not exceeding one year from the date of his appointment and qualification. When such credit is given, notes or bonds with approved sureties shall be taken by the executor or administrator.

SEC. 215. *Report of sale.* Within thirty days after any public or private sale of personal property the executor or administrator shall make due report thereof verified by his affidavit to the probate court. Such report shall include proof of proper notice of such sale, if at public auction, and, if a clerk was employed for such sale, shall be accompanied by a sale bill signed by such clerk.

#### I. SETTLEMENT AND DETERMINATION OF DESCENT

SEC. 216. *Partial distribution.* A partial distribution of an estate may be made before final settlement, in the manner and upon the notice provided for final distribution. A decree of partial distribution shall be final as to the persons entitled to such distribution and as to their proportions of the whole estate, unless such decree includes only specific bequests.

SEC. 217. *Petition and notice of final settlement.* The petition of an executor or an administrator for a final settlement and accounting, and a determination of the persons entitled to the estate of a decedent, shall, in addition to other requirements, contain: (1) a statement of the account; (2) the names, residences, and addresses of the heirs, devisees, and legatees; (3) a description of the real estate and the interest of the decedent therein at the time of his death; and (4) the nature and character of the respective claims of the heirs, devisees, and legatees of the decedent. Notice of the hearing thereof shall be given pursuant to section 182.

SEC. 218. *Hearing and decree.* On the hearing, unless otherwise ordered the executor or administrator shall, and other persons may, be examined relative to the account and the distribution of the estate. All questions as to advancements made, or alleged to have been made, by the intestate to any heir shall be heard and determined by the court at the time of settlement, and every such advancement shall be specified in the decree distributing and assigning the estate. For the purpose of determining what proportion any one who has received an advancement is entitled to, the court shall ascertain the value of the entire residue of such estate, by ordering an appraisal or in such other manner as it may deem best. If all the taxes payable by the estate have been paid so far as there are funds to pay them and the account is correct, it shall be settled and allowed; if the account is incorrect, it shall be corrected and then settled and allowed. Upon such settlement and allowance the court shall determine the heirs, devisees, and legatees entitled to the estate and assign the same to them by its decree. The decree shall name the heirs, devisees, and legatees, describe the property, and state the proportion or part thereof to which each is entitled. In the estate of a testate decedent, no heirs shall be named in the decree unless all of the heirs be ascertained. No final decree shall be entered until after the determination and payment of estate and inheritance taxes.

SEC. 219. *Opening judgment.* A party against whom a judgment or decree has been rendered in proceedings to determine the persons entitled to the real property of a decedent, without other service than publication in a newspaper, may at any time within one year after the date of the judgment or decree have the same opened or set aside and be let in to defend. Before such judgment or decree shall be opened or set aside the respondent shall give notice to the adverse party of his intention to make such application, and shall file a full answer to the petition or other pleading, pay all costs of such proceeding if the court require them to be paid, and shall make it appear to the satisfaction of the court, by affidavit, that during the pendency of the proceeding he had no actual notice thereof in time to appear in court and make his defense; but the title to any property, the subject of the judgment or decree sought to be opened or set aside, which in consequence of said judgment or decree shall have passed to a purchaser in good faith, shall not, after the expiration of six months, be affected by any proceedings under this section. The adverse party, on the hearing of an application to open or set aside such judgment or decree as provided by this section, shall be allowed to present counter affidavits to show that during the pendency of such proceeding the respondent had notice thereof in time to appear in court and make his defense.

#### J. SALE, LEASE AND MORTGAGE OF REALTY

SEC. 220. *Definitions.* As used in this article, the word "lease" unless the context otherwise indicates, means a lease for more than three years, or an oil and gas or other mineral lease; the word "mortgage" includes an extension of an existing mortgage, subject to the provisions of section 139.

SEC. 221. *Lease for three years or less.* A petition for the lease of the real estate of a decedent, or of a ward for a term of three years or less, may be heard with or without notice. The court may direct the representative to execute the lease whenever it appears to be for the best interest of the estate or the persons interested in such real estate.

SEC. 222. *Petition.* (1) An executor or administrator may file a petition to sell real estate of a decedent. The petition shall state the facts constituting the reasons for the application and describe the real estate to be sold. It may include all the real estate of the decedent subject to sale or any part or parts thereof. (2) A guardian may file a petition to sell, lease, or mortgage real estate of a ward. The petition shall state the facts constituting the reasons for the application and describe the real estate to be sold, leased, or mortgaged. It may include all the real estate of the ward subject to sale, lease, or mortgage, or any part or parts thereof. It may apply in that alternative for authority to sell, lease, or mortgage.

SEC. 223. *Notice and hearing.* Notice of the hearing shall briefly state the nature of the application made by the petition and shall be given pursuant to section 182. At the hearing and upon proof of the petition, the court shall have full power to order the sale, lease, or mortgage of all the real estate described in the petition, or to order the sale, lease, or mortgage of one or more tracts thereof: *Provided*, That such order shall be within the terms of the application made by the petition. The probate court, with the consent of the mortgagee, may order the sale of real estate subject to mortgage, but such consent shall release the estate of the decedent or ward, should a deficit later appear.

SEC. 224. *Order.* (1) In all cases the order shall describe the real estate to be sold, leased, or mortgaged, and may designate the sequence in which the several tracts shall be sold, leased, or mortgaged, subject to the provisions of this act. (2) An order for sale shall direct whether the real estate shall be sold at private sale or public auction. If at private sale it shall direct that the real estate shall not be sold for less than three fourths of the appraised value. If at public auction it shall direct the place or places of sale. It shall direct that the sale be for cash, for cash and deferred payments, or deferred payments: *Provided*, That in decedent's estates the payment shall not be deferred for more than one year from the date of the appointment and qualification of the executor or administrator making the sale. In all cases the order shall specify the time of payment, the interest on deferred payments, and the manner in which the payments shall be secured. (3) An order to lease shall state the terms of the lease, and that it shall not be made for less than three fourths of the appraised value of the leasehold interest. The order shall direct that the lease be for cash, for cash and deferred payments, or deferred payments, and shall specify the time of payment, the interest on deferred payments, and the manner in which the payments shall be secured. (4) An order to mortgage shall fix the maximum amount of principal, the maximum rate of interest, the earliest and latest date of maturity, and shall direct the purpose for which the proceeds shall be used. (5) An order for sale, lease, or mortgage shall remain in force until terminated by the court, but no private sale or lease shall be made after one year from the date of the order unless the real estate or the leasehold interest therein shall have been reappraised under order of the court within three months preceding the sale or lease.

SEC. 225. *Additional bond.* The court may require any representative, if it deem it necessary before such sale, lease, or mortgage, or before the confirmation thereof, to give an additional bond to secure the further assets arising from the sale, lease, or mortgage of such real estate.

SEC. 226. *Appraisalment.* Before any representative shall sell any real estate at private sale he shall have it appraised by three disinterested persons appointed by the court and of the county in which at least part of it lies. Before he shall lease any real estate, he shall in like manner have the leasehold interest therein appraised. The appraisers shall appraise the said real estate, or leasehold interest therein, as the case may be, at its full and fair value, and forthwith deliver such appraisalment certified by them under oath to the representative.

SEC. 227. *Sale at public auction.* In all sales at public auction the representative shall give notice thereof containing a particular description of the real estate to be sold, and by stating the time, terms and place of sale, by advertisement at least three weeks in some newspaper, authorized to publish legal notices, of the county in which the real estate is situated. If the tracts to be sold are contiguous and lie in more than one county, notice may be given and the sale made in either of such counties.

SEC. 228. *Report and confirmation.* (1) The representative shall make a verified report of his proceedings to the court, with the certificate of appraisalment in case appraisalment is required, proof of publication in case sale is made at public auction, which report shall state that he did not directly or indirectly acquire any beneficial interest in the said real estate, or the lease thereof, or the mortgage thereof, as the case may be, and that he is not interested in the property sold, leased, or mortgaged, except as stated in his report. (2) The court, after having duly examined the report and being satisfied that the sale, lease, or mortgage has been in all respects made in conformity to law and ought to be confirmed, shall confirm the same and order the representative to make a deed, lease, or mortgage to the person entitled thereto. The instrument shall refer to the order for sale, lease, or mortgage by its date, and the court by which it was made, and shall transfer to the grantee, lessee, or mortgagee all the right, title, and interest of the decedent or ward in the premises granted by the instrument, discharged from liability for his debts, except encumbrances assumed.

SEC. 229. *Specific performance.* Upon the filing of a petition by any person claiming to be entitled to a conveyance from a decedent or ward bound by contract to make a conveyance, or by the representative, or by any person interested in the estate or claiming an interest in such real estate or contract, setting forth a description of the real estate and the facts upon which such claim for conveyance is based, the court shall fix the time and place for the hearing thereof, upon such notice as provided by section 13. Upon proof of the petition, the court may order the representative to execute and deliver a deed of conveyance upon performance of the contract.

SEC. 230. *Title of purchaser.* The deed or other instrument of the representative executed pursuant to section 54 or section 55 shall be received in all courts as presumptive evidence that the representative in all respects observed the directions and complied with the requisites of law, and shall vest title to the estate granted in the party receiving the same in like manner as if conveyed by the decedent in his lifetime or conveyed, leased, or mortgaged by the ward as if of full age and sound mind.

SEC. 231. *Real estate commission.* The court may in its discretion, after

notice to all parties in interest, allow a real estate commission, but such allowance shall be passed upon by the court prior to the sale.

SEC. 232. *Payment of title documents.* The court shall have authority to allow payment for certificate or abstract of title or policy of title insurance in connection with the sale of any real estate.

#### K. ESTATES OF ABSENTEES

SEC. 233. *Appointment of trustee.* When any person having an interest in any property in this state disappears and is absent from his last place of residence without being heard of after diligent inquiry, and the necessity for the appointment of a trustee appears, the probate court may determine the specific date the absentee was last heard of and appoint a trustee to take charge of his property.

SEC. 234. *Duties of trustee.* The trustee shall under the direction of the probate court administer said property as a trusteeship with full power to take possession of all property of the absentee wherever situated, to collect all debts due the absentee, and with the approval of the court in each case to pay all debts owing by the absentee, and to pay over the proceeds of such part or all of said property, or the income thereof, as may be necessary for the maintenance and support of the spouse and minor children, if any, of the absentee. If the personal property of said estate be not sufficient to pay all debts owing by the absentee, or to provide for the maintenance and support of his spouse and minor children, the trustee may sell so much of the real estate, as provided for the sale thereof by representatives of estates, as may be necessary to pay said debts and to maintain and support said spouse and minor children.

SEC. 235. The court may by order direct the trustee to make search for the absentee: (1) By inserting in one or more suitable periodicals a notice requesting information from any person having knowledge of the absentee's whereabouts. (2) By notifying officers of justice and public welfare agencies in appropriate locations of the absentee's disappearance. (3) By engaging the services of an investigation agency. (4) By such other means and methods as the court may determine. The expenses of such search shall be taxed as costs and paid out of the property of the absentee.

SEC. 236. *Administration of absentee's estate.* After such person for whose estate a trustee has been appointed has been absent from his last known place of residence for a continuous period of seven years under such circumstances that a presumption of death arises from his disappearance and absence, the property of the absentee in this state may be administered as if he were dead, subject to the provisions of this act.

SEC. 237. *Contents of petition.* The petition for the appointment of a trustee for an absentee's estate shall state, in addition to other requirements, the following: (1) The jurisdictional facts peculiar to such application. (2) The name and last known place of residence of the absent person, and when he disappeared therefrom. (3) That he has been continuously absent therefrom and has not been heard of after diligent inquiry. (4) The names, ages, residences, and addresses of those who would have an interest in his property, were said absentee deceased, and the nature of their respective interests, naming them and their relationship to the absent person. (5) That the absent per-



son's whereabouts is unknown to such persons. (6) The necessity for the appointment of a trustee.

SEC. 238. *Parties and notice.* All persons who have an interest in said property were said absentee deceased, together with the said absentee, shall be parties to said proceeding. Notice of the hearing of the petition shall be given to the absentee and other parties by publication and mailing pursuant to section 182. The court may require further and additional notice to be given.

SEC. 239. *Hearing and order.* Upon proof of the petition and for good cause shown the court may find that the absentee was last heard of on a date certain and that the appointment of a trustee is necessary. Thereupon the appointment shall be made.

SEC. 240. *Further hearing.* After the lapse of two years from the date of the determination provided for in section 239 and the lapse of seven years from the date of disappearance as therein determined, the court may, upon notice of the time and place of the hearing being given pursuant to section 182, proceed to take further evidence and thereafter to make a final determination therein, declaring that all the interest of the absentee in his property has now ceased and devolved upon others, by reason of his failure to appear and make claim, as if he were dead. The hearing and determination may take place before the lapse of seven years from the date of disappearance upon the presentation of satisfactory evidence of the absentee's death.

SEC. 241. *Claim of absentee barred.* No action shall be brought by an absentee to recover any portion of his property after the final finding provided for in section 240.

SEC. 242. *Final decree.* Upon the entry by the court of its final finding as prescribed in section 240, proceedings may be had for the administration of the absentee's estate or the probate of his will, as if he were dead. The trustee shall make his final account, and upon the approval thereof and the delivery of the estate to the executor or administrator, the trustee and his sureties shall be discharged. Upon the final settlement of the estate by the executor or administrator, the property then remaining shall pass and be distributed to those persons who would be entitled thereto under the laws of descent and distribution of this state had the absentee died intestate; or, in case the absentee leaves a will otherwise legally entitled to probate under the laws of this state, the remaining property shall pass and be distributed according to the terms of the will, as of the date as determined by the court on said final finding. The due execution of the will and of the distribution of said property shall be determined by the court administering the trusteeship, and shall be final and binding upon all persons, including the absentee.

#### L. GUARDIANSHIP

SEC. 243. *Counsel.* At the hearing of a petition for the commitment of an insane person and the appointment of a guardian thereof, or for the appointment of a guardian of an incompetent person or his estate, such person shall have the right to be present and shall be represented by counsel. If none be selected in his behalf, the court shall appoint suitable counsel to represent him. The hearing shall not proceed until the person is represented by counsel.

SEC. 244. *Trial by jury.* Trial by jury, if a demand therefor is made by an

interested party or on his behalf prior to the hearing, shall be had in a proceeding for the commitment of an insane person and the appointment of a guardian thereof, or for the appointment of a guardian of an incompetent person. The jury shall consist of six persons, one of whom shall be a duly licensed doctor of medicine, to be selected by the court, other members of the jury shall be selected, and the jury shall be empaneled, and sworn, and the trial shall proceed until a verdict is returned, in accordance with the rules prescribed by the code of civil procedure, except that no peremptory challenges shall be exercised as to the doctor of medicine.

**SEC. 245. *Form of verdict of insanity.*** The verdict in insanity proceedings shall be in substantially the following form:

We, the undersigned jurors, having heard the evidence, find that said—— is insane and a fit person to be sent to the state hospital for the treatment of the insane; that he is a resident of the state of Kansas, county of ——; that —— disease is of —— duration, dating from the first symptoms of this attack; that the cause is supposed to be ——; that the disease is —— hereditary; that he —— subject to epilepsy; —— that he does —— manifest homicidal or suicidal tendencies.

**SEC. 246. *Form of verdict of incompetency.*** The verdict in incompetency proceedings shall be in substantially the following form:

We, the undersigned jurors, having heard the evidence, find that said —— is (here say insane, a lunatic, an idiot, an imbecile, a distracted person, a feeble-minded person, a drug habitue, or an habitual drunkard, as the case may be), and incapable of managing his affairs, and that it is necessary that a guardian should be appointed (here say for his person or estate, or person and estate, as the jury may find).

**SEC. 247. *Hearing by commission.*** Unless a jury shall have been demanded, the court shall appoint a commission of two duly licensed doctors of medicine to assist at the hearing. The commissioners and the court shall make and file a report of their findings. In case the hearing is for the commitment of an insane person, the report shall be in duplicate and on such forms as may be prescribed by the state board of administration, one of which shall be filed with the court and the other shall be transmitted to the board of administration.

**SEC. 248. *Judgment and appointment.*** The court may render judgment on the verdict or findings, set them aside, order another trial or hearing, or dismiss the proceedings. If the court adjudges that the person is insane or incompetent and that a guardian ought to be appointed, the court shall appoint one or two suitable persons as guardians of the person or of estate or of both. Upon the filing of a bond in such amount as the court may direct and an oath according to law, letters of guardianship shall be granted. If there be no property, the court may waive the filing of a bond, but if the guardian receives or becomes entitled to any property, he shall immediately file a report thereof and a bond in such amount as the court may direct. If a guardian dies, resigns, or is removed, the court, with or without notice, may appoint a successor.

**SEC. 249. *Transfer of venue.*** When the residence of a ward shall have been changed to another county in the state and it is for the best interest of the ward or his estate, the venue may be transferred to such other county. Upon the filing of a petition by any person interested in the ward or in his estate, the court shall fix the time and place for the hearing thereof, notice of which shall be given, as provided in section 13. Upon proof of the petition and that

a transfer of venue is for the best interest of the ward or his estate, and upon the settlement and allowance of the guardian's accounts to the time of such hearing the court, after making and retaining a true copy of the entire file, shall transmit the original file to the court of such other county in which all subsequent proceedings shall be had.

SEC. 250. *Restoration to capacity.* Any person who has been adjudged insane or incompetent as herein provided, or his guardian, or any other person interested in him or his estate may petition the court in which he was so adjudicated or to which the venue has been transferred to be restored to capacity: *Provided*, A petition for the restoration to capacity of a patient committed to a state hospital shall not be filed within six months after the patient's admission thereto nor oftener than once every six months. Upon the filing of such petition, the court shall fix the time and place for the hearing thereof, notice of which shall be given to the superintendent thereof if he is under the control of or has not been discharged from a state hospital, and to such other persons and in such manner as the court may direct. Any person may oppose such restoration. Upon hearing of the petition and proof that such person has been restored to capacity and is capable of managing his person and estate, the court shall adjudge him restored to capacity. If the venue has been transferred no proceedings need be had in the court from which the venue was transferred.

SEC. 251. *Notice for accounting.* The court may on its own motion, or upon the petition of the guardian or any person interested in the ward or his estate shall fix the time and place for the hearing of any account, notice of which shall be given. Whenever any funds have been received from the veteran's administration, notice by mail shall be given to the regional office having charge thereof.

SEC. 252. *Hearing on accounting.* On the hearing, unless otherwise ordered, the guardian shall, and other persons may, be examined. If the account be correct, it shall be settled and allowed. The order of settlement and allowance shall show the amount of the personal property remaining. Upon settlement of the final account, and upon delivery of the property on hand to the person entitled thereto, the court shall discharge the guardian and his sureties.

#### M. COMMITMENT OF INSANE PERSONS

SEC. 253. *Institution of proceedings.* Any reputable citizen may file in the probate court of the county of the patient's residence or presence a petition for the commitment of the person as an insane patient to the state hospital. The petition shall state the name, residence, and address of the patient and of his nearest relatives, the reasons for the application, and the names of two witnesses by whom the truth of the petition may be proved. The court may appoint a duly licensed doctor of medicine to make an examination.

SEC. 254. *Notice and process.* The trial or hearing shall be held at such time and place and upon notice to such persons and served in such manner as the court may determine. Unless the patient shall be brought before the court without a writ, or it appears to the court that the condition of the patient is such as to render it manifestly improper that the patient be brought before the court, the court shall issue a writ directed to the sheriff, or any proper person, commanding the patient to be brought before the court for the hearing.

In no case shall the hearing be had until the patient shall be notified as the court may determine.

SEC. 255. *Appointment of guardian.* If the patient is adjudged insane, the court may appoint a guardian of his estate: *Provided*, Such proceedings are had in the county having venue of appointment, if such appointment is within the terms of the application made by the petition, and the notice required therefor has been duly given.

SEC. 256. *Transfer.* Whenever the residence of the patient is found to be in another county, the court of commitment shall transmit to the probate court of such county a transcript of the proceedings, including the return of the warrant from the superintendent, and all subsequent proceedings relating to the case shall be in the probate court of said county. The court of commitment shall also transmit to such court a statement of the expense of the inquest, confinement, commitment, and conveyance of the patient to the place of detention. If the probate court to which such claim is transmitted shall deny the same, it shall transmit the claim to the state board of administration, which shall determine the question of residence and certify its findings to each court. If the claim be not paid within thirty days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

SEC. 257. *Costs.* In each proceeding the court shall allow and order to be paid as a part of the costs thereof: to the examining physician the sum of .....dollars for his services, to each commissioner the sum of .....dollars per day for his services, to the patient's counsel, when appointed by the court, the sum of .....dollars per day, and the actual and necessary traveling expenses of each. Other fees shall be allowed and paid as are allowed by law for similar services in other cases. In case of a county patient, the costs shall be paid by the county. In case of a private patient, the costs shall be paid from his estate or by those bound by law to support him, as the court may determine. If the patient is found to be sane, the court may for good cause shown require the costs to be paid by the petitioner.

SEC. 258. *Order of restoration.* When notice is received from the superintendent of a state hospital by the court of the patient's residence that a patient has been discharged as restored to capacity, the court shall make an order that the patient has been restored to capacity.

#### N. ADOPTION OF CHILDREN

SEC. 259. *Venue and petition.* Proceedings for the adoption of a minor child may be had in the probate court of any county in which a petition for adoption is filed. The petition shall state: (1) The name, residence, and address of the petitioner. (2) The name, date and place of birth, and domicile of the child. (3) The financial condition of the petitioner and of the child. (4) Whether one or both parents are living; and the name, residence, and address of those living so far as known to the petitioner: *Provided*, The names of parents may be omitted if the child is under custody for the period of minority of the state board of administration or an institution or agency established or authorized by the laws of this state to care for children.

SEC. 260. *Procedure after the petition filed.* All written consents required

for the adoption shall be filed before the hearing. When the petition is filed the court shall fix the time and place for the hearing thereof, and order notice of the hearing to be given, in such manner as the court shall direct, to such parents as have not given their written consent to the adoption. The court may issue citation to the child or any parent or custodian of the child to appear before the court at the hearing for examination relative to the adoption of the child.

SEC. 261. *Hearing and decree.* If the court shall find from the testimony that the petition has been proved, that all required written consents to the adoption have been freely and voluntarily made and duly executed, that the petitioner is a fit and proper person and financially able to assume the relation of parents of such child, and that the adoption of the child by the petitioner is to the best interest and will promote the welfare of the child, the court shall order the adoption to be made and decree the child to be the child of the petitioner. All costs of the proceeding shall be paid by the petitioner.

#### O. CITATION AND DISCLOSURE PROCEEDINGS

SEC. 262. *Citation to issue.* If any person neglects or refuses to perform an order or judgment of a probate court, other than for the payment of money, he shall be guilty of a contempt of court; and the court shall issue a citation requiring him at an early day therein to be appointed to appear before the court and show cause, if any he has, why he should not be punished for contempt. If, after personal service of citation by an officer or other person, such person shall not on the day appointed appear before the court, or if it appears to the court that he is secreting himself to avoid the process of the court or is about to leave the county for that purpose, the court may issue an attachment commanding the officer to whom it is directed to bring such person before the court to answer for contempt.

SEC. 263. *Execution.* Orders for the payment of money may be enforced by execution, or otherwise, as judgments in the district court are enforced.

SEC. 264. *Disclosure proceedings.* Upon the filing of a petition by a representative or any person interested in the estate, alleging that any person has concealed, converted, embezzled, or disposed of any property belonging to the estate of a decedent, or that any person has possession or knowledge of any will or codicil of a decedent, or of any instruments in writing relating to the property of such decedent or ward, the court, upon such notice as it may direct, may order such person to appear before it for disclosure. Refusal to appear or submit to examination, or failure to obey any lawful order based thereon shall constitute contempt of court.

SEC. 265. *Inspection and Copies.* The books and records of the probate court shall be open to inspection by all persons at all times. The court shall furnish a certified or authenticated copy of any document on file or of record upon payment therefor. The court, in making certified or authenticated copies of letters of appointment is authorized upon request to certify further whenever such is the fact, that the letters so certified stand unrevoked at the date of the certificate; and such certificate shall be prima facie evidence of such fact.

## P. APPEALS

SEC. 266. *Appealable orders.* An appeal to the district court may be taken from any of the following orders, judgments, decrees, and decisions of the probate court: (1) An order admitting, or refusing to admit, a will to probate. (2) An order appointing, or refusing to appoint, or removing, or refusing to remove, a representative other than a special administrator. (3) An order appointing, or refusing to appoint, or removing, or refusing to remove, a trustee. (4) An order setting apart, or refusing to set apart, a homestead or other property, or making or refusing to make an allowance of exempt property to the spouse and minor children. (5) An order determining, or refusing to determine, venue; an order transferring, or refusing to transfer, venue. (6) An order allowing, or disallowing a demand in whole or in part when the amount in controversy exceeds fifty dollars. (7) An order authorizing, or refusing to authorize, the sale, lease, or mortgage of real estate; an order confirming, or refusing to confirm, the sale, lease, or mortgage of real estate. (8) Judgments for waste. (9) An order directing, or refusing to direct, a conveyance of real estate under contract. (10) An order directing, or refusing to direct, the payment of a legacy or distributive share. (11) An order allowing, or refusing to allow, an account of a representative or any part thereof. (12) An order allowing, or refusing to allow, an account of a trustee or any part thereof. (13) A judgment or decree of partial or final distribution. (14) An order compelling, or refusing to compel, a legatee or distributee to refund. (15) An order directing an allowance, or refusing to direct an allowance, for the expenses of administration. (16) An order vacating a previous appealable order, judgment, decree, or decision; an order refusing to vacate a previous appealable order, judgment, decree, or decision alleged to have been procured by fraud or misrepresentation, or through surprise or excusable inadvertance or neglect. (17) A decree determining, or refusing to determine, the heirs, devisees and legatees. (18) An order adjudging a person in contempt. (19) An order adjudging, or refusing to adjudge, a person incompetent. (20) An order committing, or refusing to commit a patient to a state hospital. (21) An order granting or denying restoration to capacity. (22) An order decreeing, or refusing to decree, an adoption. (23) A final decision of any matter arising under the jurisdiction of the probate court.

SEC. 267. *Venue.* Such appeal shall be to the district court of the county of the probate court which made the order, judgment, decree, or decision appealed from, except that an appeal taken from any order, judgment, decree, or decision (other than one determining or refusing to determine venue or transferring or refusing to transfer venue) made before the transfer of venue shall be taken to the district court of the county to which the transfer was made.

SEC. 268. *Time for appeal.* Such appeal may be taken by any person aggrieved within thirty days after the making of such order, judgment, decree, or decision: *Provided*, That an appeal may be taken within nine months from an order admitting, or refusing to admit, a will to probate. In an appeal from an order admitting, or refusing to admit, a will to probate, after the transcript has been filed in the district court, the order appealed from and the notice of appeal shall be served upon all interested parties not personally served when the appeal was taken, as in civil actions in the district court. Other persons may be made parties thereto by the service of such order and notice.

SEC. 269. *Requisites.* To render the appeal effective: (1) The appellant shall serve upon the adverse party or his attorney of record, or upon the probate judge, for the adverse party who did not appear, a written notice of appeal specifying the order, judgment, decree, or decision appealed from, and file such notice of appeal in the probate court with proof of service thereof verified by his affidavit. (2) The appellant, other than the state or municipality or a fiduciary appealing on behalf of the estate, shall file in the probate court a bond in such sum and with such sureties as may be fixed and approved by the probate court, conditioned that he will prosecute the appeal and pay all sums, damages, and costs that may be adjudged against him. (3) Whenever a party in good faith gives due notice of appeal and omits through mistake to do any other act necessary to perfect the appeal, the district court may permit an amendment on such terms as may be just.

SEC. 270. *Transcript.* When an appeal has been effected, the probate court shall transmit to the district court a complete transcript of the proceedings pertaining to the matter in which the appeal is taken.

SEC. 271. *Effect of appeal.* Such appeal shall suspend the operation of the order, judgment, decree, or decision appealed from until the appeal is determined or the district court shall otherwise order.

SEC. 272. *Trial on appeal.* Upon the filing of the transcript the district court shall be possessed of the cause and shall proceed to hear and determine the same anew. The district court may allow or require any pleading to be amended, render judgment on the pleadings, or dismiss the appeal. All appeals other than those from the allowance or disallowance of a demand, adjudging or refusing to adjudge a person incompetent, and committing or refusing to commit a patient to a state hospital, shall be tried by the court without a jury, unless the court orders the whole issue, or some specific question of fact therein, to be tried by a jury or referee.

SEC. 273. *Certification to probate court.* The clerk of the district court shall certify a transcript of the proceedings and judgment of the district court to the probate court, which shall proceed in accordance therewith.

#### Q.—RULES OF COURT

SEC. 274. *Rules may be promulgated.* Appropriate rules of court not inconsistent with the provisions of this act may be promulgated by the supreme court to regulate the practice in matters covered by this act in case that court deems it necessary.

To this will be added appropriate sections repealing existing sections and providing the effective date of the act so as not to interfere with vested rights and pending business.

TABLE I.—Probate courts, miscellaneous information, year ending June 30, 1937

COUNTY.	Judge.	Time judge has served.		Defalcations since July 1, 1936, by guardian, executor, or administrator.		Juvenile officers.		Number juvenile cases.	Habeas corpus cases since July 1, 1936.	Orders made in district court cases.	Pro-ceedings in aid of exe-cution.	Number of adoption proceedings.	Number of insanity hear-ings.
		Yrs.	Mos.	No.	Amount.	Full time.	Part time.						
Allen.....	A. M. Dunlap.....	.....	6	0	.....	0	1	7	0	0	0	3	11
Anderson.....	J. H. Spohn.....	8	6	0	.....	1	0	15	0	3	0	2	9
Atchison.....	F. P. Vertz.....	4	6	0	.....	1	0	11	0	0	0	3	14
Barber.....	Jno. C. Hilkey.....	.....	6	0	.....	0	0	2	2	4	0	2	5
Barton.....	H. A. Hall.....	28	6	0	.....	0	1	1	0	3	0	5	8
Bourbon.....	I. A. Stanton.....	.....	6	0	.....	1	0	11	0	0	0	2	10
Brown.....	Dale Bailey.....	.....	6	0	.....	1	0	9	0	0	0	3	11
Buier.....	W. N. Calkins.....	3	6	0	.....	0	0	20	0	0	0	7	13
Chase.....	A. E. Johnson.....	2	6	0	.....	1	0	2	0	0	0	6	7
Chautauqua.....	R. E. Rathbun.....	.....	6	0	.....	0	0	0	0	1	0	1	3
Cherokee.....	Walter Lergen.....	4	6	0	.....	1	0	26	0	0	0	8	16
Cheyenne.....	Margence Curry.....	1	2	0	.....	1	0	11	0	3	3	0	2
Clark.....	O. T. Annon.....	2	6	0	.....	1	0	3	0	6	2	3	5
Clay.....	Frank H. Meek.....	4	6	0	.....	1	0	3	0	0	0	0	10
Cloud.....	E. W. Thompson.....	12	6	0	.....	2	0	5	0	0	0	0	8
Coffey.....	W. A. Starliper.....	.....	6	0	.....	0	0	4	0	0	0	1	12
Comanche.....	M. M. Cosby.....	13	6	0	.....	2	0	2	0	2	0	1	2
Cowley.....	Ellis Fink.....	3	6	0	.....	2	0	99	0	0	0	16	28
Crawford.....	Robert W. Colburn.....	16	6	0	.....	1	0	12	0	5	0	4	36
Dacotah.....	Raph McLaughlin.....	2	6	0	.....	1	0	3	0	0	0	2	3
Dickinson.....	D. W. Nickles.....	4	6	1	\$2,468.00	2	0	22	0	5	0	8	18
Doniphan.....	John R. Bell.....	6	6	0	.....	1	0	52	4	2	0	4	15
Douglas.....	L. H. Menger.....	16	6	0	.....	1	0	11	0	0	0	2	10
Edwards.....	L. L. Anderson.....	5	6	0	.....	0	2	3	0	9	0	3	6
Elk.....	W. M. Gibbons.....	2	6	0	.....	1	0	0	0	2	0	6	6
Ellis.....	Peter Holzmeister.....	4	6	0	.....	1	0	1	0	3	0	3	8
Ellsworth.....	Frank Vitek.....	3	6	0	.....	1	0	12	0	2	0	0	3
Farmey.....	Edgar Foster.....	7	6	0	.....	0	1	11	0	0	0	3	1
Ford.....	Richard W. Evans.....	9	6	0	.....	0	0	21	0	10	1	7	8
Franklin.....	Clive H. Owen.....	8	6	0	.....	1	0	10	0	10	0	3	13



TABLE I.—CONTINUED. Miscellaneous information, year ending June 30, 1937

COUNTY.	Judge.	Time judge has served.		Defalcations since July 1, 1936, by guardian, executor, or administrator.		Juvenile officers.		Number juvenile cases.	Habeas corpus cases since July 1, 1936.	Orders made in district court cases.	Proceedings in aid of execution.	Number of adoption proceedings.	Number of insanity hearings.
		Yrs.	Mos.	No.	Amount.	Full time.	Part time.						
Geary.....	Dave Rankin.....	6	6	1	\$456.97	2	0	11	0	0	0	3	5
Gove.....	George P. Turner.....	10	6	0	.....	0	0	1	0	0	0	1	0
Graham.....	E. L. McClure.....	12	6	0	.....	1	0	5	0	1	0	3	2
Grant.....	Myrtle Newby.....	6	6	0	.....	0	0	2	0	0	0	0	1
Gray.....	Edith M. Johnston.....	6	6	0	.....	0	0	0	0	0	0	4	1
Greeley.....	I. G. Riden.....	4	6	0	.....	0	0	0	0	2	0	1	1
Greenwood.....	B. M. Beyer.....	6	6	0	.....	1	0	9	1	0	0	3	15
Hamilton.....	D. P. Hutton.....	2	6	0	.....	0	0	2	0	4	0	0	3
Harper.....	D. C. Hawk.....	26	6	0	.....	2	0	16	0	6	0	2	1
Harvey.....	W. G. Adams.....	6	6	0	.....	0	0	52	0	1	0	5	6
Haskell.....	Lawrence G. Meairs.....	15	6	0	.....	0	0	0	0	0	0	0	1
Hodgeman.....	Hugh Roberts.....	2	6	0	.....	1	0	3	0	1	0	1	17
Jackson.....	Jesse L. Hayden.....	6	6	0	.....	0	0	0	0	10	0	4	1
Jefferson.....	Arthur Ferris.....	2	6	0	.....	0	0	2	0	0	0	2	7
Jewell.....	Frank Kissinger.....	6	.....	0	.....	0	0	9	0	1	0	2	7
Johnson.....	Bert Rogers.....	2	6	0	.....	0	1	4	0	0	0	7	15
Kearny.....	Lulla Schizman.....	6	6	0	.....	1	0	3	0	2	0	0	3
Kingman.....	L. W. Kabler.....	10	6	0	.....	1	0	5	0	0	0	2	5
Kiowa.....	Harry Paxton.....	2	6	0	.....	1	0	1	0	3	0	0	1
Labette.....	Leonard Rude, Sr.....	6	6	0	.....	1	0	39	0	0	0	7	15
Lane.....	J. A. Radford.....	8	6	0	.....	0	0	0	0	0	0	1	1
Leavenworth.....	Sam Pansa.....	2	6	0	.....	1	0	0	6	4	0	16	19
Lincoln.....	A. Atkinson.....	34	6	0	.....	1	0	4	0	3	0	3	3
Linn.....	Owen E. Root.....	4	6	1	\$250.00	0	0	12	1	2	0	5	8
Logan.....	Winnie Seitz.....	8	6	0	.....	0	0	1	0	0	0	0	2
Lyon.....	Robert H. Hudkins.....	4	6	1	1,500.00	1	0	9	0	25	0	11	13
Marion.....	Isa E. Hargett.....	8	6	0	.....	0	0	0	0	0	0	4	8
Marshall.....	F. R. Pullene.....	4	6	0	.....	0	0	9	0	1	0	8	12
McPherson.....	J. J. DeGroot.....	12	6	0	.....	2	0	0	0	18	0	7	10
Meade.....	Florilla DeCov.....	12	6	0	.....	0	1	2	0	0	0	2	4

TABLE I.—CONTINUED. Miscellaneous information, year ending June 30, 1937

COUNTY.	Judge.	Time judge has served.		Defalcations since July 1, 1936, by guardian, executor, or administrator.		Juvenile officers.		Number juvenile cases.	Habeas corpus cases since July 1, 1936.	Orders made in district court cases.	Proceedings in aid of execution.	Number of adoption proceedings.	Number of insanity hearings.
		Yrs.	Mos.	No.	Amount.	Full time.	Part time.						
Miami.....	C. E. Rossman.....	12	6	0	.....	2	.....	17	0	3	0	2	14
Mitchell.....	J. M. Rodgers.....	6	6	0	.....	2	.....	11	2	6	0	3	7
Montgomery.....	Earl L. Bailey.....	2	6	0	.....	0	3	438	0	0	0	16	47
Morris.....	W. T. Williams.....	6	6	0	.....	0	0	3	0	4	0	3	5
Morton.....	Jennie M. Smallwood.....	7	6	0	.....	0	0	0	0	0	0	0	0
Nemaha.....	L. S. Slocum.....	16	6	0	.....	0	0	7	0	2	0	2	4
Neosho.....	L. C. Swan.....	6	6	0	.....	2	0	19	0	0	0	1	7
Ness.....	J. C. M. Anderson.....	4	6	0	.....	1	0	2	0	0	0	0	5
Norton.....	W. A. Hendrickson.....	4	6	0	.....	1	0	1	0	3	0	1	5
Osage.....	Geo. E. Ramskill.....	2	6	0	.....	0	1	3	0	0	0	2	5
Osborne.....	James W. Bell.....	4	6	0	.....	1	0	2	0	0	0	3	9
Ottawa.....	G. R. King.....	4	6	0	.....	5†	0	2	0	1	0	1	3
Pawnee.....	W. H. Goddard.....	2	6	0	.....	0	0	2	0	3	0	2	13
Phillips.....	Fred Kelly.....	4	6	0	.....	1	0	1	0	3	0	2	6
Pottawatomie.....	Frank Brooks.....	5	6	0	.....	1	0	4	0	5	1	1	4
Pratt.....	E. R. Barnes.....	11	6	0	.....	0	1	12	0	6	0	5	4
Rawlins.....	M. H. Bird.....	4	6	0	.....	1	0	1	0	0	0	1	2
Reno.....	A. B. Leigh.....	4	6	0	.....	1	0	42	0	12	0	10	10
Republic.....	Henry Van Natta.....	18	6	0	.....	0	0	11	0	11	0	3	6
Rice.....	H. G. Doddridge.....	.....	6	0	.....	0	1	1	0	4	0	8	5
Riley.....	Charles F. Johnson.....	8	6	0	.....	0	2	38	0	5	0	6	13
Rooks.....	H. E. Lenherd.....	2	6	0	.....	1	0	8	0	1	0	0	1
Rush.....	Paul J. Warden.....	.....	6	0	.....	0	0	1	0	0	0	0	1
Russell.....	J. D. Steidle.....	4	6	0	.....	0	1	0	0	11	0	0	8
Saline.....	Will F. Miller.....	12	6	0	.....	0	1	32	0	8	0	12	20

TABLE I—CONCLUDED. Miscellaneous information, year ending June 30, 1937

COUNTY.	Judge.	Time judge has served.		Defalcations since July 1, 1936, by guardian, executor, or administrator.		Juvenile officers.		Number juvenile cases.	Habeas corpus cases since July 1, 1936.	Orders made in district court cases.	Proceedings in aid of execution.	Number of adoption proceedings.	Number of insanity hearings.
		Yrs.	Mos.	No.	Amount.	Full time.	Part time.						
Scott.	James H. Force	4	6	0	.....	0	0	0	1	1	0	0	2
Sedgwick.	Clyde M. Hudson	4	6	0	.....	3	0	616	1	0	1	79	124
Seward.	L. A. Etzold.	11	6	0	.....	2	0	14	0	0	0	5	4
	(Avis King Lacey, Judge pro tem.)												
Shawnee.	Roy N. McCue	2	6	1	\$91.00	3	0	169*	0	0	0	46	116
Sheridan.	N. F. McWilliams.	4	6	0	.....	1	0	1	0	2	0	0	0
Sherman.	Bryan Baderstadt	2	6	0	.....	0	1	2	0	2	0	0	7
Smith.	Charles Buell	4	6	0	.....	0	0	0	0	0	0	3	6
Stafford.	F. R. Seely	2	6	0	.....	1	0	8	0	0	0	0	5
Stanton.	Wayne Gaskill	0	4	0	.....	1	0	0	0	0	0	1	0
Stevens.	J. B. Porter	0	6	0	.....	0	0	0	0	0	0	2	0
Sumner.	Charles P. Hangen	15	6	0	.....	1	0	28	0	0	0	5	22
Thomas.	O. A. Shell	4	6	0	.....	1	0	2	0	0	0	0	3
Trego.	Walter F. Swiggett	4	6	0	.....	0	0	8	0	1	0	0	3
Wabausee.	H. R. Williams	4	6	0	.....	0	1	6	0	0	0	0	1
Wallace.	George Cox	20	6	0	.....	1	0	0	0	0	0	0	2
Washington.	R. L. Rust	6	6	0	.....	1	0	1	0	3	0	2	7
Wichita.	Maggie Gilmore	2	6	0	.....	0	0	0	0	0	0	0	0
Wilson.	J. Harlan Blackburn	0	6	0	.....	1	0	15	0	0	0	1	11
Woodson.	D. S. Bell	2	6	1	724.44	1	0	8	0	0	0	0	4
Wyandotte.	Henry Meade	12	6	0	.....	3	0	294	0	0	0	56	87
Totals.		.....	.....	6	\$5,490.41	76	19	2,683	19	259	8	515	1,103

\* 900 juvenile cases under court jurisdiction.

† 5 probation officers, none of whom receive pay.



TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons closed within the year ending June 30, 1937

COUNTIES.	Number of cases.....	Final report filed within 1 year after letters of administration issued..	Pending 1 to 2 years.....	Pending 2 to 3 years.....	Pending 3 to 4 years.....	Pending 4 to 5 years.....	Pending 5 to 10 years....	Pending longer than 10 years.....	Number of cases with wills.....	Number of cases without wills.....	Number of bonds filed...	Number of bonds kept good.....	No bonds filed.....	Inventory in 60 days.....	Inventory after 60 days..	No inventory.....
Ellis.....	34	4	21	2	0	1	5	1	22	12	14	14	20	26	8	0
Ellsworth.....	32	6	22	3	0	1	0	1	19	13	20	20	12	26	4	2
Finney.....	22	8	11	1	0	0	0	0	8	14	19	19	3	21	1	0
Ford.....	36	2	18	2	4	2	3	5	19	17	24	23	12	15	13	8
Franklin.....	62	8	43	4	2	1	3	1	36	26	43	43	19	47	10	5
Geary.....	33	0	26	2	0	2	0	3	24	9	17	16	16	24	7	2
Gove.....	17	2	6	1	4	0	3	1	5	12	17	17	0	12	4	1
Graham.....	13	8	8	3	0	0	0	0	9	4	9	9	4	10	3	1
Grant.....	1	0	1	1	0	0	0	0	1	0	1	1	0	0	0	1
Gray.....	10	2	4	3	0	1	0	0	6	4	6	6	4	5	5	0
Greeley.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Greenwood.....	44	7	22	3	4	2	6	0	21	23	35	35	9	36	9	0
Hamilton.....	17	4	5	1	1	0	5	1	9	18	8	8	9	2	7	2
Harper.....	38	4	24	2	2	0	3	1	19	19	26	26	12	32	6	0
Harvey.....	86	9	35	14	3	5	17	3	45	56	56	56	30	53	25	8
Haskell.....	7	0	4	3	0	0	0	0	3	4	5	5	2	5	1	1
Hodgeman.....	11	3	5	1	0	0	2	0	6	5	9	9	2	6	4	1
Jackson.....	69	5	34	12	6	1	9	3	38	31	50	50	19	43	26	0
Jackson.....	33	4	14	7	1	1	2	3	13	26	26	26	7	28	5	0
Jefferson.....	41	5	22	3	1	3	3	3	22	19	33	33	8	35	5	1
Jewell.....																
Johnson.....	59	7	36	4	3	1	4	4	36	23	30	29	29	42	13	4
Kearny.....	1	0	1	0	0	0	0	0	1	0	1	1	0	1	0	2
Kingman.....	40	0	24	3	2	0	2	0	21	19	23	21	17	32	6	0
Kiowa.....	18	9	7	3	1	2	0	0	13	13	14	14	4	13	3	0
Labette.....	57	3	40	5	2	1	5	1	28	29	37	37	20	36	11	10

TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons closed within the year ending June 30, 1937

COUNTIES.	Number of cases.....	Final report filed within 1 year after letters of administration issued..	Pending 1 to 2 years.....	Pending 2 to 3 years.....	Pending 3 to 4 years.....	Pending 4 to 5 years.....	Pending 5 to 10 years....	Pending longer than 10 years.....	Number of cases with wills.....	Number of cases without wills.....	Number of bonds filed...	Number of bonds kept good.....	No bonds filed.....	Inventory in 60 days.....	Inventory after 60 days..	No inventory.....
Lane.....	5	0	5	0	0	0	0	0	5	0	1	1	4	4	0	1
Leavenworth.....	99	55	37	2	1	1	1	2	67	32	48	48	51	57	40	2
Lincoln.....	48	3	29	5	3	3	5	0	20	0	21	21	41	11	7	0
Linn.....	43	6	18	8	4	2	3	0	24	19	31	29	12	40	3	0
Logan.....	2	1	1	0	0	0	0	0	1	1	2	2	0	2	0	0
Lyon.....	57	9	33	5	3	1	4	2	33	24	41	41	16	15	13	29
Marion.....	55	9	33	5	1	2	3	2	27	28	46	46	9	43	10	2
Marshall.....	76	2	61	3	1	1	7	1	53	23	46	46	30	67	5	4
McPherson.....	95	4	58	9	6	3	10	5	40	55	74	74	21	66	26	3
Meade.....	12	0	8	2	1	0	1	0	5	7	7	7	5	11	1	0
Miami (9 foreign transcripts)	57	18	31	6	0	0	2	0	27	30	43	43	14	48	9	0
Mitchell.....	60	1	44	5	4	2	0	2	19	41	43	42	17	43	15	2
Montgomery.....	68	17	33	6	4	3	0	5	40	28	51	8	17	47	20	1
Morris.....	53	8	31	7	1	1	3	2	26	27	36	36	17	42	11	0
Morton.....	1	0	1	0	0	0	0	0	1	1	1	1	0	1	0	0
Nemaha.....	50	13	20	10	1	1	2	3	24	26	28	28	22	35	14	1
Neosho.....	56	6	40	3	5	2	0	0	26	30	37	37	19	34	8	14
Ness.....	20	0	17	1	1	1	0	0	11	18	18	18	2	18	2	0
Norton.....	22	4	9	4	2	2	1	5	13	9	17	17	5	19	3	0
Osage.....	52	2	29	6	4	2	4	5	32	20	38	38	14	37	14	1
Osborne.....	33	3	26	1	2	1	0	0	9	24	26	26	7	25	8	0
Ottawa.....	35	1	21	4	3	0	3	2	14	21	33	33	2	32	0	0
Pawnee.....	9	0	8	1	0	0	0	0	6	3	6	6	3	7	2	0
Phillips.....	52	7	32	3	3	2	3	2	23	29	39	39	13	46	5	1
Pottawatomie.....	41	5	23	2	2	2	5	2	18	23	28	28	13	35	6	0
Pratt.....	28	7	15	2	0	1	3	0	19	9	16	16	12	8	19	1
Rawlins (10 foreign transcripts)	19	1	13	4	1	1	0	0	12	7	13	14	4	17	1	1
Reno.....	61	1	46	7	2	0	4	0	31	30	38	38	23	37	22	1
Republic.....	42	10	24	2	0	1	1	1	25	17	33	33	9	37	4	1
Rice.....	44	4	19	5	0	1	3	3	15	29	35	35	9	23	11	10

TABLE II.—CONTINUED.

COUNTIES.	No inventory.....	Inventory after 60 days..	Inventory in 60 days....	No bonds filed .....	Number of bonds kept good.....	Number of bonds filed...	Number of cases without wills.....	Number of cases with wills.....	Pending longer than 10 years.....	Pending 5 to 10 years....	Pending 4 to 5 years....	Pending 3 to 4 years....	Pending 2 to 3 years....	Pending 1 to 2 years....	Final report filed within 1 year after letters of administration issued..	Number of cases.....
Riley.....	0	7	32	8	31	18	21	0	2	1	1	1	3	29	3	39
Rooks.....	0	8	36	18	26	19	25	0	4	3	2	5	4	24	3	44
Rush.....	35	3	33	33	14	45	26	51	0	5	0	2	4	12	0	71
Russell.....	0	2	14	3	13	8	8	0	0	0	1	1	4	11	3	16
Saline.....	0	23	46	19	50	39	30	0	0	0	1	2	5	55	6	69
Scott.....	0	0	8	1	7	67	2	0	1	1	2	1	0	3	1	8
Sedwick.....	0	89	120	101	108	6	142	0	4	18	6	11	19	125	26	209
Seward.....	0	4	6	3	7	3	0	0	0	0	1	0	3	5	1	10
Shawnee.....	0	51	45	33	66	43	56	0	0	3	1	3	5	69	17	99
Sheridan.....	0	2	8	3	7	6	4	0	0	1	0	1	1	7	0	10
Sherman.....	0	4	5	2	7	16	3	0	0	0	1	0	0	7	1	9
Smith.....	0	7	21	8	14	6	14	0	0	0	0	3	0	20	4	30
Stafford.....	0	3	32	23	17	14	26	2	0	0	0	2	8	21	6	40
Stanton.....	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0
Stevens.....	0	1	7	2	6	6	2	0	0	0	1	1	1	5	0	8
Sumner.....	0	17	38	18	35	22	33	3	3	3	0	3	2	37	7	55
Thomas.....	1	3	20	3	21	16	8	3	3	1	3	2	2	13	0	24
Trego.....	1	2	13	2	9	12	14	1	1	2	0	2	2	10	3	16
Wagonsee.....	0	0	42	0	49	32	30	4	0	0	0	0	0	44	0	62
Wallace.....	0	7	1	0	1	1	0	0	0	0	0	0	0	1	0	1
Washington.....	0	0	28	5	30	19	16	2	3	3	1	1	3	16	9	35
Wichita.....	6	7	2	0	3	2	0	0	0	0	0	0	0	2	1	3
Wilson.....	6	6	32	13	31	15	29	2	2	4	1	3	4	23	7	44
Woodson.....	9	12	9	9	12	12	12	2	2	1	2	0	3	12	1	21
Wyandotte.....	8	51	147	36	170	94	112	5	5	14	8	1	9	143	26	206
Totals.....	278	1,003	2,934	1,342	2,774	1,981	2,234	185	273	132	197	362	2,419	647	4,215	Foreign transcripts. Total cases.

TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons closed within the year ending June 30, 1937

COUNTIES.	Value of estates as appraised.....	Estimated value of estates not appraised...	Number First Annual reports.....	Attorney represented executor or administrator.	Attorney represented heirs or devisees.....	No attorney.....	Estates paid claims in full.....	Estates did not pay claims in full.....	Total fees allowed for executors or administrators.....	Total fees allowed for attorneys.....
Allen.....	\$436,235.18	\$38,081.50	38	34	0	8	38	4	\$5,154.60	\$3,307.90
Anderson.....	176,978.27	101,903.82	57	14	13	42	47	10	2,573.80	3,026.76
Archison.....	416,903.91	200,502.83	7	30	30	21	40	3	7,205.80	4,125.00
Barber.....	308,747.37	41,000.00	3	15	12	53	19	2	5,680.00	3,919.70
Barton.....	1,469,419.08	1,708.00	9	25	2		72	6	7,903.98	12,139.33
Bourbon.....	158,570.00		1	17	1	11	24	5	1,599.47	1,459.08
Brown.....	392,593.47		19	8	2	34	30	14	4,570.00	2,460.00
Butler.....	1,344,235.60	3,750.00	7	56	0	6	50	5	4,380.32	9,671.79
Chase.....	15,450.35	40,771.92	4	3	1	6	9	1	289.00	80.50
Chautauqua.....	13,398.11		1	5	0	3	8	0		200.00
Cherokee.....	91,166.17	50.00	3	7	0	42	42	7	446.95	355.00
Cheyenne.....	92,694.25		2	7	0	0	8	0	470.80	350.80
Clark.....	63,233.18		0	6	1	0	6	0	210.00	650.00
Clay.....	333,078.12	40,925.14	7	20	1	31	45	6	5,633.19	2,425.61
Cloud.....	510,101.57	9,342.03	11	16	3	37	50	3	5,792.23	1,944.00
Coffey.....	118,658.68	44,040.00	25	14	0	11	22	3	938.78	1,138.00
Comanche.....	113,234.82	1,502.50	8	9	0	0	9	0	425.00	1,485.00
Cowley.....	1,032,515.00	21,026.00	83	69	46	14	79	4	16,288.00	17,601.00
Crawford.....	626,787.62	36,650.00	63	49	8	31	73	5	4,991.75	2,372.50
Decatur.....	290,270.46	13,100.00	2	18	1	6	22	2	3,767.58	2,025.00
Dickinson.....	438,871.19	449,142.35	72	35	5	42	65	12	15,911.10	6,903.80
Doniphan.....	452,188.72	2,640.00	51	23	7	28	48	3	4,032.00	2,215.00
Douglas.....	307,481.73		0	25	0	0	25	18		
Edwards.....	240,433.35	101,706.50	25	25	3	0	25	0	8,021.60	988.76
Elk.....	108,324.71	115,321.21		15	1	12	26	1	1,105.74	520.00



TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons closed within the year ending June 30, 1937

COUNTIES.	Value of estates as appraised.....	Estimated value of estates not appraised...	Number First Annual reports.....	Attorney represented executor or administrator.	Attorney represented heirs or devisees.....	No attorney.....	Estates paid claims in full.....	Estates did not pay claims in full.....	Total fees allowed for executors or administrators.....	Total fees allowed for attorneys.....
Ellis.....	\$394,794.93	.....	34	14	0	20	34	0	\$1,760.00	\$1,358.00
Ellsworth.....	544,549.95	\$29,508.36	2	31	3	1	32	0	1,723.06	1,700.00
Finney.....	199,561.42	.....	4	21	0	1	17	5	1,262.80	1,262.80
Ford.....	510,000.00	16,000.00	3	29	0	7	32	4	2,255.62	2,208.43
Franklin.....	426,662.46	124,438.00	4	31	0	31	59	3	2,555.88	1,563.71
Geary.....	493,775.83	.....	3	33	0	0	27	6	4,470.00	4,921.50
Gove.....	79,752.68	.....	2	5	0	12	12	5	1,170.00	160.00
Graham.....	106,496.38	.....	2	4	0	9	11	2	69.09	185.00
Grant.....	15,000.00	15,000.00	0	1	0	0	1	0	.....	7.00
Gray.....	189,151.57	.....	0	10	0	0	9	1	1,650.17	735.00
Greeley.....	.....	.....	0	0	.....	.....	.....	.....	.....	.....
Greenwood.....	744,605.72	.....	43	6	0	38	43	1	24,208.50	548.00
Hamilton.....	53,973.00	40,485.00	0	1	0	16	10	7	1,038.36	65.00
Harper.....	452,953.88	.....	38	32	0	6	36	2	1,345.00	3,670.00
Harvey.....	666,519.00	22,411.00	82	51	11	35	76	10	5,342.00	8,245.00
Haskell.....	34,840.43	2,250.00	7	2	0	5	6	1	325.00	100.00
Hodgeman.....	79,526.67	8,738.00	1	10	0	1	9	2	400.00	665.00
Jackson.....	386,612.95	180,092.06	18	40	4	29	63	6	10,075.38	3,097.50
Jefferson.....	323,678.35	.....	32	15	2	17	30	3	3,011.39	672.00
Jewell.....	235,068.79	209,576.50	9	21	5	20	38	3	7,298.19	1,669.70
Johnson.....	839,715.70	500.00	29	57	5	2	59	0	16,065.70	25,182.50
Kearny.....	2,476.00	.....	1	1	0	0	1	0	.....	15.00
Kingman.....	516,308.45	19,018.00	5	32	1	8	39	1	1,858.23	1,200.00
Kiowa.....	383,527.05	.....	4	18	0	0	18	0	1,808.00	1,960.00
Labette.....	293,031.78	7,501.30	7	28	3	29	57	0	2,556.67	1,900.00

TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons closed within the year ending June 30, 1937

COUNTIES.	Value of estates*as appraised.....	Estimated value of estates*not appraised...	Number First Annual reports.....	Attorney represented executor or administrator.	Attorney represented heirs or devisees.....	No attorney.....	Estates paid claims in full.....	Estates did not pay claims in full.....	Total fees allowed for executors or administrators.....	Total fees allowed for attorneys.....
Lane.....	\$38,780.21	\$65,000.00	2	0	0	5	5	0	\$550.00	.....
Leavenworth.....	408,373.05	211,275.80	4	51	2	47	88	11	13,613.17	\$9,223.55
Lincoln.....	904,786.24	.....	48	19	3	28	24	24	2,590.76	2,088.82
Linn.....	306,192.00	12,500.00	43	13	9	28	40	3	3,354.00	775.00
Logan.....	.....	1,215.00	0	1	0	1	2	0	55.00	50.00
Lyon.....	888,172.61	653,668.80	47	54	1	3	55	2	14,652.50	11,625.00
Marion.....	562,085.19	.....	17	24	4	31	53	2	3,156.52	2,384.51
Marshall.....	852,319.79	1,340.00	4	33	0	43	48	28	6,507.41	3,140.00
McPherson.....	1,814,635.16	.....	8	65	6	28	93	2	16,507.14	17,465.27
Meade.....	68,400.11	.....	3	12	9	0	8	4	700.00	790.00
Miami.....	134,338.04	256,336.65	6	4	2	51	56	1	1,385.76	189.00
Mitchell.....	580,118.51	.....	3	10	4	50	58	2	2,110.00	455.00
Montgomery.....	149,565.64	178,012.64	4	61	8	7	13	55	3,157.06	4,025.63
Morris.....	718,413.37	.....	0	33	0	20	49	4	7,222.07	4,820.00
Morton.....	6,488.20	.....	0	1	1	0	1	0	96.00	200.00
Nemaha.....	182,952.61	252,010.00	14	27	5	23	46	4	1,956.10	2,365.00
Neosho.....	362,032.55	.....	0	18	1	38	49	7	6,876.53	4,807.50
Ness.....	67,783.00	73,124.00	0	10	1	10	20	0	1,976.24	1,492.35
Norton.....	166,021.30	.....	2	22	0	0	21	1	1,682.46	3,007.39
Osage.....	154,430.74	214,131.70	0	34	0	18	49	3	5,591.29	1,049.50
Osborne.....	146,501.74	.....	0	0	0	33	33	0	1,085.73	390.00
Ottawa.....	317,208.10	.....	22	18	1	16	33	2	4,230.79	1,007.50
Pawnee.....	86,896.58	.....	1	7	0	9	9	0	938.65	1,250.00
Phillips.....	327,708.19	4,000.00	11	46	7	6	52	0	3,594.50	3,122.00
Pottawatomie.....	440,378.46	4,943.75	27	32	0	9	35	6	3,658.78	2,146.75
Pratt.....	784,368.26	2,000.00	4	28	0	0	27	1	2,075.00	2,615.00
Rawlins.....	51,960.45	75,523.00	2	16	1	3	15	4	923.70	1,378.30
Reno.....	621,497.34	.....	4	4	0	2	61	0	6,884.50	10,935.40
Republic.....	511,546.63	.....	3	18	2	23	42	0	4,310.25	1,581.60
Rice.....	373,586.00	91,668.14	2	18	1	26	39	5	3,196.55	1,110.00

TABLE II.—CONCLUDED. Summary, probate courts. Estates of deceased persons closed within the year ending June 30, 1937

COUNTIES.	Value of estates as appraised.....	Estimated value of estates not appraised...	Number First Annual reports.....	Attorney represented executor or administrator.	Attorney represented heirs or devisees.....	No attorney.....	Estates paid claims in full.....	Estates did not pay claims in full.....	Total fees allowed for executors or administrators.....	Total fees allowed for attorneys.....
Riley.....	\$353,030.20	\$1,625.00	6	14	5	25	39	0	\$2,154.52	\$987.22
Rooks.....	360,241.74	6,045.00	44	36	1	8	42	2	3,098.05	2,005.00
Rush.....	185,665.78	29,543.99	13	7	4	61	22	49	6,175.00	652.50
Russell.....	503,502.25	106,675.00	2	13	0	3	16	0	6,361.77	5,561.00
Saline.....	646,190.72	.....	5	40	3	29	59	10	17,256.95	7,358.62
Scott.....	33,110.94	2,560.00	5	8	0	0	6	2	200.00	395.00
Sedgwick.....	3,622,107.12	62,352.72	20	208	15	1	206	3	32,231.88	35,689.09
Seward.....	110,363.22	458.71	8	7	0	3	9	1	875.00	957.35
Shawnee.....	1,205,425.60	.....	45	42	0	57	96	3	33,068.75	13,040.00
Sheridan.....	31,175.00	31,997.50	2	7	1	3	6	4	495.00	280.00
Sherman.....	46,312.53	250.00	1	9	0	0	8	1	1,051.19	1,025.00
Smith.....	299,404.60	.....	30	1	0	29	30	0	761.50	125.00
Stafford.....	342,173.00	441,600.00	16	38	0	2	39	1	11,380.00	12,060.00
Stanton.....	5,891.00	.....	1	1	0	0	1	0	45.00	50.00
Stevens.....	11,663.00	7,020.00	5	7	0	1	6	2	650.00	390.00
Sumner.....	518,768.65	.....	6	51	1	4	53	2	3,567.41	6,492.10
Thomas.....	200,307.50	16,800.00	21	23	5	1	24	0	625.00	2,640.00
Trego.....	392,950.00	.....	16	4	0	12	16	0	5,085.00	815.00
Wabunsee.....	847,450.97	5,370.00	6	9	7	51	54	8	1,988.28	2,959.25
Wallace.....	2,650.00	.....	1	1	0	0	1	0	80.00	25.00
Washington.....	227,475.76	72,610.00	5	15	0	20	35	0	3,666.75	2,038.00
Wichita.....	3,000.00	.....	2	3	0	0	2	1	525.00	255.00
Wilson.....	361,817.96	4,323.24	6	27	1	17	40	4	4,503.11	5,136.25
Woodson.....	41,462.40	38,170.00	20	17	1	4	20	1	667.55	694.00
Wyandotte.....	1,127,040.00	.....	6	127	1	79	195	11	20,115.79	15,856.53
Totals.....	\$40,777,413.91	\$14,862,322.63	1,406	2,505	284	1,681	3,763	452	\$474,189.50	\$358,202.65

TABLE III.—Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Number cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	Over 10 years.	Was there a will?		Number that gave bond.	Number bonds kept good.	No bond.
									Yes.	No.			
Allen.....	150	47	22	14	16	14	27	10	78	72	113	113	37
Anderson.....	80	39	14	12	6	5	4	0	39	41	46	38	34
Atchison.....	74	74	0	0	0	0	0	0	37	37	47	47	27
Barber.....	38	26	6	3	1	1	1	0	20	18	24	15	14
Barton.....	146	66	16	7	10	8	23	16	82	64	84	82	62
Bourbon.....	149	60	30	19	5	8	14	13	105	44	83	75	66
Brown.....	132	57	29	18	16	7	3	2	73	59	88	86	44
Butler.....	214	68	35	16	9	12	54	20	124	90	127	127	87
Chase.....	33	18	2	5	3	2	3	0	22	11	16	4	17
Chautauqua.....	41	18	12	11	0	0	0	0	13	28	31	31	10
Cherokee.....	159	79	41	20	10	5	3	1	68	91	106	104	53
Cherokee.....	35	15	3	3	3	2	7	2	19	16	27	24	8
Clark (17 foreign transcripts).....	49	32	6	1	2	0	7	1	34	15	21	11	28
Clay.....	68	41	10	4	6	1	6	0	37	31	45	45	23
Cloud.....	178	56	27	13	13	3	40	26	111	67	115	111	63
Coffey.....	73	23	12	3	7	5	1	22	29	44	53	47	20
Comanche.....	15	15	0	0	0	10	0	0	5	7	7	7	8
Cowley.....	153	92	28	10	11	10	2	0	94	59	95	95	58
Crawford.....	232	75	27	12	7	14	53	44	119	113	164	164	68
Decatur.....													
Dickinson.....	143	77	20	14	4	8	17	3	99	44	91	91	52
Doniphan.....	132	47	22	12	9	8	28	6	71	61	89	89	43
Douglas.....	126	70	26	12	7	5	6	0	86	40	74	74	52
Edwards.....	37	17	5	5	3	4	3	0	25	12	24	24	13
Elk.....	63	27	7	6	4	4	8	7	27	36	40	40	23
Ellis.....	92	39	17	1	7	7	21	0	59	33	47	42	45
Ellsworth.....	69	29	16	5	14	3	2	0	41	28	36	36	33
Finney.....	25	6	11	1	3	2	2	0	12	13	19	18	6
Ford.....	56	16	13	8	11	7	1	0	27	29	56	56	0
Franklin.....	141	68	36	13	4	6	12	2	85	56	94	94	47

TABLE III.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Number cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	Over 10 years.	Was there a will?		Number that gave bond.	Number bonds kept good.	No bond.
									Yes.	No.			
Geary.....	60	37	13	4	1	4	1	0	39	21	36	36	24
Gove.....	19	0	8	3	0	0	5	3	10	9	11	10	8
Graham.....	28	10	5	2	2	2	1	0	16	12	21	21	7
Grant.....	9	2	4	2	0	0	1	0	2	7	7	6	2
Gray.....	31	8	12	5	2	3	1	0	16	15	20	20	11
Greeley (5 foreign transcripts).....	38	12	6	8	1	1	10	0	32	6	5	3	33
Greenwood.....	120	49	24	11	9	11	21	4	62	67	91	62	38
Hamilton.....	30	6	7	4	1	1	10	10	16	23	25	21	14
Harper.....	50	44	6	3	0	2	4	0	30	29	40	39	19
Harvey.....	213	63	53	15	12	16	44	10	119	94	139	139	74
Haskell.....	7	2	2	2	1	0	0	0	2	5	5	5	2
Hodgeman.....	26	8	7	2	2	5	1	1	3	18	22	19	4
Jackson.....	314	46	28	24	16	28	82	90	163	151	223	223	91
Jefferson.....	99	33	13	9	3	4	28	9	51	48	64	62	33
Jewell.....	97	33	16	7	4	4	19	14	56	41	71	71	26
Johnson.....	257	65	52	35	19	19	46	21	142	115	156	154	101
Kearny.....	30	13	7	4	2	1	3	0	14	16	19	19	11
Kingman.....	63	35	10	6	4	9	10	2	40	23	34	29	29
Kiowa.....	30	15	4	2	1	2	2	0	8	22	25	24	5
Labette.....	207	39	24	19	9	7	64	45	115	92	126	96	81
Lane.....	14	6	5	0	1	1	1	0	6	8	10	10	4
Leavenworth.....	220	95	38	25	15	11	32	4	122	98	135	132	85
Lincoln.....	89	38	13	8	4	5	11	9	37	52	67	66	22
Lincoln.....	70	17	11	0	4	5	15	0	45	25	49	49	21
Logan.....	11	7	4	0	0	0	0	0	3	8	9	9	2
Lyon.....	295	72	39	28	19	19	46	72	167	128	186	186	109
Marion.....	148	54	21	14	14	10	29	0	76	70	103	103	45
Marshall.....	222	71	44	17	13	10	50	17	138	84	144	143	78
McPherson.....	245	64	32	14	13	13	43	63	134	111	178	177	67
Meade.....	37	16	6	5	1	1	7	1	26	11	21	17	16

TABLE III.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Number cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	Over 10 years.	Was there a will?		Number that gave bond.	Number bonds kept good.	No. bond.
									Yes.	No.			
Miami.....	124	54	24	15	13	4	14	0	64	60	91	91	33
Mitchell.....	113	65	14	14	2	7	2	0	32	81	76	70	37
Montgomery.....	654	105	40	29	34	27	100	319	325	329	412	232	242
Morris.....	67	39	9	10	5	1	2	1	33	34	47	47	20
Morton.....	14	3	6	3	2	0	0	0	8	6	7	7	7
Nemaha.....	170	50	39	19	9	13	30	10	111	59	102	101	68
Nescho.....	85	53	13	4	2	4	8	1	49	36	57	57	28
Ness.....	44	17	5	3	4	3	11	1	21	23	34	34	10
Norton.....	75	33	12	9	6	5	17	3	47	28	44	44	31
Osage.....	134	54	31	15	9	9	13	3	89	45	92	92	42
Osborne.....	104	42	15	7	8	5	17	10	31	73	87	86	17
Ottawa.....	85	47	10	5	5	3	11	4	32	53	73	73	12
Pawnee.....	40	24	8	5	3	0	0	0	22	18	20	18	20
Phillips.....	106	54	22	13	13	4	0	0	38	68	99	95	7
Pottawatomie.....	77	51	14	12	0	0	0	0	32	45	49	49	28
Pratt.....	87	35	15	13	4	3	17	0	51	36	40	40	47
Raylins (2 foreign transcripts).....	42	15	11	7	3	2	4	0	15	27	37	37	5
Reno.....	234	81	22	13	12	13	43	50	117	117	153	153	81
Republic.....	39	39	0	0	0	0	0	0	18	21	36	36	3
Rice.....	175	44	17	10	10	7	34	53	106	69	94	81	81
Riley.....	188	66	40	21	13	14	30	4	91	97	154	154	34
Rooks.....	92	33	12	7	14	6	15	5	42	50	64	63	28
Rush.....	96	20	9	9	14	3	12	34	41	55	64	46	32
Russell.....	107	46	21	12	5	5	17	1	56	51	82	82	25
Saline.....	204	86	64	34	15	5	0	0	90	114	147	147	57
Scott.....	23	9	6	2	0	2	2	2	14	9	16	16	7
Sedgwick.....	304	304	0	0	0	0	0	0	172	132	189	189	115
Seard.....	100	9	10	4	5	5	29	38	43	57	67	30	33
Shawnee (21 foreign transcripts).....	505 (69*)	145	77	36	49	31	103	64	257	248	323	323	182
Sheridan.....	27	14	8	2	3	0	0	0	11	16	21	21	6

TABLE III.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Number cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	Over 10 years.	Was there a will?		Number that gave bond.	Number bonds kept good.	No bond.
									Yes.	No.			
Sherman.....	37	10	12	0	1	3	8	3	16	21	25	25	12
Smith.....	34	30	3	1	0	0	0	0	20	14	20	20	14
Stafford.....	46	27	6	1	3	5	3	1	28	18	25	25	21
Stanton.....	3	0	3	0	0	0	0	0	2	1	2	2	1
Stevens.....	17	11	5	1	0	0	0	0	3	14	16	16	1
Sumner.....	201	67	38	20	13	15	39	9	125	76	127	109	74
Thomas.....	51	24	14	11	4	3	2	3	21	40	52	52	9
Trego.....	59	25	4	5	4	2	17	2	23	36	43	32	16
Wabunsee.....	110	33	19	8	9	6	17	18	56	54	78	73	32
Wallace.....	9	4	3	1	0	1	0	0	5	4	5	5	4
Washington.....	71	43	13	4	2	2	5	2	49	22	56	56	15
Wichita.....	12	5	6	1	0	0	0	0	1	11	12	12	0
Wilson.....	178	44	17	12	6	3	40	56	79	99	141	141	37
Woodson.....	55	16	14	8	6	3	7	1	31	24	36	35	19
Wyandotte.....	537	236	132	37	50	63	19	0	257	280	429	429	108
Totals.....	11,554	4,469	1,879	984	720	626	1,613	1,263	6,117	5,437	7,748	7,287	3,806
Foreign transcripts.....	45												
Original proceedings.....	69*												
Total cases.....	11,668												

\* Cases filed too recently for data to be given.

TABLE III.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Inventory filed within 60 days.	Inventory filed after 60 days.	No inventory filed.	Value of estates appraised.	Number first annual reports.	No first annual reports filed.	Did attorney represent:		No attorney.
							Executor or admin.?	Heirs or devisees?	
Allen.....	59	68	23	\$1,007,108.28	51	99	81	3	69
Anderson.....	35	5	40	376,992.89	5	75	12	8	67
Archison.....	28	4	42	166,632.20	2	72	16	12	57
Barber.....	21	7	10	248,599.24	0	38	26	0	12
Barton.....	103	17	26	3,383,117.58	22	124	40	1	106
Bourbon.....	78	23	48	699,102.43	2	147	72	0	77
Brown.....	61	28	43	598,099.22	26	106	12	5	115
Butler.....	45	43	126	3,690,571.80	35	179	214	13	0
Chase.....	19	11	3	430,636.09	7	26	8	4	24
Chautauqua.....	19	6	16	59,078.35	10	31	30	3	11
Cherokee.....	124	11	24	553,670.94	7	152	19	0	140
Cheyenne.....	25	6	4	337,728.90	8	27	35	2	0
Clark.....	13	9	27	291,679.11	3	46	27	0	22
Clay.....	30	11	7	463,870.66	12	56	31	1	37
Cloud.....	120	47	11	2,316,740.09	59	119	31	4	145
Coffey.....	61	9	3	108,521.49	24	49	46	0	27
Comanche.....	31	1	3	158,724.01	1	14	13	0	2
Cowley.....	68	66	19	2,086,358.00	29	124	121	86	32
Crawford.....	140	41	51	1,111,178.82	33	199	98	29	133
Decatur.....									
Dickinson.....	92	34	17	1,007,229.13	45	98	24	9	117
Doniphan.....	108	4	10	1,542,655.60	47	85	65	38	63
Douglas.....	86	33	7	1,161,059.40	15	111	124	0	2
Edwards.....	24	7	6	115,946.00	12	25	35	3	2
Elk.....	57	5	1	454,034.72	16	47	25	3	38
				809,371.77					
Ellis.....	69	19	4	1,402,782.49	23	69	23	0	69
Ellsworth.....	55	5	9	902,230.66	12	57	57	4	12
Finney.....	22	3	0	80,702.51	7	18	25	0	0
Ford.....	21	8	27	232,815.00	3	53	56	0	0
Franklin.....	102	22	17	1,081,082.28	13	128	75	1	66



TABLE III.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Inventory filed within 60 days.	Inventory filed after 60 days.	No inventory filed.	Value of estates appraised.	Value of estates not appraised.	Number first annual reports.	No first annual reports filed.	Did attorney represent:		No attorney.
								Executor or admin.?	Heirs or devisees?	
Geary.....	44	8	8	\$760,326.38	\$41,613.00	4	56	59	2	1
Gove.....	14	3	2	164,137.99	11,000.00	14	5	11	1	8
Graham.....	20	3	5	115,455.95	8,100.00	2	26	11	0	17
Grant.....	7	1	1	71,153.11	.....	0	9	7	0	2
Gray.....	19	11	1	293,445.92	.....	3	28	31	0	0
Greely.....	6	1	31	146,195.00	17,460.00	1	37	13	0	25
Greenwood.....	87	23	19	1,368,400.31	7,220.02	32	97	27	6	102
Hamilton.....	19	9	11	106,868.00	24,970.00	12	27	1	10	28
Harper.....	53	5	1	769,895.63	.....	12	47	55	1	4
Harvey.....	128	34	51	2,480,329.00	150,382.00	63	150	141	17	71
Haskell.....	4	2	1	43,655.78	19,700.00	0	7	7	0	0
Hodgeman.....	13	10	3	267,906.95	4,600.00	3	23	25	10	1
Jackson.....	179	87	48	1,252,111.14	911,123.36	103	211	183	40	131
Jefferson.....	51	35	13	1,072,591.88	10,500.00	53	46	40	12	53
Jewell.....	60	26	11	413,379.56	617,340.75	29	68	45	3	52
Johnson.....	154	44	59	5,346,750.59	12,338.34	51	206	255	47	2
Kearny.....	16	9	5	356,204.23	.....	8	22	19	0	11
Kingman.....	43	17	3	699,018.85	217,200.00	15	48	46	2	17
Kiowa.....	22	2	6	301,685.22	4,250.00	9	21	27	1	3
Labette.....	89	49	69	1,233,558.36	22,910.50	22	185	86	8	120
Lane.....	9	3	2	95,084.57	6,000.00	6	8	2	3	11
Leavenworth.....	78	44	98	310,819.94	1,078,795.91	20	200	97	8	122
Lincoln.....	71	13	5	854,251.84	.....	26	63	26	3	63
Linn.....	54	15	1	483,884.97	37,700.00	40	30	23	7	47
Logan.....	10	1	0	58,305.00	34,185.64	1	10	11	0	0
Lyon.....	81	34	180	2,569,865.26	1,685,903.91	94	201	225	0	70
Marion.....	100	32	16	2,036,621.21	.....	56	92	87	11	61
Marshall.....	173	31	18	3,116,280.00	19,389.00	64	158	92	9	129
McPherson.....	167	52	26	3,091,318.16	21,200.00	46	199	160	10	85
Meade.....	21	9	7	1,147,727.11	2,550.00	11	26	31	15	6

TABLE III.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTRIES.	Inventory filed within 60 days.	Inventory filed after 60 days.	No inventory filed.	Value of estates appraised.	Value of estates not appraised.	Number first annual reports.	No first annual reports filed.	Did attorney represent:		No attorney.
								Executor or admin.?	Heirs or devisees?	
Miami.....	115	9	0	\$545,106.96	\$590,391.14	27	97	7	4	114
Mitchell.....	78	19	16	875,670.34	3,500.00	1	112	16	2	97
Montgomery.....	287	153	214	3,613,262.36	1,988,935.61	96	558	404	27	250
Morris.....	46	8	13	486,132.99	.....	1	66	55	0	12
Morton.....	6	7	1	71,218.57	.....	1	13	8	5	6
Nemaha.....	132	28	10	1,076,230.49	1,203,199.20	82	88	107	30	63
Neosho.....	53	9	23	593,736.20	1,200.00	19	66	5	5	80
Ness.....	30	9	5	185,897.00	37,533.00	7	37	13	1	31
Norton.....	59	12	4	643,329.81	53,500.00	9	66	75	0	0
Osage.....	104	17	13	450,547.78	410,876.00	52	82	72	0	62
Osborne.....	70	16	18	538,773.79	11,400.00	10	94	1	0	103
Ottawa.....	69	14	2	790,292.81	.....	40	45	38	1	47
Pawnee.....	29	5	6	627,981.37	.....	5	35	39	0	1
Phillips.....	90	9	7	556,634.00	11,850.00	11	95	99	6	5
Pottawatomie.....	53	12	12	383,595.27	39,650.00	6	71	52	0	25
Pratt.....	24	36	27	1,778,090.20	.....	18	69	87	7	0
Rawlins.....	29	7	6	114,790.62	202,933.88	6	36	28	0	14
Reno.....	94	68	72	1,677,579.37	2,000.00	26	208	234	0	0
Republic.....	30	5	4	267,127.98	.....	0	39	20	2	19
Rice.....	53	23	99	1,101,992.87	104,896.32	18	157	28	3	14
Riley.....	135	30	23	1,915,019.92	9,684.50	78	110	27	17	161
Rooks.....	74	17	1	1,326,262.38	13,113.50	33	59	76	3	16
Rush.....	38	15	43	412,327.74	119,405.00	21	75	7	4	85
Russell.....	58	24	25	879,785.83	72,411.12	12	95	39	1	68
Saline.....	118	44	42	1,817,017.44	.....	12	192	142	24	62
Scott.....	18	4	1	111,307.62	8,100.00	8	15	23	0	0
Sedgwick.....	128	65	111	2,865,329.44	75.00	0	304	296	0	8
Seward.....	44	21	35	799,528.18	170.00	23	77	52	1	48
Shawnee.....	211	187	107	4,662,425.96	.....	188	317	46	5	457
Sheridan.....	15	11	1	48,817.50	99,882.50	6	21	19	2	8

TABLE III.—CONCLUDED. Summary, probate courts. Estates of deceased persons pending July 1, 1937

COUNTIES.	Inventory filed within 60 days.	Inventory filed after 60 days.	No inventory filed.	Value of estates appraised.	Number first annual reports.	No first annual reports filed.	Did attorney represent:		No attorney.
							Executor or admin.?	Heirs or devisees?	
Sherman.....	21	8	8	\$150,504.16	5	32	36	0	1
Smith.....	27	7	0	323,830.00	2	32	3	0	31
Stafford.....	34	11	1	3,300.00	16	30	46	0	0
Stanton.....	1	2	0	1,014,254.00	3	0	3	0	0
Stevens.....	14	1	2	33,228.48	2	15	14	0	3
Sumner.....	102	60	39	37,505.76	53	148	180	6	20
Thomas.....	53	1	7	2,730,708.00	11	50	55	0	6
Trego.....	47	9	3	630,976.87	13	46	9	3	50
Wabunsee.....	77	12	21	607,990.00	26	84	18	13	89
Wallace.....	7	1	1	1,299,334.31	0	9	8	0	1
Washington.....	61	5	5	29,241.00	13	58	13	1	58
Wichita.....	10	0	2	642,235.63	4	8	12	0	0
Wilson.....	117	19	42	51,879.10	33	145	97	4	80
Woodson.....	33	18	4	1,552,167.53	18	37	44	3	11
Wyandotte.....	263	150	124	198,451.91	33	504	396	0	141
Totals.....	6,665	2,364	2,525	2,340,116.00	2,377	9,177	6,207	628	4,997
				\$100,567,337.11					
				\$16,589,846.85					

TABLE IV.—Guardianship estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	More than 10 years.	Was ward a minor, insane or other incompetent person?			Was guardian appointed for person of ward?		Value of guardianship estates.
									Minor.	Insane.	Incompt.	Yes.	No.	
Allen.....	9	1	3	0	2	1	1	1	6	1	2	9	0	\$42,583.79
Anderson.....	6	2	1	0	0	0	3	0	4	1	1	4	2	7,712.00
Atchison.....	9	0	0	3	4	0	0	2	8	1	0	9	0	10,166.40
Barber.....	1	0	0	0	0	0	1	0	1	0	0	1	0	500.00
Barton.....	10	1	0	0	0	2	2	5	9	1	0	10	0	36,175.57
Bourbon.....	2	0	0	0	0	0	2	0	2	0	0	2	0	1,089.66
Brown.....	7	3	0	2	0	0	2	0	2	1	4	7	0	4,237.00
Butler.....	30	9	6	2	1	3	4	5	15	6	9	18	12	279,036.54
Chase (1 foreign).....	2	0	0	1	0	0	1	0	2	0	0	2	0	3,892.70
Chautauqua.....														
Cherokee.....	5	1	0	1	0	0	0	3	4	1	0	4	1	5,360.75
Cheyenne.....	4	0	2	0	0	0	1	1	3	1	0	3	1	20,106.96
Clark.....	2	0	0	1	0	1	0	0	0	2	0	2	0	14,839.33
Clay.....	10	1	0	1	2	0	3	3	7	3	0	10	0	6,850.00
Cloud.....	4	1	2	0	0	0	0	1	2	1	1	4	0	5,507.57
Coffey.....														
Comanche.....														
Cowley.....	13	2	1	1	0	3	0	6	9	2	2	13	0	32,620.00
Crawford.....	6	0	0	0	0	0	1	5	4	1	1	5	1	19,509.50
Decatur.....	5	0	3	0	0	0	0	2	4	1	0	1	4	6,565.40
Dickinson.....	25	1	2	1	0	3	5	13	20	4	1	12	13	36,943.41
Doniphan.....	7	2	2	1	0	0	1	1	4	3	0	7	0	1,060.00
Douglas.....	2	0	0	0	0	0	2	0	2	0	0	2	0	864.88
Edwards.....	7	0	0	2	0	0	0	2	6	1	0	3	0	5,117.69
Elk.....	4	0	0	0	0	0	3	1	4	0	0	3	1	3,104.00
Ellis.....														
Ellsworth.....	1	1	0	0	0	0	0	0	1	0	0	0	1	990.00
Finney (1 foreign).....	2	0	0	0	0	0	1	1	2	0	0	2	0	4,050.46
Ford.....	7	2	1	0	1	1	1	1	4	3	0	7	0	2,100.00
Franklin.....	11	1	0	2	1	0	3	4	8	1	2	10	1	24,780.06

TABLE IV.—CONTINUED. Guardian estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	More than 10 years.	Was ward a minor, insane or other incompetent person?			Was guardian appointed for person of ward?	Value of guardianship estates.
									Minor.	Insane.	Incompt.		
Geary.....	9	0	2	1	1	2	1	2	5	4	0	0	\$49,841.81
Gove.....	1	0	0	1	0	0	0	0	1	0	0	0	.....
Graham.....	1	0	0	0	0	0	1	0	1	0	0	1	.....
Grant.....	2	0	2	0	0	0	0	0	1	0	1	2	7,325.78
Gray.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Greeley.....	7	1	1	0	0	0	3	2	4	1	2	7	7,137.70
Greenwood.....	3	0	0	1	0	0	1	1	2	1	0	3	1,350.00
Hamilton.....	11	1	0	1	0	1	2	6	10	1	0	2	41,800.00
Harper.....	21	0	1	5	0	0	7	8	15	6	0	1	42,733.00
Harvey.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Haskell.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hedgeman.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Jackson.....	9	0	0	1	1	0	4	3	4	5	0	9	33,114.10
Jefferson.....	1	0	0	0	0	0	1	1	0	1	1	0	605.00
Jewell.....	15	0	1	1	1	0	5	7	13	1	1	15	8,342.36
Johnson.....	3	0	1	1	0	0	1	0	2	1	0	3	8,450.00
Kearny.....	2	0	0	0	0	0	0	1	1	1	0	2	10,273.00
Kingman.....	3	0	1	0	0	0	0	1	3	0	0	3	26,747.00
Kiowa.....	3	1	0	0	0	1	1	0	3	0	0	3	12,331.25
Labette.....	9	3	1	0	0	0	3	2	6	2	1	9	4,236.00
Lane.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lavenworth.....	28	4	7	1	1	1	8	6	19	5	4	22	33,245.48
Lincoln.....	4	2	1	1	0	0	0	0	2	1	1	3	22,958.31
Linn.....	26	5	4	0	1	0	8	8	12	10	4	24	39,830.00
Logan.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lyon.....	15	1	3	0	0	0	8	3	11	2	2	15	88,485.78
Marion.....	12	3	1	0	0	1	2	5	7	1	4	12	55,279.09
Marshall.....	2	0	1	0	0	0	0	1	1	0	1	1	4,095.00
McPherson.....	13	0	0	0	0	0	5	8	12	0	1	12	58,996.74
Meade.....	3	1	0	0	0	0	1	1	1	1	1	3	1,700.00

TABLE IV.—CONTINUED. Guardian estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	More than 10 years.	Was ward a minor, insane or other incompetent person?			Was guardian appointed for person of ward?		Value of guardianship estates.
									Minor.	Insane.	Incompt.	Yes.	No.	
Miami.....	5	1	0	0	0	1	1	2	4	1	0	5	0	\$4,392.53
Mitchell.....	15	3	2	0	0	1	6	1	15	0	0	13	2	18,674.68
Montgomery....	17	3	4	2	1	1	3	3	11	1	5	2	15	86,995.45
Morris.....	24	2	1	3	1	1	8	8	18	5	1	24	0	12,850.43
Morton.....														
Nemaha.....	11	0	1	1	0	1	4	4	7	1	3	9	2	67,887.96
Neosho.....	10	10	0	0	0	0	0	0	7	2	1	10	0	64,945.36
Ness.....	4	0	0	1	1	0	2	0	3	1	0	4	0	4,398.00
Norton.....	4	1	0	1	1	0	1	0	2	2	0	4	0	4,126.82
Ossage.....	12	2	4	1	0	0	2	3	6	6	0	12	0	25,046.60
Osborne.....	7	2	0	0	1	1	2	1	4	1	2	7	0	10,100.00
Ottawa.....	5	0	0	0	0	0	3	2	5	0	0	5	0	12,681.59
Pawnee.....	7	1	2	1	0	0	1	3	6	1	0	0	7	16,351.72
Phillips.....	4	1	1	0	0	0	1	1	2	2	0	0	3	17,500.00
Pottawatomie...	2	2	0	0	0	0	0	0	1	1	0	2	0	480.00
Pratt.....	9	1	1	3	2	1	4	0	8	0	1	9	0	52,740.32
Rawlins.....	6	1	0	0	1	1	0	0	3	2	1	6	0	7,763.78
Reno.....	16	3	2	0	2	1	1	7	11	4	4	16	0	41,061.74
Republic.....	13	2	2	0	0	0	6	5	10	4	0	11	4	15,933.22
Rice.....	3	0	1	0	0	0	0	0	1	0	2	2	1	5,050.00
Riley.....	6	0	0	4	0	0	2	0	6	0	0	5	1	4,431.85
Rooks.....	7	2	3	1	0	0	1	0	2	3	2	0	7	3,825.00
Rush.....	28	0	0	0	0	0	4	24	28	0	0	24	4	3,979.06
Russell.....	11	1	1	0	0	1	3	5	7	3	1	9	2	35,593.55
Saline.....	3	0	2	0	1	0	0	0	1	2	0	3	0	1,200.00
Scott.....														
Sedgwick.....	49	10	18	3	3	1	4	10	33	6	10	7	42	62,130.64
Seward.....	3	1	1	0	0	0	0	1	1	2	0	2	1	2,009.03
Shawnee.....	36	9	3	6	1	4	5	8	15	20	1	36	0	138,296.69
Sheridan.....	2	0	1	1	0	0	0	0	1	1	0	0	2	200.00



TABLE IV.—CONTINUED. Guardian estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		Total fees allowed guardian.	Total fees allowed attorneys.	Number cases wards' funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guardian?	Ward?			
Allen.....	9	9	0	4	5	0	31	9	3	0	\$450.00	\$45.00	9
Anderson.....	5	5	1	0	0	6	15	4	2	0	135.00	10.00	4
Atchison.....	9	9	0	2	2	5	27	9	0	0	10.00	.....	9
Barber.....	1	1	0	0	0	1	1	0	1	1	.....	25.00	1
Barton.....	10	10	0	1	0	9	28	3	1	0	40.00	.....	10
Bourbon.....	2	2	0	0	1	1	14	2	0	0	.....	.....	2
Brown.....	7	7	0	0	0	7	13	5	2	1	212.00	.....	6
Butler.....	27	27	3	6	6	18	30	30	30	0	189.00	4,469.66	30
Chase.....	2	2	0	1	0	1	6	2	0	0	.....	.....	2
Chautauqua.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cherokee.....	5	5	0	2	0	3	8	5	0	0	1,379.55	1,092.50	5
Cheyenne.....	4	4	0	1	2	1	14	4	4	1	202.00	33.00	4
Clark.....	2	2	0	1	1	0	6	2	2	0	762.15	.....	2
Clay.....	10	10	0	0	0	10	47	10	0	0	.....	80.00	10
Cloud.....	4	4	0	1	3	0	8	1	1	0	68.75	.....	4
Coffey.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Comanche.....	13	13	0	10	2	1	48	12	5	3	0.00	100.00	13
Cowley.....	6	6	0	1	0	5	44	6	1	1	288.97	50.00	6
Crawford.....	5	5	0	2	0	3	13	5	3	0	162.50	122.50	5
Decatur.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Dickinson.....	24	24	1	11	10	4	142	19	5	0	955.58	275.22	24
Doniphan.....	7	7	0	7	0	0	17	7	0	0	350.00	.....	7
Douglas.....	2	2	0	0	2	0	8	2	2	0	.....	.....	2
Edwards.....	7	7	0	1	5	1	37	6	4	0	406.24	56.67	7
Elk.....	4	4	0	3	1	0	11	4	0	1	35.00	.....	4



TABLE IV.—CONTINUED. Guardian estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guardian?	Ward?			
Ellis.....	1	1	0	0	0	1	2	1	1	0	.....	25.00	1
Ellsworth.....	2	2	0	0	1	1	9	1	1	1	.....	50.00	2
Finney.....	7	7	0	1	2	4	13	7	2	0	\$67.70	\$101.00	6
Ford.....	11	11	0	2	4	5	34	8	1	0	1,650.00	10.00	11
Franklin.....													
Geary.....	9	9	0	3	6	0	21	8	8	0	116.10	212.99	9
Gove.....	1	1	0	0	0	1	0	0	1	0	.....	.....	0
Graham.....													
Grant.....	1	1	0	1	0	0	0	1	1	0	.....	21.15	1
Gray.....	2	2	0	0	2	0	1	2	2	0	.....	45.00	2
Greeley.....													
Greenwood.....	4	4	3	3	0	4	14	7	0	0	125.00	.....	7
Hamilton.....	2	2	1	1	0	2	10	2	2	0	.....	.....	3
Harper.....	11	11	0	10	1	0	56	11	3	0	650.00	525.00	10
Harvey.....	21	21	0	3	0	18	81	0	8	1	1,150.00	900.00	15
Haskell.....													
Holmgren.....	8	8	1	1	3	5	79	9	4	3	1,240.00	830.00	9
Jackson.....	1	1	0	1	0	0	6	1	0	0	.....	167.00	1
Jefferson.....	14	13	1	4	0	11	17	8	3	1	100.00	181.00	10
Jewell.....													
Johnson.....	3	3	0	3	0	0	4	3	3	1	135.00	600.20	3
Kearny.....	2	2	0	1	1	0	14	1	0	1	.....	10.00	1
Kingman.....	3	3	0	1	0	2	5	2	3	0	.....	.....	2
Kiowa.....	3	3	0	3	0	0	1	3	3	0	.....	100.00	3
Labette.....	9	9	0	1	0	8	32	9	1	0	.....	15.25	9

TABLE IV.—CONTINUED. Guardian estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guardian?	Ward?			
Lane.....	26	26	2	3	1	24	91	27	10	1	\$1,907.48	\$440.00	28
Leavenworth.....	4	4	0	2	2	0	24	4	1	1	200.63	5.00	4
Lincoln.....	26	26	0	17	7	2	95	26	4	5	2,725.00	385.00	26
Logan.....													
Lyon.....	13	13	2	0	0	15	53	15	6	5	3,815.00	98.75	15
Marion.....	12	12	0	5	4	3	74	12	3	0	483.75	95.00	12
Marshall.....	12	12	0	0	2	0	2	1	2	1	195.00	400.00	2
McPherson.....	13	13	0	6	2	5	25	8	11	2	415.00	12	12
Meade.....	3	3	0	3	0	0	6	3	3	0	75.00	30.00	3
Miami.....	5	5	0	4	0	1	30	4	5	5	138.22		4
Mitchell.....	11	11	4	2	0	13	4	14	1	0			13
Montgomery.....	16	2	1	11	1	5	20	6	8	0	1,584.12	196.00	17
Morton.....	24	24	0	10	10	4	8	6	1	1	25.00	25.00	21
Nemaha.....	11	11	0	3	4	4	104	11	6	6	450.00	2,960.00	11
Neosho.....	10	10	0	0	2	8	9	10	1	0	790.00	750.00	10
Ness.....	4	4	0	3	0	1	7	4	2	0	50.00	130.00	4
Norton.....	4	4	0	3	0	1	10	4	4	0	59.10	25.00	4
Osage.....	11	11	1	6	3	3	16	12	5	1	250.00	167.94	12
Osborne.....	7	7	0	1	0	6	7	5	1	0	250.00	50.00	7
Ottawa.....	5	5	0	0	0	5	7	0	1	0			5
Pawnee.....	7	7	0	2	1	4	40	2	2	1		219.00	7
Phillips.....	4	4	0	3	0	1	9	4	3	0	25.00	75.00	4
Pottawatomie.....	2	2	0	1	0	1	4	0	1	0			2
Pratt.....	9	9	0	2	3	4	15	9	9	0	1,000.00		9
Rawlins.....	6	6	0	4	0	2	10	6	3	0	75.00	120.00	6
Reno.....	13	13	3	1	5	10	98	16	12	0	1,319.89	557.50	16
Republic.....	15	15	0	6	3	6	27	15	3	0	567.64	15.00	15
Rice.....	3	3	0	0	0	3	1	3	0	0			3

TABLE IV.—CONCLUDED. Guardian estates (of minors, insane, or other incompetent persons) closed within the year ending June 30, 1937

COUNTIES.	Number of cases kept bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where ward's funds supervised by court.	Did attorney represent—		Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guardian?	Ward?			
Riley.....	5	5	1	3	0	3	15	4	1	0	\$85.00	\$25.00	6
Rooks.....	7	7	0	7	0	0	9	7	4	1	225.00	100.00	7
Rush.....	24	7	4	1	1	26	34	0	2	0	.....	.....	0
Russell.....	11	11	0	3	1	7	59	10	5	0	348.20	215.00	11
Saline.....	3	3	0	1	0	2	4	0	1	2	.....	35.00	1
Scott.....	49	49	0	13	9	27	94	49	42	43	870.00	2,340.00	49
Sedgewick.....	2	2	1	2	0	1	5	1	2	2	5.00	5.00	2
Seward.....	36	36	0	12	19	5	190	36	11	0	4,595.54	880.76	36
Shawnee.....	1	1	1	0	0	2	0	1	0	0	.....	.....	0
Sheridan.....	3	3	1	2	0	2	2	2	3	0	30.23	3.00	3
Sherman.....	1	1	0	1	0	0	1	0	0	0	.....	.....	0
Smith.....	1	1	1	0	1	1	9	1	1	0	30.00	10.00	2
Stafford.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stanton.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stevens.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sumner.....	7	7	0	3	0	4	1	5	4	0	2,500.00	800.00	7
Thomas.....	5	4	0	4	1	0	5	0	5	1	.....	65.00	5
Trego.....	7	7	0	3	0	4	161	7	0	0	235.00	.....	7
Wabunsee.....	5	5	0	0	0	5	2	2	1	0	.....	.....	5
Wallace.....	3	3	0	1	2	0	1	3	3	0	177.40	7.50	3
Washington.....	5	5	0	4	0	1	9	5	0	0	37.00	.....	5
Wichita.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wilson.....	14	14	0	4	3	7	28	14	5	0	750.00	280.00	14
Woodson.....	3	3	0	0	2	1	18	2	0	0	.....	200.00	3
Wyandotte.....	57	57	1	10	10	38	205	58	19	2	2,252.95	1,875.90	57
Totals.....	795	749	34	265	159	405	2,615	665	330	96	\$39,371.69	\$23,787.49	778

TABLE V.—Guardianship estates of minors, insane and incompetent persons pending July 1, 1937

COUNTIES.	Number of cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	More than 10 years.	Was ward a minor, insane or other incompetent person?			Was guardian appointed for person of ward?		Value of guardianship estates.
									Minor.	Insane.	Incompet.	Yes.	No.	
Allen.....	118	15	14	12	13	6	39	19	81	28	9	112	6	\$135,677.36
Anderson.....	35	4	5	4	1	4	10	7	19	7	9	27	8	114,611.89
Atchison.....	21	21	0	0	0	0	0	0	12	5	4	21	0	17,640.30
Barber.....	9	6	0	0	0	0	3	0	5	3	1	9	0	9,935.75
Barton.....	117	18	10	12	12	6	41	18	104	13	0	117	0	157,009.31
Bourbon.....	74	11	5	9	4	5	19	21	53	13	8	17	57	54,260.54
Brown.....	42	3	10	9	4	1	8	7	24	5	13	33	9	57,085.28
Butler.....	165	20	26	11	11	6	69	22	137	13	15	165	0	253,714.20
Chase.....	39	6	7	8	4	1	7	6	33	3	3	39	0	67,262.16
Chautauqua.....	7	7	0	0	0	0	0	0	0	6	1	2	5	200.00
Cherokee.....	113	25	17	25	7	2	16	21	70	29	14	73	40	65,643.00
Cheyenne.....	99	1	4	3	1	2	10	8	26	3	0	21	8	27,980.27
Clark.....	39	9	5	2	1	1	13	8	30	9	0	36	3	39,953.88
Clay.....	80	14	16	8	5	4	14	19	54	19	7	78	2	193,939.71
Cloud.....	114	13	8	8	11	8	34	32	72	25	17	107	7	244,394.73
Coffey.....	93	10	11	7	7	1	27	30	69	17	7	84	9	93,897.39
Comanche.....	4	3	1	0	0	0	0	0	2	2	0	4	0	2,250.00
Cowley.....	121	18	22	13	9	7	31	21	87	17	17	120	1	398,645.00
Crawford.....	312	29	25	20	14	13	117	94	255	40	17	283	29	665,278.87
Decatur.....	45	3	7	7	4	1	9	14	33	3	9	28	17	45,977.15
Dickinson.....	221	20	15	12	14	14	83	63	149	38	34	87	134	1,008,631.80
Doniphan.....	177	13	16	12	2	2	7	5	31	16	0	42	5	44,124.98
Douglas.....	75	13	16	11	10	22	3	8	54	18	3	23	52	62,992.23
Edwards.....	42	7	3	6	3	0	15	8	32	9	1	32	10	111,947.59
Elk.....	32	3	8	2	3	2	8	6	26	5	1	29	3	35,026.76
Ellis.....	19	19	0	9	0	0	0	0	13	6	0	13	6	8,755.54
Ellsworth.....	36	4	7	9	5	1	3	7	28	7	1	24	12	46,723.43
Farmey.....	7	3	0	0	0	0	2	0	4	1	2	7	0	12,416.66
Ford.....	50	8	8	12	13	6	3	0	39	8	3	50	0	32,514.14
Franklin.....	127	17	16	13	7	7	32	35	85	20	22	110	17	339,280.02

TABLE V.—CONTINUED. Guardianship estates of minors, insane and incompetent persons pending July 1, 1937

Countries.	Number of cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	More than 10 years.	Was ward a minor, insane or other incompetent person?			Was guardian appointed for person of ward?		Value of guardianship estates.
									Minor.	Insane.	Incompt.	Yes.	No.	
Geary.....	58	9	7	7	7	5	16	7	44	10	4	1	57	\$158,496.93
Gove.....	30	0	2	5	4	3	14	2	29	1	0	1	29	37,128.20
Graham.....	11	2	0	0	1	1	3	4	6	4	1	6	5	33,450.00
Grant.....	5	1	0	1	1	0	1	1	3	2	0	4	1	50.00
Gray.....	29	4	8	5	1	1	8	2	16	2	11	28	1	61,311.57
Greeley.....	6	0	1	1	1	0	3	0	3	3	0	4	2	8,600.00
Greenwood.....	228	17	18	5	7	5	48	128	191	30	7	193	35	211,891.06
Hamilton.....	24	3	1	6	2	0	7	5	18	5	1	24	0	45,577.00
Harper.....	58	7	12	11	2	1	14	11	39	16	3	24	34	100,739.14
Harvey.....	143	19	9	14	13	7	46	35	95	33	15	0	143	515,546.00
Haskell.....	16	2	3	2	2	1	6	0	12	3	1	12	4	34,906.70
Hodgeman.....	19	6	0	0	0	1	9	3	13	6	0	15	4	19,675.35
Jackson.....	55	7	13	8	2	1	13	11	43	9	3	50	5	99,574.17
Jefferson.....	79	9	11	12	6	3	19	19	53	21	5	78	1	148,882.16
Jewell.....	70	15	8	5	8	3	21	10	38	22	10	63	7	89,787.64
Johnson.....	183	18	26	16	16	14	45	48	158	23	2	183	0	1,568,711.80
Kearny.....	8	2	1	0	0	1	3	1	7	1	0	8	0	9,337.43
Kingman.....	66	3	8	2	7	8	28	10	55	11	0	51	15	151,529.56
Kiowa.....	15	3	3	2	1	1	3	2	13	2	0	15	0	67,676.59
Labette.....	170	14	12	12	15	11	70	36	140	20	10	170	0	63,757.15
Lane.....	3	2	0	0	0	0	0	1	0	2	1	1	2	11,550.00
Leavenworth.....	147	20	25	19	9	11	40	23	96	44	7	108	39	284,313.97
Lincoln.....	74	8	3	10	6	6	23	18	51	20	3	41	33	227,055.69
Linn.....	34	8	1	3	4	1	11	6	17	17	0	33	1	74,087.00
Logan.....														
Lyon.....	131	19	19	7	10	2	39	35	86	27	18	131	0	547,729.97
Marion.....	184	16	23	14	8	8	59	56	154	16	14	178	6	181,046.37
Marshall.....	155	12	15	11	9	10	49	49	115	33	7	6	149	307,201.00
McPherson.....	186	19	12	20	14	11	62	48	157	17	12	168	18	706,418.79
Meade.....	21	4	2	1	1	1	9	3	17	1	3	5	16	18,791.78

TABLE V.—CONTINUED. Guardianship estates of minors, insane and incompetent persons pending July 1, 1937

COUNTRIES.	Number of cases.	Less than one year.	1 to 2 years.	2 to 3 years.	3 to 4 years.	4 to 5 years.	5 to 10 years.	More than 10 years.	Was ward a minor, insane or other incompetent person?			Was guardian appointed for person of ward?		Value of guardianship estates.
									Minor.	Insane.	Incompet.	Yes.	No.	
Miami (1 foreign)	87	18	9	8	5	10	22	15	71	11	5	87	0	\$157,978.77
Mitchell.....	39	11	8	5	9	2	4	0	27	11	1	39	0	149,310.20
Montgomery.....	574	32	6	25	47	11	107	346	489	50	35	114	460	473,952.58
Morris.....	62	9	14	6	2	2	18	1	46	15	1	62	0	73,587.03
Morton.....	11	2	2	2	0	0	4	1	9	1	1	8	3	21,176.47
Nemaha.....	105	15	10	10	3	8	27	32	67	16	22	100	5	336,105.44
Neosho.....	85	13	9	15	11	7	26	4	52	18	15	85	0	116,745.68
Ness.....	67	10	7	5	2	1	28	14	59	3	5	62	5	54,385.00
Norton.....	54	3	16	5	1	4	13	12	39	12	3	50	4	98,223.76
Osage.....	66	11	11	9	8	3	10	14	40	18	8	66	0	125,910.43
Osborne.....	76	12	9	12	10	4	12	17	45	22	9	66	10	36,219.94
Ottawa.....	49	10	4	6	5	1	11	12	37	5	7	42	7	69,607.14
Pawnee.....	26	5	1	4	5	0	8	3	19	4	3	2	24	51,346.53
Phillips.....	47	11	8	6	12	4	2	4	34	13	0	30	17	90,371.00
Pottawatomie.....														
Pratt.....	17	0	1	3	1	2	10	0	15	2	0	17	0	96,674.39
Rawlins (1 foreign)	35	7	8	3	8	3	2	0	28	7	0	26	9	20,371.39
Reno.....	334	40	15	23	17	17	98	124	284	35	15	334	0	363,475.04
Republic.....	9	9	0	0	0	0	0	0	5	3	1	7	2	14,741.79
Rice.....	155	10	14	6	7	3	47	68	144	6	5	130	25	215,381.63
Riley.....	143	12	22	7	5	6	61	30	103	21	19	137	6	593,659.96
Rooks.....	67	20	12	10	7	3	11	4	59	4	4	19	48	82,185.77
Rush.....	169	11	5	15	18	9	36	75	155	5	9	142	27	51,670.06
Russell.....	130	13	13	10	11	9	32	42	104	25	1	127	3	130,042.69
Saline.....	96	30	33	14	5	1	8	5	51	35	10	96	0	343,353.17
Scott.....	13	1	0	5	1	1	4	1	11	1	1	13	0	18,147.00
Sedewick.....	75	75	0	0	0	0	0	0	61	1	1	75	0	68,821.39
Seward.....	103	4	5	3	2	3	66	81	90	7	6	51	22	79,726.66
Shawnee.....	532	64	82	37	65	37	163	104	351	0	201	551	1	618,727.85
Sheridan.....	10	1	0	3	4	0	1	1	8	0	2	7	3	11,330.00



TABLE V.—CONTINUED. Guardianship estates of minors, insane and incompetent persons pending July 1, 1937

COUNTIES.	Number of cases bond kept or given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		No attorney.	Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guard- ian?	Ward?				
Allen.....	99	93	19	22	29	67	155	45	39	0	79	\$1,580.46	\$1,917.86	52
Anderson.....	32	28	3	8	2	25	113	12	6	0	29	6,468.00	100.00	11
Atchison.....	16	16	5	2	0	19	21	17	3	3	18	.....	.....	16
Barber.....	8	5	1	1	0	8	0	1	5	0	4	.....	.....	3
Barton.....	117	117	0	9	5	103	269	39	33	0	84	2,110.00	1,372.00	91
Bourbon.....	69	65	5	11	12	51	223	72	10	0	64	700.00	.....	74
Brown.....	41	38	1	4	5	33	137	12	4	1	37	1,354.40	65.00	19
Butler.....	164	164	1	2	9	154	137	165	165	0	38	2,945.00	210.00	165
Chase.....	33	25	6	7	0	30	67	12	1	0	1	.....	.....	11
Chautauqua.....	5	5	2	0	0	7	0	1	5	1	1	.....	.....	0
Cherokee.....	104	101	9	7	2	104	277	36	8	0	105	2,155.10	.....	31
Cheyenne.....	29	29	0	11	6	12	25	1	9	0	20	.....	.....	1
Clark.....	35	18	4	6	2	31	8	15	25	1	13	2,270.00	60.00	16
Clay.....	80	79	0	8	4	68	105	49	14	0	66	2,840.00	404.25	69
Cloud.....	112	108	2	35	32	47	439	94	10	9	95	3,555.45	443.04	110
Coffey.....	82	70	11	38	13	42	196	28	20	0	73	4,242.35	203.00	26
Conanache.....	4	4	0	2	0	2	1	4	3	1	0	.....	.....	4
Cowley.....	120	120	1	80	40	1	300	112	71	43	50	9,500.00	7,180.00	116
Crawford.....	311	311	1	10	9	293	637	282	52	3	260	6,220.53	4,713.40	158
Decatur.....	44	41	1	11	4	30	146	28	17	2	27	515.50	10.00	41
Dickinson.....	220	220	1	88	83	50	1,182	137	46	1	175	23,440.48	1,992.88	183
Doniphan.....	47	47	0	42	1	4	37	40	11	1	36	725.00	350.00	47
Douglas.....	66	66	9	30	29	16	71	65	61	0	14	18.00	.....	73
Edwards.....	41	41	1	28	10	4	111	30	17	0	25	2,539.00	842.17	34
Elk.....	32	32	0	22	5	5	66	32	10	1	22	506.80	225.00	32
Ellis.....	15	15	4	9	0	10	0	0	0	0	19	.....	.....	19
Ellsworth.....	35	35	1	2	3	31	80	13	9	1	27	1,260.00	225.00	36
Finney.....	7	7	0	1	0	6	3	7	6	0	1	300.00	.....	7
Ford.....	48	48	2	6	6	42	8	50	7	0	7	62.62	.....	5
Franklin.....	125	125	2	50	24	53	268	80	30	0	97	6,788.00	607.00	69



TABLE V.—CONTINUED. Guardianship estates of minors, insane and incompetent persons pending July 1, 1937

COUNTIES.	Number of cases bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		No attorney.	Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guardian?	Ward?				
Geary.....	57	57	1	11	19	28	141	39	29	0	29	\$2,525.82	\$793.62	41
Gove.....	30	30	0	1	0	29	36	25	13	0	17	.....	15.00	29
Graham.....	11	10	0	2	3	6	27	6	4	0	7	2,383.32	350.00	5
Grant.....	5	5	0	1	1	2	2	4	3	0	2	421.23	25.00	2
Gray.....	28	28	1	25	2	2	44	19	16	0	13	3,456.41	297.50	18
Greeley.....	2	1	4	0	2	4	1	1	0	0	6	.....	.....	1
Greenwood.....	221	166	7	29	19	180	298	122	39	18	185	2,887.55	1,379.50	104
Hamilton.....	16	14	8	7	6	11	16	11	8	0	16	.....	.....	9
Harper.....	53	50	5	37	18	3	152	47	46	3	12	1,120.00	305.00	51
Harvey.....	142	142	1	31	18	94	363	6	77	1	65	5,292.50	6,560.00	104
Haskell.....	15	15	1	8	2	6	33	10	5	0	11	725.00	255.00	15
Hodgeman.....	19	16	0	16	3	0	43	14	15	0	4	75.00	225.00	14
Jackson.....	54	54	1	10	14	31	117	52	10	2	44	1,990.00	355.00	55
Jefferson.....	75	72	4	42	21	16	269	50	20	7	57	3,051.75	461.00	57
Jewell.....	69	69	1	15	6	49	117	37	12	0	58	2,023.10	311.00	44
Johnson.....	166	166	17	72	23	88	140	177	171	11	11	2,718.79	3,146.70	180
Kearny.....	8	6	0	3	1	4	10	1	1	0	7	.....	.....	2
Kingman.....	66	66	0	36	14	16	106	36	44	0	22	.....	.....	41
Kiowa.....	15	15	0	3	1	11	41	9	9	0	6	502.50	125.00	15
Labette.....	169	169	1	14	5	151	157	169	31	0	139	1,625.00	340.00	169
Lane.....	3	3	0	0	1	2	3	1	0	0	3	.....	.....	3
Leavenworth.....	146	146	1	5	1	141	416	121	89	0	58	12,379.60	2,111.00	128
Lincoln.....	70	68	4	23	9	42	113	32	11	10	57	1,330.03	65.00	39
Linn.....	33	33	1	25	8	1	94	34	2	4	29	2,450.00	70.00	34
Logan.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lyon.....	127	127	4	7	1	123	286	131	67	5	59	8,750.07	2,254.75	131
Marion.....	182	182	2	20	14	150	630	181	151	0	33	3,418.12	1,670.40	184
Marshall.....	152	141	3	32	16	107	272	85	43	0	112	6,273.00	524.00	126
McPherson.....	183	179	8	29	14	143	227	134	120	0	66	5,193.50	4,532.70	154
Meade.....	21	17	0	13	4	4	64	15	16	1	5	460.00	225.00	15

TABLE V.—CONTINUED. Guardianship estates of minors, insane and incompetent persons pending July 1, 1937

COUNTIES.	Number of cases bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		No attorney.	Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guard-ian?	Ward?				
Miami.....	86	86	1	74	10	3	187	87	5	1	81	\$1,843.00	\$631.59	86
Mitchell.....	26	26	13	3	3	33	45	39	4	0	35	100.00	.....	39
Montgomery.....	566	164	8	143	88	343	627	162	340	5	234	17,441.42	4,870.97	134
Morris.....	60	60	2	53	5	4	101	50	12	10	50	4,100.00	1,150.00	51
Morton.....	10	10	1	3	3	5	11	2	1	0	10	.....	.....	4
Nemaha.....	104	104	1	21	18	66	486	102	48	32	57	6,619.85	1,958.83	105
Neosho.....	82	81	3	11	4	70	171	82	2	2	82	1,613.92	1,035.00	82
Ness.....	66	66	1	43	9	15	113	48	5	0	62	21.00	80.00	37
Norton.....	52	52	2	12	17	25	136	52	54	0	0	1,767.63	474.44	53
Osage.....	61	61	5	25	18	23	202	49	13	1	52	2,404.45	1,131.45	56
Oshorne.....	65	65	11	1	2	73	103	28	0	0	76	1,775.00	.....	30
Ottawa.....	45	45	4	9	9	31	127	20	5	0	44	1,218.60	80.00	41
Pawnee.....	25	25	1	5	7	14	78	7	9	0	17	826.60	375.00	25
Phillips.....	46	46	1	30	6	11	46	47	40	0	7	147.00	100.00	47
Pottawatomie.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pratt.....	17	17	0	3	7	2	37	17	17	0	0	.....	.....	17
Rawlins.....	28	28	7	10	3	7	22	22	22	0	13	94.00	320.00	28
Reno.....	323	323	11	38	42	254	502	334	330	0	4	4,148.59	1,513.20	134
Republic.....	9	9	0	4	0	4	0	6	4	0	5	.....	.....	7
Rice.....	148	144	7	4	7	144	92	16	16	0	139	2,028.50	72.00	5
Riley.....	141	141	2	70	22	51	571	142	12	3	131	3,253.15	732.50	141
Rooks.....	65	65	2	52	11	4	86	56	48	4	19	2,251.00	2,035.00	58
Rush.....	151	90	18	25	40	104	154	0	26	0	143	335.00	.....	1
Russell.....	129	129	1	30	18	82	355	122	9	0	121	905.05	534.00	130
Saline.....	78	78	18	5	11	80	101	2	12	46	43	10,375.00	9,320.00	58
Scott.....	13	12	0	10	3	0	27	13	12	0	1	291.60	490.00	12
Sedgwick.....	74	74	1	27	8	40	1	35	64	0	11	25.00	.....	75
Sevier.....	28	28	6	15	13	75	55	30	33	0	70	.....	.....	5
Shawnee.....	508	508	44	194	270	88	1,407	394	127	4	425	22,559.84	5,162.16	193
Sheridan.....	9	9	1	5	3	2	24	8	1	.....	9	.....	.....	10

TABLE V.—CONCLUDED. Guardianship estates of minors insane and incompetent persons pending July 1, 1937

COUNTIES.	Number of cases bond given.	Was bond kept good?	No bond filed.	Inventory.			Number of annual reports filed.	Number cases where investment of ward's funds supervised by court.	Did attorney represent—		No attorney.	Total fees allowed guardian.	Total fees allowed attorneys.	Number cases ward's funds properly accounted for and disbursed.
				Filed within 30 days.	Filed after 30 days.	None filed.			Guardian?	Ward?				
Sherman.....	44	42	9	6	8	39	138	31	28	3	25	\$1,684.48	\$325.00	46
Smith.....	29	29	0	16	4	9	74	19	6	3	21	.....	.....	0
Stafford.....	17	17	1	9	0	9	22	7	8	0	10	700.00	460.00	18
Stanton.....	2	2	0	2	0	0	0	0	2	0	0	.....	.....	2
Stevens.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sumner.....	134	134	1	13	5	117	237	98	84	1	51	1,822.78	1,701.50	135
Thomas.....	33	33	2	24	8	3	21	27	26	0	9	.....	.....	0
Trego.....	17	16	1	3	4	11	64	16	3	2	13	1,900.00	130.00	17
Wabunsee.....	63	63	4	16	2	49	138	31	5	1	61	360.00	.....	57
Wallace.....	10	10	0	6	2	2	15	0	4	0	6	30.00	175.00	10
Washington.....	41	41	1	19	6	17	184	42	9	0	33	1,971.13	730.75	42
Wichita.....	5	5	0	1	0	4	5	5	5	0	0	.....	.....	5
Wilson.....	108	108	2	18	3	89	190	73	33	0	77	5,111.84	1,743.41	80
Woodson.....	37	37	10	5	8	34	92	36	19	0	28	1,515.00	285.00	43
Wyandotte.....	236	236	2	96	17	125	175	238	159	0	79	1,106.71	4,150.00	238
Totals.....	8,095	7,398	366	2,214	1,303	4,944	15,080	5,620	3,430	247	4,946	\$255,250.62	\$89,074.57	5,605

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