

Rules Governing the Office

Selection and Term. The office of register of deeds was established by the legislative council of Michigan Territory in 1835. From 1820 to 1835 deeds and other conveyances in the Territory were required to be recorded in the office of register of probate for the county or register for the city, but the 1835 legislation abolished the office of register of probate and assigned these recording duties to the register of deeds.

The position of register of deeds was retained when the Territory of Wisconsin was created, but the term of office was reduced from the three years provided for it by the territorial laws of Michigan, the statutes of 1839 calling for biennial elections. In 1841 annual elections were required and continued to be held until the adoption of the Constitution of Wisconsin in 1849. The act requiring the annual election of the register was specifically repealed in the revision of 1849 and since that time a two-year term has been mandatory.

Removal. The 1839 statutes included a provision for removal from office of the register of deeds by the county commissioners. Under the State Constitution the governor was given the power of removing the register, but only after presenting a copy of the charges to such officer and granting him an opportunity to be heard in his defense. In addition to these constitutional provisions, the early statutes expressly repealed the legislation providing for removal by the county commissioners.

Ex Officio Duties. From 1859 to 1861 each register was required to serve as a member of the county board of equalization, and from 1849 until 1909 on the board of district canvassers when the regular quorum of three was not present. Since 1858 a register must serve as a county canvasser if selected by the county to canvass the election returns.

As County Abstractor. In 1909 the register of deeds was made eligible for the office of county abstractor which at that time was authorized for counties with a population of 60,000 or over and in 1911 for any county having tract indexes and a chain title system.

Compensation. The compensation of the register was secured entirely from fees until 1875 when an act was passed stipulating that whenever the receipt of fees by a register of deeds was less than \$300 a year the county board shall have the right to vote him a salary not exceeding \$200. The legislature in 1876 legalized the action of the county board of supervisors of Barron County fixing by resolution on November 11, 1876 the salary of the register of deeds. Since 1919 the county board has been

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permitted to provide additional remuneration when the register's fees for the year do not total \$500, in which case the fees and additional compensation combined were not to exceed \$700. In the meantime, however, a series of measures had resulted in provision for a straight salary system, so that the law now affords the choice of either one or the other systems of compensation.

The first of the measures providing for a salary system was approved by the legislature in 1895, to become effective January 1897. This 1895 legislation, however, failed to have general application since it was restricted to counties having a population of 150,000 or more, and Milwaukee County was the only county satisfying this population requirement. This situation was considerably changed in 1897 by a quasi-general law authorizing county boards in counties not having cities with a population of more than 20,000 to make the office of register of deeds a salaried one. But this 1897 enactment was repealed in 1898. The pressure for a general law continued nevertheless, apparently arising partly from a desire to guarantee a more adequate compensation for register in sparsely settled counties and partly from the urge to keep registers in the counties where fees were plentiful from being compensated to handsomely. It was in response to this demand that the present provision permitting the county board of any county to decide whether the register was to be paid on a fee or salary basis was enacted in 1901.

Each one of the laws providing for payment on a salary basis included a requirement that each register on such a salary basis was to file a quarterly statement of all the fees received and of all of the expenses of his office.

The county board of supervisors of Barron County, acting under the 1901 legislation, voted on November 14, 1901 to fix a salary in lieu of fees for the register of deeds. At its November session the following year the county board votes to require the register to keep an account of all fees collected by his office and to pay over monthly such fees to the county treasurer and to file certified statements of fees collected at the time of such payment to the treasurer.

Office Expenditures. Since 1915 the register of deeds has been one of the county officers in any county with a population of at least 300,000 required to file annually with the county clerk and county auditor, a detailed report and estimate of all necessary expenditures of his office.

Deputies. The 1839 territorial statutes authorized the register of deeds to appoint deputy registers and to revoke their appointments at pleasure. The first compilation of the statutes after Wisconsin became a state made it mandatory for the register to appoint a deputy, but since 1889 the law permits the register to appoint one or more deputies rather than requiring him to do so.

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Oath and Bond. The 1839 territorial statutes required the register to take an oath of office and file his official bond with the county treasurer, but by 1878 the county clerk was the filing officer for the register's bond.

Duties: General Indexes

In 1848 the register of deeds was charged with the keeping of an index of every instrument received by him. Since 1849 it has been his duty to keep a general index of every instrument or writing received by him, entering the names of the grantors in alphabetical order. From 1849 to 1876 this index was to be of eight columns, with these headings: time of reception (day, hour, and minute), name of grantor, name of grantee, description of the tract, name of instrument, volume and page of recordation, to whom delivered, and fees paid. An additional column, under the heading "number of instrument", is now required as a result of an amendment in 1876. The 1849 statutes called for another index - an index to each volume of records in the register's office, showing on one page in alphabetical order, the name of the grantors in each instrument or writing, and the volume and page of recordation, and on another page such information under the grantees. The 1876 amendment modified the wording of the provision requiring the grantor and grantee index by providing that such an index was to serve each instrument or writing and omitting the reference "to each volume of records". This same amendment required the register to keep still another index - one of all the records or files and showing, in consecutive order, the number of the instrument or writing, the kind of instrument, and the volume and page of recordation.

Real Property Records

Deeds, Bonds, Contracts, Etc. The 1839 statutes required each register of deeds to record all deeds or other conveyances involving lands, hereditaments, or tenements lying within his county, and in the 1839-40 session of the territorial legislature he was specifically instructed to record upon presentment all bonds, contracts or agreements regarding any interest in land in the Territory made in writing and acknowledged before someone authorized to take acknowledgments of deeds. The 1849 statutes charged the register with the recording of all deeds, mortgages, maps, writings and instruments (including the aforementioned bonds and contracts) legally authorized to be kept in his office; and since 1863 the number and denomination of all United States internal revenue stamps that may be attached to any such instruments are to be indicated on the records.

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Land Patents. In 1850 an act made it mandatory for the registers to record any United States land patents which might be presented to them. By 1855 they were also to record certified copies of such patents, and after 1867 the receipt by the receiver in any land office of the United States of the entry and purchase of any Wisconsin lands together with any assignment thereof.

Swamp Lands. An act passed in 1855 required registers to record descriptive lists of swamp lands, to preserve original lists of such lands, and to record preemption claims to them. Another law the following year required registers to file claims and affidavits of preemptors of swamp lands. In addition to containing a description of the lands claimed as preemption right these lists were to include a statement that the claimant desired the lands for bona fide purchase and that he was in actual occupancy for agricultural purposes. In the revision of 1878 preemption claims certificates were to be recorded by the register. The laws of 1885 repealed the sections concerning the preemption of swamp lands and freed the registers from duties in that connection.

Real Estate Sales. An act of 1873 made it mandatory for each register to transmit a detailed statement in tabular form of all sales of real estate made and recorded in his county, showing the date of conveyance, a short description of the land sold and the quantity thereof, the consideration stated in the deed and the assessed value of the property as shown by the last assessment roll. The following year registers were to omit all sales which upon the face of the conveyance showed that they were for a nominal consideration merely, or which gave a description failing to tally with the description in the assessment. At the same time each register was required to file with the county clerk a duplicate of his statement to the secretary of state regarding real estate sales made and recorded in his county. By an enactment of 1900 it became mandatory for each register to transmit a statement regarding conveyances of real estate, including executory contracts for the sale of lands which appear to have been made under ordinary conditions in the usual course of business for a consideration expressed wholly in money. But the register was to exclude from his statement all conveyances made upon execution, foreclosure or other judicial order or decree, or by tax deed or quit claim. Although during 1907, registers were to collect and make a report on realty statistics, after that year they were not required to report real estate sales, the collection of statistics regarding such sales being assigned to the state tax commission, which was in turn to furnish the county clerk with an abstract of such statistics.

Conveyance of Cemetery Lots. Since 1913 it has been mandatory for the register to file court orders permitting cemetery associations to sell any portion of a cemetery for non-burial purposes. The orders give the number of trustees of the cemetery association, the number signing the petition and a brief statement of all facts and findings of the court authorizing this kind of sale. Specific permission was given in 1923 for the recording of the conveyance of cemetery lots with the register.

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Powers of Attorney. The 1849 statutes required the register to record letters of attorney or other instruments containing a power to convey lands and deeds of defeasance.

Estates in Dower. The statutes from 1849 to 1933 provided for the setting of dower, and during that period the register was required to record such setting off.

Division of Estate. Legislation in 1919 provided that whenever a court divided an estate in a divorce case the judgment should not divest or transfer title to real estate until it was recorded in the office of register of deeds.

Identity of Party to Conveyance. Since 1909 affidavits stating facts touching the identity of a party to any conveyance of record may be recorded in the office of the register in any county where such conveyance is recorded.

Easements. The legislature in 1937 provided that registers were to record right of easement or consent to easement for cooperative associations for the transportation and distribution of power, with the provision that in counties where the register is on a salary basis the county might waive the filing of such easements in whole or in part.

Mortgages. In addition to providing for the recording of mortgages of lands or tenements by the register of deeds, the 1839 statutes further provided that whenever a register was presented with an acknowledged certificate that a properly recorded mortgage had been redeemed or discharged, he was to record it in the book of record of mortgages. Later an act was passed requiring the register to record on request a transcript of record of discharge in his book of mortgages, entering on the margin of the page where writ and return were recorded, a minute of the discharge. This law was repealed in 1849, together with the requirement calling for the filing in the register's book of mortgages of the certified copy of the writ of attachment and the return on its service. Instead the revision of 1849 provided two alternative methods for the recording of the discharge of mortgages. A mortgage might be discharged by an entry in the margin of the record signed by the mortgagee or his personal representative, or assignee, acknowledging the satisfaction of the mortgage in the presence of the register or his deputy who was to subscribe to the same as a witness. Or a mortgage might be discharged by the register whenever he received a certificate executed by the mortgagee, his personal representative or assignee, certifying that the mortgage had been paid or otherwise satisfied. The register was to record the certificate at length in addition to making a reference to the book and page containing the record, in the minute of the discharge upon the record of the mortgage. Since 1917 the recording of partial as well as whole satisfaction of mortgages has been permitted and in counties maintaining tract indexes the register was to enter the marginal satisfactions in the indexes.

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In 1868 the law authorized the register, and since 1878 has required him, to enter satisfaction of mortgages whenever he received the certificate of the clerk of the court stating the fact of judgment of foreclosure, the docketing thereof in his office, the payment of judgment and costs and the entry of satisfaction. An act approved in 1852 had provided that in case the circuit court of any county in which a mortgage was legally recorded, ordered the mortgage discharged on the grounds that it had been paid or satisfied and the mortgagee or his assignee non-resident deceased, or the estate without an administrator, the register was to record such court order or a certified copy of it. The register was also to make a reference to the record of the order or copy in the margin of the record of the mortgage. In 1903 an addition was made to this section authorizing the circuit court to order a discharge of a satisfied mortgage to be recorded by the register providing the mortgagee or his assignee was a corporation which had ceased to exist or which had no officer or agent in Wisconsin competent to discharge the mortgage.

Similar to the last mentioned provision regarding the discharge of mortgages in the 1864 law which provided that whenever there has been a failure to record the transfer of a mortgage by a railroad corporation which subsequently becomes non-existent or which at least has no officers or agents competent to discharge of record, the register shall file the mortgage. On presentation of any such mortgage to him, together with the note or bond secured thereby, if there be any, and an affidavit that the person presenting it is the lawful owner and that the mortgage has been paid or satisfied in full, he shall enter in due form on the margin of the record of the mortgage, a satisfaction thereof.

From 1863 to 1878, whenever a copy of a judgment of a court was deposited in the office of register of deeds where the mortgage of a railroad corporation was recorded, showing that the mortgage had been adjudged null and void, the register of deeds was to record the judgment in the book of deeds, and discharge the record of the mortgage by writing on the margin of the record "Canceled and discharged of record, by order of the court", in addition to listing the number of the volume and page where the judgment was recorded.

Attachments, Certificates of Sale, and Lis Pendens. As early as 1849 each register of deeds was to file copies of attachment of real estate, noting the day, hour and minute when they were received and entering in a book the names of the parties to the writ, designating the plaintiff, defendant, time attached and when deposited. This law was slightly changed in 1859 when the register was required to file a copy of the writ of attachment rather than the attachment itself. Since 1860 the register was required to enter notices of lis pendens and certificates of sale of real estate as well as sheriff's certificates of attachment of real estate. By an act of 1867 registers were specifically ordered to enter in the proper books such certificates, notices and writs which were on file but not entered.

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After the passage of an act in 1878 registers were required to file lis pendens for the foreclosure of a mortgage, entering upon the margin of the record the filing of lis pendens and date thereof. If a judgment of foreclosure were redeemed before sale, or if the certificate of sale on foreclosure were redeemed before the time for redemption expired, the clerk of the court was to issue to any interested party his certificate of the fact of such redemption provided it was on record in his office. This certificate was recordable in the office of the register of deeds of the proper county. By the revision of the statutes in that year registers of deeds were instructed to keep a separate register in which to enter an abstract of every writ of attachment or copy thereof, certificate of sale of real estate and every notice of the pendency of any action affecting real estate which might be filed in his office pursuant to law, specifying the day, hour, and minute of reception, the names of the several parties mentioned therein, the date the land was sold, the description of the real estate involved, the amount of indebtedness claimed in the writ and the sum for which the land was sold. The register was to keep an alphabetical index for this book. By a law of 1860, persons having a lien upon real estate might pay their taxes and cause to be recorded in the office of register of deeds where the real estate was located, a notice signed and acknowledged by that official, specifying the land upon which the tax or redemption money was paid and the amount paid. Since 1881 registers of deeds have been authorized to record satisfaction of attachments of real estate upon receipt of certificate of court judgment to that effect from the clerk of the court.

Alimony Judgments. Since 1919 judgments requiring alimony or allowance payments must be recorded by the register of deeds.

Liens. Since 1925 a mandatory provision has required registers to file notices of liens for internal revenue taxes to be entered in a federal tax index, payable to the United States and certificates discharging such liens.

The 1937 legislature, in special session, amended the provisions of the statutes relating to the transfer of the property of the beneficiary of old-age assistance to the county court (or in the case of Milwaukee County, to the manager of county institutions). The amendment exempts from such transfer real property, a certain amount of personal property, and cash or loan value not in excess of \$1,000 in insurance, and provides instead that the assistance granted be, under certain conditions, a lien on the real property of the beneficiary upon the filing and recording of the copy of the assistance certificate in the office of the register of deeds of the county in which the property is located. The law further requires the filing and recording of any release or satisfaction of the lien, and that the lien record be "properly indexed." The law is retroactive in that it provides that liens are to be substituted for the property transferred prior to the passage of the law.

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From 1911 to 1913 registers were directed to file notices of liens upon work done with the College of Agriculture stump puller.

Drainage Assessments. According to an enactment of 1891, immediately after the entry of any confirmation of drainage assessment by a court, the clerk of such court was to certify to the register of deeds for recording a copy of the order setting forth the assessed lands. An amendment to the laws in 1919 included an additional clause on the assessment for repairs, which could be paid in installments, the clerk certifying to the register a true description of the land assessed and the sum assessed for repairs against such lands. After 1919 notices of lis pendens were to be filed in the office of the register of the county in which are located any lands affected by drainage proceedings under the drainage law.

The revision of 1919 thus regulating drainage district increased the number of records of the register by including within that group certificates of the commissioners of drainage districts that an assessment which was a lien on land had been fully paid.

Tract Indexes. According to a law passed in 1864 registers were required to keep tract indexes providing their respective boards of supervisors ratified this law by December, of that year. The optional character of the requirement was retained in the revision of 1878 which expressly stipulated that a tract index was not to be kept in any county where none existed until ordered by the county board, but that if such an index were once made, it should never be discontinued. This section was amended in 1881 by a provision that a tract index might be discontinued by a county provided it substituted instead a complete abstract of title to the real estate within its borders as a part of the official records of its register.

The acts of 1864 and 1867 were rewritten in 1898 so as to require the continuance of tract indexes where they were in existence and to authorize them to be made where they did not exist. In 1905 counties of 250,000 or more population were given the right to keep a more complete type of tract index, and in 1907 the population minimum was reduced to 150,000. Registers were not required to do the work of installing the more complete system but if their respective counties had installed them, the registers had to maintain them thereafter and discontinue all other tract indexes previously in use. This involved the register's making note on the indexes of the daily report of the county clerk or other county officer or city official receiving proceedings, documents, or tax sales. An act of 1917 ordered registers in counties maintaining tract indexes to enter in them marginal satisfactions of mortgages.

Plats and Maps. By the statutes of 1849 registers of deeds were required to record town plats or maps, describing and setting forth all the streets, alleys, commons, all in and out lots or fractional lots within, adjoining or adjacent to the town, giving the names, widths, courses, boundaries and extent of all alleys and streets. The map or plat had to be accompanied by a certificate of survey and acknowledgment.

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Since 1853 registers have been required to record court decrees permitting the altering or vacating of plats, where the owners had given a notice of two additional weeks. Before 1878 the clerk of the court recorded proceedings of a court at the hearing of the owner's petition to vacate a town, but after that year, the judgments of the court in such cases were recorded with the register. The enactment of a requirement in 1935 specifying that in case only a part of a plat was vacated by the court order, the plat showing the part vacated was also to be recorded in his office.

In 1872 village boards were empowered to renumber lots and blocks of their villages and to cause a revised and consolidated plat of the same to be recorded in the office of register of deeds. Repealed and reenacted in 1878, the provisions were repealed again in 1933 when village boards were given a general grant of power to manage and control village property, highways, streets, navigable waters and finances.

In 1876 registers were instructed to record the maps of subdivided tracts, but later on only these plats meeting certain specifications. And, since 1909, they were to record maps or tracts of land divided into lots or blocks with the approval of the common council of the city, and lying outside the corporation limits of any city.

The act of 1935 regarding the recording of plats stipulated that at the time of recording the plat of any subdivision adjoining any lake or stream a certified copy of the original field survey notes pertaining thereto had to be filed in the office of the register of the county in which the subdivision was located. This replaced the act of 1923 by which registers recorded lake shore plats that had been approved by a town board.

An act of 1881 made it mandatory for registers of deeds to record a list of lands taken for widening streets and for other purposes by city or village corporations. Four years later a law required the filing with registers of notices of pendency of application for laying out or widening any street, alley, or water channel.

An act of 1889 required diagrams of sewer districts of cities to be filed with the registers. Since 1906, duplicates of harbor plats of cities must also be filed with them.

Special legislation was enacted in 1907 requiring the county, village or town clerk in any county containing a city of the first class (50,000) to certify to the register of deeds all proceedings before a county, village or town board of common council to lay out, widen, extend or vacate any street, water channel, park, highway, or other public place. Another law in the same year required counties with a population of at least 50,000 to keep eminent domain records and indexes of abstracts of facts relating to the laying out, extending, widening, or vacating of

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streets, alleys, or highways. In 1935 the county board of Barron County voted to instruct the county surveyor to turn over to the register all copies in his possession.

Since 1913 registers must also file maps and certificates of alteration of railroad routes.

An act of 1923 made it mandatory for boards of trustees of cemetery associations to survey and plat such portions of the land as might be needed for burial purposes into lots, walks, and drives, and to record maps of the same with the register.

Legislation of 1935 required each register recording any final plat to send notice to the clerk or secretary of each governing body.

Road Surveys. According to revisions of the statutes in 1849 and 1858 each register of deeds was required to record road surveys made by plank and turnpike road companies; to file the minutes of the meetings of the commissioners appraising the value of lands taken by such companies; to file awards of the appraisers with affidavit of notice of their meeting and to file affidavits and orders made by the circuit judge in awarding damages. This stipulation remained in force until 1921 when the chapter relating to plank and turnpike road companies was deleted from the statutes.

Personal Property

Chattel Mortgages and Conditional Sales Contracts. The records to be kept by the register of deeds were substantially increased in 1929 by the passage of an act requiring all chattel mortgages and conditional sale contracts to be filed with the register instead of the local unit clerks. Although a law had been enacted in 1868 requiring all mortgages of personal property to be filed with the register who was to enter them in a special book, it was repealed the following year. In 1913, however, there was added the proviso that when such chattel mortgages were of stocks of goods, wares, and merchandise, or fixtures pertaining to the same, the mortgage or copies of them, in addition to being filed with the local clerks, were also to be filed in the register of deed's office, with the register endorsing on such instrument the time of its receipt and indexing it in a book kept for that purpose. Also to be filed and indexed in the register's office were the following: (1) affidavits of renewal; (2) copies of bimonthly statements of sales of stock of goods or stock in trade for the purpose of reducing the indebtedness; and (3) copies of certificates of payment of mortgages, of stock of goods, wares, and merchandise of fixtures. This 1913 legislation was repealed in 1927, but the 1929 legislation provided for the filing of the sales statements with either the local clerks or the register of deeds. Finally in 1931 came an amendment calling for the filing of these statements with the register of deeds only.

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The law of 1929 provided that whenever a chattel mortgage was paid and the other conditions duly performed, the mortgagee, his representative or assignee was to give the mortgagor on demand a certificate to that effect, and in case of a mortgage of a stock of goods, wares or merchandise or of the fixtures pertaining to the same, two certificates. These the mortgagor was to file in the register of deed's office where the mortgage to which the certificates relates was filed and to remove the mortgage from the register's office. Furthermore this act specified that conditional sale contracts or copies were to be filed in duplicate in the register's office in the county in which the goods were first kept for the use of the buyer after the sale, provided that in counties with a population of at least 250,000 every conditional sales contract or copy thereof was to be filed in the office of the city, village or town clerk.

In 1931, section 122.06 of the statutes was amended to require a conditional sale contract or copy, and any assignment thereof and affidavits thereto, to be filed in the office of the register of deeds of the county in which the goods are first kept for use by the buyer after the sale. To this stipulation was added the proviso, that if the place where the goods were kept cannot be definitely determined, duplicate originals of these papers may be filed in the "recorder's" office in each county in which any part of the goods are located. In order to be filed, a conditional sales contract had to involve a debt of \$10 or more.

Since 1931 it has been mandatory for the register to keep chattel documents in consecutive numerical arrangement, endorsing on each instrument the document number, date and time of reception, and entering in the indexes the name of every grantor or mortgagor the document number and date of filing of all assignments, releases, renewals of extensions, and foreclosure affidavits. On November 16, 1935 the county board of Barron County approved the request of the register of deeds that he be authorized to destroy all obsolete chattel documents antedating by seven years except final books of entry pursuant to section 59.51 (14) of the statutes.

In 1937 the legislature added to the duties of the register by passing an act stipulating that whenever goods, wares, or merchandise were consigned and delivered to any person for the purpose of sale or merchandising, and the title remained conditionally or unconditionally in the consignor, the consignment agreement was to be in writing and filed with the register. In case additional goods, wares, or merchandise were subsequently consigned and delivered to a consignee under a consignment agreement then originally on file, the additional goods, wares, or merchandise would receive the protection of the original filing if an invoice of them were filed with the register.

Warehouse Receipts. The act of 1935 relating to the storage of grain under state supervision increased the number of records kept by the register inasmuch as it provided that the owner of the grain in a warehouse might file with him duplicate copies of warehouse receipts, which were to be filed and indexed in the chattel mortgage or other suitable index and were to show the date and number of the receipt, the person to whom it was issued, and the kind, quality, and location of the grain. In case the owner or holder of a duplicate warehouse receipt made written assignment thereof, the register was to enter on request of the assignee a copy of the assignment upon the duplicate certificate filed in his office, entering in the index book the date of the assignment and the names of the assignor and assignee.

Vital Statistics

An act of 1852 delegated to registers of deeds many important duties in connection with the recordation of vital and marital statistics. The registers were to record the place of residence of every clergyman, justice of peace or other person required to make returns regarding births, deaths, and marriages. They were to register physician's certificates of births, entering the full name of the child, sex, color, name of other issue living, full name of father, father's occupation, mother's name previous to marriage, time of birth, place of birth, place of residence of physician signing the certificate, date of registration, and any additional circumstances. In cases where there were no attending physicians, they were also to register parents' certificates of birth.

The same law required each register to record the marriages of his county in a special indexed book in the following manner: full name of husband, names of his father and mother, his occupation and place of residence, his birthplace, full name of wife, names of her father and mother, time and place of marriage contract, color, kind of ceremony, person officiating, residence of person officiating, name of person signing the certificate, date of certificate, and date of registration.

Each register was to record the deaths in his county in a specifically indexed book thus: name of deceased, color and sex, age, name of father and mother, date of birth and of death, cause of death, place of death, place of burial ground in which interred, person returning certificate, residence of such person, date of certificate, date of registration.

He was also required to transmit semiannually to the secretary of state a copy of the record of marriages, births, and deaths in his county and a copy of the indexes to the births and deaths record books. In 1878 such statements were to be sent annually without the requirement of indexes to these records.

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An act of 1865 specifically directed registers to file all records of marriages and marriage certificates transferred from circuit clerks. Although the earlier laws on vital statistics included the recording of the place of residence of every clergyman, justice of peace, doctor, or any person officiating at births, deaths, and marriages, the Revised Statutes of 1878 and 1898 omitted this duty of registers.

By later statutes registers were ordered to record originals of all certificates of marriages, births, and deaths, and to index certificates of accidents. In 1897 they had to file burial permits bearing date issued, permission for removal of the remains, name of the deceased, date and cause of death, location of cemetery where body was interred, and the name of the physician, coroner, or justice of peace who signed the death certificate. Acts of 1903 and 1905 specifically instructed registers to file burial permits turned over to them by city health officers or town and village clerks.

From 1889 to 1907 every register had to file a statement of the names of all physicians or other persons who were entitled to receive from the county fees for reporting to the register the births and deaths which had taken place under their care. The statement was to include the number of births and deaths for which the county was liable for fees and the total amount due each from the county.

With the creation of the bureau of vital statistics in the state department of health by an act of 1907, the state registrar of vital statistics replaced the various registers of deeds as the officer in whose custody was to be kept the original certificates of marriages, births, accidents and deaths. Yet registers of deeds, were not relieved of all responsibility in the matter, since a 1909 law directed them to file copies of all certificates on vital statistics received from the state or local registers and to make all corrections or additions in certificates of births, deaths and marriages certified by the state registrar.

Under another act passed in 1909 registers, except in cities of the first class where that duty was performed by the registrar of vital statistics, were required to record marriages certificates of registration issued by the state board of medical examiners.

Since 1911 the law has stipulated that whenever there is filed with the registrar of vital statistics a certificate of the death of any resident of a Wisconsin county who had died outside of the state, the registrar is to forward to the register of deeds in which the deceased person had lived a certified copy of the death certificate to be recorded by him.

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Since 1909 the registers of deeds, state registrar of vital statistics and the local registrars have been under obligation to furnish on request a certified copy of any birth, death, marriage, or divorce.

Corporations

Articles of Incorporation. Various sections of the 1849 revision provided for organized enterprise by incorporating manufacturing, mining, lumbering, agricultural, and chemical industries, lyceums, and cemetery associations, and provided that the register of deeds file the articles of organization of these corporations. At the same time, registers were to record the proceedings of the first meeting of a library association. By a law of the same year, later repealed, registers were to record certificates of Methodist Episcopal preachers or presiding elders giving the names of the persons chosen as trustees, the date of their appointment and the name of the incorporation.

A series of laws in 1850 required the filing of certificates of incorporation of orphan asylums and mutual savings, trust, loan and building associations. When the organization of electric telegraph companies and banking associations was authorized within the next two years, the law also required such articles of incorporation to be filed with the register of deeds. In 1858 acts were passed requiring registers to record the written testimonial of declaration to form a law school or law library association and to file certificates of trustees signifying their intent to incorporate a savings institution, but a general incorporation act of 1878 made such provisions superfluous.

By an act of 1860 registers were required to file the certificates of organizers of any benevolent, scientific, and literary society and also to file the affidavits of these organizations that their activities conformed to the limitations placed on them. Legislation in 1863 again provided for benevolent, scientific, and literary societies with the exception that the approval of a judge was not necessary and that it was confined exclusively to musical societies.

Societies for mutual protection against larcenies of livestock were permitted to organize by a law of 1861 provided they filed their articles of association with the register of deeds.

It became mandatory by an act of 1862 for all bonds and files relating to any corporation in the offices of the several boards of supervisors to be transferred to the office of the register of deeds in the proper county and for certificates of incorporation of trustees of religious societies to be recorded with the register instead of with the clerk of the county board of supervisors.

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Recognizing the advantages of a quasi-general law for corporations the legislature authorized the incorporation of associations of a philanthropic and educational nature by passing in 1872 "An act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes." Such organizations were to file articles of association, amendments of articles, and resolutions of dissolution with the proper register of deeds. Two years later the legislature likewise authorized the formation of corporations for such purposes as lumbering, merchandising, manufacturing, and shipping as well as for philanthropic and educational purposes. In regard to these incorporations, the duties of register of deeds remained unchanged.

The 1878 revised statutes not only expressly named many other types of corporations that might be formed by filing articles of organization with the register and a copy thereof with the secretary of state, but ended with an almost general authorization of all other corporations for lawful purposes except banking, insurance, the operation of railroads, plank and turnpike roads, and other activities otherwise specifically provided for. Banking, railroads, and insurance companies are still excluded from the general authorization of incorporation.

In 1874 granges of the Patrons of Husbandry were permitted to incorporate providing they filed certificates of incorporation with the register of deeds.

Since 1898 the recording of agreements of abandonment of a corporation has been required.

By an act of 1899 registers were required to file a list of the officers of each corporation and to keep a separate index book for filing alphabetically all corporations submitting lists of corporation officers. This requirement was repealed in 1903.

After 1901 the secretary of state was to file original articles of organization of corporations but registers of deeds were to record certified copies of the articles and the secretary's certificate of the receipt of the articles, and to transmit to the secretary of state a certificate stating the time of such recording. In 1905 this same change in duty took place in regard to the amendment of such articles and articles of incorporation dissolution.

Another act of 1901 required the register to file the statement of persons using a corporation name in advertising or other business activities. In 1907 it was made the duty of registers to record resolutions whereby a cemetery association might change its name, or the number of its trustees or the date of its annual election, and most recently it was made their duty to file cooperative contracts.

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In addition to general legislation concerning the organization of corporations, specific legislation has authorized the incorporation of the following types of organizations; Congregational Churches, 1880; Catholic Congregations, 1883; religious missionary societies, 1885; town mutual insurance companies, 1909; and the Salvation Army, 1931. Since 1919 churches have been permitted to consolidate providing the certificate of consolidation of the joint commissioners of the two church corporations together with a certified copy of the resolution favoring consolidation from each church corporation, is recorded with the proper register of deeds.

Organization of Towns and Incorporation of Villages. Under the revised statutes of 1849 and 1858 registers of deeds were to record any circuit court order for territory to be incorporated as a village and to file articles of association for the formation of towns and villages on public lands. In 1872 they were also to record the petition, surveys, map, census, and notice of application for incorporation as a village, accompanied by verifying affidavits that the same had been left for inspection, the court order incorporating the village and the affidavits of election inspector. After 1878, they were to list the order of annexation of territory to a village.

Bank Reports. From 1852 to 1903 copies of the semi-annual reports of banks to the state bank comptroller were required to be filed with the register of deeds, but after that date these reports were to be made only to the newly created state banking commission.

Registers and Certifications

Change of Name. Since 1898 it has been mandatory for registers to file copy of court orders changing a person's name. In 1901 an alternative procedure of changing name by court order was established whereby registers were to file declarations of persons desiring to change their names. The declaration was to include the person's present name, place of residence, age, place of birth and if foreign born, time of arrival in the United States, the length of residence time in each place, and the purpose of altering the same. Registers were to number consecutively all declarations of desire to change names filed in his office and to index both the old and new names of the declarant. A slight change in this requirement was made in 1905 with the insertion that each declaration of desire to change name was to include a complete description of all real estate owned by the declarant in the state and in his county. Upon payment of \$1 registers were to deliver to any person a certified copy of such declaration and upon payment of an additional \$1 this copy might be filed in the office of the register of any other county.

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Appointment of Trustees. Since 1872 judicial orders appointing trustees may be recorded by the register of deeds.

Bonds. Since 1878 every official bond required of any county officer was to be recorded in the office of register of deeds and filed with the county clerk.

Farm Names, Fishing Claims, and Trademarks. Records concerning farm names, fishing claims, and trademarks may be found in the office of the register of deeds. According to an act of 1915 the owner or purchaser of any farm or county estate might register the name of the farm or estate with the register of the county in which the place was located. Now the owner or purchaser of any farm or estate whose name has been registered may change or release that name from his farm or estate by filing a certificate with the register of deeds that the original deeds has been released.

From 1864 to 1878 registers were required to keep a separate book to record claims to fish with "trap" or "pond" nets in Lake Michigan. Since 1901 they have been required to file, upon presentment, statements to establish ownership of receptacles with trade marks or brands.

Soldiers' Discharges and Deaths. In 1919 registers were charged with the duty of recording the certificates of honorable discharge or release of every soldier, sailor, marine, or nurse who served in the war against Germany, and in 1923 the law was made to include discharges of those who had served in the Civil War and the Spanish-American War. Wisconsin was required to provide for registration with the register of deeds of each county the names of all persons who died in the service of the United States during the Spanish-American War, Philippine insurrection, Chinese relief expedition, or World War.

Veterinary Records. From 1887 until 1907 each register of deeds was obliged to keep a veterinary medical register in which to record the name of the registrant, the name of the college or school granting his diploma, or the society granting his certificate. Until 1898 the law contained conflicting provisions regarding the registration of veterinarians with neither diploma nor certificate, but subsection (1) of section 1492b of the statutes specified that no applicant could be registered unless he had a diploma or certificate or had practiced 5 years prior to 1887, subsection (2) merely requiring that this practice be for at least 5 years before the application. In 1907 registers of deeds were relieved of this duty since the certified list of all registered veterinarians in any county was sent by the state board of veterinary examiners to the county clerk to be registered.

Stallion Certificates. In 1905 registers were required to record certificates of enrollment of stallions issued by the Department of Horse

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Breeding of the College of Agriculture, University of Wisconsin. In 1909 an act amended this requirement to include the recording of certificates of enrollment of jacks. Four years later, however, the legislation requiring such records in the register's office was repealed.

Animal Bounties. A law of 1907 required the register and the town clerk to sign a certificate that the carcass of each wolf, wolf cub, wildcat, or lynx for which a bounty was claimed, was destroyed in their presence. Later the county clerk or the register had to punch three holes in the base of the left ear of the animal and transmit to the secretary of state a certificate of such action. Since 1923, however, registers have had no duties concerning animal bounties.

Census Statistics

As early as 1855 registers were required to file a copy of the enumeration of their respective counties received from the clerk of the board of supervisors who in turn had received them from town and village clerks and assistants. A decade later an enactment directed them to file complete enumerations of the state census for their respective counties, and in 1875 to file census returns. The revision 3 years later made it mandatory for them to file a copy of the enumeration of inhabitants, the schedules of statistics and the enrollment of militia in their respective counties. Schedules were to include data on the value and number of bushels of apples grown, the value and number of acres of hay harvested, the valuation of agricultural implements and machinery and the capital invested in manufacturing. Information for the census concerning apprentices and sailors was required in 1885. But in 1911 with the repeal of the provision for state censuses, the register of deeds had no duties concerning census statistics.

In an attempt to minimize corrupt practices at election an act was passed in 1897 requiring each register to file a duplicate of the candidate's statement regarding all sums of money contributed, disbursed, expended or promised by him. Furthermore registers were to file the statement and account of money received and disbursed by each campaign treasurer, the date, name of recipient, and object of each receipt and disbursement, the list of any unpaid debts and obligations, of the political committee together with the nature and amount of such debts and the persons to whom they were due. Such statements of campaign expenditures were to remain filed for one year after which time they were to be destroyed. By an act of 1905 registers were required to file a duplicate of a candidate's statements regarding election expenditures which was to set forth in detail each item in excess of \$5 in money or property spent or promised by the candidate.

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Legislation conflicting with the acts of 1897 and 1905 was passed in 1911 requiring the statement of every candidate and the statement of his personal campaign committee to be filed with the secretary of state; the statement of every party committee for a state senatorial or assembly district was to be filed with the filing officer for candidates for state senator or assemblyman in that district, and the statement of every other party committee was to be filed with the county clerk of the proper county. In 1915 duplicate provisions regarding corrupt practices were repealed so as to make it unnecessary for the register of deeds to file a duplicate of a candidate's statements of his campaign expenditures.

Distribution of Session Laws

Early statutes directed the register to distribute the session laws first sent by the secretary of state, and later by the superintendent of public property to the lawful recipients in his county. Since 1885 the county clerk has had charge of such distribution.

The 1849 revised statutes directed each register to transmit to the secretary of state a statement of the number of officers, persons, and corporations legally entitled to a copy of the laws and to give receipts for copies of legislative journals delivered to them. In 1885 the county clerk was required to assume this duty of the register.

Transcription of Records

An act of 1860 authorized county boards to order the transcription of worn or dilapidated public records by the office having them in charge and to record certificates of their accuracy in the office of the register of deeds. Legislation in 1867 required the register to make a copy of the record of any town, village, or city plat which might become mutilated, and to affix his certificate of its accuracy. A law passed in 1875 required each register to transcribe dilapidated records, affixing thereto the resolution of the board ordering the transcription as well as a statement of the accuracy of the transcribed records. By an act of 1878 provision was made for the re-recording of any records which may have been destroyed. A general law of 1878 requiring the transcription of dilapidated or destroyed records with accompanying resolutions ordering the transcribing and certificate of its accuracy, consolidated these earlier provisions.

Since 1895 the law has specified that where a portion of the territory in any county in Wisconsin has been set off and constituted a part of another or a different county so that the original records of conveyances affecting the title to lands remained in the original county, the county

board of supervisors of the new county may legally authorize the register of deeds of either the original or of the new county to prepare the necessary volume or volumes containing correct copies of all such original records of conveyance. A certificate of the register attesting to the correctness of the copy records must be entered at the end of each transcribed volume. Prior to this period the statutes provided for transcription by registers of deeds without mention of county board authorization. However, in 1867 the legislature gave special authorization to the county clerk, county treasurer, and register of deeds of Barron County (then called Dallas) to transcribe all records in Dunn County which affect title to real estate in Barron County.

Historical Records

Since 1907 it has been mandatory for each register to file and safely keep in his office all records, documents and papers of the Grand Army of the Republic and of any historical society in his county.

Unless otherwise noted, all of the records of the register of deeds are found in his vault.