

on the cost of a funeral of a deceased stockholder does not constitute a violation of 156.12 (3) or (7). Stats. 1957, where no provision of burial benefits or rebates is made to the association operating a funeral establishment. 48 Atty. Gen. 95.

**156.125 History:** 1953 c. 291; Stats. 1953 s. 156.125; 1955 c. 80; 1963 c. 151.

This section controls over 241.01, Stats. 1959. Grant County Service Bureau v. Treweek, 19 W (2d) 548, 120 NW (2d) 634.

**156.13 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.13; 1937 c. 141; 1951 c. 398; 1969 c. 366 ss. 103, 117 (1) (a).

**156.14 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.14; 1951 c. 398 s. 10.

**156.15 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.15; 1937 c. 141; 1951 c. 398 s. 10; 1969 c. 366 s. 117 (1) (a).

**156.16 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.16.

## CHAPTER 157.

### Cemeteries.

**157.01 History:** 1923 c. 448 s. 97; Stats. 1923 s. 157.01; 1935 c. 421 s. 3; 1947 c. 208.

**157.03 History:** R. S. 1849 c. 48 s. 1 to 4, 6, 9, 10, 12; 1858 c. 108 s. 1, 2; R. S. 1858 c. 67 s. 1 to 6, 9 to 12; R. S. 1858 p. 426; 1876 c. 270; 1878 c. 117; R. S. 1878 s. 1442 to 1446, 1451, 1452; 1882 c. 211; Ann. Stats. 1889 s. 1442 to 1446, 1451, 1452; 1893 c. 144; Stats. 1898 s. 1442 to 1446, 1451, 1452; 1905 c. 127 s. 1; Supl. 1906 s. 1443a; 1907 c. 179; 1923 c. 448 s. 100; Stats. 1923 s. 157.03; 1947 c. 208; 1949 c. 250; 1951 c. 412; 1955 c. 133; 1959 c. 137; 1965 c. 252.

Corporations for owning, managing and operating cemeteries may be organized under the general corporation laws, as well as under this chapter. Hillier v. Lake View Memorial Park, 208 W 614, 243 NW 406; Town of Blooming Grove v. Roselawn Memorial Park Co. 231 W 492, 286 NW 43.

See note to 180.04, citing Feest v. Hillcrest Cemetery, Inc. 247 W 160, 19 NW (2d) 246.

See note to 181.76, citing 44 Atty. Gen. 43.

**157.04 History:** 1857 c. 13 s. 2; R. S. 1858 c. 67 s. 18; 1876 c. 266; R. S. 1878 s. 1439; Stats. 1898 s. 1439; 1905 c. 335 s. 1; Supl. 1906 s. 1439; 1913 c. 180; Stats. 1913 s. 1439, 1441m; 1921 c. 408 s. 1, 2; Stats. 1921 s. 1439, 1441m, 1443c; 1923 c. 448 s. 101a; Stats. 1923 s. 157.04; 1947 c. 191, 208; 1953 c. 591.

**157.05 History:** R. S. 1849 c. 48 s. 7; R. S. 1858 c. 67 s. 7; 1859 c. 122; 1877 c. 134; 1878 c. 106; R. S. 1878 c. 1447; 1881 c. 112; 1882 c. 42; 1885 c. 165; 1887 c. 388 s. 1 to 3; 1889 c. 167; Ann. Stats. 1889 s. 1447, 1447a to 1447c, 1454a, 1455a; 1893 c. 22; Stats. 1898 s. 1447, 1454a; 1909 c. 420; Stats. 1911 s. 1447, 1454a, 1455a; 1915 c. 197; 1921 c. 408 s. 2; 1923 c. 448 s. 102; Stats. 1923 s. 157.05; 1947 c. 208; 1949 c. 453; 1959 c. 640; 1963 c. 529.

**157.06 History:** 1864 c. 419 s. 1; 1865 c. 94

s. 1; 1868 c. 85; 1873 c. 49; R. S. 1878 s. 1454; 1887 c. 315 s. 1; Ann. Stats. 1889 s. 1454; Ann. Stats. 1889 s. 1454a sub. 1; Stats. 1898 s. 1454; 1909 c. 29; 1913 c. 120; 1915 c. 39; 1917 c. 379; 1923 c. 58; 1923 c. 448 s. 103; 1923 c. 449 s. 20; Stats. 1923 s. 157.06; 1927 c. 97; 1929 c. 193; 1933 c. 246 s. 1; 1943 c. 93; 1945 c. 158; 1947 c. 540; 1949 c. 387; 1963 c. 505; 1969 c. 339 s. 27; 1969 c. 366 s. 117 (2) (a).

Sec. 1454, Stats. 1911, is aimed at cemetery grounds as a whole and not to any particular grave in the cemetery. If any part of the grounds set apart for the cemetery be within 15 rods of a habitable dwelling it violates the statute. Maede v. Broehm, 151 W 563, 139 NW 408.

Land which has been platted as a cemetery by a cemetery association, the plat approved and recorded and many lots therein sold for burial purposes, was a cemetery "now in use" within the meaning of the quoted phrase as used in ch. 246, Laws 1933. A cemetery corporation organized thereafter could by acquiring a cemetery then in use obtain all of the rights of the cemetery association from which it was acquired. Blooming Grove v. Roselawn Memorial Park Co. 231 W 492, 286 NW 43.

**157.07 History:** R. S. 1849 c. 48 s. 7; 1857 c. 13 s. 1; 1858 c. 54; R. S. 1858 c. 67 s. 7, 17; 1859 c. 122; 1872 c. 129; 1877 c. 134; 1878 c. 106; R. S. 1878 s. 1438, 1447; 1881 c. 112; 1882 c. 42; 1885 c. 165; 1887 c. 388 s. 1 to 3; 1889 c. 167; Ann. Stats. 1889 s. 1438, 1447, 1447a to 1447c, 1455a; 1893 c. 22; Stats. 1898 s. 1438, 1447; 1911 c. 376; 1915 c. 197; 1921 c. 408 s. 2; 1923 c. 448 s. 104; Stats. 1923 s. 157.07; 1931 c. 126; 1951 c. 377; 1953 c. 188.

When a cemetery association plats its cemetery pursuant to 157.07, 157.08 and 157.10, Stats. 1925, it dedicates the lots for burial purposes only, and the avenues and alleys for passageway to the lots. Dunbar v. Oconomowoc C. Asso. 189 W 164, 207 NW 265.

157.07, Stats. 1953, does not contemplate that the action of the 2 boards in respect to a consideration of the plat shall be joint. Greenlawn Memorial Park v. Neenah Town Board, 270 W 378, 71 NW (2d) 403.

A town board has no power or discretion to refuse to approve a plat on grounds (such as that there are sufficient cemeteries) entirely distinct from and unrelated to the manner in which the land is laid out and platted, and where the proposed cemetery meets all statutory requirements as to location and otherwise, and the board finds no dissatisfaction with the manner in which the land is laid out and platted, the board's approval of the plat is a mere ministerial act, the performance of which may be compelled by mandamus. Greenlawn Memorial Park v. Neenah Town Board, 270 W 378, 71 NW (2d) 403.

A cemetery plat must be divided into lots to qualify for recording by the register of deeds. 48 Atty. Gen. 82.

**157.08 History:** R. S. 1849 c. 48 s. 8; 1857 c. 13 s. 2; 1858 c. 108 s. 3; R. S. 1858 c. 67 s. 8, 18; 1876 c. 266; R. S. 1878 s. 1439, 1448; 1891 c. 335; Stats. 1898 s. 1439, 1448; 1905 c. 335 s. 1; Supl. 1906 s. 1439; 1913 c. 371; Stats. 1913 s. 1439, 1448, 1448a; 1921 c. 408 s. 2;

1923 c. 448 s. 105, 106; Stats. 1923 s. 157.08; 1929 c. 196 s. 2; 1929 c. 516 s. 10; 1951 c. 292; 1965 c. 252.

See note to 452.02, citing 47 Atty. Gen. 253.

**157.09 History:** R. S. 1849 c. 48 s. 7; 1857 c. 13 s. 3; R. S. 1858 c. 67 s. 7, 13, 19; R. S. 1878 s. 1440, 1449; Stats. 1898 s. 1440, 1449; 1905 c. 122 s. 1; Supl. 1906 s. 1440; 1911 c. 663 s. 197; 1923 c. 448 s. 107; Stats. 1923 s. 157.09.

**157.10 History:** R. S. 1849 c. 48 s. 16; 1857 c. 13 s. 4; R. S. 1858 c. 67 s. 16, 20; 1870 c. 31 s. 1; R. S. 1878 s. 1455; 1887 c. 216; Ann. Stats. 1889 s. 1455; Stats. 1898 s. 1455; 1923 c. 448 s. 108; Stats. 1923 s. 157.10.

On the rights of an owner of a cemetery lot see *Wilder v. Evangelical L. J. Society*, 200 W 163, 227 NW 870.

On the rights of co-owners in a cemetery lot see *Ryan v. Schmit*, 1 W (2d) 215, 83 NW (2d) 685.

**157.11 History:** R. S. 1849 c. 48 s. 7; 1857 c. 13 s. 3; R. S. 1858 c. 67 s. 7, 19; 1859 c. 122; 1875 c. 50, 121; 1876 c. 270; 1877 c. 134; 1878 c. 106; R. S. 1878 s. 1440, 1447, 1450, 1453; 1881 c. 112; 1882 c. 42; 1885 c. 165; 1887 c. 388 s. 1 to 5, 115; 1889 c. 167; Ann. Stats. 1889 s. 1440, 1447, 1447a to 1447c, 1450, 1452a, 1453; 1891 c. 237; 1893 c. 22; 1895 c. 21; Stats. 1898 s. 1440, 1447, 1450, 1453; 1905 c. 122 s. 1; Supl. 1906 s. 1440; 1909 c. 346; 1911 c. 60, 79, 241; 1911 c. 663 s. 197, 198; 1911 c. 664 s. 6, 31; Stats. 1911 s. 1440, 1443b, 1447, 1450, 1453, 1455j to 1455o; 1913 c. 79; 1913 c. 684; 1915 c. 197; 1917 c. 541; 1921 c. 257; 1921 c. 408 s. 1, 2; Stats. 1921 s. 1440, 1443b, 1443d, 1447, 1447m, 1450, 1453, 1453m, 1453n, 1455j to 1455o; 1923 c. 115; 1923 c. 448 s. 109, 110a, 111; 1923 c. 449 s. 21; Stats. 1923 s. 157.11; 1925 c. 454 s. 8; 1927 c. 36, 227; 1929 c. 65; 1929 c. 196 s. 1; 1931 c. 326; 1933 c. 134; 1933 c. 246 s. 1; 1933 c. 454 s. 9; 1935 c. 259, 298, 421; 1939 c. 436; 1943 c. 66, 509; 1955 c. 472, 692; 1961 c. 228, 396; 1963 c. 473; 1965 c. 252.

See note to sec. 12, art. I, on impairment of contracts, citing *In re Blackburn's Estate*, 230 W 570, 284 NW 491.

Cemetery associations have the right to make rules governing the use of cemeteries, but such rules must be reasonable, must be made in good faith, and must apply to all persons uniformly. *Luhman v. Evergreen Cemetery Asso.* 9 W (2d) 479, 101 NW (2d) 652.

Under 157.11 (7), Stats. 1923, it is not mandatory upon the cemetery board to make an annual assessment upon cemetery lots. 14 Atty. Gen. 165.

A cemetery board is required under 157.11 (1), Stats. 1927, to inclose grounds of a cemetery without aid from adjoining landowners. 17 Atty. Gen. 81.

Under 157.11 (9) (b), Stats. 1929, moneys for perpetual care of graves constitute trust funds and are required to be kept in a special account by the municipal treasurer receiving the same. 18 Atty. Gen. 387.

Under 157.11 (9) (b), as amended by ch. 259, Laws 1935, it is not mandatory for a county to accept deposit of cemetery funds and pay interest thereon and the county treasurer is not authorized to accept such funds without the

express authority of the county board. 26 Atty. Gen. 622.

A county operating on an annual budget under 65.90, Stats. 1945, may not authorize acceptance of deposits for perpetual care of burial lots under ch. 157 without making provision pursuant to 65.90 for payment of interest. 34 Atty. Gen. 247.

**157.12 History:** 1876 c. 301; R. S. 1878 s. 1441; Stats. 1898 s. 1441; 1915 c. 213; Stats. 1915 s. 1441, 1455—1 to 1455—4; 1923 c. 448 s. 112; Stats. 1923 s. 157.12; 1933 c. 246 s. 1, 2; 1933 c. 450 s. 9; 1935 c. 421 s. 3; 1939 c. 513 s. 10; 1947 c. 208; 1957 c. 75; 1969 c. 366 ss. 104, 117 (1) (j).

The duty of town and city treasurers to receive and conserve mausoleum funds as imposed by law is official and is covered by their official bonds. 6 Atty. Gen. 305.

It is the duty of the state board of health to approve or disapprove, before it is used, mausoleum plans and specifications which were submitted to the board only after its completion. 14 Atty. Gen. 396.

**157.125 History:** 1941 c. 135; Stats. 1941 s. 157.125.

**157.50 History:** Stats. 1921 s. 60.18 (11), 61.34 (15) part, 62.22 (2) (b), 1438 (1) part; 1923 c. 448 s. 98b; Stats. 1923 s. 157.02 (1); 1947 c. 208; Stats. 1947 s. 157.50; 1951 c. 241; 1955 c. 205.

**157.55 History:** 1963 c. 108; Stats. 1963 c. 157.55.

**157.60 History:** R. S. 1849 c. 139 s. 19; R. S. 1858 c. 170 s. 18; R. S. 1878 s. 4593; Stats. 1898 s. 4593; 1925 c. 4; Stats. 1925 s. 351.43; 1955 c. 696 s. 296; Stats. 1955 s. 157.60.

## CHAPTER 158.

### Barbers.

**158.01 History:** 1935 c. 467; Stats. 1935 s. 158.01; 1953 c. 516; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 ss. 105, 106, 117 (1) (g).

**158.02 History:** 1935 c. 467; Stats. 1935 s. 158.02; 1953 c. 516; 1969 c. 366 s. 117 (1) (a).

On exercises of police power see notes to sec. 1, art. I; and on delegation of power see notes to sec. 1, art. IV.

The state board of health has no authority under 158.02 (1), Stats. 1941, or otherwise to regulate opening and closing hours of barber shops. 31 Atty. Gen. 387.

**158.03 History:** 1935 c. 467; Stats. 1935 s. 158.03; 1937 c. 349 s. 2, 3; 1939 c. 513 s. 35; 1951 c. 303, 364; 1953 c. 516; 1959 c. 200; 1965 c. 292 s. 11 (3); 1969 c. 154; 1969 c. 276 s. 604 (2); 1969 c. 366 s. 117 (1) (a), (j).

**158.04 History:** 1935 c. 467; Stats. 1935 s. 158.04; 1947 c. 97; 1949 c. 312; 1951 c. 64; 1953 c. 516 s. 6 to 11; 1961 c. 154; 1963 c. 471; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

158.04 (5) (e), Stats. 1949, requiring that interior doors leading to a barber shop from adjacent rooms shall be securely locked and closed and shall not be used, cannot be interpreted as requiring such doors to be sealed and made unusable. 39 Atty. Gen. 434.