

Sec. 4592, Stats. 1898, was not intended to apply to exhumations made by public officers with a view of ascertaining whether a crime has been committed. *Hayes v. State*, 112 W 304, 87 NW 1076.

A post-mortem examination must be ordered and conducted by the authorities of the county where the body is. 4 Atty. Gen. 177.

Proper authority to move human bodies from an old cemetery to a new one consists of consent of next of kin, and permit from the proper health officer. 23 Atty. Gen. 753.

CHAPTER 156.

Funeral Directors and Embalmers.

156.01 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.01; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1949 c. 143; 1951 c. 398; 1969 c. 366 ss. 93, 94, 95, 117 (1) (a).

156.03 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.03; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1945 c. 209; 1951 c. 398; 1969 c. 366.

156.03 (2), Stats. 1939, does not justify making a rule prohibiting all price advertising. 29 Atty. Gen. 304.

156.04 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.04; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1951 c. 398, 599; 1953 c. 222; 1969 c. 154, 366.

See note to sec. 1, art. I, on exercises of police power, citing *State ex rel. Kempinger v. Whyte*, 177 W 541, 188 NW 607.

One who permits his name to be used as part of the corporate name of a funeral establishment may be holding himself out as engaged in the business of funeral director in violation of 156.04 (2), Stats. 1933, unless he is licensed. 24 Atty. Gen. 28.

156.04, 156.05 and 156.12, Stats. 1937, relating to funeral directors and embalmers, do not preclude such persons from arranging with cooperative burial associations to furnish services to members of such associations, nor are such associations conducting undertaking businesses without licenses. 26 Atty. Gen. 300.

Under 156.04 (2), Stats. 1939, a person may own a funeral establishment although he is not a licensed funeral director provided he hires some one who is licensed to conduct the business and does not hold himself out to the public as being engaged in the funeral directing business. 28 Atty. Gen. 683.

License fees required of applicants for embalmers' and funeral directors' licenses are not refundable if an applicant fails to appear for examination. 29 Atty. Gen. 271.

A funeral director licensed under ch. 156, Stats. 1939, may operate more than one funeral establishment. 30 Atty. Gen. 139.

156.045 History: 1951 c. 599; Stats. 1951 s. 156.045; 1959 c. 106; 1969 c. 366 s. 117 (1) (j).

156.05 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.05; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1951 c. 398 s. 5; 1951 c. 599; 1953 c. 222; 1969 c. 154; 1969 c. 366 ss. 99, 117 (1) (a).

156.06 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.06; 1939 c. 93; 1953 c. 222; 1969 c. 154; 1969 c. 366 s. 117 (1) (j).

156.09, Stats. 1939, does not require that an applicant for renewal of a funeral director's license own or maintain a recognized funeral establishment, but requires only that he be "doing business" at such establishment. This requirement is sufficiently met by showing that the applicant has a contract with the owner of such establishment permitting him to conduct funerals there. The board and a committee of examiners are justified in requiring that a copy of such contract be submitted to it. The contract need not be for a full license year but must be in effect at the time of granting a renewal license. 30 Atty. Gen. 139.

156.07 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.07; 1939 c. 93; 1941 c. 51; 1953 c. 222; 1969 c. 154.

156.08 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.08; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1951 c. 599; 1959 c. 498; 1961 c. 380; 1969 c. 154; 1969 c. 366 ss. 100, 117 (1) (h), (j).

The requirement of 156.02 (1), Stats. 1953, that the state in which an applicant for reciprocal licensure is presently licensed must have "requirements substantially equal to those in this state" is not satisfied if such state requires only a high school education, since 156.045 (1) (b) requires completion of one year of college. 44 Atty. Gen. 74.

156.09 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.09; 1937 c. 141.

156.095 History: 1937 c. 141; Stats. 1937 s. 156.095; 1939 c. 93; 1941 c. 51; 1943 c. 433; 1951 c. 398 s. 6, 7; 1951 c. 599 s. 6 to 9; 1953 c. 61; 1969 c. 366 ss. 101, 117 (1) (a), (j).

One licensed embalmer or one licensed funeral director may supervise only one apprentice embalmer or apprentice funeral director. 28 Atty. Gen. 581.

The state board of health, not the industrial commission, is the proper agency to cooperate with the veterans administration with reference to apprentice training of veterans in the field of funeral directing and embalming. 35 Atty. Gen. 13.

156.10 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.10; 1939 c. 93; 1951 c. 398; 1969 c. 366 ss. 102, 117 (1) (a).

156.105 History: 1943 c. 433; Stats. 1943 s. 156.105; 1945 c. 209; 1951 c. 398; 1953 c. 222; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

156.11 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.11; 1941 c. 51; 1969 c. 366 s. 117 (1) (a).

156.12 History: 1933 c. 302 s. 2; Stats. 1933 s. 156.12; 1937 c. 141; 1939 c. 93; 1943 c. 187, 433; 1969 c. 366 s. 117 (1) (a).

A licensed funeral director and embalmer who acts as secretary of a cemetery association for a fixed salary not dependent upon the sale of lots and who takes no part in the sale of lots except the ministerial duty of receiving and depositing money paid therefor and making out, signing and mailing deeds, does not thereby violate 156.12 (6), Stats. 1945. 35 Atty. Gen. 186.

A resolution of a co-operative association providing that shares of stock may be applied

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;