

aforsaid. And no part of the said trust funds hereinbefore authorized to be loaned to the common council of the said city of New London, shall be paid over or delivered to the said common council except in payment of the said instruments or bonds aforsaid. All the instruments so surrendered for cancellation with the unpaid coupons shall be cancelled and destroyed by the commissioners in the presence of the mayor of said city and the clerk thereof; all of whom shall make and sign in duplicate a certificate of said cancellation and destruction, setting forth therein the numbers and the amount and date of each instrument so cancelled and destroyed and of the numbers and amounts of the coupons aforsaid, one of which certificates shall be recorded in the office of the secretary of state and the other in the office of said city clerk.

Cancellation of certificates of indebtedness.

Validity of village bonds not recognized.

Common council to file acceptance.

SECTION 5. Nothing herein shall be construed into a recognition of the validity of the instruments so issued as bonds of the village, now city of New London.

SECTION 6. Before any of said funds shall be delivered to the said city of New London the common council of the said city shall file with the secretary of state an acceptance of the provisions of this act and of the terms and limitations herein provided for and prescribed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 106, A.]

[Published March 12, 1878.]

CHAPTER 119.

AN ACT respecting trusts created by will and repealing chapter one hundred and sixteen of the laws of Wisconsin for 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trustee to file oath and inventory.

SECTION 1. Every trustee to whom any estate; real or personal, shall be devised or bequeathed in trust for any person, or who may be appointed by any county court to carry out the provisions of any will, when such will creates a trust without naming a trustee, shall, before he enters upon his duties as trustee, make and file in the county court having jurisdiction of the probate of the will, an oath to the effect that he will comply with the provisions of this act, and will faithfully

perform his duties as trustee. Such trustee shall, within three months after he accepts the trust, make and file in said court a true inventory, verified by his oath, of all the property, real, personal or mixed, so devised and bequeathed to him; and shall annually thereafter make a report to said court of his management of the trust property, stating therein in detail, in what it is invested or consists, its amount and income.

SECTION 2. If by the provisions of the will, the trustee, before he receives the trust property, is to give security, then he shall give bond to the county judge and his successors in office, in such sum as the judge or county court may order, with sufficient sureties, conditioned that he will file the inventory and make the reports required by the provisions of this act, and that at the expiration of his trust he will settle his accounts with said court, and pay out and deliver according to law all money and property in his hands, or for which he is liable, and that he will faithfully perform the duties of trustee. If, by the provisions of the will no security is required of the trustee, the court may, at any time after the will is proved, order the trustee to give such or similar bonds, if it appears that it is required by reason of any change after the will was executed, in the condition, situation or circumstances of the trustee, or that there is any other good and sufficient reason therefor.

When trustee shall file bond.

SECTION 3. Any trustee who shall neglect or refuse to give any bond required by the court, pursuant to the provisions of this act, for twenty days after notice that such bond is required, shall, if he has not already entered upon his duties as trustee, be considered to have declined the acceptance of the trust; and if he has entered upon such duties, such neglect or refusal shall be good cause for his removal; also such trustee may be removed by the court for imbecility of mind, incapacity or insanity, due notice being first giving him.

Causes for removal of trustee, etc.

SECTION 4. Any trustee may be permitted by the county court to resign his trust, if the court deem it expedient. If any trustee die, resign or be removed, another trustee, after notice to the persons interested, may be by the court appointed in his stead. The trust estate shall vest in the trustee so appointed as fully, to all intents and purposes, as it did in his predecessor; and the court may by its order, if it deem best, transfer it to him, or direct and require his predecessor so to do, and he may sue for and recover the same.

New trustee may be appointed.

**Powers of
county courts.**

SECTION 5. To keep the trust property from being removed out of the state, or improperly or illegally used or invested, the county court shall have the same power as circuit courts to issue the writ of *ne exeat* and injunction, and may from time to time make all necessary orders and decrees in relation to the trust property, its sale, management, investment and disposition, and the settlement of the accounts of the trustee.

Repealed.

SECTION 6. Chapter one hundred and sixteen of the laws of Wisconsin for 1874, entitled, "An act to confer upon the county court jurisdiction of trusts created by will, and to prescribe proceedings in said court in relation thereto," is hereby repealed; but the repeal shall not affect any bond or proceedings heretofore given or had under said chapter.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 327, A.]

[Published March 13, 1878.]

CHAPTER 120.

AN ACT relating to the preservation of fish, and entitled "An act for the preservation of fish in the mill pond known and designated as Pardee & Ashley's mill pond, and the streams tributary thereto, in Columbia county, Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Fishing pro-
hibited.**

SECTION 1. It shall be unlawful for any person or persons, to kill, destroy, catch or take in any way or manner, or pursue with intent to kill, destroy, catch or take in any way or manner whatever, any fish of any kind, in the pond commonly known and designated as Pardee & Ashley's mill pond, situated and lying in the county of Columbia, or in the waters of Fox river running into said pond, within the distance of seven miles above the dam which forms said mill pond, between the first day of January and the first day of May, and between the first day of November and the thirty-first day of December in any year.

**Penalty for
violation.**

SECTION 2. Any person or persons violating the provisions of this act, shall, upon conviction thereof, be subject to a fine of not more than twenty-five dollars, nor less than five dollars, together with the costs of prosecution, and shall be committed to the common