

statement of all receipts and disbursements of said board during the preceding year.

SECTION 6. All acts and parts of acts conflicting herewith are hereby repealed.

Approved April 23, 1907.  
(In effect July 1, 1907.)

No. 255, A.]

[Published April 25, 1907.

### CHAPTER 55.

AN ACT to amend section 819, statutes of 1898, as amended, relating to town boards.

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

SECTION 1. Section 819, statutes of 1898, as amended by chapter 302, laws of 1901, as amended by chapter 306, laws of 1905, is amended to read:

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Section 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1907.

No. 283, A.]

[Published April 25, 1907.

### CHAPTER 56.

AN ACT to authorize the city of Elkhorn to sell land used as a cemetery, and to remove bodies buried in said cemetery and monuments therefrom.

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

**Authority to sell cemetery.** SECTION 1. The city of Elkhorn may sell and convey, at private or public sale, the

tract of land within said city, owned by said city, and known as the old cemetery, and described in deed recorded in the register of deeds' office in and for the county of Walworth, state of Wisconsin, in volume 28 of deeds, page 274, and may give the purchaser good title free of any trusts heretofore existing, if any there be.

**Appraisal of rights; removal of bodies.** SECTION 2. Before such sale, the rights and interests of the owners of any lots or privilege of burial or other rights or interests, other than the rights and interests of said city, shall be appraised by three disinterested persons chosen for that purpose by the county judge of Walworth county, and the money arising from the sale of said land, so far as may be necessary, used in paying the appraised value of the rights and interests aforesaid, and for the removing and reburial of the bodies buried in said cemetery and the removal and resetting of the monuments and stones that mark the burial places of those buried therein as hereinafter provided, or the said city of Elkhorn may make an agreement with any owner or owners of rights or interests in said cemetery for the purchase and extinguishment of said rights, and the removal and reburial of said bodies and the removal and resetting of the monuments and stones aforesaid. The amount so fixed by the appraisers or agreed upon as aforesaid, less deductions, if any, made in accordance with the provisions of this act, to be payable by said city, when all the bodies and remains are removed from said cemetery and reinterred and all monuments and stones removed and reset as herein provided.

**Purchase of new lots with the surplus.** SECTION 3. After paying all sums due or to become due under this act, the residue of the money arising from said sale shall be used by said city in purchasing burial lots in the established cemeteries in said city, or cemeteries to be hereafter established therein, in which lots any person or persons having any right or privilege of burial in said old cemetery shall have a right and privilege of burial, subject to the rules and regulations of the common council of the city of Elkhorn now in force or hereafter made.

**Duties of appraisers.** SECTION 4. The appraisers hereinbefore mentioned shall be appointed at the request of the common council of the city of Elkhorn; they shall take and subscribe an oath for the faithful performance of their duties

and shall within sixty days of their appointment, unless the time be extended by the county judge of said county, fix a time and place when they will meet to make appraisal as aforesaid. and give notice thereof, either by service of such notice upon the owners of said rights and interests personally or by publishing the same for three successive weeks in a weekly newspaper published in said city of Elkhorn, and may adjourn from time to time, giving public notice of any such adjournment stating the time and place to which adjournment is taken.

**Vacancies in board of appraisers.** SECTION 5. If a vacancy in said board of appraisers shall occur at any time, the said county judge shall, upon being satisfied that a vacancy exists, fill such vacancy.

**Public notices; removals and reburials by city.** SECTION 6. After the appraisal of said rights and interests the common council of said city shall give notice to all persons interested in said lands, by publishing said notice for three successive weeks in a weekly newspaper published in said city, that all bodies and remains interred in said cemetery, the same having become dangerous to public health and welfare, must be removed within three months after said first publication, and also that said monuments and stones must likewise be removed within said time, and in case said bodies and remains or any of them. and said monuments and stones or any of them. shall not have been removed within three months, said city or said purchaser may, at the expense of said city, cause said bodies or remains or any of them, to be removed and interred in some suitable place and said monuments removed and properly reset over the respective graves at the place where the bodies are reinterred, but in such case said city may deduct from the appraised value of any lot or spot from which they shall have removed bodies or monuments or stones as aforesaid, so much of said appraised value as shall be necessary to pay the expense of the purchase and preparation of suitable places for the interment of said bodies, the removal and interment of said bodies. and the removal and resetting of said monuments and stones if any.

**Appeal from appraisers' awards.** SECTION 7. If the owner or owners of any lot or privilege of burial or other rights or interests in said lands shall not be satisfied with the amount awarded him or them by said appraisers. he or they may, at any time within fifteen days after the filing of such

appraisal, appeal to the circuit court by filing with the city clerk a notice of appeal from such appraisal, which notice shall contain a description of the lot or privilege, right or interest of the person so appealing, and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded in like manner, as in cases of appeals from the disallowance of claims against fourth class cities as provided in chapter 40a, statutes of 1898, and acts amendatory thereof. Appeal may in like manner be had to said circuit court from the amount charged for the purchase and preparation of places for reinterment, the removal and interment of bodies and the removal and resetting of monuments, by filing a notice of appeal with the city clerk within fifteen days after the removal and interment of the bodies and the removal and resetting of the monuments is completed, and such appeal shall be tried and determined, bond filed and costs awarded in same manner as in case of appeal from appraisal. No appeal shall operate to stay the removal of the bodies, monuments and stones from said cemetery, or the carrying out of the other provisions of this act.

**Cemetery vacated when.** SECTION 8. Upon the removal of all bodies from said cemetery, the same shall be, and is, declared vacated, and the further use of said lands for interment is prohibited. The purchaser from said city of Elkhorn shall have no right of possession of said land until all bodies and remains shall have been removed and reinterred, and said monuments and stones removed and reset as herein provided, except so far as may be necessary to the removal of said bodies, remains, monuments and stones.

**Care and method in removal.** SECTION 9. The same care and method shall be used in removing bodies and remains from said cemetery and reintering them as is customary in such cases in said city, and all removals and interments shall be made under the direction of and accordance with such rules and regulations as the board of health of said city may prescribe.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.