

CHAPTER 132.

[Published April 5, 1872.]

AN ACT to amend chapter eighty-four of the revised statutes, entitled "of uses and trusts."

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

SECTION 1. Chapter eighty-four of the revised statutes, entitled "of uses and trusts," is hereby amended by adding thereto the following sections: Section 28. The circuit court shall have power, upon the petition of any person interested in the execution of an express trust, and when it shall satisfactorily appear that the trustee or trustees appointed by the party creating such trust, have declined to act as such trustee or trustees, to appoint a new trustee or trustees in the place of those who have declined to act, and by its order to vest in such new trustee or trustees all the powers and all the title to property, real or personal, within the jurisdiction of such court, which would have been possessed by, or vested in, the trustee or trustees appointed by the party creating the trust, if he or they had accepted the trust: *provided*, at least twenty days' notice of the filing of the petition and of the time and place when the order will be applied for, shall have been previously served in the same manner as a summons is required to be served by law upon all known parties interested in the subject of the trust, who reside within this state and do not join in the petition, and if any parties interested in the subject of the trust are unknown or non-residents of the state, and such fact shall be made to appear by the petition duly verified, or by affidavit, the court or the judge thereof or a court commissioner shall, upon the filing of the petition, order a notice thereof, and of the time and place for hearing, the same to be published once in each week for at least six weeks prior to the time of hearing, in a newspaper published in the county where the petition is filed, and such notice shall be so published before the order appointing the trustee shall be made: *provided*, that in all cases where there is any trustee

Amended.

May appoint new trustee.

Shall serve notice of filing of petition.

Notice to be published.

living, he shall be personally served with notice of the application to the court, at least twenty days before the day named in such notice for such hearing, unless he shall in writing, waive such notice or shall in writing, consent to such order without such notice.

In case of non-resident parties

Section 29. In cases where the party creating a trust shall have been, or be, a resident of another state or a foreign country, and the subject of the trust shall be mainly within the jurisdiction of such other state or foreign country, and a new trustee shall have been appointed by any court in such other state or foreign country, upon the disability or refusal to act, resignation, removal or death of the original trustee, a circuit court appointing a trustee in this state, may, in its discretion, authorize such trustee to account for the rents and profits or proceeds of sale derived by him from any part of the trust estate in this state, to the trustee appointed in such other state or foreign country, to be by him applied for the purposes of the trust. Section

Certified copy may be recorded.

30. A certified copy of any order appointing a trustee, by any court pursuant to the provisions of this chapter, may be recorded in the office of any register of deeds in this state, and such record, or a certified copy therefrom, shall be *prima facie* evidence of such order, and that the same was made on a proper application.

SECTION 2. This act shall take effect from and after its publication.

Approved March 25, 1872.

CHAPTER 133.

[Published April 3, 1872.]

AN ACT authorizing the redemption in certain cases of school and university and agricultural college lands sold for the non-payment of interest or taxes.

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

May be redeemed.

SECTION 1. Every tract of school and university and agricultural college land hereafter sold by the state