

4. If such sale, conveyance or appropriation cannot be made without injury to the rights of others, or if the court deems it advisable, he may authorize the guardian of such infant, such adult or the guardian of such adult, to negotiate and contract for a loan or loans of such sum or sums, as he may deem necessary or proper to be used for the maintenance or education of such infant or adult, payable when such beneficiary shall become entitled to his share of the trust property, with interest not exceeding the legal rate, and by his order, said court may charge the share of such beneficiary in the trust property with full and complete liability for the payment of such loan, and may authorize and require the trustee to execute and deliver to the payee of the same a certificate or other writing evidencing said contract and liability, and may authorize and require him as such trustee, to secure the sums borrowed as aforesaid by executing and delivering to such payee, a pledge of the trust property or a mortgage thereon. Such obligation shall be paid when due, out of said share of the trust property, and such pledge or mortgage shall be valid as a lien upon the share of said beneficiary in the trust property, and may be enforced in the usual manner.

5. Said trust may be contravened in the manner aforesaid, in whole or in part, and the orders and judgments of said court shall be binding upon all parties, but the remaining property, proceeds or funds not appropriated as aforesaid, shall be protected, preserved, managed and disposed of as nearly as practical, in accordance with the provisions of the trust.

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

Approved June 1, 1909.

No. 468, A.]

[Published June 2, 1909.]

## CHAPTER 246.

AN ACT to convert a certain tract of land in the city of Racine into a public park, and empowering the city of Racine to acquire the same.

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

SECTION 1. The city of Racine may acquire, by purchase or condemnation, a certain tract of land within said city, known as the "Old cemetery grounds," and described as follows:

Part of Government Lot three (3) in the south half (1/2) of

Section twenty-one (21) in Township three (3) north of Range twenty-three (23) east:

Begin in the center of the highway leading from Racine to Kenosha at a point three hundred and eighteen (318) feet due south from the north line of the south half ( $\frac{1}{2}$ ) of said section, run thence east parallel with said north line to Lake Michigan, thence northerly along said lake to the north line of said lot three (3), thence west to the center of said section twenty-one (21), and thence southerly to the place of beginning.

SECTION 2. The said city may acquire, for the purposes hereinafter mentioned, the rights, interests and privileges of burial of any person, now or heretofore existing in the said cemetery, and if unable to so acquire the same or any thereof, may exercise the right of eminent domain in the manner provided in sections 895, to 903, inclusive, of the statutes.

SECTION 3. Whereas, said old cemetery has become dangerous to the public health and welfare of said city, by reason of erosion by the waters of Lake Michigan, by which the graves therein are being constantly uncovered and exposed to the elements, it is therefore enacted that, after the appraisal of said rights and interests of individuals in said cemetery shall have become complete, the city clerk 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 so become dangerous to the public health and welfare, must be removed within three months after the completion of said publication, and also that the monuments and stones marking the graves in said cemetery must likewise be removed within said time. 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 said three months, said city shall, at the public expense, cause said bodies and remains to be removed and interred in some suitable lot, lots, or parts of lots in the Mound Cemetery, in said city, and shall also cause said monuments to be removed and properly reset over the respective graves upon the lots or parts of lots where said bodies are reinterred. In case of any such reinterment, the title to the lot or part of lot in which the body or remains are interred, shall become the property of the person who owned the lot or part of lot in the old cemetery, from which the same were taken, to the extent of his interest or ownership in said original lot.

SECTION 4. The same care and method shall be employed in removing bodies and remains from said cemetery and rein-

tering them, and in the removal and resetting of said monuments and stones, as is customary in such cases in said city, and all removals and interments shall be made under the direction and in accordance with such rules and regulations as the board of health of said city shall prescribe.

SECTION 5. Upon the acquisition of said old cemetery by purchase or condemnation, as aforesaid, and upon the removal of all bodies therefrom, as hereinbefore provided, the said tract of land shall become a public park of said city of Racine, subject to be held in the same manner as other public parks of said city are held, owned and managed and controlled subject to the provisions of section 959—9 to 959—17, of the statutes.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1909.

No. 859, A.]

[Published June 2, 1909

## CHAPTER 247.

AN ACT to amend section 926—41 of the statutes, relating to the power of officials and of common councils in cities of the first class.

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

SECTION 1. Section 926—41 is amended to read: Section 926—41. In cities organized under special charter wherein it is provided that for certain purposes, the signature and consent of two or more aldermen of a ward shall be obtained in proceedings for condemnation and in providing for other public improvements it shall be sufficient hereafter to obtain the signature and secure the consent of one local or ward alderman and the signature and consent of one alderman at large, *or in lieu of the signature and consent of one local or ward alderman, the approval, consent or affirmative votes of a two-thirds majority of said common council*, which shall be a sufficient compliance with the law in this respect and the local committee may be abolished by ordinance.

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

Approved June 1, 1909.