

1923 c. 448 s. 105, 106; Stats. 1923 s. 157.08; 1929 c. 196 s. 2; 1929 c. 516 s. 10; 1951 c. 292; 1965 c. 252.

See note to 452.02, citing 47 Atty. Gen. 253.

157.09 History: R. S. 1849 c. 48 s. 7; 1857 c. 13 s. 3; R. S. 1858 c. 67 s. 7, 13, 19; R. S. 1878 s. 1440, 1449; Stats. 1898 s. 1440, 1449; 1905 c. 122 s. 1; Supl. 1906 s. 1440; 1911 c. 663 s. 197; 1923 c. 448 s. 107; Stats. 1923 s. 157.09.

157.10 History: R. S. 1849 c. 48 s. 16; 1857 c. 13 s. 4; R. S. 1858 c. 67 s. 16, 20; 1870 c. 31 s. 1; R. S. 1878 s. 1455; 1887 c. 216; Ann. Stats. 1889 s. 1455; Stats. 1898 s. 1455; 1923 c. 448 s. 108; Stats. 1923 s. 157.10.

On the rights of an owner of a cemetery lot see *Wilder v. Evangelical L. J. Society*, 200 W 163, 227 NW 870.

On the rights of co-owners in a cemetery lot see *Ryan v. Schmit*, 1 W (2d) 215, 83 NW (2d) 685.

157.11 History: R. S. 1849 c. 48 s. 7; 1857 c. 13 s. 3; R. S. 1858 c. 67 s. 7, 19; 1859 c. 122; 1875 c. 50, 121; 1876 c. 270; 1877 c. 134; 1878 c. 106; R. S. 1878 s. 1440, 1447, 1450, 1453; 1881 c. 112; 1882 c. 42; 1885 c. 165; 1887 c. 388 s. 1 to 5, 115; 1889 c. 167; Ann. Stats. 1889 s. 1440, 1447, 1447a to 1447c, 1450, 1452a, 1453; 1891 c. 237; 1893 c. 22; 1895 c. 21; Stats. 1898 s. 1440, 1447, 1450, 1453; 1905 c. 122 s. 1; Supl. 1906 s. 1440; 1909 c. 346; 1911 c. 60, 79, 241; 1911 c. 663 s. 197, 198; 1911 c. 664 s. 6, 31; Stats. 1911 s. 1440, 1443b, 1447, 1450, 1453, 1455j to 1455o; 1913 c. 79; 1913 c. 684; 1915 c. 197; 1917 c. 541; 1921 c. 257; 1921 c. 408 s. 1, 2; Stats. 1921 s. 1440, 1443b, 1443d, 1447, 1447m, 1450, 1453, 1453m, 1453n, 1455j to 1455o; 1923 c. 115; 1923 c. 448 s. 109, 110a, 111; 1923 c. 449 s. 21; Stats. 1923 s. 157.11; 1925 c. 454 s. 8; 1927 c. 36, 227; 1929 c. 65; 1929 c. 196 s. 1; 1931 c. 326; 1933 c. 134; 1933 c. 246 s. 1; 1933 c. 454 s. 9; 1935 c. 259, 298, 421; 1939 c. 436; 1943 c. 66, 509; 1955 c. 472, 692; 1961 c. 228, 396; 1963 c. 473; 1965 c. 252.

See note to sec. 12, art. I, on impairment of contracts, citing *In re Blackburn's Estate*, 230 W 570, 284 NW 491.

Cemetery associations have the right to make rules governing the use of cemeteries, but such rules must be reasonable, must be made in good faith, and must apply to all persons uniformly. *Luhman v. Evergreen Cemetery Asso.* 9 W (2d) 479, 101 NW (2d) 652.

Under 157.11 (7), Stats. 1923, it is not mandatory upon the cemetery board to make an annual assessment upon cemetery lots. 14 Atty. Gen. 165.

A cemetery board is required under 157.11 (1), Stats. 1927, to inclose grounds of a cemetery without aid from adjoining landowners. 17 Atty. Gen. 81.

Under 157.11 (9) (b), Stats. 1929, moneys for perpetual care of graves constitute trust funds and are required to be kept in a special account by the municipal treasurer receiving the same. 18 Atty. Gen. 387.

Under 157.11 (9) (b), as amended by ch. 259, Laws 1935, it is not mandatory for a county to accept deposit of cemetery funds and pay interest thereon and the county treasurer is not authorized to accept such funds without the

express authority of the county board. 26 Atty. Gen. 622.

A county operating on an annual budget under 65.90, Stats. 1945, may not authorize acceptance of deposits for perpetual care of burial lots under ch. 157 without making provision pursuant to 65.90 for payment of interest. 34 Atty. Gen. 247.

157.12 History: 1876 c. 301; R. S. 1878 s. 1441; Stats. 1898 s. 1441; 1915 c. 213; Stats. 1915 s. 1441, 1455—1 to 1455—4; 1923 c. 448 s. 112; Stats. 1923 s. 157.12; 1933 c. 246 s. 1, 2; 1933 c. 450 s. 9; 1935 c. 421 s. 3; 1939 c. 513 s. 10; 1947 c. 208; 1957 c. 75; 1969 c. 366 ss. 104, 117 (1) (j).

The duty of town and city treasurers to receive and conserve mausoleum funds as imposed by law is official and is covered by their official bonds. 6 Atty. Gen. 305.

It is the duty of the state board of health to approve or disapprove, before it is used, mausoleum plans and specifications which were submitted to the board only after its completion. 14 Atty. Gen. 396.

157.125 History: 1941 c. 135; Stats. 1941 s. 157.125.

157.50 History: Stats. 1921 s. 60.18 (11), 61.34 (15) part, 62.22 (2) (b), 1438 (1) part; 1923 c. 448 s. 98b; Stats. 1923 s. 157.02 (1); 1947 c. 208; Stats. 1947 s. 157.50; 1951 c. 241; 1955 c. 205.

157.55 History: 1963 c. 108; Stats. 1963 c. 157.55.

157.60 History: R. S. 1849 c. 139 s. 19; R. S. 1858 c. 170 s. 18; R. S. 1878 s. 4593; Stats. 1898 s. 4593; 1925 c. 4; Stats. 1925 s. 351.43; 1955 c. 696 s. 296; Stats. 1955 s. 157.60.

CHAPTER 158.

Barbers.

158.01 History: 1935 c. 467; Stats. 1935 s. 158.01; 1953 c. 516; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 ss. 105, 106, 117 (1) (g).

158.02 History: 1935 c. 467; Stats. 1935 s. 158.02; 1953 c. 516; 1969 c. 366 s. 117 (1) (a).

On exercises of police power see notes to sec. 1, art. I; and on delegation of power see notes to sec. 1, art. IV.

The state board of health has no authority under 158.02 (1), Stats. 1941, or otherwise to regulate opening and closing hours of barber shops. 31 Atty. Gen. 387.

158.03 History: 1935 c. 467; Stats. 1935 s. 158.03; 1937 c. 349 s. 2, 3; 1939 c. 513 s. 35; 1951 c. 303, 364; 1953 c. 516; 1959 c. 200; 1965 c. 292 s. 11 (3); 1969 c. 154; 1969 c. 276 s. 604 (2); 1969 c. 366 s. 117 (1) (a), (j).

158.04 History: 1935 c. 467; Stats. 1935 s. 158.04; 1947 c. 97; 1949 c. 312; 1951 c. 64; 1953 c. 516 s. 6 to 11; 1961 c. 154; 1963 c. 471; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

158.04 (5) (e), Stats. 1949, requiring that interior doors leading to a barber shop from adjacent rooms shall be securely locked and closed and shall not be used, cannot be interpreted as requiring such doors to be sealed and made unusable. 39 Atty. Gen. 434.

Ch. 158, Stats. 1951, does not apply to barbering services performed in the state prison and state reformatory by inmates for other inmates and attendants pursuant to direction and control of the state department of public welfare; and the state board of health has no jurisdiction over prices charged for barbering services. 41 Atty. Gen. 378.

Practicing barbering at state institutions and restricting their practice to patients or inmates of such institutions are not subject to licensing requirements. 46 Atty. Gen. 211.

See note to 159.13, citing 50 Atty. Gen. 169.

158.05 History: 1935 c. 467; Stats. 1935 s. 158.05; 1947 c. 97, 332; 1949 c. 312; 1953 c. 516 s. 12 to 14; 1955 c. 449; 1965 c. 656; 1969 c. 366.

158.06 History: 1935 c. 467; Stats. 1935 s. 158.06; 1947 c. 97; 1953 c. 516 s. 15, 16; 1959 c. 200; 1969 c. 366 ss. 108, 117 (1) (a).

158.09 History: 1935 c. 467; Stats. 1935 s. 158.09; 1937 c. 348; 1937 c. 349 s. 2, 3; 1939 c. 513 s. 35; 1947 c. 97; 1953 c. 516 s. 17 to 19; 1963 c. 183; 1965 c. 292 s. 11(3); 1967 c. 111; 1969 c. 154; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (1) (a).

Under 158.09 (2), Stats. 1949, the state board of health is authorized to adopt a rule providing that no portion of a barber's apprenticeship can be served while attending a full-time school for barbering, but in the absence of such a rule a student should not be denied credit for such work where he can show compliance with all existing rules and statutes. 39 Atty. Gen. 278.

The state board of health may issue a second permit to one previously possessing a permit and whose 5-year apprenticeship has expired. 54 Atty. Gen. 203.

Ch. 111, Laws 1967, amended 158.09 (1) to increase the educational requirements for apprentice barbers. 57 Atty. Gen. 201.

158.10 History: 1935 c. 467; Stats. 1935 s. 158.10; 1937 c. 349 s. 2, 3; 1947 c. 97; 1953 c. 516 s. 20 to 22; 1959 c. 200; 1963 c. 47; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

158.10 (4), Stats. 1951, relating to qualifications for a journeyman barber's license upon the basis of having a license from another state, does not extend to applicants from foreign countries. 41 Atty. Gen. 151.

158.11 History: 1935 c. 467; Stats. 1935 s. 158.11; 1947 c. 97; 1949 c. 312, 634; 1953 c. 516 s. 23 to 25; 1959 c. 200; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

158.12 History: 1935 c. 467; Stats. 1935 s. 158.12; 1937 c. 348; 1943 c. 257; 1947 c. 97; 1953 c. 516 s. 26, 27; 1959 c. 200; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

Under 158.12 (1) and (2), Stats. 1939, a holder of unexpired barber shop manager's and master barber's licenses is not entitled to a shop manager's license covering a new shop unless he has been actively engaged in barbering not less than 40 hours a week for at least one-half of the preceding 2-year period. 29 Atty. Gen. 422.

158.124 History: 1953 c. 516; Stats. 1953 s. 158.124; 1969 c. 154.

158.13 History: 1935 c. 467; Stats. 1935 s. 158.13; 1953 c. 516 s. 29 to 31; 1969 c. 366 s. 117 (1) (a).

158.14 History: 1935 c. 467; Stats. 1935 s. 158.14; 1953 c. 516; 1969 c. 366 s. 117 (1) (a).

158.15 History: 1935 c. 467; Stats. 1935 s. 158.15; 1937 c. 348; 1953 c. 516; 1969 c. 366 s. 117 (1) (a).

CHAPTER 159.

Cosmetology Law.

159.01 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.01; 1927 c. 150; 1939 c. 431; 1943 c. 275 s. 44; 1951 c. 723 s. 2 to 7; 1969 c. 366.

One who engages in marcelling and otherwise caring for hair of her patrons at their homes is an itinerant cosmetician, and is required to be licensed. 14 Atty. Gen. 229.

Demonstrators for dealers in beauty parlor equipment and supplies practice cosmetic art if they demonstrate upon subjects and teach cosmetic art when they demonstrate equipment in actual use. 20 Atty. Gen. 583.

Canvassers selling on commission who demonstrate cosmetics by actual application are engaged in practice of cosmetic art. Persons not authorized to practice cosmetic art who, in soliciting orders for cosmetics, prepare or assist in preparation of statement of unhealthy condition of skin and scalp are engaged in diagnosing, in violation of the medical practice act. 21 Atty. Gen. 1135.

Manufacturers' representatives who demonstrate cosmetic preparations but make no charge for services rendered in making such demonstration do not practice cosmetic art within the meaning of 159.01 (1), Stats. 1947, and are therefore not required to be licensed under 159.13. 37 Atty. Gen. 388.

159.02 History: 1925 c. 68 s. 2; Stats. 1925 s. 159.02; 1927 c. 150; 1939 c. 457; 1951 c. 723; 1961 c. 399; 1969 c. 153, 154, 331; 1969 c. 366 s. 117 (1) (a).

Persons enrolled in a cosmetic school, and later graduated therefrom, who had not completed the period of apprenticeship and training required by 159.02 and 159.08 (b), Stats. 1937, when those statutes were amended in 1939, and whose school was not one having the certificate of registration required by 159.02, had no right to take the examination for cosmetologist under the statutes as they existed at the time of the amendments, and hence did not obtain any "vested rights" of which they could be unconstitutionally deprived by the fact that the amendments of 1939 prescribed new requirements in order to qualify for the examination. *Moratto v. Harper*, 237 W 295, 296 NW 902.

Authority to determine the equivalency of tenth-grade education under 159.02 (3), Stats. 1939, can be exercised only by agencies named in the statute. 28 Atty. Gen. 692.

Public vocational schools are not required to pay the annual license fee provided by 159.02 (7), Stats. 1939, for a certificate of registration to teach cosmetic art. 29 Atty. Gen. 314.

Students matriculated in a school of cosmetology on days other than the first Monday