

the time for which a cash premium has been paid in advance except for liability incurred during such term.

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

Approved June 1, 1909.

No. 235, A.]

[Published June 2, 1909.

CHAPTER 245.

AN ACT to amend section 2091 of the statutes, relating to the contravention of trusts in certain cases.

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

SECTION 1. Section 2091 of the statutes, is amended to read: Section 2091. 1. When the trust shall be expressed in the instrument creating the estate, every sale, conveyance or other act of the trustees in contravention of the trust shall be absolutely void.

2. *Provided however, in case a beneficiary, is an infant whose maintenance and education is not sufficiently provided for by the trust, and said infant has no other property and no parents able to provide him suitable maintenance or education, or in case a beneficiary is an adult whose maintenance is not sufficiently provided for by the trust, who has become, or is unable to take care of himself, the court having jurisdiction over the trust estate, may, if in his judgement the rights and interests of others in said trust, will not be thereby prejudiced, authorize and adjudge the appropriation and application of so much of the trust fund, or the income thereof, or the proceeds of the trust property, or the principal of such loans as are hereinafter provided for, as he may deem necessary or proper for the care, maintenance or education of such beneficiary, to be used for said purpose, and may require the trustee to pay the same to the guardian of said infant, or to said adult, or to the guardian of said adult, if he be incompetent or insane.*

3. *To accomplish such purpose, said court may authorize, direct and compel the sale and conveyance of part, or all the property which is the subject of the trust, discharged thereof, if the rights and interest in said property, owned by others, will not in the judgment of the court, be thereby injured or impaired. In case such property be real estate, or an interest therein, the proceedings for the sale thereof, shall be the same as are provided for in chapter 151.*

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