

CHAPTER 94—S. F. No. 147.

An act fixing the salaries of county commissioners in all counties of this state now or hereafter having a population of 300,000 or more inhabitants.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Hennepin County commissioners to receive salaries of \$2,000 per year.—That in all counties of this state now or hereafter having a population of 300,000 or more inhabitants, each member of the Board of County Commissioners shall receive an annual salary of two thousand dollars (\$2,000.00), payable in equal monthly installments as the salaries of other county officials are paid. Said salary shall be in full for all services upon the county or other boards and committees and all traveling and other expenses within the county.

Sec. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1917.

CHAPTER 95—S. F. No. 157.

An act relating to cemetery associations which have established and are maintaining cemeteries of five acres or more in extent in cities of the first class and providing for the establishment of a permanent care and improvement fund for the care, maintenance and improvement of such cemeteries.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Cemetery permanent care and improvement fund authorized.—Any cemetery association organized under the laws of this State which shall have established and shall be maintaining a public cemetery of five acres or more in extent in any city of this state having a population of more than fifty thousand inhabitants, may by a resolution adopted by a vote of at least two-thirds of the members of its board of trustees at any authorized meeting of said board, provide for the creation and establishment of a permanent fund, the income whereof shall be devoted to the care, maintenance and improvement of such cemetery, which fund shall be known as "Permanent Care and Improvement Fund" of such cemetery association.

Sec. 2. Trustees authorized to designate trust company for care of funds.—The board of trustees of any such association shall by a resolution adopted by a vote of at least two-thirds of its members designate and appoint one or more trust companies organized under the laws of this state or a board consisting of at least three individuals to act as trustee or trustees

of said fund. In case more than one trust company shall at any time be so designated and appointed the said board of trustees shall from time to time apportion all moneys available for said fund between said trust companies in such proportion as such board by said vote may direct or determine. Such designation and appointment shall be evidenced by a written instrument duly executed by the proper officers of such association under its corporate seal. Each trust company and individual so designated and appointed shall qualify as such trustee by filing its or his written acceptance of such designation and appointment with the secretary of the association. All instruments of designation and appointment, and any revocation of the same, and said written acceptances shall be recorded at length by the secretary of the association in its corporate records. The appointment of any such trustee may be revoked by the board of trustees of the association at any time by a vote of two-thirds of its members. No trustee of such fund shall be liable as such except for neglect or wilful default in the discharge of its or his duties.

Sec. 3. Twenty per cent of sales of cemetery lots to be paid in to such fund.—Whenever such cemetery association shall have established such fund as herein authorized, then not less than twenty per cent. of the proceeds of all sales of cemetery lots shall be paid over on the first days of January, April, July and October of each year to the trustee or trustees of said fund, and such payments shall thereafter become a part of such permanent care and improvement fund. Any other income or funds not required by such association for other purposes may from time to time be added to said fund by a vote of at least two-thirds of the members of the said board of trustees of the Association.

Sec. 4. Principal to remain inviolate and to be invested in certain securities.—The principal of such permanent care and improvement fund shall forever remain intact and inviolable and shall be invested by the trustee or trustees in same class of securities only in which savings banks are authorized by the laws of this State to invest their funds. The trustee or trustees of such funds shall at least semi-annually turn over to the association the entire net income arising from such fund, which income shall be used by such association solely for the care, maintenance and improvement of the cemetery and the avenues leading thereto; but in case any portion of such income shall not be expended or appropriated by the association for the period of one year after the same has been received by it, it shall be turned back to the trustee or trustees and invested by it or them as a part of the principal of said fund. No trustee or board of trustees shall receive as compensation for acting as such any sum in

each year in excess of five per cent of the income derived from the fund in its hands.

Sec. 5. Trust company to make annual report.—Any trust company or board of trustees acting as trustees pursuant to the terms hereof shall on the first day of each year make a full and complete report in writing to the association of the condition and state of the fund in its hands, which report shall at all times be open to the inspection of all owners of lots in such cemetery.

Sec. 6. Provision for selection of successors to trustee.—Upon the resignation or removal of any sole trustee or individual appointed pursuant to the authority hereby conferred, the board of trustees of such association shall forthwith appoint a successor; and thereupon the trustee so resigning or removed shall immediately turn over to such successor all property of every description belonging to or appertaining to such fund. Upon written notice to it by such board of trustees of such association of the resignation or removal of any such trustee, or of any application to the court for an accounting by, or removal of, any such trustee, any bank, trust company, safety deposit company or other corporation, institution or individual having in its or his possession any of the moneys, securities, papers or other property belonging or appertaining to such fund, shall thereupon refuse payment or delivery of the same or any part thereof to the trustee or trustees named in such notice, or upon its or their check or other authorization, except upon a check or other authorization for the transfer, surrender or delivery of the same or any part thereof to its or his successor or successors.

Sec. 7. District court given power to compel accounting.—The district court for the judicial district in which the trust estate is situated shall have the power, for good cause shown, upon the application of one or more trustees of such association or of any other interested party to remove any trustee or trustees of such fund, or to compel an accounting by any trustee of such fund, and such court shall have all the powers now or hereafter conferred by law upon district courts for the enforcement, execution, or regulation of express trusts.

Sec. 8. Cemetery associations to be bound by terms of this act.—Every cemetery association mentioned in section 1 of this act which has heretofore created and established such permanent care and improvement fund pursuant to any law of this state shall with respect to such fund comply with and be bound by the terms of this act.

Sec. 9. Certain sections G. S. 1913 not to be applied to section 1 of this act.—Sections 6292, 6293, 6294, 6295, 6296, 6297.

6298, 6299, 6300 of the General Statutes of Minnesota, 1913, shall not apply to or be operative upon, cemetery associations mentioned in section 1 of this act.

Sec. 10. **Not to apply to religious or private cemetery associations.**—This act shall not apply to cemeteries established by religious corporations, nor to private cemetery associations.

Sec. 11. **To apply to Minneapolis.**—This act shall also apply to cemetery associations mentioned in section 1 of this act, maintaining such cemeteries in cities existing under a charter framed pursuant to section 36 of article IV of the constitution.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved March 23, 1917.

CHAPTER 96—S. F. No. 247.

An act to regulate commercial fishing in international waters.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Commercial fishing authorized in Lake Superior.**—The game and fish commissioner is hereby authorized to issue licenses to residents of Minnesota, who are citizens of the United States, for pound nets, fyke nets, and gill nets for use in commercial fishing in international waters, excepting Lake Superior, under the jurisdiction of the State of Minnesota, subject to the following regulations and conditions:

Sec. 2. **Size and kind of nets to be used.**—Pound nets—The size of the mesh of the pot or pound of pound nets shall not be less than 1½ inches bar measure, or 3 inches extension measure. Pound nets may be set in strings in Lake of the Woods, but no string of such nets shall exceed 2 in number, and the leads of such shall in no case exceed the following lengths: The shore lead 80 rods and the leads between the pounds or pots 50 rods in length. Said net or string of nets shall not be less than 2500 feet apart. In lakes other than Lake of the Woods not more than one license shall be issued for any one section.

Gill Nets—The size of the mesh of gill nets shall not be less than 4 inches, extension measure, for taking pickerel and pike perch, and not less than 5 inch mesh, extension measure, for taking whitefish, and no net shall be longer than 750 feet. No gill net shall be set within one mile of any regularly licensed pound net.

Fyke Nets—The size of the mesh of fyke nets shall not be less than 3 inches, extension mesh; said nets shall not be larger than 6 feet in height in any part of the net, and leaders shall not exceed 300 feet in length.