

CHAPTER 22—S. F. No. 26.

An act relating to lots in private cemeteries and their perpetual care.

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

Section 1. **Gifts authorized for proprietary care of lots in cemeteries.**—Gifts, grants and bequests of personal property to any trust company, or to one or more individuals and their successors, in trust for the purpose of perpetual care, maintenance and adornments of lots in private cemeteries and the walks, monuments and structures thereon are permitted. They shall not be deemed invalid as violating any existing law against perpetuities or suspension of the power of alienation; and in furtherance thereof any trust company or individual trustee and his successors may take and hold in trust the title to any one or more of such lots in such private cemetery in perpetuity. Provided, that nothing herein contained shall have the effect of legalizing any gift, devise or bequest which would otherwise be invalid under the laws of this state in any matter now pending in any court of this state or, which may be instituted within sixty days after the passage of this act.

Sec. 2. This act shall take effect from and after its passage.

Approved February 20, 1919.

CHAPTER 23—H. F. No. 82.

An act entitled "An act fixing the salary of the county commissioners in counties of this state now or hereafter having not less than 70 or more than 80 full or fractional congressional townships, and having at any time an assessed valuation of not less than \$3,000,000 and not more than \$5,000,000, exclusive of money and credits."

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

Section 1. **Salaries of county commissioners in certain counties.**—In counties of this state now or hereafter containing not less than seventy (70) and not more than eighty (80) full or fractional congressional townships and having at any time an assessed valuation of not less than three million (\$3,000,000.00) dollars and not more than five million (\$5,000,000.00) dollars, exclusive of money and credits, as finally equalized by the State Tax Commission, each county commissioner of such county shall receive an annual salary of four hundred twenty (\$420.00) dollars, payable in equal monthly installments out of the county treasury, and in addition thereto each commissioner shall receive five (\$5.00) dollars per day for each and every day necessarily occupied in the discharge of his official duties while acting on any committee under the direction of the county board and ten (10) cents per mile for every mile necessarily traveled in attending such committee work, and

shall also be entitled to mileage at the rate of ten (10) cents per mile for every mile necessarily traveled in attending meetings of the county board, not to exceed twelve meetings in any one year. In addition to the foregoing compensation the chairman of the county board shall receive ten (10) cents per mile for going to and returning from the county seat, to sign warrants during any recess of the county board.

Sec. 2. **Application.**—This law shall not apply to any county where the salary of county commissioners is now fixed by special law.

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

Approved February 20, 1919.

CHAPTER 24—S. F. No. 118.

An act to amend section 64 of chapter 235, Laws 1913, which section relates to the powers and duties of town and county boards and the audit and payment of damages after the determination of an appeal in proceedings for the establishment, alteration or vacation of public highways.

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

Section 1. **County board authorized to proceed in vacating road pending an appeal.**—That section 64 of chapter 235, Laws 1913 (section 2551, Statutes of 1913), be and the same hereby is amended so as to read as follows:

Section 64. When on appeal the determination of any town or county board is reversed or altered, the board from whose determination such appeal was taken shall proceed to establish, alter, or vacate such road, in conformity with the decision of such appeal; and the proceedings thereon shall be the same as if they had originally so determined to establish, alter or vacate such road, *provided, however, that where an appeal is or has been taken involving only the amount of damages awarded by a county board, the county board may, in its discretion, notwithstanding such appeal, proceed forthwith to establish, alter or vacate such road and open, construct, alter or change the same as though no such appeal had been taken but in such case the county shall forthwith upon the final determination of such appeal pay to the person entitled thereto such damages and costs, as shall be awarded on such appeal.* The amount of damages finally determined and awarded, whether by the town or county board, or by the court or jury, together with the charges of officers and other persons necessarily employed in establishing, altering or vacating any road, shall be audited by the board making the original assessment. Such board shall, in its report of such audit, specify the amount of damages, and charges due each individual, and such amounts shall be certified to by the board so auditing the same, and,