

tion of such road within said county, and for which the commissioner of highways shall apportion federal aid under the provisions of the act of congress approved July 11, 1916, being an act entitled "An act to provide that the United States shall aid the state in the construction of rural post roads and for other purposes," and the acts of congress amendatory thereof and supplementary thereto.

"Permanently improve" as used herein includes any work approved by the commissioner of highways, as hereinafter specified, which is essential or preparatory to the pavement of such road with a proper, durable, hard surfaced type of pavement, and also includes any bridge or bridges.

Before any bonds shall be issued under the provisions hereof, the route and termini of the road, or roads, proposed to be permanently improved, and plans and specifications for their permanent improvement shall be first approved by the commissioner of highways. Such approval and that the road is one for the permanent improvement of which bonds may be issued hereunder, shall be conclusively evidenced by a certificate to that effect signed by the commissioner of highways in which the proposed road, or roads, shall be designated by appropriate description or reference.

Sec. 2. Rate of interest not to exceed six per cent—To run not more than ten years.—Said bonds shall be in such form and denominations, shall bear such rate of interest not exceeding six per centum per annum, payable semi-annually, and shall become due and payable at such time or times not more than ten years from their date, all as the county board shall determine. Said bonds may contain an option authorizing the county board to redeem the same on any interest date. Said bonds shall be signed by the chairman of the county board and countersigned by the county auditor, and shall be sold for not less than par and accrued interest. The proceeds of such bonds shall be used for the purposes hereby authorized and for such purposes only.

Sec. 3. Bonds to be issued before Jan. 1, 1922.—The powers of this act conferred are additional to all other powers conferred by law, but no bonds shall be issued hereunder unless authorized by resolution of the county board adopted prior to January 1, 1922.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1921.

CHAPTER 167—S. F. No. 44.

An act authorizing cemetery associations to reinvest themselves with title to the unused portions of cemetery lots, for failure to pay lot care thereon, and relating to cemeteries.

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

Section 1. Cemetery Associations may reinvest themselves with title to burial lots when—Procedure.—Whenever any cemetery association organized under the laws of this State shall have heretofore conveyed to any person or persons the right of sepulture or burial upon any platted lot or designated piece of ground within the area of such cemetery, and the deed or conveyance thereto from such association provides that the said lot shall be held subject to all the rules, by-laws and regulations of such cemetery association and such deed or such rules, by-laws or regulations further provide for the payment of an annual charge for the care, up-keep and maintenance of such lot, and the owner thereof named in such deed or conveyance neglects or refuses to pay such annual charge, for the period of ten successive years, the said cemetery association may reinvest itself with the title to the portion of such cemetery lot not actually used for burial purposes, in the manner hereinafter set forth, to-wit:

If the owner of such cemetery lot shall be a resident of the county wherein such cemetery is located, then such association may cause to be served upon such owner, in the manner prescribed by law for the service of a summons in a civil action, a notice specifying the amount unpaid for lot care upon said lot, and specifying a time within which the same must be paid to the secretary of such association, which time shall not be less than thirty days from the date of the service of said notice, and further specifying that upon the failure of the said owner of said lot to pay the amount specified in said notice within the time aforesaid, that the association will take the necessary steps to reinvest itself with the title to the portion of such cemetery lot not actually used for burial purposes. Upon the failure of the owner of said lot to pay said amount within the time specified in said notice, the board of trustees of such cemetery association may, by resolution duly adopted at any regular meeting of such board of trustees, set forth said failure to pay said charges for lot care, the service of the notice prescribed herein, and declare such portion of said lot unused for burial purposes, describing the same by metes and bounds in such resolution, to be the property of said association.

Sec. 2. Notice—Publication of.—Whenever it shall be determined by the return of the sheriff of the county in which said cemetery is located, that the owner or owners of said lot or lots is not a resident of said county and cannot be found therein, then said association may cause such notice to be published in a legal newspaper within said county for the period of three weeks, which said notice shall specify a time for payment, at least thirty days after the completed service of such notice by publication thereof, and after the expiration of the time therein specified, the said board may adopt the resolution hereinbefore set forth, and reinvest the association with the title to the portion of said cemetery lot unused for burial purposes.

Sec. 3. To be part of records of association.—All such notices with the proof of service or publication thereof, and all such resolutions adopted by the board of trustees of said association shall be made a part of the records of said association, and whenever the deed or conveyance from said association to said lot owner shall be and appear of record in the registry of deeds of said county, a copy of such resolution, certified to by the secretary of such cemetery association, and a copy of the printed notice with the sheriff's return thereon, shall be placed of record in said registry of deeds.

Sec. 4. Contents of notice.—Such notice and all proceedings had pursuant to this chapter in relation to any such cemetery lots, shall distinctly describe by metes and bounds the portion of such cemetery lot unused for burial purposes; and such association is hereby required to leave sufficient ingress to, and egress from, any grave upon said lot, either by duly dedicated streets or alleys in said cemetery, or by leaving sufficient of the unused portion of such cemetery lot for such purpose.

Sec. 5. Shall not apply when.—This act shall not apply to any lot or lots in any cemetery association where a perpetual care contract has been entered into between such cemetery association and the owner of such lot.

Sec. 6. Effect—Time limit.—Compliance with the terms of this act shall as fully reinvest the association with, and divest the record owner and his descendants of, the title to such portion of such cemetery lot unused for burial purposes, as though the same had never been conveyed to any person, and such association shall have, *hold and enjoy such reclaimed portions of such lots for its own uses and purposes*, subject to the laws of this State, and to the charter, by-laws, rules and regulations of such association.—Provided, that such association shall not be permitted to alienate any such lot for the period of one year from and after the adoption of the resolution provided for in this act by the board of trustees of such association; and further provided that if at any time during said one-year period, any person or persons entitled to such cemetery lot by the laws of this State, shall pay or cause to be paid to such association all said unpaid lot care, together with the expenses of the service of the notice hereinbefore provided for, and any additional sums due for lot care subsequent to the date of such notice, as prescribed by the by-laws, rules and regulations of such cemetery association, and shall take out and pay for a perpetual care contract upon such lot, the said cemetery association shall reconvey such lot to the person or persons lawfully entitled to the same.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 7, 1921.