

CHAPTER 359—S. F. No. 252.

An act to amend Sections four and six of Chapter 95 of the Laws of 1917 entitled, "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," and providing for the withdrawal of not more than fifty per cent of said fund for certain purposes and repealing inconsistent acts.

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

Section 1. Principal to remain inviolate and to be invested in certain securities.—That Section 4 of Chapter 95 of the laws of 1917, be amended to read as follows:—

Section 4. 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, *except that said association may by resolution adopted by vote of at least two thirds of the members of its board of trustees, at any authorized meeting of said board, authorize the withdrawal and use of not more than fifty per cent of the principal of such permanent care and improvement fund, for any or all of the following purposes, namely; for the acquisition of additional land for cemetery purposes for the erection of a chapel, greenhouse, or other buildings desirable or necessary for the operation of such cemeteries, or for the building or improvement of roads and avenues in such cemetery, provided, however, that said fund shall at no time be diminished to an amount less than one thousand dollars (\$1,000.00) per acre for each acre of land in such cemetery. Upon presentation to such trustee or trustees of a certified copy of the resolution adopted as aforesaid, such trustee or trustees shall at once comply therewith and thereupon be forever thereafter released and discharged from any and all further liability and responsibility for the part of such funds so withdrawn and delivered to such association. 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. 2. Selection of successors to trustee.—That Section 6 of Chapter 95 of the Laws of 1917, be amended to read as follows:

Section 6. Upon the *revocation of the appointment* or 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. 3. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 19, 1923.

CHAPTER 360—S. F. No. 292.

An act amending Section 6316 of the General Statutes of Minnesota 1913 relating to plats of private cemeteries.

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

Section 1. **Plat and record.**—That Section 6316 of the General Statutes of Minnesota 1913, be, and the same hereby is, amended so as to read as follows:

6316. **PLAT AND RECORD.**—Any private person and any religious corporation may establish a cemetery on his or its own land in the following manner: The land shall be surveyed and a plat thereof made. A stone or other monument shall be established to mark one corner of such cemetery, and its location shall be designated on the plat. Such plat and the correctness thereof shall be certified by the surveyor, his certificate indorsed thereon, and with such indorsement shall be filed for record with the register of deeds in the County where said cemetery is located showing the area and location of such cemetery. Any person or association owning such private cemetery may sub-divide or re-arrange the same, from time to time, as may be necessary in the conduct of the