

gun, or other firearm, with intent to use the same in the commission thereof, the penalty therefor, including any additional penalty which may be now or hereafter imposed by any law of this State for the commission of a crime of violence while armed with or having available any firearm, shall in the discretion of the trial judge be imprisonment for not less than five years; provided, that this Act shall not apply to reduce either the minimum or the maximum sentence now or hereafter provided by law for any offense for which the person has been convicted.

Approved April 19, 1927.

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CHAPTER 295—S. F. No. 755.

*An act to amend Sections 7581 and 7582, General Statutes 1923, relating to lots in cemetery associations, making the provisions of said sections as hereby amended applicable to private cemeteries, and amending Section 7633, General Statutes 1923, relating to limit of area and extent of said cemetery property exempt from taxes and assessments.*

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

**Section 1 Descent of title of cemetery lot.**—That Section 7581, General Statutes 1923, be and the same is hereby amended so as to read as follows:

“Section 7581. Upon the death of a lot owner, such lot, unless otherwise disposed of as provided in Section 7582, shall descend as follows:

1. To the surviving spouse of the decedent.
2. If there be no living spouse, then to the eldest living son of decedent.
3. If there be no living son, then to the eldest living daughter.
4. If there be no living daughter, then to the youngest brother of decedent.
5. If there be no living brother, then to the youngest sister of the decedent.
6. If there be no surviving spouse, son, daughter, brother, or sister of decedent, then to the *cemetery association or private cemetery, as the case may be* in trust for the uses of a burial lot for the decedent and such of his relatives as the trustees in the case of a cemetery association or the directors or other managing board, person or official as the owner of any private cemetery may delegate and empower for that purpose shall deem proper. But such cemetery association or private cemetery, as the case may be,

or with its consent, any person to whom such lot shall so descend, may grant and convey the same to any of decedent's sons, daughters, brothers, sisters, or grandchildren, and such grantee shall thereafter be deemed the owner thereof."

Section 2. **Right of disposal.**—That Section 7582, General Statutes 1923, be and the same is hereby amended so as to read as follows:

"Section 7582. Any owner of a cemetery lot may dispose of the same by will to any one of his relatives who may survive him, or to such cemetery association *or private cemetery as the case may be*, in trust, for the use and benefit of any person or persons designated in said will; but no such lot shall be affected by any testamentary devise unless the same be specifically mentioned in the will, *and by such devise limited to one particular person*. Any owner of a cemetery lot may in his lifetime convey said lot to said *cemetery association or said private cemetery* in trust for the use and benefit of any person or persons named in the trust conveyance. Such conveyance may contain such conditions, provisions and covenants as the parties may therein agree upon. No interment shall be made in any such lot, except by written consent of the *cemetery association or private cemetery as the case may be*, of the body of any person who was not, at the time of death, the owner thereof, or a relative of the owner by blood or marriage. *That every conveyance or alienation or attempt at conveyance or alienation of any right, title or interest in or to such lot, contrary to the foregoing conditions and reservations, shall be void*. Every such *cemetery association or private cemetery as the case may be*, shall keep a record of all deeds, conveyances, judgments, decrees or other documents affecting the title to lots in such cemetery, copies of which certified by *some person, officer or official thereunto duly authorized*, shall be received in evidence by the courts. *Such cemetery association or private cemetery may, instead of deeding the fee title to said lot, grant only the exclusive right of interment or sepulture in said lot.*"

Sec. 3. **Exemptions.**—That Section 7633, General Statutes 1923, be and the same is hereby amended so as to read as follows:

"Section 7633. All lands, not exceeding one hundred acres in extent, *and in the case of cemeteries owned and managed by religious corporations or corporations solely owned and controlled by and in the interest of any religious denomination three hundred acres in extent*, so laid out and dedicated as a private cemetery, shall be exempt from public taxes and assessments, and shall not be liable to levy and sale on execution, or to be applied in payment of the debts of any owner thereof, so long as the same remains appropriated to the use of a cemetery; and no road or street shall be laid through the same without the consent of the owners."

Approved April 19, 1927.