

hearing thereupon, a warrant shall issue under the law in relation to insolvent corporations, and proceedings shall be had as in other cases of insolvent corporations; and said association may at any time apply for the benefit of the acts in regard to insolvent corporations.

SEC. 11. There shall be such distribution of the profits or earnings of such association, among the workmen, purchasers and stockholders, as shall be described by the by-laws, at such times therein prescribed, and as often at least, as once in twelve months. *Provided*, That no distribution shall be declared and paid until a sum equal at least to ten per cent. of the net profits shall be appropriated for a contingent or sinking fund, until there shall have accumulated a sum equal to thirty per cent. in excess of such capital stock.

Dividends how and when made

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

When act to take effect.

Approved March 4, 1870.

## CHAPTER XXX.

*An Act to amend Sections Ninety-Six and One Hundred and One, of Title Five, of Chapter Thirty-Four, of the General Statutes.*

March 7, 1870.

- SECTION 1. Amendment to Section Ninety-Six (96) of Title Five (5) of Chapter Thirty-Four (34) of the General Statutes. Associations incorporated under the provisions of this act may adopt by-laws for their government.
2. Amendment to Section One Hundred and One (101) of Title Five (5) of Chapter Thirty-Four (34) of the General Statutes. Associations hereby incorporated may purchase or receive by donation lands for the purpose of laying out for the exclusive use as a cemetery—how to proceed when necessary to enlarge grounds—such Associations may hold personal property.
3. When act to take effect.

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

SECTION 1. That section ninety-six, of title five, of chapter thirty-four, of the general statutes, be and the same is hereby amended so as to read as follows:

Associations may  
adopt by-laws for  
their government

Sec. 96. The trustees of any association incorporated agreeably to the provisions of this title, may enact by-laws for regulating the affairs of such corporation, not inconsistent with the laws of this state.

SEC. 2. That section one hundred and one, of title five, of chapter thirty-four, of the general statutes, be and the same is hereby amended so as to read as follows:

May purchase or  
accept gifts of  
lands—for what  
purpose—when  
necessary to en-  
large grounds  
how to proceed.

Sec. 101. Any association incorporated agreeably to the provisions of this title, may take by purchase or gift and hold within the county in which the certificate of their incorporation is recorded, not exceeding eighty acres of land to be held and occupied exclusively for a cemetery for the burial of the dead, and for purposes necessary or proper thereto; such land or such portion thereof as may from time to time be required for that purpose, shall be surveyed and divided into lots of such size as the trustees direct, with such avenues, alleys and walks as the said trustees deem proper; and a map of such survey shall be filed and recorded in the registry of deeds of the county in which the lands lie. And whenever any such corporation, which is the owner of a burying ground or place of sepulture, wishes to enlarge the limits of the same, and cannot agree with the owner or owners of the land proposed to be taken for such purpose, application may be made to the district court of the judicial district, and in the county wherein said land is situated, giving twenty days notice thereof to the owner or owners by leaving a copy with him or them, or at their usual place of abode; and said court shall appoint a committee of three disinterested persons who, having been sworn faithfully and impartially to discharge the duties of their appointment, and after giving at least five days notice to the owner or owners, of the time and place of their meeting, shall proceed to examine the premises, and determine on the propriety, public necessity, and convenience of such enlargement, and upon the quantity, boundaries, damage and value of the land which they shall deem proper to be taken for that purpose, and make report thereof in writing to said district court by filing the same in the office of the clerk thereof, and shall give the same notice of the

filing of their report as of their meeting; and the parties interested may appear before said court and be heard thereon at such time as the court shall appoint. And if said committee shall report that such enlargement is proper, and that public convenience and necessity require the same, and the court shall accept such report, the decision of such court thereon shall have the effect of a judgment, and execution may be issued thereon accordingly in favor of the person or persons to whom damages may be assessed, for the amount thereof; but said land shall not be taken or inclosed or used for that purpose until the damages so assessed shall be paid to said owner or owners, or deposited with the treasurer of the county for his or their use, which shall be done within thirty days after said report shall be accepted; and the title to said land shall thereupon become vested in such association, and a copy of the report of said committee, and of the judgment of the court thereon, certified by the clerk thereof, together with a certificate of the payment of the damages determined by the committee, sworn to by the president and treasurer of said association, shall be recorded in the office of the register of deeds of the county in which such premises are situated, and such record shall be notice to all parties of the title of said corporation therein, and may be read as evidence of such title in all the courts of this state. Such association may also purchase or take by gift and hold personal property, and may sell the same and apply the proceeds thereof to the purposes mentioned in section one hundred and seven of this title, and no other; and all real and personal estate which shall have been given or granted to any such association for the maintenance of any monument, the keeping in good order, or the embellishment of any lot or grounds situated within the enclosure of such association, shall remain forever to the uses to which the same shall have been given or granted, according to the true intent of the grantor.

May hold personal property.

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

When act to take effect.

Approved March 7, 1870.