

31700

THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

.....
1851

society organized, or which may hereafter be organized within this territory, either for a meeting house, burying ground, or for the residence of a preacher, shall descend with the improvements in perpetual succession to, and shall be held by such trustees in trust for such society.

Sec. 22. Whenever by the constitution, rules or usages of any particular church or religious denomination, trustees are required to be appointed by any ministers, presiding elders or other officer or officers of such church or denomination, it shall be the duty of such ministers, presiding elders or other officer or officers to give to such trustees a certificate of their appointment under the hand and seal of the person making the same, specifying the name by which such trustees and their successors shall forever thereafter be called and known, which certificate shall be acknowledged and proved, and recorded as hereinbefore directed; whereupon such trustees and their successors appointed in the same manner shall be a body corporate, by the name expressed in such certificate, with all the rights, powers and privileges of other religious corporations constituted according to the provisions of this chapter.

Appointment of trustees in certain cases.

Sec. 23. Whenever by the constitution, rules and usages of any particular church or religious denomination, the minister or ministers, elders and deacons or other officers elected by any church or congregation, according to such constitution, rules or usages are thereby constituted the trustees of such church or congregation, it shall be lawful for such minister or ministers, elders and deacons or other officers, to assemble together and execute under their hands and seals a certificate, stating therein the name by which they and their successors in office shall forever thereafter be called and known, which certificate shall be acknowledged or proved and recorded as hereinbefore directed; whereupon such persons and their successors in office, shall be a body corporate by the name expressed in such certificate, with all the rights, powers and privileges of other religious corporations, constituted according to the provisions of this chapter.

When minister, deacon, &c., to be trustees and their powers.

CHAPTER 37.

OF CEMETERY ASSOCIATIONS.

SECTION

1. How organized.
2. Trustees to be classified.
3. Duties of chairman and secretary.
4. When association incorporated its powers.
5. May make by-laws.
6. Powers of trustees
7. Association may hold real estate, &c.
8. Sale of lots.

SECTION

9. Election of trustees, term of office.
10. Who may be trustees, vacancies.
11. Special election.
12. Trustees to make annual report.
13. Proceeds of sales.
14. Trespass in cemetery a misdemeanor.
15. Cemetery lands free from taxation, &c.
16. When lots inalienable; burial regulations.

Sec. 1. Any number of persons residing in any county in this territory, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands to be used exclusively for a

How organized and trustees elected.

cemetery or place for the burial of the dead, may meet at such time and place as they or a majority of them may agree, and appoint a chairman and secretary by the vote of a majority of the persons present at the meeting; and may proceed to form an association by agreeing on a corporate name, by which the association shall be known, and by determining upon the number of trustees to manage the affairs of the association, which number shall not be less than three or more than nine, and thereupon, they may proceed to elect by ballot the number of trustees so determined upon.

Trustees to be classified.

SEC. 2. The chairman and secretary of such meeting, shall immediately after such election, divide the trustees by lot into three classes; those in the first class, to hold their office one year, those in the second class, two years, and those in the third class, three years; but the trustees of each class may be re-elected if they shall possess the qualifications hereinafter mentioned; such meeting shall also determine on what day in each year, the future annual election of trustees shall be held.

Chairman and secretary to make certificate, same to be recorded.

SEC. 3. The chairman and secretary of such meeting, shall within three days after the holding of the same, make a written certificate, which shall state the names of the associates who attended such meeting; the corporate name of the association, determined upon by the majority of the persons who met; the number of trustees fixed upon to manage the concerns of the association; the names of the trustees chosen at the meeting, and their classification, and the day of the year fixed upon for the annual election of trustees; such certificate shall be signed by the said chairman and secretary, and acknowledged by them before some officer of the county authorized to take the acknowledgment of deeds, and they shall cause such certificate so acknowledged to be recorded in the register's office of the county in which the meeting was held.

When association incorporated, its powers.

SEC. 4. Whenever such certificate shall have been duly acknowledged and recorded as aforesaid, the association mentioned therein, shall be deemed legally incorporated, and shall have the general powers and privileges and be subject to the liabilities and restrictions as provided by the laws of this territory in respect to incorporations.

May make by-laws.

SEC. 5. Such association shall have power to make such by-laws as are necessary to effect the object of its organization, not inconsistent with the laws of this territory.

Powers of trustees.

SEC. 6. The affairs and property of such association shall be managed by the trustees, a majority of whom shall form a board for the transaction of business; the trustees shall annually appoint from among their number, a president, and shall also appoint a secretary and treasurer, who shall hold their places during the pleasure of the board; and the trustees may require the treasurer to give security for the faithful performance of the duties of his office.

Power of association to hold real and personal estate, &c.

SEC. 7. Any association, incorporated agreeably to the provisions of this chapter, may take, by purchase, or gift, and hold, within the county in which the certificate of their incorporation is recorded, not exceeding forty acres of land, to be held and occupied exclusively for a cemetery for the burial of the dead; such land, or such portion as thereof may, from time to time, be required for that purpose, shall be surveyed, and divided into lots of such size as the trustees may direct, with such avenues, alleys and walks, as the said trustees may deem proper; and a map, or maps, of such surveys shall be filed in the office of the register of deeds of the county in which the lands shall be situated. Such association may also purchase, or take by gift, and hold, personal property to an amount not exceeding one thousand dollars; and may sell the same, and apply the proceeds thereof to the purposes mentioned in section thirteen of this chapter, and no other.

Lots how to be sold.

SEC. 8. After such map shall have been filed in the register's of-

CEMETERY ASSOCIATIONS:

face, as aforesaid, the trustees may sell and convey the lots, as designated on such map, upon such terms, and subject to such conditions and restrictions, to be inserted in, or annexed to, the conveyances, as the said trustees shall prescribe; every conveyance of any such lot shall be expressly for burial purposes, and no other; and shall be in the corporate name of the association, signed by the president and treasurer thereof.

SEC. 9. The annual election for trustees to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place as the trustees shall direct. The trustees chosen at any election after the first, shall hold their office for three years, and until others shall be chosen to succeed them. Such election shall be by ballot; and every person who shall be the proprietor of a lot in the cemetery of the association; or if there be more than one proprietor of any such lot; then such one of the proprietors as the majority of the joint proprietors shall designate to represent such lot, may vote at such election; and the persons receiving the highest number of votes given at such election; shall be declared elected trustees.

Election of trustees, their term of office.

SEC. 10. In all elections after the first, the trustees shall be chosen from among the proprietors of lots in such cemetery; and the said trustees shall have power to fill any vacancy in their number; occurring during the term of office for which any trustee was elected. Public notice of every annual election shall be given in such manner as the by-laws of the association shall prescribe.

Who may be trustees, may fill vacancies.

SEC. 11. If the annual election shall not be held on the day fixed in the certificate of incorporation, the trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place; at which time the election may be held with like effect, as if holden on the day fixed in said certificate; and the terms of office of the trustees chosen at such election, shall expire at the same time they would have done, had they been chosen on the day fixed in the said certificate of incorporation.

When special election may be held.

SEC. 12. The trustees, at each annual meeting, shall make a report, in writing, containing a statement of their doings, and of the affairs of the association, and an account of the receipts and expenditures during the year preceding.

Trustees to make annual report.

SEC. 13. The proceeds arising from the sale of lots in such cemetery, shall be applied to the payment of any debts incurred by said association, in the purchase of cemetery grounds and property, in fencing, improving, and embellishing such grounds and avenues leading thereto; and in defraying the necessary expenses in the management and care of the same, and for no other purpose.

To what purposes proceeds to be applied.

SEC. 14. Any person who shall wilfully destroy, mutilate, injure, or remove, any tomb, monument, grave stone, building, or other structure, placed in any cemetery, or any fence, railing, or other work, for the protection or ornament thereof, or who shall wilfully destroy, or injure, any tree, shrub, or plant, within the limits of such cemetery, incorporated under this chapter, shall be deemed guilty of a misdemeanor; and shall also be liable in an action to be brought in the name of the association, for the payment of all damages by him occasioned; or any proprietor of a lot in such cemetery, may sue for any injury done upon any lot owned by him.

Wilful trespass in cemetery a misdemeanor.

SEC. 15. The cemetery lands, and property of any association, formed pursuant to this chapter, shall be exempt from all public taxes and assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts of any individual proprietors; but the proprietors of lots in such cemetery, their heirs, or legal representatives,

Cemetery lands to be free from taxation or execution, no street to be laid through.

may hold the same exempt therefrom, so long as the same shall remain appropriated to the use of a cemetery; and during that time no street, or road, shall be laid through such cemetery, or any part of the lands held by such association, for the purpose aforesaid, without the consent of the trustees of such association.

When lots to be inalienable, regulation concerning burial.

SEC. 16. Whenever the lands of any such association shall be laid out in lots, and such lots, or any of them, shall be transferred to individual proprietors, and after there shall have been an interment in any lot so transferred, such lot, from the time of such first interment, shall forever thereafter be inalienable, and shall, upon the death of the proprietor, descend to the heirs of such proprietor, forever; but any one or more of such heirs may release to any other of said heirs, his, her or their interest in the same; a copy of such release shall be filed with the clerk of the town, or village, or with the register of the city, or register of deeds of the county within which the said cemetery shall be situated. The body of any deceased person shall not be interred in such lot, unless it be the body of a person having, at the time of such decease, an interest in such lot, or the relative of some person having such interest, or the wife of such person, or her relative, except by the consent of all persons having an interest in such lot.

CHAPTER 38.

OF LIBRARIES AND LYCEUMS.

SECTION

1. How library associations formed.
2. Choice of officers, certificate made and filed.
3. Powers of proprietors.
4. Treasurer and collector to give bond.

How library associations formed.

SECTION

5. Proprietors may raise money, shares transferable.
6. How lyceums formed and their powers.

SEC. 1. Any seven or more proprietors of a library, may form themselves into a corporation under such corporate name as they may adopt, for the purpose of enlarging, regulating and using such library, and for that purpose any justice of the peace may, on the application of five or more of the proprietors, issue an order to one of them, directing him to call a meeting of the proprietors at the time and place expressed in the order, for the purpose of forming such corporation; and such meeting shall be called by posting up a notice containing the substance of such order, in at least two public places in the town where such library is kept, at least seven days before the time of meeting.

Choice of officers, certificate made and filed.

SEC. 2. Any seven or more of the proprietors of such library, met in pursuance of such notice, may choose a president, a clerk, a librarian, collector, treasurer, and such other officers as they may deem necessary; and they may also determine the mode of calling future meetings of the proprietors, and the proceedings of such first meeting containing a specification of the corporate name adopted by such proprietors, shall be certified by the clerk of such corporation, and recorded by the register of deeds of the county within which the same is formed,