

CHAPTER 214.

AN ACT to authorize the town of Lake Marshall to establish, maintain and regulate a cemetery in said town.

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

SECTION 1. That the supervisors of the town of Lake Marshall, county of Lyon and State of Minnesota, and their successors in office be and the same hereby are authorized and empowered to purchase and hold any quantity of land, not more than eighty (80) acres, or such less quantity and in such pieces or parcels as to them may seem necessary and best for the purpose of providing a cemetery in said town, and for no other purpose whatever.

SEC. 2. That the action of the supervisors of said town heretofore in the purchase of the north-west quarter (N.-W. $\frac{1}{4}$) of north-west quarter (N.-W. $\frac{1}{4}$) of section three (3), town one hundred and eleven (T. 111), range forty-one (R. 41) in the county of Lyon, and in the issuing of the bonds of said town to the amount of four hundred dollars (\$400) with the provisions and conditions thereto attached, for the purpose of such purchase, be and the same hereby is legalized and made of full effect and force of law.

SEC. 3. That the supervisors of said town and their successors in office be and the same hereby are authorized, empowered and required and it is made their duty

First. To survey, lay out, subdivide and plat any land purchased and held as herein authorized, into streets, alleys, blocks and lots of proper, suitable and convenient forms and dimensions for cemetery purposes.

Second. To cause a correct copy of such plat certified by the surveyor to be recorded in the office of register of deeds in and for Lyon county, Minnesota, and such plat shall show by appropriate figures, words and signs, the dimensions of all blocks, lots, streets and alleys, and the names of all streets and grounds set apart as required by this act.

Third. To establish and fix a cash price for all the blocks and lots in any cemetery established as herein provided, having regard to the location, size and relative value of the same, and to review and re-establish such prices once each year at some regular meeting of such supervisors.

Fourth. To cause a like copy of the plat as afore described to be filed and kept in the office of the clerk of said town, and to cause to be plainly marked and indicated upon such copy by appropriate signs, figures and words, the prices of all blocks and lots as best fixed and established, the price for, time when and to whom any block or lot has been sold, as soon thereafter as may be, and

to affix thereto a copy of all rules and regulations and information relating to such cemetery as may be of interest or important to persons interested.

Fifth. To establish and enforce such rules and regulations for the care, management, improvement and protection of such cemetery as they may, from time to time, deem necessary and best.

Sixth. To fix and limit the number of blocks or lots that a person or family of persons may purchase and hold, regard being had to present and probable necessities of each applicant to purchase at the time thereof.

Seventh. To appropriate money from the general fund of said town for the purpose of caring for, protecting and improving such cemetery.

Eighth. To appoint, employ and pay a suitable person to take charge of and superintend such cemetery, and such person shall have authority to enforce all rules, regulations and laws relating to such cemetery as fully and to the same extent as may the supervisors of said town.

Ninth. To set apart and designate a sufficient and proper part of such cemetery for the burial of those not provided for by purchase or otherwise of separate and designated place: *provided*, that so long as there may remain any unsold vacant blocks or lots in such cemetery, the body of no person dying in said town shall be denied burial therein, whether such blocks or lots shall have been set apart and designated for free burial or not.

Tenth. To equally care for and protect all and every part of such cemetery actually in use for burial purposes.

Eleventh. To cause to be kept in a suitable durable book to be provided for that purpose, an accurate memoranda of all persons buried in such cemetery, showing as fully as may be, name, place of birth, date of death, age, sex, last residence, and block and lot where buried; and such book shall be kept in the office of the clerk of said town, and the entries and memoranda therein shall be made by him, or by the person, if any there be, employed as herein provided to care for and superintend such cemetery, as the supervisors of said town may determine; and the person making such memoranda shall sign his name thereto, and may add such other statements by him believed to be true, as may be useful in the identification of such buried person or to be proper and useful for any good purpose.

Twelfth. To sell and convey to any person for purpose of burial any unsold block or lot except as may be denied by authority of this act, at the established price and for no less sum, by deed in fee to him, his heirs, administrators and assigns; and any bargains, conditions, trust deeds conditioned upon money or other conditions, mortgages or incumbrance made or attempted to be made by the purchaser thereof or his legal representatives, heirs, administrators or assigns at, before or after time of purchase, or at any time, with any person whatever, shall be void and of no effect or force of law forever: and a certificate of sale, showing to whom

sold, the date when, the price for, and the payment of the same, and the block or lot sold, signed by the clerk of said town, shall answer and fulfill all purposes of a deed as required by this act, and shall be a proper instrument for record in the office of the register of deeds in and for said Lyon county; *provided*, the signature of the clerk of said town shall be attested by two (2) witnesses, and no acknowledgment shall be required.

SEC. 4. That no rule, regulation, requirement or order made by the supervisors of the said town or by any other authority, court or commission, shall work the forfeiture of any lot or block in such cemetery from the owner holding title as herein provided, and all the lands held under the authority of this act and the purchase of which is herein legalized, and all lands hereafter held by authority hereof and devoted to purpose of cemetery, and all the various and singular blocks, lots and parts of the same owned and held by any person for burial purposes, and every and all the structures and improvements thereon either fixed or movable necessary, proper or pertinent to cemetery and burial purposes, shall be forever free from assessments and taxes of all kinds and nature whatsoever, and from seizure at law for debt and process of execution.

SEC. 5. That all moneys received from sale of blocks and lots, as herein provided, shall be paid into the treasury of the said town and be accounted for and kept as a separate fund by the treasurer thereof, and he shall render an account at the same time and in like manner as he is required to account for other moneys of said town. Such fund shall be designated the "cemetery fund," and shall be expended and applied by the supervisors of said town for the purposes of the cemetery from which it was derived and for no other purpose.

SEC. 6. That the action of the supervisors of the said town of Lake Marshall, county of Lyon, and State of Minnesota, heretofore in surveying, subdividing, laying out and platting a part of the northwest quarter ($\frac{1}{4}$) northwest quarter ($\frac{1}{4}$), section three (3), town one hundred and eleven (111), range forty-one (41), in said county, and in bargaining, selling and conveying certain portions thereof for cemetery and burial purposes, is hereby legalized and made of full effect and force of law, and all the provisions and requirements of this act shall apply and fully attach to the same so far as applicable.

SEC. 7. That this act shall not be deemed or held by any court to be repealed or amended, and shall not be repealed or amended except by act referring to and specifying this act by the title hereof.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 7, 1881.