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LEGISLATIVE ASSEMBLY,

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CHAPTER 36.

OF RELIGIOUS SOCIETIES.

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Societies may elect trustees.

SEC. 1. It shall be lawful for all persons of full age belonging to any church, congregation or religious society not already incorporated, to assemble at the church or meeting house, or other place where they stately attend for divine worship, and by a plurality of votes to elect any number of discreet persons of their church, congregation or society, not less than three, nor more than nine in number, as trustees, to take charge of the estate and property belonging thereto, and to transact all affairs relative to the temporalities thereof.

To choose a president.

SEC. 2. It shall be lawful for any such church, congregation or religious society, to choose a president of the said corporation, and of their meetings, by a vote as aforesaid, and at the election provided for in this chapter, every person of full age who has stately worshipped with such church, congregation or society, and has been formerly considered as belonging thereto, shall be entitled to a vote.

Who entitled to vote.

SEC. 3. The minister of such congregation or society, and in case of his death or absence, one of the elders or deacons, church wardens or vestry men thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation, or society, shall publicly notify the congregation of the time when, and the place where the said election shall be held, at least fifteen days before the day of election; and such notification shall be given for two successive sabbaths, on which such church congregation, or society shall stately meet for public worship, preceding the election.

Notice of elections.

Who to preside at election, certificate

SEC. 4. Any two of the elders, deacons, church wardens, or vestry men of such church, congregation, or society, or if such officers shall not be present, then any two voters present, to be nominated by a majority of the voters, shall preside at such election, receive the votes and determine the qualification of voters; and they shall immediately after the election, certify under their hands and seals, the names of the persons elected to serve as trustees; in which certificate the name by which the said trustees, and their successors in office, shall forever thereafter be called and known, shall be particularly mentioned and specified.

Certificate to be acknowledged and recorded.

SEC. 5. Such certificate shall be acknowledged by the persons making the same, or proved by a subscribing witness thereto, before some

officer authorized to take the acknowledgment of deeds, and recorded, together with the certificate of such acknowledgment, or proof, by the register of deeds of the county within which the church or place of worship of such congregation, shall be situated, in a book provided by him for that purpose, who shall be entitled to receive seventy-five cents for such record; and thereafter such trustees and their successors, shall be a body corporate by the the name expressed in such certificate.

Trustees to be a body corporate.

SEC. 6. Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody, all the temporalities of such church, congregation, or society, whether the same shall consist of real or personal estate, and whether the same may have been given, granted or devised directly or indirectly to such church, congregation, or society, or to any other person or persons for their use.

Powers of trustees.

SEC. 7. Such trustees may also in their corporate name, sue and be sued in all courts and places, and they may recover and hold all the debts, demands, rights and privileges, all churches, buildings, burying places, and all the estate and appurtenances belonging to such church, congregation, or society, in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto, had been originally vested in the said trustees; and they may hold other real or personal estate and demise, lease and improve the same; but the whole of such estate, real and personal, shall not exceed the yearly value or income of three thousand dollars.

Powers of trustees.

SEC. 8. The said trustees shall also have authority to repair and alter their churches and meeting houses, and under the direction of the society or congregation, to erect churches and meeting houses, and dwelling houses for their ministers, and other buildings for the use of their church, congregation or society.

Powers of trustees.

SEC. 9. They shall also have authority to make rules and orders for managing the temporal affairs of such church, congregation or society, and to dispose of all moneys belonging thereto; and to order and regulate the renting of pews or slips in their churches and meeting houses, and the perquisites for the breaking of the ground in the cemetery or church yard, and in the said churches or meeting houses for burying the dead.

Powers of trustees.

SEC. 10. They may appoint a clerk and treasurer of their board, and a collector to collect and receive their rents and revenues, and may regulate the fees to be allowed to such clerk, treasurer and collector, and may remove them and appoint others in their stead, at pleasure, and such clerk shall enter all rules and orders made by such trustees and payments ordered by them, in a book to be procured by them for that purpose.

Officers to be appointed.

SEC. 11. Any two of the trustees may at any time call a meeting of the trustees and a majority of them being lawfully convened, shall be competent to do and perform all matters and things which such trustees are authorized to do and perform.

Two trustees may call a meeting.

SEC. 12. The said trustees shall hold their offices for three years; and immediately after their first election as hereinbefore provided, the said trustees shall be divided by lot into three classes, numbered one, two and three; and the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, to the end; that as near as may be, one third part of the whole number of trustees may be annually chosen.

Classification.

SEC. 13. It shall be the duty of the clerk of said trustees at least one month before the expiration of the office of any of the said trustees

Notice of expira-

tion of term of office and election.

to notify the same in writing to the minister, or in case of his death or absence, to the elders or church wardens, and if there be no elders or church wardens, then to the deacons or vestry men of any such church; congregation or society, specifying in such notice, the names of the trustees whose office will expire; and the minister or other officers receiving such notice, shall in the manner aforesaid, notify the members of such church, congregation or society of such vacancies and appoint the time and place for the election to supply the same.

Conducting election and filling vacancies.

SEC. 14. Such election shall be held at least six days before vacancies shall happen as aforesaid, and all such subsequent elections shall be held and conducted in the same manner as hereinbefore provided, for the first election; and in case any vacancy shall happen by the death of a trustee, his refusal to act, or removal from the society before his term of office expires, or otherwise, notice thereof shall be given as aforesaid, and an election shall be held, and another trustee chosen in his stead for the remainder of such term.

Qualification of voters after first election.

SEC. 15. No person belonging to any such church, congregation or society, incorporated under the provisions of this chapter, shall be entitled to vote at any election after the first, until he shall have been an attendant on public worship in such church, congregation or society at least six months before such election, and shall have contributed to the support of such church, congregation or society according to the usages and customs thereof.

Clerk to keep register of stated hearers, &c.

SEC. 16. The clerk of the trustees shall keep a register of the names of all such persons as shall desire to become stated hearers in the said church, congregation or society, and shall therein note the time when such request was made; and the said clerk shall attend all subsequent elections, in order to test the qualifications of such voters in case they shall be questioned.

Majority of society to fix compensation of ministers.

SEC. 17. Nothing in this chapter contained, shall be construed to give to such trustees the power to fix or ascertain the salary or compensation to be paid to any minister, but the same shall be ascertained and fixed by a majority of such society, entitled to vote at the election of trustees.

When district court may order sale of property.

SEC. 18. It shall be lawful for the district court of the county in which any such religious corporation shall have been constituted, on the application of such corporation, if such court shall deem it proper, to make an order for the sale of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom, to such uses as the said corporation, with the approbation of said court, shall conceive to be for the interest of such corporation.

Notice of application for order.

SEC. 19. At least thirty days previous notice of any such application to the district court shall be given by publishing the same in some newspaper, published in the county, if one be published therein, and if not, by posting up notices in three or more public places in such county.

Churches heretofore incorporated, established.

SEC. 20. Every church, congregation or religious society heretofore incorporated in pursuance of law, and not since dissolved, shall be and is hereby established and confirmed; and in case of the dissolution of any such corporation, or of any corporation hereafter to be formed, in pursuance of the provisions of this chapter, for any cause whatever, the same may be incorporated under the provisions of this chapter at any time within six years after such dissolution; and thereupon all the estate, real and personal, formerly belonging to the same, and not lawfully disposed of, shall vest in such corporation as if there had been no such dissolution.

Conveyance to trustees.

SEC. 21. All lands, tenements and hereditaments that have been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to any persons as trustees in trust, for the use of any religious

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.

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CHAPTER 37.

OF CEMETERY ASSOCIATIONS.

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4. When association incorporated its powers.
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SECTION

9. Election of trustees, term of office.
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11. Special election.
12. Trustees to make annual report.
13. Proceeds of sales.
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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.