

## CHAPTER XLVIII.

## AN ACT RELATING TO THE SAINT LOUIS RIVER DALLES IMPROVEMENT COMPANY.

WHEREAS, A corporation has been formed under the general laws of the state of Minnesota, under the name of The St. Louis River Dalles Improvement Company, for the purpose of improving the navigability of the St. Louis river, between the east line of township forty-eight, range sixteen, and the west line of township forty-nine, range sixteen, in this state;

AND WHEREAS, The general laws of this state do not, and in the nature of things, cannot provide for the reasonable compensation to be paid to corporations organized for the building of slack water navigation, or improving the navigation of rivers within this state; now, therefore,

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

SECTION 1. That the St. Louis River Dalles Improvement Company, a corporation formed under the general laws of the state of Minnesota, for the improvement of the navigation of the St. Louis river, shall have the term of three years, from and after the passage of this act, to finish and perfect its improvement of the said St. Louis river, between the east line of township forty-eight and the west line of township forty-nine, all in range sixteen west, at a point where those township lines respectively cross the said St. Louis river, to make the said river between the said points navigable for the purpose of driving and floating down the said river any and all pine saw logs cut upon the said river, above and between the points above mentioned, and for no other purpose than that of driving or floating logs, and for such purpose, shall have full power and authority to enter upon and take any lands necessary for such purpose, and to build and construct dams and wing dams upon the said river, and by removing obstructions within the bed of said river, and to raise the water upon the said river, and to divert the current thereof; *Provided*, That all damages which the owner or owners of the land adjacent thereto, may sustain by reason thereof, shall be assessed, settled and ascertained under the provisions of title one, chapter thirty-four, of the general statutes of this state.

Sec. 2. At the expiration of the said term of three years, the said corporation shall take and receive all logs that may be driven down the said St. Louis river, at the point where the west line of said township forty-nine, range sixteen crosses the said river, and shall drive the said logs down the said stream until and below the point where the east line of township forty-eight of the same range crosses the said Saint Louis river, but no logs required for manufacturing or

other purposes within the points designated shall be subject to the provisions of this act; *Provided*, That the owner or owners of said logs required for manufacturing or other purposes, shall notify said company in writing of the mark or marks of such logs, before said logs arrive at the point first above designated; *And provided further*, That all logs required for manufacturing or other purposes within the points designated, shall be separated from the other logs in said river by the owners thereof, and at their own expense, and without unnecessary delay to the driving of logs in said river.

SEC. 3. The said corporation shall be entitled to receive and collect for the services rendered, under the provision of section two of this act, the sum of one dollar per thousand feet for every thousand feet of lumber in logs, board measure, so received and driven by the said corporation between the points aforesaid; but the legislature shall have the right to alter or amend this section at any time after the passage of this act.

SEC. 4. The said corporation shall have a lien upon all logs received and driven by them in compliance with the provisions of this act; *Provided*, That the said corporation shall within twenty days after performing the services in section two of this act described, file a notice of such lien in the office of the surveyor general of logs and lumber for the fifth district, setting forth the marks of the logs upon which such service has been performed and the amount claimed to be due thereon, and such lien shall attach and be held valid as to the entire mark of such logs, and each and every saw log of any mark shall be held and considered subject to the lien of said corporation, for work and services done and performed upon any and all logs of the same mark which shall have passed through said improvement.

SEC. 5. The filing of the notice in section four of this act mentioned within the time therein set forth, shall be constructive notice to all parties purchasing or holding the mark of saw logs in said notice described, of the right, title and interest of the said corporation in the mark of logs specified, and the said corporation shall have the right to attach any and all of the saw logs of such mark mentioned in such notice, in whosever hands the same may be found, in an action commenced by said corporation against the person in whose name such mark is recorded in the office of the surveyor general of logs and lumber for the fifth district, for services in driving the said saw logs between the points in section two of this act mentioned.

SEC. 6. In case the owner or owners of the mark of saw logs driven by the said corporation, between the points in section two mentioned, shall neglect or refuse to pay to the said corporation the sum of one dollar per thousand feet of lumber in logs, for the logs driven by said corporation between the said point or below the point where the east line of township forty-eight, range sixteen, crosses the St. Louis river, the company may collect the said sum in a civil action against the owner or owners of such logs, and against any and all parties claiming any right, title or interest in and to the same through from or under the owner or owners thereof or who have received the proceeds of the same, and in such civil action, the said corporation may make an affidavit setting forth the facts of the ser-

VICES rendered, and that a notice of the claim of such corporation has been filed in the office of the surveyor general of logs and lumber in St. Louis county, as provided in section four of this act, and upon such affidavit being filed, the corporation may apply to the judge of the district court, for an order that a writ of attachment issue against the mark of logs in said notice mentioned, and a writ of attachment shall therefore issue against such mark, and the sheriff shall attach such marks of logs, and each and every log of such mark, in whosoever hands the same shall be found.

SEC. 7. Such action may be commenced against any and all persons whose interest in such mark, or mark of logs, is recorded in the office of the surveyor general of logs and lumber in St. Louis county, and all persons claiming any right, title or interest in such mark, or logs whose right and title shall not have been recorded in said office, shall be bound by any judgment obtained in such action, as far as their respective interest in such logs is concerned; *Provided*, That any person claiming [an] interest in such mark of logs may make application to the district court of the county wherein such action is brought, to be made a defendant in such action, upon notice to the said corporation being given, as provided in similar trials.

SEC. 8. The lien of the said corporation upon any mark or marks of logs driven by them, shall have preference over all the liens as claims against such mark of logs of any nature and kind whatsoever.

SEC. 9. In case the said corporation shall have or obtain possession of any part or portion of the logs composing any particular mark, after performing the services in this act; *Provided*, They may hold and retain such logs from any and all persons, claiming any right, title, or interest therein, until their lawful demands shall first be paid and satisfied, for services performed under the provisions of this act.

SEC. 10. The rights herein given to the Saint Louis river dalles improvement company, are subject to the condition that the said river improvements hereinbefore specified, shall be substantially commenced within two years from and after the passage of this act, and prosecuted during each of the years thereafter, and the failure of such commencement of improvements, continuance or completion of the same, as hereinbefore specified, by said company, shall be an absolute relinquishment and forfeiture of all rights and privileges herein granted to said company, without any declaration of forfeiture by any judicial or legislative action.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.