

000) dollars and does not exceed one hundred thousand (100,000) dollars; five hundred (500) when such value exceeds one hundred thousand (100,000) and does not exceed one hundred and fifty thousand (150,000) dollars; eight hundred (800) dollars when such value exceeds one hundred and fifty thousand (150,000) dollars and does not exceed two hundred thousand (200,000) dollars; one thousand (1,000) dollars when such value exceeds two hundred thousand (200,000) dollars and does not exceed five hundred thousand (500,000) dollars; five thousand (5,000) dollars when such value exceeds five hundred thousand (500,000) dollars and in addition such executor, administrator or guardian shall pay all sums necessarily expended in serving or publishing notices required by law. There shall be no discrimination made between resident and non-resident executors, administrators or guardians, or the estate of residents or non-residents of the state, no other or different sum shall be required to be paid by any party asking the aid of such probate court except as provided above.

No discrimination to be made between resident and non-resident executors, etc.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage save that estates now pending shall be required to pay no more than the law in force of which this is amendatory requires.

Approved March 9, 1885.

CHAPTER 104.

AN ACT TO AMEND SECTIONS THIRTY-FOUR (34) AND THIRTY-FIVE (35) OF TITLE FIVE (5) OF CHAPTER THIRTY-TWO (32), GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO BOOMS.

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

SECTION 1. That section thirty-four (34) of title five (5) of chapter thirty-two (32), general statutes one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

Sec. 34. The parties constructing and operating side booms upon any of the rivers or streams of this state shall construct and operate the same so as to reasonably exclude the logs and other floatables of other parties floating in said rivers or streams from entering such booms, and they shall also make and provide proper and sufficient openings for

Side booms, how constructed and operated.

the admission of logs into such side booms. In case logs, timber or other floatables belonging to other parties run, or by mistake are driven, into any such private boom or booms, neither the owners of such logs, timber or floatables, nor any other person or party, shall be permitted to cut, open, or in any way injure such private boom, or otherwise interfere with the same, except so far as may be necessary to obtain the logs, timber or floatables so run, or by mistake included therein, and then only when it can be done without injury to such private boom. When, however, such release cannot be made without hazard to such private boom, and the logs and timber or other floatables are there by accident or mistake, such logs and timber shall, upon the request of the owner thereof, be scaled, and other floatables counted, by the surveyor general of the district, and the value thereof fixed by him, or by consent of the parties, to be paid for by the owners of such pond or private boom, within thirty (30) days from the time such scale is made; *Provided*, That the provisions of this section shall not apply to the first lumber district.

How floating timber belonging to other parties to be extricated therefrom.

Impossible to extricate, how owner compensated.

SEC. 2. That said section thirty-five (35) of title five (5) of said chapter thirty-two (32) be amended so as to read as follows:

SEC. 35. Whoever willfully and maliciously opens, breaks, cuts or otherwise destroys or injures any side or other boom, or turns the whole, or any part, of the logs or timber contained therein loose or adrift, except for the purpose herein mentioned, and except, also, in case such boom materially obstructs the navigation of any navigable stream, or unlawfully intrudes upon the property of any such person, the person so opening, breaking, cutting, injuring or destroying such boom, or turning loose or adrift such logs, or who willfully or maliciously cuts loose or turns adrift any boom, drill, string or raft of logs, timber or lumber, is guilty of a felony, and shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the state prison for not less than six (6) months nor more than two (2) years, or by both such fine and imprisonment in the discretion of the court, and shall further be liable for all the damages sustained by reason of such wrongful act.

Willfully break or destroy side booms deemed a misdemeanor —how punished.

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

When act to take effect.

Approved March 3, 1885.