

CHAPTER 16.

An Act to provide for the survey of Logs and Lumber in Minnesota Territory.

March 1. 1854.

SECTION.

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SECTION.

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Be it enacted by the Legislative Assembly of the Territory of Minnesota : That there shall be and is hereby created three Districts for the purpose of surveying and regulating the survey, or measurement of logs and lumber.

Log districts.

SEC. 2. The St. Croix River and its tributaries shall constitute the first District—The Mississippi and its tributaries above the mouth of the St. Croix river, shall constitute the second District—The Mississippi and its tributaries below the mouth of the St. Croix river shall constitute the third District.

Districts defined

SEC. 3. There shall annually be elected by the Legislative Assembly of the Territory of Minnesota, a Surveyor General, for each of the aforesaid Districts; and each surveyor shall be a citizen of the District for which he is elected, and shall hold his office for one year, and until his successor is appointed and qualified.

Surveyor to be elected.

SEC. 4. The Surveyor General of the first District shall keep his office at the town of Stillwater;

To keep office.

Of the second District, at the town of St. Anthony or St. Paul;

Of the third District at the town of Red Wing.

SEC. 5. The Surveyors Generals shall each before entering upon the duties of their office, take an oath before some person qualified to administer oaths, that he will faithfully discharge the duties of his office; and shall execute a Bond to the County in which he holds his office, with five or more sufficient sureties to be approved by the County Commissioners, in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties as Surveyor General, and for the delivery over to his successor all bonds, papers, and other effects appertaining to his said office.

To take oath and file bond.

SEC. 6. The bond and oath of office shall be deposited with the clerk of the board of County Commissioners; and if the conditions of the said bond shall at any time be broken, the person or persons feeling themselves aggrieved, may commence suit therein before any court having competent jurisdiction, and recovery thereon shall not render the said bond void, but the same may be prosecuted from time to time until the whole penalty shall be recovered.

Proceedings for violation of bond.

SEC. 7. It shall be the duty of the Surveyor General by himself or deputy to repair to any part of his District and survey any logs or lumber at the request of the owners of such logs or lumber, and upon completing such survey, he shall make out a bill stating the number of feet contained in such logs or lumber, and also the different length, marks and sizes; a copy of which he shall enter upon the Books of his office, and the original he shall give to the owner of the logs or lumber, with his certificate that it is a true and correct bill.

Duties, &c.

To make allow-
ances, &c.

SEC. 8. The said Surveyors or their deputies shall in surveying or incasuring logs or lumber make such allowances, for hollow, rotten, and crooked logs as would reduce and make them equal to good sound and straight, merchantable logs, and in surveying lumber, shall throw off all rotten, shakely or wancy stuff and make the same equal to good merchantable lumber.

To post rule
and scale.

SEC. 9. The Surveyor General shall keep posted in his office a written rule or scale amount of logs of all sizes and lengths which shall govern him in his surveys, and whenever such rule is altered he shall give public notice to that effect; and the rule known as the St. Croix Scale shall be the rule by which all logs shall be surveyed until some other rule is adopted by the Legislature.

How boom
owners to collect
fees, &c.

SEC. 10. And the Surveyor General or his deputies shall survey all logs running out of any boom now chartered or which may be hereafter chartered by law in their Districts when requested so to do, and the said boom owners shall collect their fees according to his Scale; and whenever any logs are sent from any boom to the owner thereof, the Surveyor shall send therewith and by the person having charge of such logs, two tickets or bills containing the number of logs, the number of the raft and the marks; and the person to whom such logs are sent or his agent, shall acknowledge thereon the receipt of the whole or such part thereof as he may receive, and one of said tickets or bills so received he shall return to the Surveyor General by the person delivering said logs; and such ticket or bill so receipted shall be evidence of the delivery of said logs.

Fees.

SEC. 11. The Surveyor General shall be entitled to receive and may sue for and collect the sum of five cents per thousand feet for Surveying, scale marking, and making survey bills for logs; and the sum of ten cents per thousand feet for lumber. *Provided*, That in all cases where said Surveyor shall require assistance to handle logs or lumber, it shall be furnished by the owner of such logs or lumber, or at his expense; and for all services performed by said Surveyors by virtue of their office at a greater distance than thirty miles from the Surveyor General's office, there shall be allowed the sum of ten cents per mile travelling fees.

May appoint
deputies.

SEC. 12. The Surveyor General may appoint such number of deputies as may be necessary for the business of his district, and for their doings, he shall be responsible upon his bond.

Books open for
inspection.

SEC. 13. The Books of the Surveyor General's office shall be subject to the inspection of any person wishing to examine the same; and for furnishing duplicate scale bills or certificates, he shall be entitled to fifteen cents per folio.

Report to leg-
islature.

SEC. 14. The Surveyor General shall report to the Legislative Assembly at the beginning of each regular session thereof, the total number of feet of logs or lumber which has been surveyed in his District for the year ending on the 31st of December last past.

To render scale
bills.

SEC. 15. And each Surveyor General when surveying logs coming through chartered booms, shall render to such booms, scale bills for all rafts of logs delivered by said booms to owners, stating the number of the raft, the number of logs, the mark or marks, and the amount of lumber in the raft: and no log shall be scaled as one log that is twenty-four feet or more in length.

To record
marks, &c.

SEC. 16. In all cases of sale of logs and lumber where scale bills are required, the party purchasing shall pay for surveying; and it shall be the duty of the Surveyor General to record all marks used for the purpose of marking logs, belonging to different individuals within their respective districts, in a book kept for the pur-

pose, said book to be open for inspection at all business hours: and the Surveyor General be entitled to receive and collect the sum of fifty cents for each and every mark, so recorded, to be paid by the owner or owners of said maps as heretofore provided for.

Sec. 17. This act shall take effect from and after its passage.

N. C. D. TAYLOR,
Speaker of the House of Representatives.
 S. B. OLMSTEAD,
President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-four.

W. A. GORMAN.

SECRETARY'S OFFICE,
 St. Paul, April 30th, 1854. }

I hereby certify the foregoing to be a correct copy of the original act on file in this office.

J. TRAVIS ROSSER,

Secretary of Minnesota Territory.

CHAPTER 17.

An Act granting to Franklin Steele the right to construct and maintain a Lumber Sluice at the Falls of St. Anthony, in the Mississippi River. Feb. 10, 1854.

SECTION.

1. Right to construct sluice.
2. Terminus.
3. To commence within one year.
4. Free access. &c.

SECTION.

5. Compensation.
6. Lien.
7. Monopoly.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That Franklin Steele, his heirs, executors, administrators or assigns, shall have the exclusive right and privilege for the period of twenty years, of constructing and maintaining a sluice or sluices, for the transmission of boards, hewn and sawn timber, piquets, shingle and lath, over and by the falls of St. Anthony, in the Mississippi river, eastward from the centre of said river.

Right to construct sluice.

Sec. 2. That the upper terminus of said sluice, shall be at some convenient point near the lower end of Nicollet Island, and that the lower terminus shall be at such a point on the eastern shore of said river and below the said Falls, as shall be convenient for the delivery and removal of the lumber that may be transmitted through said sluice or sluices.

Terminus.

Sec. 3. That the said Franklin Steele shall cause the construction of said sluice or sluices to be commenced within one year, and to be finished within two years from the passage of this act. that he

To commence within one year.