

SEC. 15. This act shall be in force from and after its passage.

Take effect

CHAS. GARDNER,
Speaker of the House of Representatives.
 JOHN B. BRISBIN,
President of the Council.

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

W. A. GORMAN.

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

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.

CHAPER XLI.

An Act to Organize the St. Croix Boom Corporation.

- SECTION 1. Names of corporators; created body corporate.
 2. Amount of capital stock; stockholders individually liable for debts.
 3. Authorized to open books; give notice.
 4. Meeting, when and how called.
 5. Elect officers; Secretary and Treasurer to give bonds; adopt by-laws.
 6. Term of office, and time of holding elections; fill vacancies.
 7. Meeting of stockholders, how and by whom called.
 8. Board of Directors; meetings of; compensation of officers fixed by the by-laws.
 9. Duty of Secretary and Treasurer.
 10. Each share to have one vote: majority in value to constitute a quorum.
 11. Construct and maintain booms: when to be completed; collect all timber.
 12. Collect, sort and raft logs; rafts to consist of thirty logs each; company accountable for delay in delivering logs; not accountable in case of low water; accountable for damages; give notice of logs ready for delivery.
 13. Logs deemed in possession of company: corporation responsible for failure to comply with this act.
 14. Amount to be collected for rafting, &c.; sum paid for removal; sell logs at public vendue; give notice: proceeds, how disposed of; owner may redeem logs.
 15. Amount of boomage when due; lien on logs.
 16. Trip boom may be left open; to open boom if requested by owners.
 17. Rigging, of what to consist, and to whom to belong.
 18. Corporation to have right to enter any boom or slough.
 19. Not to impede navigation.
 20. Right to occupy land; make compensation for damages; disputes, how settled; payment of amount assessed to entitle corporation to a deed for land.
 21. Logs bearing no mark to be the property of the corporation.
 22. Legislature may amend after ten years.
 23. Chapter twenty-nine of the statutes, repealed.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. That Martin Mower, W. H. Folsom, Isaac Staples, Christopher Carli and Samuel Benkles, and their associates, successors and as-
 Names of corporators

signs, be, and they are hereby constituted a body corporate and politic for the purposes hereinafter mentioned, by the name of the "St. Croix Boom Corporation," for the term of fifteen years; and by that name they and their successors shall be and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered in any court of record or elsewhere, and to purchase and hold any estate, real, personal or mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of, for the benefit of said company; to devise and keep a common seal, to make and enforce any by-laws, not contrary to the constitution and laws of the United States, or of this Territory, and to enjoy all the privileges, franchises and immunities incident to a corporation.

Capital stock

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, in shares of one hundred dollars each, and the Board of Directors shall have power at any time whenever a majority in value of the stockholders shall deem the same advisable, to increase the said capital stock to an amount not exceeding in the whole, fifty thousand dollars; and the stockholders shall be individually liable for the debts of said corporation, to the amount of twice the stock held by them in said Company.

Open books.

SEC. 3. Any three of the individuals named in the first section of this act, shall be authorized to cause books to be opened at Stillwater, in the county of Washington, for the purpose of receiving subscriptions to the capital stock of said Company, first giving twenty days notice in the "St. Croix Union," a newspaper published at Stillwater, M. T., of the time and place of opening such books.

Meeting, by whom called

SEC. 4. Whenever twenty thousand dollars of capital stock shall have been subscribed, and twenty-five dollars upon each share so subscribed for shall have been actually paid in, any number of the subscribers, who shall represent a majority of the then subscription to said stock, shall be authorized to call a meeting of the subscribers thereto, by giving ten days notice of the time and place of such meeting, in the said "St. Croix Union," and those of the subscribers who may be present at such meeting so called, shall have the power and be authorized to elect a Board of three Directors, from the stockholders of said corporation.

Elect officers

SEC. 5. The Board of Directors thus chosen shall proceed to elect one of their number as President of said Company, and the Board of Directors shall then proceed to elect a Secretary and Treasurer, each of whom shall give bonds to the said Board, to be approved by them, in the penal sum of five thousand dollars, conditioned for the faithful and correct discharge of their respective duties; and at such first meeting said Board of Directors shall adopt a code of by-laws for the regulation and government of the affairs of said corporation, which may be altered or amended at any regular or stated meeting of said Board.

Term of office

SEC. 6. The said President, Directors, Secretary and Treasurer, chosen according to the provisions of the two preceding sections, shall remain in their several offices, until the Wednesday immediately preceding the twenty-fifth day of December, A. D. 1856, upon which said Wednesday a meeting of the said stockholders shall be held, and a Board of three Directors chosen, which Board shall then proceed to the election of President, Secretary and Treasurer as provided in section five, and the whole of the officers so chosen shall remain in office for one year thereafter; and annually on the Wednesday next preceding the 25th day of December of each year a meeting of the stockholders shall be held, and the above named officers shall be chosen as above provided for; Provided, that if any vacancy

Fill vacancies

shall be created in any office, by reason of resignation, death or otherwise, the Board of Directors shall have power to fill such vacancy for the remainder of the time.

SEC. 7. The President of said corporation shall have the power to call a meeting of the stockholders at any time, by giving twenty days notice of the time and place of such meeting in one newspaper published in Stillwater, and another published in the county of Chisago, provided a paper is published in said county, and any two of the Board of Directors, or a majority in value of the stockholders, shall have the like power to call such meeting in like manner; and the duties of the various officers of this corporation not specifically set forth in this act, shall be specified in the by-laws adopted by the Board of Directors, according to the provisions of the fifth section of this act.

Meeting of stockholders

SEC. 8. The Board of Directors shall meet at such times and places as they shall regulate by their by-laws, they shall fix the compensation of all officers of the corporation and define their duties; shall by their by-laws regulate the government of all meetings of their own Board and of the stockholders, and generally shall have power to do all acts for the benefit and purposes of said corporation.

Meetings of Directors

SEC. 9. The Secretary shall attend all meetings of the Board of Directors and of the stockholders, and shall keep a just and true record of all the proceedings at such meetings; and the Secretary and Treasurer shall each perform such other duties as the by-laws shall prescribe.

Duty of Secretary and Treasurer

SEC. 10. Every share shall be entitled to one vote; and at any meeting for the choice of Directors, the three stockholders having the highest number of votes cast shall be elected Directors; and at the meeting of the Board of Directors for the choice of President, the Director having the highest number of votes, shall be elected President; Provided, that any meeting of the stockholders a majority in value shall constitute a quorum, and at any meeting of the Board of Directors, any two of the Board shall constitute a quorum, such quorum having power to transact business.

Each share, one vote

SEC. 11. The said St. Croix Boom Corporation are hereby authorized and empowered to construct and shall construct, maintain and keep in good order and repair, two good and sufficient booms upon the river St. Croix; one at such point between the head of Cedar Bend, so called, and Rock Island, so called, as they may select; to be known and designated as the Upper Boom; the other, at such point upon the river St. Croix between the head of Lake St. Croix and Titcomb's Landing, so called, as they may select, which Boom shall be known and designated as the Lower Boom. The said Upper Boom shall be completed and ready for use on or before the first day of April next; and said Lower Boom shall be completed and ready for use within twenty days after the St. Croix river at that point shall be free from ice next Spring. In said Upper and Lower Booms all logs or other timber floating down said river St. Croix, shall be collected by said Company, and all such logs or other timber shall be assorted according to their several marks, and well rafted in good rigging, and delivered at or near the foot of said Upper or Lower Booms, to the owner or owners of such logs or timber, or to such person as said owner or owners may designate.

Construct booms

SEC. 12. The said corporation shall collect and carefully sort and raft in rigging, according to their several marks, rafting each mark separately, all logs or other timber that may, as hereinafter specified, come into the possession of said corporation, and safely secure the same at or near the foot of said Booms, in such manner that said logs may be taken possession of, and removed by the owners thereof, without hindrance or inconven-

Raft logs

Accountable for
delays

In case of low
water

Give notice of
logs ready for
delivery

Responsible for
failure to com-
ply

ience. All logs or timber shall be delivered in rafts of not less than thirty logs or pieces each. Whenever any logs or other timber shall come within the limits of either boom, the said logs shall be delivered, as hereinbefore provided, without delay: Provided, that whenever logs shall come into either boom, faster than the same can be delivered, if the said corporation does not fail to employ all the men necessary and to furnish all material necessary to raft and deliver such logs, and do not fail to use all reasonable exertion in every way within their power to deliver such logs or other timber as soon as possible, then, in that case, the said corporation shall not be held accountable for such necessary delay; Provided, also, that whenever the water may become so low in said river that logs cannot be turned out of either of said booms, in consequence of the low stage of water, the said corporation shall not be held accountable for the delivery of any logs that may at such time be in said booms until there shall be a rise of water sufficient to permit such logs to be driven out of said boom, but in all cases the said corporation shall be accountable to the owner for the safe keeping of all logs within the limits specified in this act, and the delivery of the same, as soon as the water will admit. But this provision shall not apply in any case when by a timely exertion said corporation could have prevented such logs from being detained. Whenever any delay in delivering logs or other timber from either boom, shall be caused by a neglect of said corporation to employ a sufficient number of men, or to furnish all necessary material or tools used in or about said Booms, in collecting, turning out or rafting logs, or if such delay is caused by any defect in the construction of said Booms, or in consequence of said Booms not being kept in perfect repair, or from any other cause within the power of said corporation to prevent or remove, then the said corporation shall be fully accountable to the owner or owners of any such logs or other timber, or all damages that may result in consequence of such delay. The owner or owners of all logs or other timber rafted and made ready for delivery, as provided by this section, shall receive and take away all such logs or other timber, within the space of thirty-six (36) hours from the time such logs or other timber is so made ready for delivery. The said corporation shall, when practicable, give due notice to the owner of any logs ready for delivery, or to his agent, of the time when such logs must be removed.

SEC. 13. All logs or timber coming down the St. Croix River, shall, for the purposes contemplated in this act, be deemed to be in possession of the said St. Croix Corporation, when such logs or other timber shall float or be driven below Rock Island so called, but the owners of such logs or timber shall, when the water will permit, drive all drives of logs down to the upper end of said upper boom, or as near thereto as the logs in said boom will admit. And all logs coming down Apple River shall be deemed to be in possession of said Corporation for like purposes, when such logs shall float or be driven below Titcomb's Landing, so called. And the said Corporation shall deliver, in accordance with the provisions of this act, each and every log or stick of timber that may come into the possession of said Corporation as specified in this section, to the owner of such logs or timber, or to his lawful agent. And said Corporation shall be accountable and fully responsible to the owner of any logs or other timber for any neglect of or failure to comply with each and every provision of this act; and for all damages that may be caused by such failure or neglect, to be collected from said Corporation by action for debt before any court having competent jurisdiction of the same.

SEC. 14. The said corporation may demand and receive, and are hereby authorized by law to collect the sum of sixty (60) cents per thousand

feet for every thousand feet of logs or other timber sorted out, rafted and made ready for delivery in accordance with the provisions of this act. Provided, that if any logs or other timber shall not be taken away from the foot of said Booms within the thirty-six (36) hours mentioned in the 12th section of this act, then the said corporation are authorized to remove such logs or timber, and secure the same at any point between the foot of said Booms, and the head of Lake St. Croix, and to demand, receive and collect therefor the sum of ten cents for each log or stick of timber so secured; and on the first day of October, in each year, if any logs or other timber should then remain in the possession of said corporation after having been rafted and made ready for delivery, then the said corporation may proceed to sell the same at public vendue, first giving ten days notice of the time and place of such sale, together with the marks of the logs offered, in the newspapers of Washington and Chisago counties; and may retain out of the proceeds of such sale, the amounts specified in this section; the balance of the proceeds, they shall pay to the owner of such logs or timber or to his order; and all logs rafted out of said Booms after the first day of October in each year shall, if not taken away by the owner thereof within four days after notice has been given, that the same are ready for delivery, be sold by the said corporation at public vendue, after giving ten days notice as above specified, and from the proceeds of such sale, said corporation may retain the sixty cents per thousand feet for boomage and pay the balance to the owner or to his order. Provided, always, that whenever the owner of any logs or timber shall, previous to the time of sale, apply to redeem any logs or timber that may be in the possession of the corporation, the same shall be delivered to him, rafted in rigging, upon his paying the amount due on the logs by the provisions of this act.

SEC. 15. The amount of boomage specified in the preceeding section, shall be deemed to be due whenever the logs or other timber are made ready for delivery as above specified, and the said corporation shall have a perfect lien and property in all such logs, so far as to enable them to take, scale and retain a sufficient number of such logs to pay the boomage and charges due on the same, and, also, all boomage and charges, due on logs of the same mark that may have been previously delivered estimating the price of logs or timber so retained at the highest cash price, paid for logs or timber of similar quality.

SEC. 16. At the said Upper Boom, the trip boom between the upper pier and the eastern bank of said river St. Croix may be left open at all times, and all logs or other timber that may pass through such opening or gap shall without delay be driven by the said corporation to the lower boom and rafted and delivered at said lower boom to the several owners of such logs, and for all logs thus driven and delivered the said corporation may demand and collect the sum of fifteen (15) cents per thousand feet in addition to the sixty cents authorized to be collected by this act. If at any time the owners of two-thirds of the logs that may at that time be in the upper boom shall in writing, request the said corporation to drive such logs to the lower boom, then in that case the said corporation shall immediately open the said upper boom and drive all logs or other timber that may be in said upper boom, and all loose or scattering logs that may be between the booms into the lower boom and deliver the same as provided by this act from said lower boom and may collect fifteen cents per thousand feet upon such logs thus driven and delivered in addition to the sixty cents per thousand feet otherwise authorized to be collected. No other charges shall be made for any logs or other timber coming through either of said

booms, than those specified in this act, without the consent of the owner of such logs.

Rigging

SEC. 17. All rigging used in rafting logs as provided in this act shall be a good quality of half-inch Manilla rope, and all rigging used in rafting such logs shall be and remain the property of the owners of the logs.

Right to enter boom

SEC. 18. Said Corporation, or its agents, shall have the right at any time to enter any boom or slough between said upper and lower booms, for the purpose of taking therefrom any logs or timber that by this act the said Corporation are required to drive to the said lower boom.

Not to impede navigation

SEC. 19. The said Company shall always and at all times give free passage to all rafts, steamboats, keel-boats or any other water-craft navigating the River St. Croix, without any let, hindrance, or delay by reason or on account of said booms. And should any rafts, or parts of rafts of logs, or other timber, or of lumber, float into said booms, the Corporation shall deliver the same without delay for such reasonable compensation as shall indemnify the said Corporation for so delivering the same.

Occupy land

SEC. 20. The said Corporation shall have the right to enter upon and occupy any land that may be necessary for properly conducting their business as herein required. And in case of so entering upon or occupying lands, if any person or persons shall suffer loss or damage thereby, the Corporation shall make just compensation therefor, and in case of any dispute or disagreement between the parties as aforesaid, as to the value of such land, or damage sustained, the question shall be referred to three disinterested persons, one of whom shall be chosen by each of the parties aforesaid, and the third by the two thus chosen, if the parties themselves cannot agree upon such third referee; and the three referees thus chosen, after being duly sworn to decide impartially and justly in the premises, shall personally and together proceed to examine the tract of land in dispute, hear both parties, and assess the value of the same, and the damage sustained by the owner, fairly and impartially; and unless an appeal to the District Court be taken from the assessment thus made by the referees, within thirty days after notice of such assessment has been published in the nearest newspaper within this Territory, such assessment shall be considered as the true and fair value of the land so taken by the said Corporation, and the paying of the amount thus assessed shall entitle the said Corporation to a deed for such land.

Unmarked logs to belong to corporation

SEC. 21. All logs bearing no mark, generally known as prize logs, driven or floating into either of said booms shall be the property of said Boom Corporation.

Legislature may amend

SEC. 22. The legislature may alter or amend this act at any time after the period of ten years from the passage thereof; and if said corporation shall at any time within ten years apply for an alteration or amendment of this act, then, from that time, the legislature may amend it same in any way, and at any time.

Statute repealed

SEC. 23. Chapter twenty-nine of the collated statutes 1853, being an act to incorporate the St. Croix Boom Company, and all acts amendatory thereto, are hereby repealed.

CHARLES GARDNER,

Speaker of the House of Representatives.

JOHN B. BRISBIN, *President of the Council.*

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-six.

W. A. GORMAN.

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

J. TRAVIS ROSSER. *Secretary of Minnesota Territory.*