

APPROVED—May twenty-third, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }
SAINT PAUL, July 22, 1857. }

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

CHAS. L. CHASE,
Secretary of Minnesota Territory.

CHAPTER LX.

An Act to incorporate the Mississippi and Rum River Boom Company.

- SECTION 1 Names of Incorporators, and powers of Incorporation.
2 Capital Stock—Increase thereof.
3 Each stockholder liable for debts.
4 Books may be opened, and stock subscribed.
5 Meeting to elect Directors.
6 Officers of the Board of Directors.
7 Term of office, and Annual Meeting.
8 Special meeting, when called.
9 Meeting of Board to be regulated by by-laws.
10 Duties of the Secretary.
11 Voting, and election of President.
12 Authorizes the construction of Booms.
13 Requirements relating to rafting and delivering.
14 Rates of Boomage.
15 Manner of collecting the same.
16 Charges on logs passing through without being rafted.
17 Free passage to boats, rafts, &c.
18 Right to enter upon and occupy necessary lands—compensation therefor.
19 Prize logs.
20 Owners of logs to notify if they want them rafted—Completion—Scalage on boom logs.
21 Authority to construct a regulating boom.
22 Injury to Booms—Penalty.

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

SECTION 1. That James A. Lovejoy, John L. Lovejoy, J. G. Brockway, D. M. Hall, G. W. Buckmore, Jonathan Chase, Samuel A. Jewett, O. Rogers, Charles F. Stinson, H. M. Kent, Alexis Choutier, Robert Wymann, D. W. Marr, J. B. Bassett, George Ellsworth, J. S. Pomeroy, E. N. Bates, A. Walcott, George D. Walcott, John M. Walcott, J. N. Woodman, C. D. Dorr, George E. H. Day, James McCann, Incorporators

Powers

Oliver Ames, S. B. Olmstead, St. Anthony Falls Water Power Company, H. S. Plumer, D. S. Balch, Thomas Hanson, D. Stewart, E. D. Cobb, L. D. Stewart, R. P. Russell, W. Hanson, G. Hanson, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate, by the name of the Mississippi and Rum River Boom Company, for the period of fifteen years, and by that name may sue and be sued, prosecute and defend, in all the Courts in this Territory, and enjoy all the rights and immunities incident to corporations, not contrary to the laws of the United States or of this Territory.

Capital Stock

Sec. 2. The capital stock of said Company shall be fifteen thousand dollars, divided into shares of one hundred dollars each. 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 number of shares to an amount not exceeding thirty-five thousand dollars.

Individual Liability

Sec. 3. Each stockholder shall be liable for the debts of the Company to an amount not exceeding the amount of stock by him subscribed.

Books to be opened

Sec. 4. The individuals named in the first section of this Act, or any two of them, may cause books to be opened for subscription to the capital stock of said Company, at St. Anthony and Minneapolis, in Hennepin County, on notice thereof being given in two newspapers published in said County, at least ten days prior to the opening of said books, the said notice specifying the time when and place where said books shall be opened; provided the Association known as the Mississippi and Rum River Boom Company shall have the first right stock in said Company, by each subscribing therein the amount of stock owned by him in said Association.

First right stock

Notice of meeting to elect Directors

Sec. 5. Whenever five thousand dollars of the capital stock shall have been subscribed, any two of the subscribers shall have a right, and may call a meeting of the corporation, by giving ten days' notice of the time and place of holding said meeting, by publishing said notice in two newspapers published in said County of Hennepin, a majority of those present at said meeting, voting by shares, shall elect five Directors from the stockholders of said Company.

Secretary and Treasurer

Sec. 6. The Directors shall elect one of their number as President of said Company; and shall choose a Secretary, who shall also act as Treasurer, and who shall give bonds to the President and Directors, to be approved by them, and in such sum as they shall deem sufficient, conditioned for the faithful performance of his duties as Treasurer and Secretary; a code of by-laws shall be made at such first or adjourned meeting, and which may be altered or amended at any subsequent meeting of said Directors.

Term of office

Sec. 7. All officers of said Company shall hold their office for the full term of one year, and until others are chosen and qualified, unless sooner removed in accordance with the by-

laws of said Company. There shall be an annual meeting of the stockholders of said Company, at such time and place as shall be prescribed by the by-laws thereof; the President of said Company shall be President of said meeting, and the Secretary of said Company the Secretary thereof. If any of the aforesaid officers shall be absent from said meeting, then, in such case, the stockholders present, voting by shares, shall proceed to elect pro tempore. If at any time a vacancy shall occur, then the Directors shall fill such vacancy, to serve during the remainder of the term for which his predecessor was chosen, and until another officer shall be chosen and qualified to supply his place.

Vacancies

Sec. 8. The President or any two of the Directors, at any time, may call a meeting of said corporation, by giving ten days' notice, by publishing in two newspapers in said County; said notice to be signed by the President or two Directors, and to contain the time and place of holding said meeting.

Corporation meeting may be called

Sec. 9. The meetings of the Board of Directors shall be regulated by the by-laws of said Company, and the Directors shall fix the compensation of the officers of said Company.

Meeting of Board

Sec. 10. The Secretary shall attend all meetings of the said Company and Directors, and keep a true record of the transactions of said meetings, and as Treasurer and Secretary shall perform such duties as the Board of Directors shall prescribe.

Secretary

Sec. 11. Every share shall be entitled to one vote, which may be cast by the shareholder or by proxy, at any meeting of the stockholders; and at any such meeting for the choice of Directors, the five stockholders having the highest number of votes shall be elected; and at any meeting of the Board of Directors for the choice of President, the Director having the highest number of votes shall be elected President.

Voting

Sec. 12. The Mississippi and Rum River Boom corporation are hereby authorized and empowered to construct, and shall construct, maintain and keep in good repair any boom or booms on the Mississippi River, at such points as they may think advisable, between the mouth of Crow River and a point four miles above the Falls of St. Anthony, so called, at which point the Saint Anthony Boom terminates, and any points within five miles of the mouth of Rum River; which booms shall be sufficient to hold all logs or other timber that may float down the Mississippi and Rum Rivers; and the said corporation shall collect all logs and other timber that shall float down said rivers, except such as shall be herein-after provided for, and all such logs and other timber shall be assorted according to their several marks, and well rafted with good rigging, and be delivered at or near the foot of said booms, to owners of such logs or timber, or to such persons as said owners may designate.

Construct booms

Location

Raft logs

Sec. 13. And the said corporation shall safely secure the same as near the foot of said boom as is practicable, and in

Secure raft

such a manner that said logs may be taken possession of and removed by the owners thereof without hindrance or inconvenience. All logs or timber shall be delivered in rafts of not less than thirty logs or pieces ; whenever any logs or other timber shall come into the limits of the boom the same shall be delivered as hereinbefore provided, without delay ; provided, that whenever any logs shall come into any boom of this corporation faster than they can be delivered, if the said corporation does not fail to employ all the men necessary, and furnish all material necessary, to raft and deliver the same, and do not fail to use all reasonable exertions 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 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 times be in said booms, until there should be a rise of water sufficient to permit such logs to be driven out of said booms. But in all cases the said corporation shall be accountable to the owners for the safe keeping of all logs within the said boom, 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 the necessary material or tools used in and about said booms, in collecting 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 said corporation shall be fully accountable to the owner or owners of such logs or other timber, and all damages that may result in consequence of such delays. 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. Said corporation shall give notice to the owner of any logs ready for delivery, or to his agent in person, of the time when such logs must be removed, or said notice may be given by depositing a letter in the Post-Office at St. Anthony or Minneapolis, legibly directed to the owner of such logs or his agent.

Shall furnish
materials to
raft and de-
liver logs

Delays

To be taken
away

Boomage

SEC. 14. The said corporation may demand and receive, and are hereby authorized to collect by law, the sum of sixty-five (65) cents per thousand for every thousand feet of logs or other timber sorted and 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 thirty-six (36) hours, mentioned in the thirteenth section of this Act, then the said corporation are authorized to remove said logs or other timber, and secure the same at any point within the limits of said boom, and to demand, receive and collect thereon the sum of ten (10) cents per thousand feet, and when the said logs or timber is so removed and secured, the said corporation shall be responsible thirty-six (36) hours for the same, and no longer; all rigging used in rafting such logs or timber shall be of a good quality of half inch Manilla rope, and the same shall be the property of the owners of said logs or timber.

SEC. 15. The amount of boomage specified in the preceding section of this Act, 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 lien and property in all such logs so far as to enable them to take, scale and retain a sufficient number of said logs to pay the boomage and charges due on the same, and also all charges due on logs of the same mark that may have been previously delivered; and if the same boomage and charges are not paid within five days after the same becomes due as above, then the said corporation shall have the power to Collecting boomage take a sufficient quantity of logs to secure them for the amount due, and sell the same in the following manner, to wit: At public vendue, by giving two days' notice of the time and place of such sale, together with the marks of the logs to be sold, in the newspapers published in St. Anthony and Minneapolis, and may retain out of the proceeds of such sale the amount due said corporation for boomage, rafting, running and holding said logs or timber, together with the actual expenses of advertising and selling. The balance of the proceeds of such sale, after paying the charges as above specified, the said corporation shall pay to the owner or his order; provided, always, that whenever the owner of any logs or timber shall, previous to the sale, apply to redeem the same, the said corporation shall deliver the same to him rafted in rigging upon his paying the amount due on the logs or timber by the provisions of this Act.

SEC. 16 All logs passing through the said booms and stopped above the Falls of St. Anthony, and not rafted within the limits of said boom, shall not be charged over six (6) cents per thousand feet, and the same may be collected as provided for in section fifteen. Logs passing through

SEC. 17. The said corporation shall at all times give free passage to all rafts, steamboats, keel boats, or other water craft navigating the Mississippi River, without let, hindrance or delay by reason or on account of said boom; and should any raft, parts of rafts of logs, or other timber or lumber float into said boom, they shall deliver the same without delay for a reasonable compensation as shall indemnify said corpora- Free passage to rafts, boats, &c.

Logs passing gaps tion for the same. The said gap for the passage of boats and rafts may be left open at all times, and all logs or timber that may pass through said gap shall be driven into the St. Anthony boom, and the said corporation shall not be liable for any logs that may run through said gap any further than to drive the same to the St. Anthony boom, for which service the said corporation shall collect a sum not to exceed six (6) cents per thousand feet.

Enter upon Lands SEC. 18. The said corporation shall have the right to enter upon and occupy any lands that may be necessary for properly conducting their business as herein required, and in case of so entering upon and 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 damage or value of such land, the question shall be referred to three disinterested persons, one to be chosen by each of the parties aforesaid, and the third by the two thus chosen, and the three referees thus chosen, after being duly sworn to decide impartially and equitably, shall personally and together proceed to examine the premises in dispute, and to hear both parties, and assess the value of the same and the damages sustained by the owner fairly and impartially, and if an appeal is not taken to the District Court from the assessment so made by the referees within thirty days after notice of such assessment has been published in the nearest newspaper published in this Territory, such assessment shall be considered as the true and fair value of the land so taken by the corporation, and the paying the amount so assessed shall entitle the said corporation to a deed for such land.

Referees

Assessment

Logs having no marks SEC. 19. All logs bearing no marks and commonly known as prize logs, driven or floating into said boom, shall be the property of said corporation.

Notice to be given to raft logs SEC. 20. All persons having logs come into said boom shall give six days' notice whether they want the same rafted or not, and where no notice is given, it shall be the duty of the corporation to turn all such logs loose, and all logs intended to be taken below the Falls of St. Anthony shall be turned through said boom free of charge; and no party or log owner shall have the right to raft logs within the limits of this boom without paying an equivalent therefor. The said boom shall be completed and ready for operation by the first of April, A. D. 1858; and it is further provided that no charge shall be made for scaling logs, except those that are rafted by said corporation. When boom age is to be collected on logs running through said boom loose, the wood scale is to be taken, and in case of there being no wood scale, or of a dispute between the owner and corporation, the Surveyor General shall decide the amount which shall be final between them.

Completion

Regulating Boom SEC. 21. The said corporation are further empowered to construct a regulating boom, in Rum River, at some con-

venient point within ten miles of the mouth of said river, and for which regulating boom there shall be no charge of boomage. And the said corporation shall have the right to hold logs in the Rum River boom so long as it may be necessary for their safety, when the water is so high in the Mississippi that they cannot be secured in the said Mississippi River booms.

SEC. 22. Any person who shall wilfully cut, destroy or injure any of the booms of the said Company, shall, on conviction of the same, be punished by a fine not exceeding ten thousand dollars, or by imprisonment in the County Jail for a term of not less than three months.

Injuries to
Boom

J. W. FURBER,
Speaker of the House of Representatives.

JOHN B. BRISBIN,
President of the Council.

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