

SECRETARY'S OFFICE, Minnesota, }

August 2, 1858. }

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

FRANCIS BAASEN, Secretary of State.

## CHAPTER LXXX.

### *An Act to Regulate the Traffic in Logs and Lumber.*

- CHAPTER 1. Sec. 1. Four Surveying Districts established.
2. Boundaries of the District.
  3. Surveyor Generals for each District to be elected annually.
  4. Location of the offices of Surveyor Generals.
  5. Oath of office, and bond to be given by Surveyor Generals.
  6. Violation of bond; institution of suits.
- CHAPTER 2. Sec. 1. Surveyor General to survey lumber in his District; certificate or bill of amount to the owner.
2. Allowances for defective logs.
  3. Scribner's Rule the legal rule for surveys; provision.
  4. Survey of logs running out of booms; bills thereof to be made out.
  5. Survey of logs or lumber by Surveyor General out of his own District.
  6. Appointment of Deputies by Surveyor General.
  7. Purchasers scale mark to take precedence of original or antecedent marks.
  8. Fees for surveying and scaling logs or lumber.
  9. Books of Surveyor General to be open for investigation.
  10. Surveyor Generals to make annual report.
  11. Record of mortgages, liens and bills of sale by Surveyor Generals.
  12. Marks upon logs to be recorded in Surveyor General's office.
  13. Record of orders for scaling, to be kept by Surveyor Generals.
  14. Certificate of Surveyor General to any marks, conclusive as to its ownership.
  15. No logs to be scaled, unless mark is properly recorded.
  16. Logs in skid booms, unauthorized, to be turned out to owner on notice given.
  17. Penalty for defacing marks on logs, or otherwise injuring them.
  18. Repeal of Acts inconsistent.
  19. Act to take effect January 1, 1859.

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

## CHAPTER I.

Surveying district

SECTION 1. There shall be and there is hereby created four districts for the purpose of surveying and regulating the survey or measurement of logs, timber, and lumber, within this State.

SEC. 2. The Saint Croix River and its tributaries shall constitute the first district; the Mississippi River and its

tributaries, between the mouth of the Saint Croix River and the mouth of Elk River, shall constitute the second district; <sup>Regulation of the Districts</sup> the Mississippi River and its tributaries below the mouth of the Saint Croix River, shall constitute the third district; the Mississippi River and its tributaries above the mouth of Elk River shall constitute the fourth district.

Sec. 3. There shall be annually elected by the Legislative Assembly of the State of Minnesota, a Surveyor General <sup>Election of surveyors by legislature</sup> for each of the districts aforesaid, who shall be a citizen of the district for which he is elected at the time of his election, and shall enter upon the duties of his office on the first Monday of April next, succeeding his election, and shall hold his office for one year and until his successor is elected and qualified.

Sec. 4. The Surveyor General of the first district shall keep his office at the city of Stillwater, of the second district <sup>Location of surveyors' offices</sup> at the Falls of Saint Anthony, and of the third district at the city of Red Wing, and of the fourth district at Swan River.

Sec. 5. The Surveyor 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 also 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 of such county, 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 successors, all bills, bonds, certificates and papers, and other effects appertaining to his said office. <sup>Oath of office and bond of surveyor</sup>

Sec. 6. The bond and oath of office shall be deposited with the clerk of the Board of County Commissioners of the county where such office is kept, and when a failure to comply with the conditions of such bond by the Surveyor General, any person feeling himself aggrieved, may commence an action thereon before any Court having jurisdiction, and a recovery thereon (by one) shall not render the bond void, but the same may be prosecuted from time to time until the whole penalty shall be recovered. <sup>Violation of bond—suit thereon</sup>

## CHAPTER II.

Section 1. It shall be the duty of the Surveyor General, by himself or his deputy, at the request of the owner of any logs, timber or lumber, to repair to any part of his district <sup>Survey of lumber—bill of lading to owner</sup> and survey such logs, timber or lumber, and upon completing such survey, to make out a bill stating the number of logs or pieces of timber, together with the mark or marks thereon, the number of feet therein contained, and at whose request the same were scaled, and to whom scaled, a copy of which bill he shall enter upon the books of his office, and the orig-

inal bill or copy thereof, he shall give to the owner of the logs, timber or lumber, with a certificate thereon that it is a true and correct bill; but no Surveyor General or his deputy shall in person survey or scale logs or timber owned wholly or in part by him or them.

Allowance for defective logs

Sec. 2. The said surveyors and their deputies shall, in surveying or measuring logs or lumber, make such allowance 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, shakay or waney stuff, and make the same equal to good merchantable lumber.

Scribner's rule, legal rule for surveying—previous

Sec. 3. The Surveyor General shall keep posted in his office a written rule or scale of logs of all sizes and lengths, which shall govern him in his surveys, and the scale rule known as Scribner's Rule is hereby adopted as the only legal rule for the survey of logs in the State of Minnesota; *Provided*, That every log shall be surveyed by the largest number of even feet which it contains in length over ten feet and under twenty-four feet, and all logs of twenty-four feet in length or more, shall be surveyed as two logs or more.

Survey of logs running out of booms—bills thereof to be made out

Sec. 4. It shall be the duty of the Surveyor General, by himself or deputy, to survey all logs running out of any boom now chartered, or which may hereafter be chartered by law in his district, and at the expiration of each week, to make out and deliver to the owner or agent of such boom, a bill stating the number of logs, the mark or marks thereon, and the number of feet of each mark; a copy of which bill he shall enter upon the books of his office, and the original duly certified by him, he shall deliver to the said boom owner or agent, who shall collect the boomage, or fees of said boom in accordance with such survey.

Survey by surveyor general and in his own district

Sec. 5. Whenever the owner of any logs, timber or lumber, shall request the Surveyor General of any district to repair to any other district and survey such logs, timber or lumber, it shall be lawful for such surveyor, by himself or his deputy, to survey such logs or timber, and to act in all respects as if the same were in his proper district; and the scale bills or certificate of surveys thereof, shall be recorded in his office in like manner as if logs, timber or lumber had been surveyed in his proper district.

Appointment of deputies

Sec. 6. The surveyor general may appoint such number of deputies as may be necessary to transact the business of his district; and for the correctness of their acts and their doings, he shall be responsible upon his bond.

Scale/marks of purchaser to take precedence of original

Sec. 7. In surveying logs from one party to another, the Surveyor General shall place the purchaser's scale mark upon said logs, and said scale mark shall thereafter take preference of the original or other antecedent mark; *Provided*, That in all such cases, the purchaser shall pay for the scaling and shall be entitled to the scale bill.

Sec. 8. 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 making and making survey bills for all logs that he may be required to survey, and the sum of twenty-five cents per thousand feet for all lumber, and for all services performed by said surveyors by virtue of their office at a greater distance than thirty miles from their offices, they are authorized to receive and collect ten cents per mile traveling fee. The surveyor general shall be entitled to receive and collect the sum of fifty cents for each and every mark of logs recorded in his office pursuant to Section 12 of this Act. Fees for surveying and scaling

Sec. 9. The books of the Surveyor General's office shall be open for and subject to the inspection of all persons wishing to examine the same, and the Surveyor General or his deputy shall furnish, when required, duplicate scale bills or certificates, upon being paid therefor fifteen cents per folio. Books of surveyor general to be open to inspection

Sec. 10. The Surveyor General shall report to the Legislative Assembly of this State, at the beginning of each regular session thereof, the total number of feet of logs, and lumber which he has surveyed in his district for the year ending the thirtieth day of November last past. Annual reports to legislature

Sec. 11. It shall be the duty of the Surveyor General to record all mortgages, liens, and bills of sale or other written instruments in any way affecting the ownership of any mark of logs in his district in a book kept for that purpose; *Provided*, That said instruments shall specify the marks placed upon the said logs, and when they were cut, and shall be recorded in the office of the Surveyor General in which the said marks are recorded, and no conveyances, lien, mortgage or transfer shall be valid until the same is so recorded, and the Surveyor General shall be entitled to and shall receive the same fees as is allowed by law to Register of Deeds for recording like instruments. Record of mortgages liens and bills of sale

Sec. 12. Any person who shall cut logs in either of the districts aforesaid, shall, before proceeding to mark the same, deposit in the office of the Surveyor General in whose district the logs may be, a copy of the said mark which is to be put upon the said logs, but which copy shall not be that of any other mark already recorded in said district, and cause the same to be recorded in a book kept by the Surveyor General for that purpose; *Provided*, That it shall be the duty of any and all persons who may have cut any logs previous to the passage of this Act, to cause the mark of the same to be recorded on or before the first [day] of January, A. D. eighteen hundred and fifty-nine, and that all marks of logs in the fourth district shall be recorded in the second district. Marks upon logs to be recorded

Sec. 13. The Surveyor General shall keep a book or books in which he shall record in the order in which they are presented to him, all orders drawn by the owner of any logs directing him to scale any logs of his mark or marks to any Record of orders for scaling to be kept

other person, and the first logs scaled of the marks given in said order, and within the limits therein prescribed, shall be scaled to and belong to the person in whose favor the order is drawn according to priority of record.

Certificate of surveyor general conclusive as to ownership of logs

Sec. 14. The certificate of the Surveyor General that any mark has been recorded agreeably to the provisions of this Act, and that the same has not been transferred, and that there is no incumbrance recorded in the books of his office, upon the logs marked with the said mark, shall be conclusive evidence of the ownership of the logs marked with the said mark, in any Court in this State.

No logs to be scaled unless mark is recorded

Sec. 15. No logs shall be scaled by the Surveyor General or his deputies, unless the marks upon the said logs are properly recorded in accordance with the provisions of this Act, and no survey of any logs shall be received in any Court in this State, except the survey of the Surveyor General or his deputy.

Logs inside booms unauthorized, to be turned out on demand

Sec. 16. In case any logs shall be found in any side boom which have not been bargained for by the owner or holder of such boom, the owner of such logs may demand that the same shall be turned out of such boom, and unless such logs are so turned out within three days after such demand is made, then the owner of such logs shall be at liberty to open such boom and remove such logs, doing no unnecessary damage to the property of such boom owner or holder.

Penalty for defacing marks

Sec. 17. That any person who shall take from any of the rivers or their tributaries in or bordering on this State, or from any sloughs, ravine, island or land adjoining said rivers or tributaries into or upon which any logs may run, or shall cut out, mutilate, destroy or render illegible the mark or marks thereon, or in any manner willfully injure any such logs not his own, or any person other than the Surveyor General or his deputy, who shall place upon any log or piece of timber, any mark except the original mark, shall be guilty of a misdemeanor, and upon conviction thereof in any Court having competent jurisdiction, shall be punished by a fine of not less than fifty dollars or more than one thousand dollars, or by imprisonment in the State Prison for not less than one year, nor more than three years, and shall be further liable for double the market value of said logs at the time so taken or injured, to be recovered by the owner of such logs in an action of debt before any Court having competent jurisdiction in the case.

Repeal of acts inconsistent

Sec. 18. All acts and parts of acts inconsistent with this Act, are hereby repealed.

Sec. 19. This Act shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and fifty-nine.

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—August the ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }  
August 9, 1858.

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

FRANCIS BAASEN, Secretary of State.

## CHAPTER LXXXI.

### *An Act to provide for the regulation of County Jails.*

SECTION 1. Prisons to be established in every county.

1. Grand Juries to examine prisons, and report.
2. Sheriffs or their deputies required to keep the jail—Separate cells for males and females.
3. Cost of keeping defendant imprisoned on civil suit, to be paid by plaintiff.
4. Cost of keeping criminals to be paid by county board.
5. Prisoners confined by process of Court—Sheriff's evidence to retain in custody.
6. Commitments and liberations of prisoners to be regularly filed by Sheriff or jailer.
7. Delivery thereof to successor in office.
8. Authority to confine prisoners for crime committed in one county, in the jail of another county.
9. Fugitives from justice or labor in this State, may be confined in any county jail.
10. Juvenile prisoners—their treatment.
11. Repeal of acts inconsistent.
12. Act takes effect on passage.

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

SECTION 1. That there shall be established and kept in every county, by authority of the Board of County Supervisors, and at the expense of the county, a prison for the safe keeping of prisoners lawfully committed.

SEC. 2. That the Grand Jury at each term of the Circuit Court, shall make personal inspection of the condition of the county prison, as to the sufficiency of the same for the safe keeping of prisoners, their convenient accommodation and health, and shall inquire into the manner in which the same has been kept since the last term ; and the Court shall give this duty in special charge to such Grand Jury, and it shall be imperative upon the Board of Supervisors to issue the necessary orders, or cause to be made the necessary repairs,