

CHAPTER LXXXVI.

An Act to Amend an Act Entitled an Act to Incorporate the Mississippi and Rum River Boom Company, Approved July Twenty-second, Eighteen hundred and Fifty-seven.

- SECTION 1.** Amendment to a former act.
3. Number of directors.
 4. Officers—how chosen.
 5. Term of office—vacancy, how filled.
 6. Who may call meetings of said corporation.
 7. How meetings of the board to be regulated.
 8. Duty of secretary.
 9. Elections for directors and president—how conducted.
 10. Authorized to construct boom or booms on the Mississippi river, between the mouth of Crow river and the head of Nicollet Island.
 11. Fees for scaling and rafting logs or lumber.
 12. When amount of boomage deemed to be due—in case of neglecting or refusing to pay, how to proceed.
 13. Further rights of said corporation.
 14. When said corporation to have right to turn logs loose.
 15. Committee, by whom and for what purpose appointed.
 16. Penalty for injuring or destroying any of the booms of said company.

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

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| Amendment to former act

Number of directors

Officers how chosen

Term of office—vacancy how filled | <p>SECTION 1. That all of said act, after section two, shall be stricken out, and the following inserted, viz :</p> <p>SEC. 3. The number of directors shall be three, who shall be elected at such times and in such manner as prescribed in the by-laws of said company.</p> <p>SEC. 4. 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 bond 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, which may be altered or amended at any meeting of said directors.</p> <p>SEC. 5. 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 may be an annual meeting of the stockholders of said company</p> |
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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.

SEC. 6. 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 any newspaper in Hennepin county, said notice, to be signed by the president or two directors, and to contain the time and place of holding said meeting. Who may call meetings of said corporation

SEC. 7. 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. How meetings of the board to be regulated

SEC. 8. 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. Duty of secretary

SEC. 9. 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 three 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. Election of directors and president—how conducted

SEC. 10. The Mississippi and Rum River boom company is hereby authorized, empowered and required to construct, maintain, and keep in good repair, any boom or booms on the Mississippi river, at such point as they may deem advisable, between the mouth of Crow river and the head of Nicollet island above the Falls of Saint Anthony, and is hereby authorized and required to collect and assort all logs coming into said boom or booms, and when requested by the owners thereof, on sufficient notice being given, shall turn the same out of said boom, Where authorized to construct boom or booms

and into the ponds at Saint Anthony or Minneapolis, at and opposite the head of Nicollet island, as may be required under the direction of the committee named in section fifteen of this act, and shall on like request of the owners thereof, assort and raft with good half inch rigging, any logs that may be in said boom or booms, which rafts shall be received by the owners at the place of rafting when ready for delivery; *Provided, however,* That when the water may become so low in said river, that logs cannot be turned out of said boom, or rafted, 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 boom, until there should be a rise of water sufficient to permit such logs to be rafted or driven out; *Provided, also,* That said company shall not be liable for any damage caused by any extraordinary rise of water or freshets.

Fees for scaling
logs and lumber

SEC. 11. Said corporation may demand and receive, and are hereby authorized to collect by law, the sum of forty cents, and scaleage per thousand for every thousand feet of logs or other timber, sorted and rafted in accordance to the provisions of this act; *Provided,* That if any logs or other timber shall not be taken away from the place of rafting within thirty-six hours after the same is rafted, then said corporation is 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 additional sum of ten cents per thousand feet. All logs coming into said booms, and stopped at Saint Anthony or Minneapolis, and not rafted within the limits of said boom, shall be charged twenty-five cents per thousand feet and half the scaleage, and all of said boomage may be collected as provided for in section twelve of this act.

When amount of
boomage deemed
to be due—in case
of refusal to pay
how to proceed

SEC. 12. The amount of boomage specified in the preceding sections of this act, shall be deemed to be due whenever the logs and 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 said 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 take a sufficient quantity of logs to secure them for the amount due, and sell the same in the following manner, viz: At public vendue, by giving twelve 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 Saint 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 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, if rafted, in rigging, or otherwise, where they lie, upon his paying the amount due on the logs or timber, by the provisions of this act, and the costs of advertising.

SEC. 13. 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 and occupying land, if any person or persons shall suffer loss or damage thereby, the said 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 said 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 damage 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 State, 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 corporation to the use of said land during the existence of said corporation;

Provided, That such rights shall not accrue below Boom Island or Bosiatt's Creek.

SEC. 14. All persons having logs come into said booms, shall give six days' notice to said company, whether they want the same turned into said ponds, or rafted or not; and where no notice is given it shall be the duty of said company to turn all such logs loose, unless otherwise directed by the committee named in section fifteen (15) of this act, and it shall construct and maintain a shear boom, so they will go west of the pier, at the head of the present dam, in the middle of the Mississippi river, below the suspension bridge; and no party or log owner shall have the right to raft logs within the limits of this boom without paying an equivalent therefor.

SEC. 15. The lumbermen of the second surveyor district, who may have cut logs in or above said district, during the previous winter, to the extent of one team's hauling, and who may meet at the surveyor general's office in said second district, at ten o'clock, A. M., on the first Tuesday of April, in each year, shall choose a committee of three disinterested persons, who shall, for the ensuing season, determine the times of turning out logs from said booms. After said election shall be certified to said boom company by the president and secretary of said meeting, the said boom company shall, during that year, turn out logs from said booms at such times as said committee shall direct.

SEC. 16. Any person, other than the authorized agents of said company, who shall open, cut, destroy or injure any of the booms of said company, or turn loose or adrift any logs or timber therein, shall, on conviction of the same, be punished by a fine not less than one thousand dollars, and by imprisonment in the State prison, for a term of not less than six months.

Approved March 8th, 1862.

When may have
right to turn logs
loose

For what purpose
committee ap-
pointed

Penalty for in-
juring booms of
said company