

## CHAPTER CXVI.

*An Act to amend an act entitled an act to organize the Saint Croix Boom Corporation, passed and approved February Twenty-Seventh, A. D. One Thousand Eight Hundred and Fifty Six.*

Feb'y 28, 1870.

- SECTION 1. Names of incorporators—corporate rights.
2. Amount of capital stock—may vote to increase capital stock.
  3. To authorize books to be opened to receive subscriptions to capital stock—where.
  4. When meeting of stockholders may be called for the purpose of electing a Board of Directors.
  5. Board to elect a President, Secretary and Treasurer—to give bonds for faithful performance of duties—in what sum—to adopt a code of By-Laws.
  6. Term of office of officers of Board—when annual election to be held—vacancy, how filled.
  7. By whom and how meetings of stockholders may be called.
  8. Board to fix time and place of meeting—to fix compensation of officers, &c.
  9. Duties of Secretary.
  10. One share equivalent to one vote—how Directors elected—manner of electing President—what to constitute a quorum of Board.
  11. Empowered to construct two substantial booms—where located—for what purpose booms erected.
  12. All logs or timber floating down said river deemed to be in possession and under the control of said corporation—to assort and raft all logs or timber running into said Lower Boom and collect boomage on the same.
  13. When to deliver all rafts to owners—to employ all necessary assistance—when owners to remove rafts after delivery—corporation liable for damages through delays—how damages may be collected.
  14. Compensation for rafting, scaling and making ready for delivery, &c.—when logs or timber may be sold at public vendue—disposition of funds arising from said sale.
  15. When boomage deemed to be due—boomage to be a lien on all logs or timber—when corporation may purchase at public sale all logs or timber so disposed of for boomage.
  16. How to proceed when logs or timber enter said booms faster than can be disposed of—by whom logs to be scaled—when owners may separate their respective marks—rates of boomage.
  17. Within what time logs or timber uncalled for may be sold at public sale.

18. Not to interfere with the navigation of said river.
19. May enter into any slough—for what purpose.
20. All apparatus for rafting to be of a good quality.
21. Authorized to enter upon and occupy land for the purpose of conducting business—damages to property to be adjusted by the corporation—how ascertained.
22. Logs bearing no mark to be property of corporation.
23. All logs to be surveyed by the Surveyor General—fees.
24. Repeal of Inconsistent acts.
25. When act to take effect.

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

Names of incor-  
porators—corporate  
rights.

SECTION 1. The act entitled “An act to organize the Saint Croix Boom Corporation,” passed and approved February twenty-seventh, A. D. one thousand eight hundred and fifty-six, is amended to read as follows: Martin Mower, Wm. H. C. Folsom, Isaac Staples, Christopher Carli and Samuel Burkles, and their associates, successors and assigns, are hereby constituted a body corporate and politic for the purposes hereinafter mentioned, for the period of twenty years from and after the first day of March, A. D. one thousand eight hundred and seventy, by the name of the Saint Croix Boom Corporation, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in any court, and may purchase, hold and enjoy any estate, real, personal or mixed, and the same may grant, sell, lease, mortgage or otherwise encumber or dispose as may be necessary or convenient. May devise and keep a common seal and make and enforce any lawful and suitable by-laws, and shall during said period hold, possess and enjoy all the rights, privileges, franchises and immunities incident to a corporation.

Amount of capital  
stock—may  
vote to increase  
the same.

SEC. 2. The capital stock of said corporation shall be thirty-five thousand dollars, divided in shares of one hundred dollars each, but the board of directors may whenever a majority in value of the stockholders shall so vote, increase the said capital stock to an amount not exceeding in the whole sixty thousand dollars, and each stockholder shall be liable individually for the debts of said corporation to the amount of stock held by him.

When and where  
books opened for  
subscription to  
capital stock.

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 corporation, first giving twenty days' notice in a

newspaper published at Stillwater, Minnesota, of the time and place of opening such books.

SEC. 4. Whenever twenty thousand dollars of capital stock shall have been subscribed, and twenty-five dollars on 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 a newspaper published at Stillwater aforesaid, 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.

When meeting may be called to elect directors.

SEC. 5. The board of directors thus chosen shall proceed to elect one of their number as president of said corporation, 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.

Directors to elect other officers—officers to give bonds—to adopt by-laws.

SEC. 6. The said president, 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. one thousand eight hundred and fifty-six, upon which 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 twenty-fifth 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 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.

Term of office—when annual election held—vacancy, how filled.

SEC. 7. The president of said corporation shall have the power to call a meeting of the stockholders at any

By whom and how meetings to be called.

time by giving twenty days' notice of the time and place of such meeting in a newspaper published in Stillwater, aforesaid, 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.

Board to fix time and place of meeting—to fix compensation of officers, &c.

SEC. 8. The board of directors shall meet at such times and places as they shall regulate by their by-laws. They shall regulate and 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 have power to do all acts for the benefit and purposes of said corporation.

Duties of secretary.

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 may prescribe.

Each share entitled to vote—how directors and president elected—quorum.

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 at any meeting of the stockholders a majority in value shall constitute a quorum, at any meeting of the board of directors any two of the board shall constitute a quorum, such quorum having power to transact business.

Empowered to construct two booms—where located—for what purpose.

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, as provided herein, two good, substantial booms upon the river St. Croix. One at such points between the head of Cedar Bend, so-called, and Rock Island, as they may select, to be known and designated as the upper boom; the other at such points between the head of Lake St. Croix and Titcomb's Landing, so-called, as they may select, to be known and designated as the lower boom.

And said corporation may further construct, maintain and keep between Titcomb's Landing and the landing at Marine Mills, such additional booms as they may deem necessary or convenient for the purpose of holding, controlling or securing any logs or timber, that may float or be driven down the said St. Croix river and its tributaries, and may intercept, stop and take exclusive possession of any such logs or timber, and secure the same within any of their said booms, whenever said corporation shall deem it prudent or necessary so to do, in which case it shall be the duty of said corporation to drive said logs or timber from said last named additional booms to and within the limits of said lower boom as soon as practicable, at their own expense. All logs or timber floating or driven down the said river St. Croix, shall be collected by said corporation in said boom, and shall be assorted according to their several marks, and well rafted in good rigging, and delivered at or near the foot of said lower boom to the owner of such logs or timber, or to such person as such owner may designate. *Provided*, That hereafter said corporation may at their option, omit to maintain, or keep up, or raft logs or timber at their said upper boom, and in case and so long as said upper boom is not kept up, except for the purpose of rafting logs or timber for mill owners to be manufactured between said booms, as hereinafter provided, it shall be the duty of log owners to drive all of their logs or timber within the limits of said lower boom, which said corporation do not intercept and boom before the same reach said lower boom, as provided aforesaid. *Provided further*, That all logs or timber that shall pass Rock Island, so-called, in said river, shall be under the control of said corporation until turned out of its boom, and no person or persons shall pick up or interfere with any of said logs or timber without paying the said corporation the boomage on the same they would be entitled to demand if rafted and delivered by said corporation, unless such logs or timber are to be manufactured in mills located on said river above said lower boom. *Provided, also*, That said corporation shall sort, raft and deliver, at the upper boom, logs belonging to owners of mills located between said upper and lower boom for the purpose of being manufactured in said mills, whenever such owners shall request said corporation so to do, and all logs so delivered shall be subject to the same charges for boomage in all respects as

Duty of log  
owners.

if the same were delivered to the lower boom as hereinafter provided.

SEC. 12. All logs or timber floating or driven down the said St. Croix river shall for the purposes contemplated in this act, be deemed to be in the possession and subject to the control and direction of said corporation whenever the said logs or timber pass below the landing at Marine Mills, and said corporation shall collect and carefully sort and raft in rigging according to their several marks, rafting each mark separately, all logs or timber which may come within the limits of said lower boom, and safely secure the same at or near the foot of said boom, in such manner that said rafts may be taken possession of and removed by the owners thereof without hindrance or inconvenience. *Provided*, That said corporation may with the consent of the owners of such logs or timber, raft two or more marks belonging to the same owner in one rail and scale the same under either mark so rafted together; and in such case said corporation may demand and collect the boorage due on such logs or timber so rafted and scaled in the same manner, in all respects as they might or could do if the same had been rafted separately.

SEC. 13 It shall be the duty of said corporation to deliver all logs or timber in rafts of not less than thirty logs or pieces, without any unnecessary delay to the owner or his lawful agent, as provided in this act. They shall employ all the men and furnish all the material necessary to raft and deliver logs, and use all reasonable exertion to effect such delivery as soon as possible, and shall, when practicable, notify the owner of any logs ready for delivery or his agent, of the time when such logs must be removed. The owner of logs or timber rafted and ready for delivery as provided herein, shall receive and take away the same within thirty-six hours from the time such logs or timber is so made ready for delivery. Whenever any unreasonable delay in delivering logs or timber, as provided herein, shall be caused by the neglect of said corporation to employ sufficient men or to furnish necessary material or tools to raft and deliver such logs or timber, or if such delay shall be caused by any defect in the construction of said boom or by any failure to keep the same in good repair, or from any cause within the power of said corporation to prevent or remove them, in such case said corporation shall be liable to the owner of such logs or timber so detained or delayed for the damages

When logs deemed under their control—to assort, raft and collect boorage on same

When to deliver rafts—when owners to remove the same—company liable for damages—when—how collected.

caused by such delay; *Provided*, Said corporation shall not be liable for any delay in rafting or delivering logs or timber caused by low water, or by an unusual or extraordinary press or jam of logs or timber within the limits of their said boom, if such corporation shall use all reasonable and timely efforts to prevent or shorten the period of such delay; and for the damage caused by any failure or neglect to comply with any of the provisions of this act, the said corporation shall be liable to any person sustaining damage thereby, and such damage may be collected by action in any court of competent jurisdiction.

SEC. 14. The said corporation is hereby authorized and empowered to demand and collect for the term of three years from the passage of this amendatory act, the sum of eighty cents for each and every thousand feet of logs or timber sorted, rafted, scaled and made ready for delivery in accordance with the provisions in said amendatory act set forth; *Provided*, The legislature may at the expiration of said term of three years and every three years thereafter, amend or alter the rate of boorage for a like term, which said corporation shall be entitled to demand and collect as aforesaid; *Provided further*, That if any logs or other timber shall not be taken from the foot of said boom within the thirty-six hours mentioned in the twelfth section of this act, then the said corporation is authorized to remove such logs or timber and secure the same at any point between the foot of said boom 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 one newspaper published in Washington and Chisago counties; and may retain out of the proceeds of such sale, the amount specified in this section, the balance of the proceeds they shall pay to the owners 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 said corporation at public vendue, after giving ten days' notice as

Compensation for making ready for delivery, &c.—when logs may be sold at auction—disposition of fund arising from sale.

above specified; and from the proceeds of such sale, said corporation may retain the boomage and charges on the same 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 such sale, apply to redeem any logs or timber that may be in the possession of said corporation, the same shall be delivered to him rafted in rigging, upon his paying the charges due on the same by the provisions of this act.

SEC. 15. The amount of boomage as fixed by this act, shall be deemed to be due whenever the logs or timber are made ready for delivery as provided herein, and the said corporation shall have a complete and perfect lien upon and property in all logs or timber in their possession so far as to enable them to take scale and retain a sufficient number to pay the boomage and charges due on the same, and also all boomage and charges due said corporation on said logs or timber of the same mark or different marks belonging to the same original owner which may have been previously delivered, and may sell the same at public vendue at the place where said logs may be, to the highest bidder for cash, by first giving notice of the time and place of sale with a description of the mark or marks and the quantity of logs or timber retained and to be sold, in a newspaper published in the county of Washington, Minnesota, and in a newspaper published in the county of Chisago, in said state, and also by posting a written or printed copy of such notice at the office of the surveyor general of logs and lumber in the first lumber district; each of which publications and the posting of said copy shall be made at least twenty days before the day specified for such sale; at such sale said corporation may fairly and in good faith purchase the whole or any part of said logs or timber, and shall after deducting and retaining all boomage and charges which may be due as aforesaid, and the expenses of said sale, pay the overplus, if any, to the party or parties lawfully entitled thereto.

SEC. 16. Whenever in the due and vigilant exercise of all the powers and privileges conferred by its charter, logs or other timber shall enter its booms faster than the same can reasonably be rafted by the said corporation without obstruction to the channel as herein provided, or shall without fault or negligence of the corporation using due and proper care and diligence pass through or out of the said boom, the corporation is hereby authorized and re-

When boomage deemed due--to be a lien on all logs--when corporation may purchase logs at public sale.

How to proceed when logs enter faster than can be disposed of--by whom logs to be scaled--when owners may separate their marks--rates of boomage.



quired to pick up and collect all such logs in booms of convenient size substantially constructed. The said logs or timber shall be scaled by the surveyor general of the district and a copy of the scale bill thereof shall be posted in the office of said corporation and in the office of the surveyor general, and the owner or owners of the said logs or timber may at any time within fifteen days after the same are scaled and such scale bill posted as aforesaid, sort and separate their respective marks. If the said logs and timber are not so sorted, separated and taken within the said fifteen days, the owners thereof shall only be entitled to demand and receive the amount in feet to which they may be entitled of all the marks taken indiscriminately from the bulk of all logs so collected and scaled. The said corporation shall be entitled to demand and receive the same boomage in the same manner and with the same lien for security as it is authorized by this act to collect and receive for logs or timber delivered at the boom.

SEC. 17. The said logs or timber specified in the preceding section, shall be picked up, boomed and made ready for delivery, as provided herein, as soon as practicable by the said corporation to the owner thereof or his lawful agent, and all such logs or timber not called for or demanded by the owner or person lawfully entitled to receive the same, within sixty days after the date of posting the copy of the scale bill thereof as provided in the last preceding section, may be sold by the said corporation in like manner and upon the like notice as is provided in section fifteen of this act.

SEC. 18. The said corporation shall always and at all times give free passage to all rafts, steamboats, keelboats or other water craft navigating the said river St. Croix, without any hindrance or delay by reason of said booms or the logs therein confined, and shall whenever from unusual press or jam of logs or other cause, the channel of said river shall become so obstructed that the craft aforesaid cannot pass through, use all possible efforts and the most efficient and speediest means to remove such obstruction and allow such water craft to pass through without unnecessary delay; and should any rafts or parts of rafts of logs or other timber or 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.

May enter any  
slough—for what  
purpose.

SEC. 19. 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.

All apparatus for  
rafting to be of  
good quality.

SEC. 20. 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 owner of the logs.

May enter upon  
land for purpose  
of conducting  
business—dama-  
ges how ascer-  
tained.

SEC. 21. 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 the 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 state, such assessment shall be considered as the true and fair value of the land so taken by the said corporation, and the payment of the amount thus assessed shall entitle the said corporation to a deed for such land.

Logs bearing no  
marks to belong  
to corporation.

SEC. 22. All logs or timber bearing no marks, generally known as prize logs, driven or floating into either of their said booms, shall be the property of said corporation.

Surveyor general  
to survey all logs  
—fca.

SEC. 23. All logs or timber, before the same shall be deemed ready for delivery as provided herein, shall be surveyed by the surveyor general of the first district or such of his deputies as said corporation may select, for which services said corporation shall be liable to pay not to exceed the sum of two cents per thousand feet for all logs or timber delivered at their booms.

SEC. 24. All acts or parts of acts inconsistent with the provisions of this amendatory act are hereby repealed.

Repeal of inconsistent acts.

SEC. 25. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 28, 1870.

## CHAPTER CXVII.

### *An Act to amend the Charter of the Minnesota Mutual Life Insurance Company.*

Jan'y 28, 1870.

- SECTION 1. Amendment to Section Two (2) of the act to incorporate the Minnesota Life, Fire and Marine Insurance Company, Special Laws of 1836. Company authorized to insure lives and enter into any contracts pertaining to the business of Life Insurance.
2. Amendment to Section Three (3) of said act. Power of Board of Directors—Directors elected annually—when officers of Board elected—who to constitute Board of Directors.
3. Amendment to the following Sections of said act:
4. Vacancies of Board how filled—manner of conducting elections.
  5. When members of said Company to meet to elect Board of Trustees.
  6. How business shall be conducted—who liable for losses of the Company.
4. Amendments to the following Sections of said act:
7. Board to make all needful rules and regulations for its government—what to constitute a quorum.
  9. Manner of investing funds of said Company.
5. Amendment to Section Thirteen (13) of said act. Where principal office of said Company located.
6. When act to take effect.

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

SECTION 1. That section two of an act entitled “an act to incorporate the Minnesota Life, Fire and Marine Insurance Company,” approved on the first day of March, one thousand eight hundred and fifty-six, as amended by an act entitled “an act to amend the charter of the Min-