

more, of five columns or more, to each page, and each column shall be not less than seventeen and three-quarters inches long, and the proprietor or publisher thereof shall print, publish and deliver at each regular issue not less than 240 complete copies of such publication to paying subscribers; *provided further*, that publications which are duplicates and publications which are made up wholly of patents, or plates and patents and advertisements, shall not be recognized as legitimate newspapers of general circulation; *provided further*, that any newspaper which has heretofore, or may hereafter become a legal newspaper within the terms of the foregoing definition of a legal newspaper, and which shall heretofore have been, or may hereafter be destroyed by fire and other casualty, so that its regular publication and issue shall have been or may be suspended and interrupted for a time not exceeding four months, and shall continue to be a legal newspaper within the meaning of this act, and for all purposes, immediately upon the resumption of its publication and issue by the same publisher, his heirs or legal representatives, under the same name and in the same town, village or city where it was published and issued prior to its destruction and suspension by fire or casualty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1897.

H. F. NO. 760.

CHAPTER 286.

Relating to corporations for securing logs, etc., the duties of surveyors of logs and lumber, and liens for enforcement.

An act to authorize the formation of corporations for securing stray logs, timber, lumber and other floatables, and to define their powers and duties, and the duties of surveyors of logs and lumber relating thereto, and fees therefor; also, to provide for a lien and its enforcement.

Be it enacted by the Legislature of the state of Minnesota:

Corporations.

SECTION 1. Any number of persons, not less than three (3), desiring to form a corporation for the purpose of picking up and securing logs, timber, lumber or other floatables lying along or adjacent to the shores or banks of any waters within this state, upon which waters there is, during the open season of each year, an existing commerce carried by boats, vessels and other water craft, drawing eight (8) feet of water or more, or floating on such waters and not in the care or control of the

owner or owners thereof, and to sort, raft, boom, drive, tow, hold, handle and deliver the same to the owners thereof, or for the whole or any part of said purpose, may do so by complying with the provisions of this act; and any corporation so formed shall be entitled to the rights and privileges and be subject to the duties and obligations herein prescribed.

SEC. 2. Any corporation formed under this act, in whole or in part, which has, or may hereafter take possession of any such waters of this state or any considerable portion thereof as hereinafter provided, and not occupied by any other corporation for the same purpose, shall have power to take possession of and secure all logs, timber, or other floatables found upon the banks or shores of any such waters, or floating on such waters adjacent to such shores or banks, and not in the care or control of the owner or owners thereof; and to boom, raft, drive, tow, sort, hold, handle and deliver to the owners thereof, and may collect reasonable and uniform tolls on all logs, timber, lumber, or other floatables so secured, and shall have a lien for such tolls and the cost and expense of picking up, securing, booming, rafting, driving, towing, sorting, delivering, and the care and custody of the same, or for any part of such services, on all logs, timber, lumber or other floatables for which the same was incurred; and may seize in whosesoever possession found, and hold a sufficient amount thereof to pay the same; and may enforce such liens as other liens are enforced, by proper proceedings for that purpose, or may ask, demand, sue for, or collect and receive from the owner or owners of the same, the amount due for such tolls, costs, or expenses.

If the owner of such logs, timber, lumber or other floatables cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the complaint of said corporation claiming such lien, in the proper court, which shall contain a statement of the nature and amount of the claim and a description of the property held, and that the owner of such property is unknown or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial shall be had, or judgment rendered in such proceeding, cause a notice to be published for four (4) successive weeks at least, once in each week, in some newspaper printed and circulated in such county;

Powers
of such
corporations

Tolls, and
liens.

If owner un-
known or
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state.

Action in
court and
judgment
against
property.

or, if none is printed and circulated in such county, then in such other newspaper published in this state as such court shall direct; which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and the description of the property upon which the lien is sought to be enforced.

Owner may appear in defense.

The owner of such property shall have the right to appear and defend in such proceeding at any time before judgment upon such terms as the court shall direct; and in case of his appearance, an issue shall be formed and all subsequent proceedings in such case shall be in accordance with the practice of this court.

Ex parte hearing.

If the owner shall fail to appear in such proceeding, the court may proceed ex parte to hear, try, and determine the facts alleged in such complaint and render such judgment thereon as justice may require.

If Judgment for plaintiff.

If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or so much thereof as may be necessary, be sold to satisfy the amount of such judgment with costs; or such liens may be enforced by a sale of the property in the following manner: When the owners of the property covered by such lien are known, such corporation shall notify such owners of said lien, by a written or printed notice containing a description of the property and the amount of the lien due thereon, which notice may be served on the owner or owners personally or by mail; if sent by mail, such notice shall be deposited in the postoffice at the place where the principal office of said company is located, enclosed in a suitable envelope, and postage paid thereon, addressed to such owner or owners at his or their place of residence, according to the best information and belief of the persons making such service; and if the amount of such lien is not paid within ten (10) days after the service of such notice, such corporation shall proceed to sell the property covered by the lien, at public auction, by giving notice of the time and place of said sale by advertisement for ten (10) days in some newspaper published or printed in the county where the storage boom of said company is located prior to the date of such sale; or, if there is no such newspaper, then by posting notices of the time and place of sale in three (3) of the most public places of said county, ten (10) days before said sale; the proceeds of the sale to be applied, first, to the discharge of such lien, costs and expenses of keeping and selling the property; the remainder, if any, shall be paid over to the owner thereof. When the owners of such property are unknown, it may at any time after the expiration often

If lien not paid property may be sold upon notice by publication.

(10) days from the time that the property was secured in its storage boom and sorted, proceed to sell the same at public auction, in the same manner as prescribed for sale in case where the owners are known, except, that the notice may be a general notice of the sale of all logs in the custody of the corporation, the owners of which are unknown; and the notice of sale shall be published three (3) successive weeks in such newspaper; or, in case there is no newspaper, by posting in three (3) of the most public places in such county three (3) weeks prior to the date of such sale.

SEC. 3. That all liens provided for under this act shall be assignable, and the assignee thereof may pursue any of the remedies provided for in this act for the collection thereof.

Liens assignable.

SEC. 4. Every corporation entitled to a lien under this act hereafter organized may take by assignment any lien mentioned in this act, and may pursue any remedy provided for in this act for the collection thereof.

SEC. 5. Any corporation hereafter formed for the purposes, or any part thereof, herein provided, to operate upon any waters hereinbefore specified, which are wholly or in part a boundary between this and any adjoining state, shall have authority to purchase and hold stock in corporation or corporations in such adjoining state, whenever the purposes for which the corporation within this state is organized can be better affected thereby. *Provided* that no such purchase, consolidation or other union shall be made without the assent of two-thirds of the holders of the capital stock of the corporation within this state.

Corporations may hold stock in corporations in adjoining states.

SEC. 6. The amount of the capital stock in such corporation shall in no case be less than ten thousand dollars (\$10,000) and shall be divided into shares of not less than one hundred dollars (\$100) each.

Minimum of capital stock.

SEC. 7. Every such corporation shall erect and maintain suitable storage booms, in which shall be stored the property secured by it under the provisions of this act, and shall at least twice in each year pick up and secure, as far as practicable, all logs, timber, or other floatables lying within the territory covered by its limits.

Storage booms.

SEC. 8. Every such corporation shall, at its principal office, enter in a book to be provided by it and kept for that purpose, within ten days after such logs, timber, lumber or other floatables are secured in its storage boom and sorted, all logs, timber, lumber, or other floatables so secured, with a description of the marks thereon, if any, and the charges against the same, which book shall be open to the inspection of all persons interested in such property; and shall also within the

Records of corporations.

same period, deposit in the office of the surveyor of logs and lumber of the district in which its principal office is located, a list of such logs, timber, lumber or other floatables, with a description of the marks thereon, if any; and it shall be the duty of such surveyor of logs and lumber on the payment to him of the sum of twenty-five cents for each list so deposited, to file and preserve the same in his office.

Control of
waters, how
secured.

SEC. 9. Any corporation which may hereafter be organized under this act shall have the right to control such portions of such waters hereinbefore described, for the purposes of this act, within the limits of its corporations established or to be established as hereinafter provided, if it shall file in the office of the surveyor of logs and lumber of the district in which the principal office of said corporation is located, a map or plan of the section or sections of such waters within which the operations of said company shall be confined, accompanied by the affidavit of the secretary of such corporation, or any two individual members of said corporation, identifying such map or plan, and setting forth the place in which the general office of said corporation is located, that it has erected a storage boom, and the location thereof; *provided* such map or plan and affidavit shall be so filed within sixty days after the passage of this act. It shall be the duty of the surveyor of logs and lumber of the district in which the principal office in this state of such corporation is located, on the payment to him of the sum of one dollar (\$1) as fees, to file and preserve in his office a map or plan and affidavit, mentioned in this section, and the same shall become public record.

Provided, that nothing herein shall prevent any log owner from picking up his own logs.

SEC. 10. The provisions of sections two, three, four, seven, eight, nine, ten, eleven, thirteen of title one of chapter 34, general statutes of 1878, and the acts amendatory thereof and section 3407 of general statutes of Minnesota 1894, shall apply to and be observed by corporations organized under this act, so far as they are not inconsistent with the provisions of this act.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.