

Duty of city comptroller.—Sec. 4. It shall be the duty of the city comptroller of said cities to ascertain annually at the end of each calendar year to what extent, if any the whole special fund in which said proceeds of said bonds are placed and of which fund said proceeds form all or any part has been impaired or depleted by the annulment of assessments or other cause, and shall state in his annual report the amount of cash in the city treasury belonging to said fund, the amount of uncollected and unimpaired assessments due and to become due to said fund, together with the amount of said impairment or depletion of said fund, if any, the same to be itemized under the respective causes of such impairment or depletion.

In case said impairment or depletion of said fund, or any part thereof, arose by reason of any such special assessments being less than the cost of the actual improvement for which the assessment was made, it shall be the duty of the proper officer or officers of such city, and they are hereby empowered, to cause a new and additional special assessment to be made against the property which was under-assessed, so as to bring the whole assessment against said property up to the actual cost of such improvement, due regard being given to the benefits of such improvement.

This act shall not apply to any city operating under a home rule charter, framed pursuant to section 36, article 4, of the constitution of Minnesota.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 18, 1911.

CHAPTER 191—S. F. No. 657.

An Act to fix the rates of boomage of certain boom companies and the fees for scaling logs and timber at such booms, and providing a lien for such boomage.

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

Charges for booming.—Section 1. Any corporation engaged in the business of collecting booming, assorting and delivering to their respective owners, logs or timber floating in any waters forming the boundary between this and any other state, at the place where such business is carried on and which logs or timber have been cut in such adjoining state, as well as in this state, may charge and collect from the owner, or owners of such logs

or timber one dollar per thousand feet board measure for all logs and timber so collected, boomed, assorted and made ready for delivery.

Scale to be made by surveyor general.—Sec. 2. The number of feet board measure of logs and timber so collected, assorted and made ready for delivery to their respective owners by any such corporation shall be determined by a scale thereof to be made by the surveyor general of the lumber district in which said logs and other timber are so made ready for delivery, and before the same are delivered to the owner; such surveyor general shall be entitled to receive for his fees for making such scale three (3) cents per thousand feet for all logs so scaled, which fees shall be paid by the corporation so engaged in booming and assorting such logs, monthly on delivery of a scale bill showing the number and amount of each mark of logs scaled by such surveyor general during the preceding month.

A lien upon logs—Selling of latter.—Sec. 3. The amount of boomage fixed by this act shall be deemed to be due whenever the logs or timber are made ready for delivery to the owners thereof, and any such corporation shall have a complete and perfect lien upon, and property in, all logs or timber in its possession so far as to enable it to take, scale and retain a sufficient number to pay the boomage and charges due on the same, and also boomage and charges due such corporation on 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 or to be sold in some newspaper published in the county in which the principal office of such corporation may be located, 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 lumber district in which such corporation is engaged in business, each of which publications and posting of said copy shall be made at least twenty (20) days before the time specified for such sale. At any such sale such corporation may fairly and in good faith purchase the whole or any part of such logs or timber, and shall after deducting and retaining all boomage and charges which may be due as aforesaid, and the expenses of such sale, pay the overplus, if any, to the party or parties lawfully entitled thereto.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 18, 1911.