

CHAPTER 18.

An Act to amend an act, entitled "An Act to incorporate the Mississippi Boom Company.

Feb. 27, 1854.

SECTION.

1. Right confirmed.
2. Boom to be constructed.
3. Stock.
4. Sorting and rafting of logs.
5. Boom and scale charges.
6. Duties of company.

SECTION.

7. Passage of rafts and vessels.
8. Scaleage.
9. Legislature may alter or amend.
10. Sections repealed.
11. When act to take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That all the rights and privileges granted by the provisions of the act to which this is amendatory, are hereby confirmed, and there shall be no forfeiture thereof in consequence of the insufficiency of the notice given for the opening of books for subscription to the capital stock; nor in consequence of no election for directors having been held previous to the Wednesday immediately preceding the twenty-fifth day of December, A. D. 1851; and the president and directors now in office shall have power to adopt a code of by-laws as provided in said act, and shall continue to do and perform all the acts and duties prescribed and allowed by said act, to which this is amendatory, until their successors shall have been elected.

Rights confirmed.

Sec. 2. The said boom company shall be and are hereby authorized and empowered to construct, maintain, and keep a boom or booms upon the Mississippi river, at such points between the falls of St. Anthony, (so called) and the town of St. Paul, (so called) as they may select; which boom or booms shall be completed on or before the first day of May, A. D. 1853, and in which all logs and hewn timber coming down said river, shall be gathered by the said company; and such logs or timber shall not be retained in such boom, by the said company, for a longer period than thirty days, unless otherwise agreed by and between the owner of such logs or timber and the said boom company; and the said boom company shall be held accountable for all neglect to keep said boom in good order and repair, and for all damages which may accrue by a failure so to do, from and after the said first day of May, A. D. 1853, aforesaid: *Provided*, That this act shall not be so construed as to prevent any person or company from erecting or hanging any side or sheer boom to collect their logs or timber at any point above or below said boom or booms.

Boom to be constructed.

Sec. 3. The capital stock of said company shall be ten thousand dollars, in shares of one hundred dollars each; and the board of directors shall have power, at any time, whenever a majority in value of the stockholders, shall deem the same advisable to increase the number of shares, to any amount not exceeding in the whole, twenty-five thousand dollars, and each stockholder shall be individually liable for the debts of said company, in proportion to the amount of stock each one may own.

Stock.

Sec. 4. The said company shall sort out the logs and timber according to their several marks, and shall raft the same out of said

Sorting and rafting of logs.

boom, with lines and pins or with binders, as said company shall select, sufficiently secure to run to the town of Point Douglass, and shall deliver the same to the several owners thereof, at or near the foot of said boom: *Provided*, That the said boom company shall not be obliged to retain any logs or timber at the foot of said boom for a longer period than five days, after notice has been given to the owner or owners of such logs or timber, or his or their agents, that such logs or timber are ready for delivery: *And provided also*, That the said company may raft permanently the logs or other timber belonging to any person or persons for such compensation as may be agreed upon by the parties.

Boom and scale charges.

Sec. 5. The said company may demand and shall receive, and are hereby authorized to collect the sum of fifty cents per thousand feet, for every thousand feet of logs or timber sorted out and rafted ready for delivery as aforesaid, at or near the foot of said boom, exclusive of the charge for scaleage of such logs or timber, and for all logs sorted out, rafted and delivered as aforesaid, at any point between the foot of said boom and Point Douglass, as the owner or owners of said logs may direct. The said company are hereby authorized by law to collect such additional sum per thousand feet, for every thousand feet of logs or timber so rafted, sorted and delivered: *Provided*, That if any logs or timber shall not be taken away from the foot of said boom, within the five days in the preceding section mentioned, and the owner or owners of such logs or timber shall not direct the said boom company, within the said five days at what point the same are to be delivered; then the said boom company are authorized to secure such logs or timber at any convenient point on the Mississippi river, above the upper saw mill in the town of St. Paul, and to demand and receive, and to collect therefor such compensation as shall be just and reasonable: *Provided*, That rafts of sawed lumber of any kind, which may, by accident, float into said boom, shall only be charged with such reasonable compensation as will indemnify the said boom company for the safe delivery thereof.

Duties of company

Sec. 6. The said boom company may, at the request of the owner or owners of any logs or timber in said boom or booms, turn out such logs or timber loose without rafting, and for the boomage of such logs or timber so turned out, the said boom company shall receive, and are hereby authorized to collect twenty-five cents per thousand feet for every thousand feet so turned out, exclusive of scaleage: *Provided*, That the owner or owners of such logs shall request in writing, that said logs or timber be so turned out, and the said boom company shall not be held accountable for the loss of any logs or other timber, resulting from the so turning out of said logs or other timber.

Passage of rafts and vessels.

Sec. 7. The said boom company shall so construct the said boom or booms, as to give passage in the channel of the river to any raft running down the said Mississippi river, and to all boats or other water craft whatever, running either up or down the said river, without any let, hindrance or delay by reason or on account of said boom.

Scaleage.

Sec. 8. All logs or other timber passing through said boom, shall be scaled according to the pine scale, now used and known as the St. Croix pine scale, and the charges made according to said scale, and the said boom company shall have a lien on one fourth of

said logs or other timber, until the boom charges hereby authorized and the charge for scalage aforesaid are paid, or the payment thereof satisfactorily secured.

SEC. 9. The legislature of this Territory shall have the right to alter or amend this act at any time after the period of five years from and after the passage of this act.

Legislature may alter or amend.

SEC. 10. Sections two, eleven, twelve, thirteen, fifteen, sixteen and seventeen of the act, to which this is amendatory, are hereby repealed.

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

Approved—Feb. 27, 1852.

CHAPTER 19.

An Act to incorporate the St. Paul Institute.

March 21, 1851.

SECTION.

1. School District No. 2, to be known as St. Paul Institute.
2. Six trustees to be chosen.
3. Trustees constituted body corporate.
4. Trustees divided into classes. Term of office.
5. Vacancies, how filled.
6. Primary department to be the free common school of the district.

SECTION.

7. Religious tests forbidden.
8. Powers of Trustees.
9. Charges for tuition in the higher departments.
10. Present board of Trustees to form body corporate.
11. Legislature may control or repeal this act.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That school district No. 2, in the county of Ramsey, and Territory of Minnesota, shall be known by the name and style of the Saint Paul Institute.

School district No. 2, to be Saint Institute.

SEC. 2. Said Institute shall be authorized to elect six trustees at the annual meeting of said school district.

Six trustees chosen

SEC. 3. Said trustees and their successors in office, shall constitute a body corporate, with the name and style of the trustees of the Saint Paul Institute, with the right as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure; and of holding a property to the amount of \$100,000.

Body corporate.

SEC. 4. The six trustees aforesaid, shall hold their offices respectively, as follows, to wit: The two persons receiving the highest number of votes, shall hold their offices three years; the two persons receiving the next highest number of votes, two years; the next, one year; and should there be a tie, it shall be determined by lot.

Trustees divided into classes. Their term of office.

SEC. 5. All vacancies in the board shall be filled by the board, except those occasioned by the expiration of the term for which a trustee may have been elected, and such shall be filled by electing two members annually, for the term of three years.

Vacancies, how filled.