

CHAPTER XI.

An Act to amend an Act entitled "An Act to amend an Act to incorporate the St. Croix Boom Company."

- SECTION 1. An act amending an act to incorporate the St. Croix Boom Company—its corporate parties.
2. Of the capital stock of said company.
 3. Who may cause books to be opened.
 4. When and how a Board of Directors may be appointed.
 5. Of the election of President and other officers.
 6. How long the President and other officers shall continue in office.
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 8. Where the Directors shall hold their meetings.
 9. Of the duties of the Secretary.
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 11. Who shall be elected—where elections shall be held—The duties of the Commissioners.
 12. Of the appointment of an agent and his duties.
 13. The company authorized to construct a boom, and the time allowed for the delivery of logs.
 14. Of the sorting of logs and timber and their delivery to owners.
 15. Of the compensation the said Boom Company shall be entitled to.
 16. When payment shall be made for services rendered.
 17. Of the delivery of logs and timber in the absence of an order.
 18. Of disputed title to logs.
 19. The Company shall cause logs to be driven.
 20. Of logs not claimed by the owners.
 21. Prize logs unmarked.
 22. Passage shall be given to rafts.
 23. Of sheer or trip booms.
 24. When this Act shall take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. That the act entitled "an act to amend an act to incorporate the St. Croix Boom Company, approved the third day of March, one thousand eight hundred and fifty-four, be, and the same is hereby amended to read as follows: An act amending an act.

That Orange Walker, John McKusick, George B. Judd, Levi Churchill, Socrates Nelson, Daniel Mears, William H. C. Folsom and William Kent, and their associates, successors and assigns be, and they are hereby constituted a body corporate and politic for the purposes hereinafter mentioned by the name of the St. Croix Boom Company, for the term of fifteen years, and by that name they and their successors shall be, and they are hereby made capable in law, to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered in any court of record or elsewhere, and to purchase and hold any estate, real or personal, or mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of, for the benefit of said company; to devise and keep a common seal, to make and enforce any by-laws not contrary to the Constitution and laws of the United States or of this Territory; and to enjoy all the privileges, franchises and immunities incident to a corporation. Its corporate parties.

Of the capital stock.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, in shares of fifty 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 desirable, to increase the capital stock to an amount not exceeding in the whole the sum of fifty thousand dollars, and the stockholders shall be individually liable for the debts of said company, and the subscription of stock shall remain open to loggers for the space of one month after the books for said subscriptions shall have been opened, during which time no stock shall be issued to other persons.

Who may cause books to be opened.

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 company, first giving twenty days notice in any two newspapers published in this Territory, of the time and place of opening said books.

Board of Directors may be appointed.

SEC. 4. Whenever five thousand dollars of the stock shall have been subscribed, and five dollars upon each share so subscribed for shall have been actually paid in, any number of the subscribers who shall represent a majority of the subscription to said stock shall be authorized to call a meeting of the several subscribers thereunto, by giving ten days notice of the time and place of such meeting in any two newspapers published in the Territory, 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 five directors from the stockholders of said company.

Election of President and other officers.

SEC. 5. The board of directors thus chosen shall proceed to elect one of their number as President of said company, and shall choose one person who shall act both as Treasurer and Secretary of said company, and who shall give bonds, to be approved by the President and Directors, in the penal sum of five thousand dollars, conditioned for the faithful and correct discharge of his duty as Treasurer and Secretary; and at such first meeting said President and Directors shall prepare and adopt a code of by-laws for the regulation and government of the affairs of said company, which may be altered or amended at any subsequent meeting of said Board of Directors.

How long they shall continue in office.

SEC. 6. The said President, Directors and Treasurer and Secretary, chosen according to the provisions of the two preceding sections, shall remain in their several offices until the Wednesday immediately preceding the 25th day of December, in the year of our Lord one thousand eight hundred and fifty-one, upon which said Wednesday a meeting of said stockholders shall be held and a Board of five Directors chosen, who shall remain in office for one year thereafter, and annually thereafter on the Wednesday next preceding the twenty-fifth day of December of each year a meeting of the stockholders shall be held and a Board of five Directors shall be chosen for the ensuing year: *Provided*, That if any vacancy shall be created in any office by reason of resignation or death, or otherwise, the Board of Directors shall have power to fill such vacancy for the remainder of the term: *Provided, also*, That the President of said company shall be chosen from the five Directors thereof, and a Treasurer and Secretary shall always be chosen by the said Board of Directors according to the provisions of the fifth section of this act.

Who shall call meetings of the stockholders.

SEC. 7. The President of said company shall have power to call a meeting of the stockholders at any time by giving twenty days notice of the time and place of said meeting in any two newspapers published in this Territory, and any three of the Board of Directors or a majority in value of the stockholders shall have the like power to call such meeting

of the stockholders in like manner: *Provided*, That the duties and powers of the President not in this act specifically set forth, shall be specified and be prescribed in the by-laws adopted by the Board of Directors according to the provisions of the fifth section of this act.

SEC. 8. The Board of Directors shall meet at such times and places as they shall regulate by their by-laws; they shall fix the compensation of all officers of the company 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 shall have power to do all acts for the benefit and purposes of the said company.

Where their meetings shall be held.

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 as Treasurer and Secretary, shall perform such duties as the Board of Directors shall, by their by-laws, prescribe.

Duties of the Secretary.

SEC. 10. Every share shall be entitled to one vote, and at any meeting for the choice of Directors, the five stockholders having the highest number of votes shall be elected Directors, and at every meeting of the Board of Directors for 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 with power to transact business: and at any meeting of the Board of Directors, any three of the Board of Directors shall constitute a quorum with power to transact business.

One share entitled to a vote.

SEC. 11. Three Boom Commissioners, who shall be disinterested men and of experience in logging, and residents upon or near the St. Croix river, shall be elected annually by the loggers and log owners doing business upon or logging upon said river. Said election shall be held in the town of Stillwater, on the first day of April, A. D. one thousand eight hundred and fifty-five, and annually thereafter on the first day of January of each and every year during the continuance of this act. It shall be the duty of said commissioners to decide when said company are using reasonable exertions to comply in all respects with the provisions of this act; to inspect the booms and other works of said company whenever they see fit, and to require the same to be kept in thorough and constant repair, and to see that a sufficient force is employed by said company in getting logs out of said booms and delivering them to the owners as hereinafter provided. They shall also, from time to time, inspect the materials used by said company, and if the same are by them deemed insufficient in quantity or quality for the service, they shall notify the boom master or boom masters, who shall thereupon procure, at the earliest practicable period, the materials specified by this act; *Provided*, That when the said Boom Company have to the best of their ability complied with the directions and instructions of said commissioners elected as aforesaid, they are and shall be exempt from all liability or responsibility that might otherwise be incurred by or rest upon them in the performance of the stipulations and conditions of this act, and the said commissioners shall be paid for their services under this act by said Boom Company.

Who shall be elected.

Where elections shall be held.

Duties of the Commissioners

SEC. 12. The said commissioners shall appoint one or more agents, whose duty it shall be to deliver to the owner or owners of each particular mark of logs, all logs rafted on rigging by said company, and to keep a true and accurate account of the number and marks of logs delivered to each owner or owners by said company from either of said booms, in a book to be provided by said company and kept for that purpose, which shall be subject at all times to the inspection of loggers and log owners

Appointment of an agent.

upon the aforesaid river St. Croix, which said book shall at all times be and remain in the possession and be the property of said Boom Company, and the account so kept shall be evidence of the delivery of said logs and of the number and marks so delivered, and to whom the same shall have been delivered. It shall also be the duty of said agent, in case of any dispute between said Boom Company and any owner or owners of logs passing through either of said booms, as to the length of time such logs shall have been so rafted and ready for delivery, to determine when such logs shall have remained at the foot of either of said booms for the space of twenty-four hours. It shall also be the duty of said agent to keep as accurate an account as possible of all rigging delivered and to note when the same is returned, and to perform all other things relating to his duty in delivering said logs, and the said agent or agents shall be paid for his or their services by said Boom Company.

Company authorized to construct a boom.

SEC. 13. The said company shall be and are hereby authorized and empowered, and shall construct, maintain and keep a boom upon the river St. Croix at such point between the foot of Osceola Island, so called, and Taylor's Falls, so called, as they may select, which boom shall be designated the "Upper Boom;" and also to construct and maintain, and keep a boom upon the said river St. Croix at such point between Stillwater or Lake St. Croix and Titcomb's Landing, a point on said river, so called, as they may select, which boom shall be designated the "Lower Boom," which said Lower Boom shall be completed and ready for service on or before the fifteenth day of March, A. D. one thousand eight hundred and fifty-six, in which Upper and Lower Booms, so called, all logs and hewn timber coming or running down said river St. Croix shall be gathered by said company, and such logs or timber shall be sorted, rafted in rigging, sufficiently secure to run, and delivered by said company as hereinafter provided, within a period of thirty days, to any point between upper boom and Stillwater, during the year one thousand eight hundred and fifty-five and thereafter within a period of twenty days; for logs to be delivered from the upper boom aforesaid and from the lower boom, within a period of fifteen days, unless otherwise agreed by and between the owner or owners 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 booms or either of them in good order and repair, and pay all damages which shall accrue on failure of the same; *Provided*, That if any logs which come into said booms or either of them, shall not be delivered as aforesaid within a period of thirty days during the year one thousand eight hundred and fifty-five, and thereafter within a period of twenty days, from said upper boom, and from the said lower boom within a period of fifteen days, the said Boom Company shall be liable to pay the owner or owners thereof such damage as the said owner or owners may suffer in consequence of such failure to deliver such logs or timber; *Provided, also*, That the limits of said booms shall be and extend respectively as follows: that is to say, the limits of the said upper boom shall extend and include that portion of the river St. Croix from the foot of Osceola Island to the foot of Taylor's Falls aforesaid; and the limits of said lower boom shall extend and include that portion of the said river St. Croix from Stillwater, on Lake St. Croix aforesaid, to the foot of Osceola Island aforesaid.

Sorting of logs and timber.

SEC. 14. The said company shall sort out the said logs and timber according to their several marks; shall raft the same in rigging out of the said booms, and shall deliver the same at the foot of said upper or lower boom to the owner or owners thereof as they may direct; *Provided*, That the said Boom Company shall not be obliged to retain any logs or timber

at the foot of either of said booms for a longer period than twenty-four hours after the same shall have been rafted and ready for delivery as aforesaid, at the expiration of which time they may be removed by said Boom Company, who shall use all reasonable care and exertion to secure said logs or timber in a safe place, there to remain until otherwise disposed of; *Provided, further,* That the rigging or warp used by said company shall be a good quality of the ordinary half-inch manilla rope, and said rigging or warp shall be and remain the property of the said Boom Company, and shall be returned in good order and without loss by the persons receiving the same, on logs rafted as aforesaid or otherwise, to the said Boom Company; *And it is further provided,* That all rigging as aforesaid shall be returned to the said Boom Company within seven days from its delivery as aforesaid, unless otherwise agreed by and between said Boom Company and the owner or owners of logs so delivered as aforesaid.

Sec. 15. The said Boom Company shall demand, collect and receive, and are hereby authorized by law to demand, collect and receive the sum of sixty-five cents per thousand feet for every thousand feet of logs or timber so sorted out and rafted and made ready for delivery as aforesaid at the foot of either of said booms; *Provided,* That if any logs or timber shall not be taken away from the foot of either of said booms as aforesaid within the twenty-four hours in the preceding section mentioned, then the said Boom Company are authorized and empowered to take away and secure such logs or timber between the foot of said boom and the city of Stillwater at such place or places on said river as they may select, unless the said owner or owners shall have previously designated some place between the said upper boom and Stillwater where he or they desire the same to be delivered, in which case the request shall in all cases when practicable be complied with by said Boom Company, and to demand, collect and receive therefor five cents per one thousand feet for delivery of said logs at Osceola; from thence to Cedar Bend, fifteen cents per thousand feet; from thence to Marine, thirty cents per thousand feet; from thence to Arcola, forty cents per thousand feet; and from thence to Stillwater, fifty cents per thousand feet in addition to boorage and other charges which may be due said company as aforesaid.

Compensation said Boom company is entitled to.

Sec. 16. All the aforesaid charges for booming, sorting and rafting and delivering logs or timber as aforesaid, shall be deemed due and shall be paid to the said company when the said logs or timber are ready for delivery as aforesaid, and the said Boom Company shall have a complete lien upon and especial property in the said logs and timber so boomed and sorted out, for all boorage and charges that may be due to said company upon said logs or timber by the respective owners thereof, and the said company are authorized and permitted to retain possession of all logs of any particular mark or marks for boorage and all other charges that may have accrued on said logs, or any portion of said logs which may have been previously delivered, and to sell the same as hereinafter provided, and each mark shall be liable and responsible to said company for all expenses and charges that may have accrued upon said mark of logs or any portion thereof; and logs of such mark or a sufficient portion thereof shall be taken by said company from year to year as they are received in either of the booms aforesaid and sold as aforesaid until all said expenses, demands and charges shall be paid in full to said company; *Provided,* That when any sum or sums of money shall have accrued or become due to said company for the boorage of logs or timber, or other charges as aforesaid, which shall not be paid on demand by the owner or owners thereof after the same becomes

Payment made for service rendered.

due, the said company are hereby authorized and empowered to take and sell at public auction, after giving ten days written or printed notice thereof, at Taylor's Falls, Osceola, Marine, Arcola and Stillwater, a sufficient quantity of said logs or timber, or other logs or timber, belonging to the same owner or owners, which may be in possession of said company, or that may come into their possession thereafter, to pay all charges and demands of whatever nature that may have accrued or become due as aforesaid.

Delivery of logs and timber.

SEC. 17. When no order is left with the secretary of said company relative to the boom at which it is desired to have logs or timber delivered, the said company shall deliver said logs or timber, until ordered otherwise by the proper owner thereof, at such points as they, the said company, may select; and it shall be the duty of the log owners to draw or cause to be drawn all logs owned by them to the head of the jam in the said upper boom or as near the gaps as the accumulation of logs will permit.

Disputed title to logs.

SEC. 18. When two or more adverse claimants shall demand from the said Boom Company logs of a particular mark or marks, the said Boom Company shall retain possession of and secure such logs so claimed in some suitable place, until the title thereto shall be finally determined according to law or by mutual agreement, and shall sell from time to time such portion thereof as may be necessary to pay all charges for boomage or otherwise which may have accrued or become due thereon according to the provisions of this act.

Shall cause logs to be driven.

SEC. 19. It shall be the duty of said company to drive or cause to be driven all logs which may have come through said upper boom, and lying between the upper and lower booms, once in every two weeks during the season of turning out logs, from the upper boom down and into the said lower boom.

Logs not claimed by owners.

SEC. 20. All logs coming into or through either of said booms, not claimed by the owner or owners thereof, shall be taken by said company and secured in a safe place, and the said Boom Company may at any time, by giving ten days public notice in two or more places, proceed and sell the same at public auction, and after deducting all charges and reasonable expenses, shall hold the balance of the proceeds of such sale subject to the order of the owner or owners.

Prize logs unmarked.

SEC. 21. All logs bearing no mark or marks, known as prize logs, coming within the limits of either of said booms, shall be collected by said company and sold at any time at public auction, upon giving ten days notice of the time and place of sale by written or printed notices posted up in two or more public places, and the proceeds thereof, after deducting boomage and all other reasonable expenses and charges, shall, at the close of the season, be divided among the loggers, pro rata.

Passage given to rafts.

SEC. 22. The said Boom Company shall always give passage by or through their booms and each of them, at all times, to any raft running down said river St. Croix, and to all steamboats, flatboats, or other water crafts running up or down the said river without any let, hindrance or delay by reason or on account of said booms or either of them.

Trip booms.

SEC. 23. The said Boom Company are authorized and permitted to place and hang sheer or trip booms across the heads or entrances of all sloughs and booms upon said river St. Croix and along all places where logs may be liable to run or float out of the main river during high water, when the same may be necessary to prevent logs running or being driven down said river within the limits of said St. Croix Boom Company's boom, from being caught or stopped by said sloughs or booms, said

sheer or trip booms to be built at the cost and expense of said company, unless agreed between the said company and the owner or owners thereof; *Provided, however,* That nothing in this act shall be so construed as to interfere with any person or persons wishing to occupy any slough for the purpose of securing the logs belonging to said person or persons.

SEC. 24. This act shall take effect and be in force from and after its passage, and may be altered, amended or repealed at any time after a period of ten years. Act takes effect.

J. S. NORRIS,
Speaker of the House of Representatives.
WM. P. MURRAY,
President of Council.

APPROVED—March second, eighteen hundred and fifty-five.

W. A. GORMAN.

I certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,
Secretary of the Territory of Minnesota.

CHAPTER XII.

An Act for the benefit of Common Schools of the Territory of Minnesota and for other purposes.

- SECTION 1. It shall be unlawful to remove logs or timber from booms.
 2. Of the liability of removing logs or timber before being delivered.
 3. To what booms this act shall apply.
 4. When this act shall take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. It shall be unlawful for any person or persons, to remove, take, haul, or drive away, or cause to be taken, hauled or driven away from within the limits of any boom or booms of any incorporate boom company within the Territory, any log, or logs, or hewn timber which shall come, or may be within the limits of such boom or booms, before the said logs or hewn timber, shall be delivered by said boom company.

Unlawful to remove logs or timber from booms.

SEC. 2. If any person or persons, shall at any time before the same have been delivered by said boom company, as aforesaid remove, take, haul or drive away, or cause to be removed, taken, hauled or driven away, from within the limits of any such boom or booms, within this Territory, any log or logs, or hewn timber, which shall have come or may be within the limits of such boom or booms, such person or persons shall be liable

Liability of removing logs or timber before being delivered.