

CHAPTER XXXV.

February 24, 1868 *An Act in Relation to the Driving of Logs, Timber and Lumber.*

- SECTION 1.** Persons obstructed in getting logs or lumber to market to be entitled to compensation, on fulfilling certain conditions. Time limited for commencing action.
2. Persons having claim or lien, after legal adjudication may proceed to sell at public auction—six days' notice to be given of sale.
 3. Booms erected for keeping timber exempt from provisions of this act.
 4. When Act to take effect.

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

Action to lie for obstructions.

SECTION 1. That any person who shall desire to float to market or place of manufacture, any logs or timber in any of the streams in this State, and who shall be hindered and obstructed in so doing by the logs or timber of another, or any person whose logs or timber, in any of the waters of this State, are so intermixed with the logs or timber of another, that the same cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all logs or timber with which his own is or may be obstructed or intermixed, towards such market or place of manufacture, to some point where the same can be conveniently separated from his own, and shall be entitled to a reasonable compensation therefor from the owner of such logs or timber, and upon the filing in the office of the Surveyor General of the district where such logs may be, within thirty days after the completion of such driving of any such logs or timber, a statement, setting forth when and where the same were driven, the amount of his claim therefor, together with the mark borne upon any such logs or timber, and verified by his oath or affidavit, such person shall have and retain a lien upon any logs or timber bearing such mark, for the amount of such claim, from the time of filing the same, and may have and maintain

a civil action for the amount of such claim or for the enforcement of such lien against the owner of such logs or timber, or any person in whose name such mark shall be recorded, at the time of filing such claims, provided, that a failure to commence such action within thirty days after the filing of such claim, shall operate as a discharge of said lien.

SEC. 2. Any person having a claim or lien upon any logs or timber, as provided in the preceding section, properly adjudicated before any court having jurisdiction thereof, may proceed to sell at public auction a sufficient quantity of such logs or timber to pay and satisfy such claim or lien, first giving at least six days' notice of the time and place of such sale, and amount of such claim, by posting notices of such sale in three of the most public places in the city or town where such logs may be, and where such sale shall take place, and any sheriff, constable or other person may act as auctioneer and execute proper bills of sale, without incurring personal liability on account thereof.

How claim or
liens may be re-
covered.

SEC. 3. Nothing in this act shall be so construed as to interfere with any boom or booms necessarily erected for the safe keeping of logs or timber.

Booms for lum-
ber exempt.

SEC. 4. This act shall take effect on and after its passage.

Approved February 24, 1866.