

CHAPTER XLV.

AN ACT TO AMEND THE ACT INCORPORATING THE ST. CROIX
BOOM CORPORATION.

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

SECTION 1. That Sec. two of an act entitled "an act to organize the Saint Croix Boom Corporation, approved February the twenty-seventh, A. D. one thousand eight hundred and fifty-six, as amended by chapter one hundred and sixteen of the special laws of A. D. one thousand eight hundred and seventy, and chapter two hundred and thirty of the special laws of one thousand eight hundred and seventy-six be and the same is hereby amended so as to read as follows:

Sec. 2. The capital stock of said corporation shall be thirty-five thousand dollars divided in shares of one hundred dollars each, but the board of directors may, whenever a majority in value of the stockholders shall so vote, increase the said capital stock to an amount not exceeding one hundred thousand dollars, and each stockholder shall be liable individually for the debts of said corporation to the amount of the stock held by him.

SEC. 2. That section fourteen of said original act as amended by chapter one hundred and sixteen of the special laws of A. D. one thousand eight hundred and seventy be and the same is hereby amended so as to read as follows:

Sec. 14. The said corporation is hereby authorized and empowered to demand and collect the sum of fifty-five cents for each and every thousand feet of logs or timber sorted, rafted, scaled, and made ready for delivery in accordance with the provisions in said amendatory act set forth.

Provided, The legislature may at the expiration of two years, and every two or four years thereafter amend or alter the rate of boomage which the said corporation shall be entitled to demand and collect as aforesaid. *Provided further*, That if any logs or timber shall not be taken from the foot of said boom within thirty-six hours mentioned in the twelfth section of this act, then said corporation is authorized to remove such logs or timber, and secure the same at any point between the foot of said boom and Nelson's Point, so called; and to demand, receive and collect therefor, in addition to the above sum the sum of five cents for each log or stick of timber so secured, and on the first day of October in each year, if any logs or other timber should then remain in the possession of said corporation after having been sorted and made ready for delivery, then the said corporation may proceed to sell the same

at public vendue, first giving ten days' notice of the time and place of such sale, together with the marks of the logs offered, in one newspaper published in Washington and one in Chisago counties, and may retain out of the proceeds of such sale the amount specified in this section; the balance of the proceeds they shall pay to the owners of such logs or timber or to his order; and all logs rafted out of said booms after the first day of October in each year, shall, if not taken away by the owner thereof within four days after notice has been given that the same are ready for delivery, be sold by said corporation at public vendue, after giving twenty days notice as above specified, and from the proceeds of such sale said corporation may retain the boomage and charges on the same, and pay the balance to the owner or to his order. *Provided always,* That whenever the owner of any logs or timber shall, previous to the time of such sale, apply to redeem any logs or timber that may be in the possession of said corporation the same shall be delivered to him rafted in rigging, upon his paying the charges due on the same by the provisions of this act.

SEC. 3. That the last sentence of section sixteen of said act as amended by said chapter one hundred and sixteen of the special laws of A. D. one thousand eight hundred and seventy be and the same is hereby amended so that the same shall read as follows:

The said corporation shall be entitled to demand and receive the sum of sixty-five cents as boomage upon each and every thousand feet of such logs and timber in the same manner and with the same lien for security and authority for collection and enforcement as it is authorized by this act to collect and receive for logs or timber delivered from the boom as herein provided.

SEC. 4. That said section sixteen be and hereby is further amended by inserting after the word required in the eighth and ninth lines of said section, as printed and published, the following words, "within a reasonable time."

SEC. 5. That section twenty-one of said act as amended by said chapter one hundred and sixteen of the special laws of A. D. one thousand eight hundred and seventy be amended by adding thereto the following; *provided further,* the said corporation may obtain the right to take, use or occupy any lands or other property that may be necessary for their enterprise as hereinbefore prescribed, and if from any cause after such proceeding is commenced for the assessment of damages to any person whose property is taken, or it is proposed to take or is damaged by said corporation the same shall be discontinued or lapse, or shall be found inadequate, or if the said corporation shall at any time elect to pursue the remedy for the assessment of damages as hereinafter provided either before or after an attempt has been made to have the same assessed as hereinbefore provided, the said corporation may have such damages ascertained as follows:

First—The said corporation may present to the judge of the district court of any county in which the property taken or to be taken or damaged is situate, a petition signed by the president and secretary of said corporation giving a general description of the land or property taken, used or occupied, or which it will be nec-

essary for it to take, use or occupy, and the owners of such property if known.

Second—Upon the presentation of such petition the judge shall appoint three disinterested residents of the said county, commissioners to meet at some point where such property or some part thereof has been or is to be taken, used or occupied on a day specified by said judge, and to inquire touching the matters contained in said petition, and the judge shall fix the fees of said commissioners.

Third—Said commissioners may adjourn from day to day and to such places near or upon said property as they may deem proper. Before entering upon their duties, said commissioners shall severally take and subscribe an oath, before some person qualified to administer oaths, faithfully and impartially to discharge the duties of their appointment.

Fourth—At least five days notice of the first meeting of said commissioners, in all cases, and in case of infants such notice shall be served on their guardians or the persons with whom they reside; in case of idiots, lunatics or distracted persons on their guardians if they have any, if not then on the person in whose care or charge they are found; and in cases of feme covert on the husband as well as the feme covert, if he be in the county. Notices to non-residents shall be published for two weeks in succession previous to the meeting of such commissioners, in some newspaper printed and published in the county where the property or some part thereof is.

Fifth—The commissioners shall meet at the time and place mentioned in the notice, and shall proceed to examine the entire property described in said petition, taken, or which it is proposed to take, occupy or use by said corporation for the purposes of its enterprise, and shall hear the allegations and testimony of all parties interested, and make in each case a separate assessment of damages which will result to any person, company or corporation by reason of the said or proposed taking, use and occupation, and shall determine and appraise to the owners of the land, property, easement or any other right proposed to be taken, the amount of damages arising to them respectively from the taking thereof, after making due allowance for any benefit that such owners may respectively derive from the enterprise of the said corporation.

Sixth—Within twenty days after completing their said examination and the making of such assessment of damages, the said commissioners shall file the said petition, a copy of their appointment and oath, together with a full report of their doings in the premises, accompanied by a map or plat showing generally, as near as may be, the land and property taken or damaged, in the office of the clerk of the court in the county where said application for the appointment of said commissioners was made, and upon filing such report, said commissioners shall give to the persons whose property is taken or damaged notice of the award to them respectively, in the same manner as the said notice of their meeting.

Seventh—Upon the filing of said report the petitioners or any officers or other persons duly appointed by said corporation may make payment of the damages assessed to parties entitled to the same in manner following:

First—To parties laboring under no disability.

Second—To guardians of infants, husbands or trustees of *femes covert*.

Third—To guardians of insane persons, idiots, lunatics, and persons under other disability and receipts for such payments filed in the office of the clerk aforesaid shall estop the parties giving them and their principals when they act in a representative capacity from all other claims or proceedings in the premises; payments to persons residing in the state but not in the county where the property is taken, as well as to infants, insane persons and other persons under disability who have no guardians, and payments to parties residing out of the state and to persons who are unknown, and to persons who refuse to receive the payments when tendered, shall be made by depositing the same with the clerk of said court to be paid out under the direction of the judge thereof, and such deposit shall have the same effect as the first mentioned receipts unless an appeal is taken by the party entitled thereto.

Eighth—Appeals from the assessments made by such commissioners may be taken and prosecuted in the court where the report of said commissioners is filed by any party interested, and a written notice of such appeal shall be served upon the appellee in the same manner a summons in a civil action is served, *provided*, That such notice shall be served at least twenty days before the hearing of said appeal and *provided further*, That no appeal under this title shall be taken after the expiration of thirty days from the term of the notification of the filing of the report aforesaid.

Ninth—The taking, use or occupation of such property by said corporation shall not be hindered, delayed or prevented by the prosecution of any appeal; *provided*, the corporation execute and file with the clerk of the court in which the appeal is pending, a bond to be approved by said clerk with sufficient sureties, conditioned that the person executing the same, shall pay whatever amount may be required by the judgment of the court therein, and abide any rule or order of the court in relation to the matter in controversy.

Tenth—Appeals shall bring before the appellate court the property of the amount of damages in respect to the parties to the appeal, and unless the parties otherwise agree, the matter shall be submitted to a jury, and tried as other appeal cases are tried, and the court or jury, as the case may be, shall reassess the damages aforesaid, making the verdict conform to the justice and facts of the case, but the rule for ascertaining and fixing such damages shall be based upon the same principles that the commissioners are required to adopt, in originally appraising and determining such damages.

Eleven—Upon verdict or assessment judgment shall be entered declaring that upon the payment of the amount thereof and costs, if any, the right do any act in controversy on said appeal, and to take, use and appropriate any property in controversy on said appeal, for the purposes of said corporation, shall, as against the parties interested in such verdict or assessment, be and remain in said corporation, its successors and assigns forever; and payments of such judgments may be made as payments of assessments by the commissioners are hereinbefore provided for.

Twelve—Said corporation may perfect record evidence of title to the property taken and condemned for its use, as aforesaid, by causing the clerk of the court where the report of the commissioners is filed and confirmed, and the award of damages is paid, to make certified copies of such report or any part thereof, so far as it affects or relates to any real estate or interest therein; and such certified copy, accompanied by a map showing the location of the property taken, when recorded in the office of the register of deeds of the county in which such real estate or other property is situate, shall be effectual to fully pass title to such real estate or interest therein taken by said commissioners, to said corporation; and said record shall be notice to all parties of the title of said corporation therein, and said record may be read as evidence of such title in all the courts of this state, except in cases where valid appeals are had from the report of the commissioners; and in such case the judgment of the court on the appeal after the damages are paid, as aforesaid, may be recorded in the office of the register of deeds, aforesaid, and such record shall be notice and evidence of title, in like manner and effect as the record of certified copies found in said report.

Thirteen—For the purpose of making preliminary surveys and examinations over and upon any property desired by said corporation, it may, by its servants, agents, officers, or employees, enter upon land, doing no unnecessary damage.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 3, 1879.

CHAPTER XLVI.

AN ACT TO REDUCE THE LAW INCORPORATING THE VILLAGE OF KASSON, IN THE COUNTY OF DODGE, AND STATE OF MINNESOTA AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT AND TO AMEND THE SAME. APPROVED MARCH SEVENTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

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

SECTION 1. That section three, of chapter five, of an act to reduce the laws incorporating the village of Kasson in the county of Dodge and state of Minnesota, and the several acts amendatory thereof into one act and to amend the same, approved March seventh, one thousand eight hundred and seventy-eight, be amended so as to read as follows: