

CHANGES

-IN THE-

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
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CHAPTER XXXI.

DAMS AND MILLS.

*§ 30a. **Power of owner of dam.** Whenever, by any contract or by proceedings under chapter thirty-one of the General Statutes and acts amendatory thereof, the owner of any mill-dam has heretofore acquired, or shall hereafter acquire, the right to flow the lands of another person, in order to maintain a head of water at said dam, and by reason of the breaking away of any natural or artificial bank or margin of said stream, upon such lands of such other person, the water has become or shall become divided from said stream, it shall be lawful for the owner of said dam to enter upon the lands of such other person, doing no unnecessary damage, and to repair and restore said bank so as to prevent the further diversion of the water from said stream. (1879, c. 74, § 1.)

*§ 30b. **Concerning damages.** Any damage that may be caused to the owner of such lands by reason of such entry thereon and the repairing of such bank shall be maintained and paid in the manner provided in said chapter thirty-one of the General Statutes in other cases. (*Id.* § 2.)

See page 332.

CHAPTER XXXII.

LOGS AND LUMBER.

RIVERS, DAMS, AND BOOMS.

§ 3a. **Unlawful to throw waste into river.** It shall not be lawful to cast, throw empty, or cause, suffer or procure to be cast, thrown or emptied from mills of any kind whatever, any slabs, edgings or timber, sound or unsound, or by falling or throwing any tree into the Mississippi river: *provided*, nothing in this bill will prevent persons from depositing mill waste of any kind for the purpose of building or extending wharfs or yard room in any city or town on the Mississippi river. (1879, c. 104, § 1.)

§ 3b. **Penalty.** Any person, persons or corporations offending against the provisions of this act, shall, for each and every such offence, forfeit and pay a penalty not exceeding fifty dollars, besides such further sum as may be found in any action for the recovery of the penalty or penalties, to the extent of any expense in making good the damage incurred or removing to a proper place the things deposited in violation of this act, such penalty to be recoverable in any of the courts in this state having jurisdiction thereof. (*Id.* § 2.)

See page 333.

LUMBER DISTRICTS.

§ 5. **Lumber districts defined.** The St. Croix lake and river and their tributaries constitute the first district; the Mississippi river and its tributaries above the mouth of St. Croix lake, and the Red river and its tributaries, constitute the second district; the Mississippi river and its tributaries between the mouth of St. Croix lake and the outlet of Lake Pepin constitute the third district; the Mississippi river and its tributaries below the outlet of Lake Pepin to the southern line of Wabasha county constitute the fourth district; Lake Superior, the bays of Duluth, Superior, and St. Louis, and the St. Louis river and its tributaries, constitute the fifth district; the Mississippi river and its tributaries, from the southern line of Wabasha county to the southern line of the state of Minnesota, constitute the sixth district. (*As amended* 1871, c. 28, § 3, and 1881, c. 64, § 1.)

See page 333.

SURVEYORS—THEIR POWERS, DUTIES, AND FEES.

§ 7. **General office of each district.** The surveyor general of the first district shall keep his office at the city of Stillwater; of the second district at the Falls of St. Anthony, and shall appoint a deputy who shall reside in the city of St. Cloud; of the third district at the city of Red Wing; of the fourth district at the city of Wabasha; of the fifth district at Duluth; and of the sixth district at the city of Winona. (*As amended 1868, c. 42, § 2; 1874, c. 81, § 1; and 1881, c. 64, § 2.*)

See page 334.

CHAPTER XXXIII.

BANKS AND BANKING.

§ 10. **Banks, where to be established—minimum capital.** Any association of persons, not less than three in number, may establish offices of discount, deposit, and circulation, and become incorporated upon the terms and conditions and subject to the liabilities prescribed in this chapter; but the aggregate of the capital stock of such association shall not be less than twenty-five thousand dollars, and no such association shall be organized in any town containing less than two hundred inhabitants. The minimum amount of capital stock named in this section shall be paid in cash before any association shall be authorized to commence business; and such payment shall be certified to the state auditor under oath by the president or cashier of the association. (*As amended 1881, c. 77, § 1.*)

See page 354.

Ch. XXXIII, § 10. See 1883 Sup't, p. 46.

§ 11. **Organization certificate—what to specify—filing and recording.** The persons uniting to form such an association shall, under their hands and seals, make an organization certificate, which shall specifically state:

First. The name assumed to distinguish the bank and to be used in all its dealings, which name shall not be that of any other bank in this state.

Second. The place where the business of discount and deposit is to be carried on.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.

Fifth. The period at which said bank shall commence and terminate.

The certificate of organization shall be acknowledged before the clerk of some court of record or notary public, and authenticated by the seal of such court or notary, and shall be recorded in the office of the register of deeds of the county where such bank may be established, and such certificate thus authenticated shall be transmitted to the state auditor, who shall carefully preserve the same on file in his office. Upon duly making and filing the organization certificate, the association shall become, as from the date of execution of the same, a body corporate, and as such and in the name designated in such certificate, it shall have power to make contracts, to sue and be sued, and shall have all other powers, privileges, and immunities incident to corporations, and applicable to the ends of such establishments, subject to the restrictions and provisions of this chapter. Whenever it appears to the state auditor that any association is lawfully entitled to commence the business of banking, he shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions required to be complied with before commencing the business of banking, and that such association is authorized to commence such business, which certificate shall be *prima facie* evidence in all the courts of the state that such association is duly and legally organized as a corporation. But the state auditor may withhold from any association his certificate authorizing the commencement of business whenever he has reason to suppose that the shareholders have formed