IMPROVEMENT OF STATE BOUNDARY RIVERS
Act 91 of 1887

AN ACT to authorize the formation of corporations for the purpose of improving rivers which form, in whole or part, the boundary between this and any adjoining state, and their tributaries, and for driving, sorting, holding and delivering logs thereon.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887.

The People of the State of Michigan enact:

485.201 Corporations to improve state boundary rivers; incorporators.

Sec. 1. That any number of persons, not less than 5, may be formed into a corporation to improve any river and its tributaries which form, in whole or part, the boundary between this and any adjoining state, for the purpose of driving, sorting, holding and delivering logs thereon, and for such purpose only.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873a;—CL 1897, 6750;—CL 1915, 8850;—CL 1929, 11785;—CL 1948, 485.201.

485.202 Corporations to improve state boundary rivers; certificate, acknowledgement, contents, recording, filing.

Sec. 2. Such persons, under their hands and seals, shall make a certificate, which shall specify:

First, The purpose for which the corporation is formed and the name of the rivers proposed to be improved;

Second, A statement of the amount of capital stock of such company and the number of shares into which the capital stock shall be divided;

Third, The names and residences of the stockholders and the number of shares held by each of them respectively;

Fourth, The amount of capital stock actually paid in;

Fifth, The names of the first directors, being not less than 3 nor more than 9;

Sixth, The place in this state where their office for the transaction of business is located;

Seventh, The term of existence of such corporation, which shall not exceed 30 years, which certificate shall be acknowledged as deeds are required to be acknowledged and recorded in the office of the clerk of the county in which the office of said company for the transaction of business is located, and a duplicate thereof filed in the office of the secretary of state.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873b;—CL 1897, 6751;—CL 1915, 8851;—CL 1929, 11786;—CL 1948, 485.202.

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485.203 Corporations to improve state boundary rivers; body corporate, powers.

Sec. 3. Upon complying with the provisions of the last preceding section, such company shall be a body corporate by the name designated in said certificate, and as such shall be capable of suing and being sued in all courts, and may have a common seal, may elect in such manner as hereinafter provided all necessary officers, and determine their duties and make, from time to time, such by-laws, not inconsistent with the constitution and laws of this state, as a majority of the stockholders shall direct.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873c;—CL 1897, 6752;—CL 1915, 8852;—CL 1929, 11787;—CL 1948, 485.203.

485.204 Annual report; contents, filing, inspection by stockholders.

Sec. 4. Every such corporation shall annually, in the month of January, make a report, signed by its president and secretary, containing:

First, The amount of capital stock actually paid in;

Second, The amount invested in real and personal estate;

Third, The amount of their debts and credits, as near as may be;

Fourth, The name of each stockholder and the number of shares held by him at the date of such report; and every such report shall be verified by the oath of the officers signing the same, and shall be filed with the secretary of the association, and also in the office of the county clerk of the county in which the office of said association shall be located, and open at all reasonable times for the examination of any and all stockholders.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873d;—CL 1897, 6753;—CL 1915, 8853;—CL 1929, 11788;—CL 1948, 485.204.

485.205 Stock divided into shares; increase.

Sec. 5. The amount of the capital stock of every such corporation shall be fixed and limited by the

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stockholders in their articles of association, and shall be divided into shares of 100 dollars each, 10 per cent of which shall be paid in. The capital stock and the number of shares may be increased at any meeting of the stockholders called for that purpose.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873e;—CL 1897, 6754;—CL 1915, 8854;—CL 1929, 11789;—CL 1948, 485.205.

485.206 First meeting; calling.

Sec. 6. When any corporation shall be formed under this act, any 2 of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper published in the county where the office of such corporation is located, at least 15 days before the time appointed for such meeting, or by personal service of like notice upon each of the stockholders 10 days before the time fixed for said meeting.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873f;—CL 1897, 6755;—CL 1915, 8855;—CL 1929, 11790;—CL 1948, 485.206.

485.207 Directors; powers, election, term, officers, selection, term.

Sec. 7. The business and property of said company shall be managed by a board of directors of not less than 3 nor more than 9 directors, who, after the first year, shall be elected annually as the by-laws of said company shall direct; and public notice shall be given of the time and place of holding such election as the by-laws of said company may direct. Such board of directors, when elected, shall choose from their number a president, secretary and treasurer, who shall hold their respective offices for the term of 1 year, and such board of directors may appoint such other officers and agents as their articles of association or their by-laws may require, who shall hold their respective offices during the pleasure of the directors.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873g;—CL 1897, 6756;—CL 1915, 8856;—CL 1929, 11791;—CL 1948, 485.207.

485.208 Directors; stockholders; quorum; voting.

Sec. 8. A majority of the directors of every such corporation convened according to the by-laws, shall constitute a quorum for the transaction of business, and those holding a majority of stock at any meeting of the stockholders shall be capable of transacting the business of the meeting, and at each meeting of the stockholders each share of stock shall be entitled to 1 vote. Stockholders may appear and vote in person or by proxy.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873h;—CL 1897, 6757;—CL 1915, 8857;—CL 1929, 11792;—CL 1948, 485.208.

485.209 Property; holding.

Sec. 9. Every such corporation shall, by their corporate name, have powers to acquire, use and hold all such works and improvements, and all such real and personal property as may be necessary or suitable for the purposes of such corporation, and to take or flow lands or property in the construction of the works or improvements hereby authorized.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873i;—CL 1897, 6758;—CL 1915, 8858;—CL 1929, 11793;—CL 1948, 485.209.

485.210 Condemnation.

Sec. 10. Whenever any such corporation shall desire to take or flow any lands or property in the construction of the works or improvements authorized by this act, when no agreement can be made with the owners thereof, the like proceedings shall be had and taken as is provided in an act entitled, "An act to provide for the formation of companies to construct plank roads, approved April 8, 1851, and the acts amendatory thereto."

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873j;—CL 1897, 6759;—CL 1915, 8859;—CL 1929, 11794;—CL 1948, 485.210.

Compiler's note: Act 155 of 1851, referred to in this section, was repealed by Act 84 of 1921.

485.211 Improvement powers; repair duty; driving of logs; tolls and expenses, lien.

Sec. 11. Any such corporation formed for the improvement of any boundary river in whole or part and any of its tributaries, and for driving, sorting, holding and delivering logs thereon, which shall have taken prior possession of such boundary river for that purpose, shall have power to improve such river and its tributaries by clearing and straightening the channels thereof, closing sloughs, erecting sluiceways, booms of all kinds, side rolling and flooding dams, driving piles and erecting piers or otherwise, as may be necessary or suitable

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for the purpose aforesaid: Provided, That such sluiceways, booms, dams, piles and piers shall, so far as practicable, be so constructed and used as to allow of the free passage of logs, timber and other floatables along such waters. Every corporation which shall so improve a boundary river or any of its tributaries for the purpose of driving logs thereon, and keep in repair and operate its works, may charge and collect reasonable and uniform tolls upon all logs, lumber and timber driven or floated on the same, and may take possession of all logs put into said stream, or upon rollways so as to impede the drive, when the owners thereof or their agents shall not have come upon the stream adequately provided with men, teams and tools for breaking rollways and driving such logs in season for making a through drive down such stream without hindering the main drive, and shall also, at the request of the owner of any logs and timber put into said stream, take charge of the same and drive the same down and out of such stream, and charge and collect therefor of the owner or party controlling said logs and timber reasonable charges and expenses for such services, (and all charges for running, driving, booming, towing, rafting, sorting and delivering of logs, timber or lumber by such corporation shall be by the scale of such logs, timber or lumber per 1,000 feet board measure); and such corporation shall for all such tolls, costs and expenses, have a lien on the logs for which the same were incurred, and shall be entitled to maintain possession of such logs or timber, or so much thereof as may be necessary to satisfy the amount of such tolls, costs and all expenses for taking care of the same until the same shall be determined, satisfied and paid in the manner hereinafter prescribed.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873k;—Am. 1889, Act 42, Eff. Oct. 2, 1889;—CL 1897, 6760;—CL 1915, 8860;—CL 1929, 11795;—CL 1948, 485.211.

485.212 Lien; enforcement.

Sec. 12. Any such corporation claiming any lien as provided for in the preceding section, may recover the amount of such lien in the manner provided in sections 17 and 18 of an act entitled "An act to authorize the formation of corporations for the running, booming and rafting of logs," approved February 4, 1864.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873-l;—CL 1897, 6761;—CL 1915, 8861;—CL 1929, 11796;—CL 1948, 485.212.

Compiler's note: Sections 17 and 18 of Act 16 of 1864, referred to in this section, were repealed by Act 84 of 1921.

485.213 Consolidation; procedure; powers of new corporation; articles or certified copy as evidence.

Sec. 13. Any corporation formed under this act and any corporation of an adjoining state created for any similar or kindred purpose upon the same river may consolidate their stock, property and franchises in the manner and upon the terms agreed upon by the respective corporations, and such consolidated corporations shall possess and have authority to exercise all the rights, privileges and franchises granted by this act: Provided, That no such consolidation shall be made without the assent of the holders of 3/4 of the capital stock of the consolidating companies: And provided further, That in case of any consolidation of corporations under this act, such consolidated corporations shall have power to assume a name, fix their capital stock, which shall in no case exceed the joint capital of the corporations so consolidated, to fix the number of its directors, which shall be not less than 3 nor more than 9, to adopt a common seal and to fix its term of existence, which shall not exceed 30 years from the date of such consolidation, and such articles of consolidation, when duly executed and filed in the office of the secretary of state, or a certified copy thereof, shall be prima facie evidence in all courts of the existence of such consolidated company.

History: 1887, Act 91, Imd. Eff. Apr. 26, 1887;—How. 3873m;—CL 1897, 6762;—CL 1915, 8862;—CL 1929, 11797;—CL 1948, 485.213.

485.214 Delivery duties; liability for damages.

Sec. 14. It shall be the duty of said corporation to provide for the delivery of and to deliver to the respective owners and parties entitled to receive the same the logs and timber driven, boomed, or sorted by such corporation, with prompt and impartial diligence, and no owners and parties ready to receive their logs and timber shall be delayed in the sorting and delivery thereof because other owners or parties are not ready to receive the delivery of their logs and timber. And such corporation shall be liable to any owners of logs and timber and to any parties entitled to receive from such corporation any logs and timber, for all damages which they may suffer by reason of the failure of such corporation to comply with the provisions of this section.

History: Add. 1889, Act 42, Eff. Oct. 2, 1889;—How. 3873n;—CL 1897, 6763;—CL 1915, 8863;—CL 1929, 11798;—CL 1948, 485.214.

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