

CHAPTER 305

BOOM COMPANIES

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305.01 CORPORATIONS FOR DRIVING LOGS. Corporations formed for the purpose of driving logs may improve any stream or its tributaries, upon which no other person or corporation has constructed any dam or other improvement, by the construction of sluiceways, booms, dams, and other works for the driving, holding, and handling of logs therein, but shall not place any obstruction to navigation in such stream below the head of steamboat navigation.

[R. L. s. 2933] (7550)

305.02 POWERS AND PRIVILEGES. Every such corporation which shall so improve a stream, keep it in repair, and operate its works so as to render the driving of logs therein reasonably practicable, may collect reasonable and uniform tolls upon all logs, lumber, and timber driven, sluiced, or floated on the same, and may take possession of all logs put into such streams or upon rollways so as to obstruct such stream or impede the driving and delay others in driving logs and lumber placed therein, and drive them down and out of the stream, and collect from the owner or party controlling the same reasonable compensation therefor; and shall also, at the request of the owner, take charge of any logs or lumber put into the stream, and drive the same down and out of such stream, or as far as their improvements extend, and charge and collect reasonable compensation therefor. If any stream so improved is, in whole or in part, the boundary between this and an adjoining state, such corporation, with the consent of two-thirds of its stock, may purchase and hold stock in any corporation in such adjoining state created for similar purposes upon the same stream, or consolidate or otherwise unite with it whenever its purposes can be better effected thereby. All dams and other works constructed under the provisions of this section and section 305.01 shall be so built and operated as to expedite the driving and handling of logs and lumber, and the corporation making such improvements shall not stop logs or lumber destined for points below its works on such stream, except where dams have been constructed to accumulate water for sluicing logs and flushing the stream below the same; in which case it shall not detain logs in any part of the stream so as to form a jam or prevent the prompt delivery of logs destined for points below the works constructed by such corporation.

[R. L. s. 2934] (7551)

305.03 CORPORATIONS FOR DRIVING LOGS; POWERS AND DUTIES; TOLLS; LIENS. Any corporation formed, in whole or in part, for the improvement of any stream and driving or handling logs therein, which shall have taken prior possession of such stream, or any considerable portion thereof, upon which portion no other corporation organized for the purpose above mentioned has taken possession or has made improvements in aid of driving logs or of driving or handling logs therein, shall have power to improve such stream and tributaries by clearing and straightening the channels thereof, closing sloughs, erecting sluiceways, booms of all kinds, side-rolling sluicing and flooding dams, or otherwise, as may be necessary; and may acquire any and all dams, booms, structures, and works already erected by any person, and also all necessary rights of way, shore rights, land, and lands under water, by purchase or by any of the methods provided in this chapter; but such corporation shall in no case in any manner materially obstruct or impede steamboat navigation, or driving or handling logs. It shall be the duty of every such corporation to serve the public equally and reasonably, and for a reasonable compensation. Every such corporation, which shall so improve a stream and so keep in repair and operate its works as to render driving logs thereon reasonably practicable and certain, may charge and collect reasonable and uniform

tolls upon all logs, lumber, and timber driven, sluiced, or floated on the same, and may take possession of all logs put into such 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 the rollways and driving such logs in season for making a thorough 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 such stream, take charge of the same and drive the same down and out of such stream, or down such stream so far as their improvements may extend, and charge and collect therefor from the owner or party controlling the logs and timber reasonable charges and expenses for such services. Such corporation shall, for all such tolls, costs, and expenses, have a lien on the logs for which the same was incurred, and may seize, in whosoever possession found, and hold a sufficient amount thereof to pay the same, and make sale thereof upon giving ten days' notice in the manner provided for notifying sales on execution upon the judgment of justice of the peace, or may enforce such liens as other liens are enforced by proper proceedings for that purpose, or may ask, demand, sue for, collect, and receive from the owner or owners of such logs the amount due for any such tolls. No injunctive order shall be granted to prevent the use or enjoyment of any such improvement or abate any such dam necessary thereto, unless such corporation shall fail for 60 days after judgment, from which no appeal has been taken, to pay any damages recovered for any injury done by or in consequence of its works. Any corporation formed for the improvement of a stream, which is in whole or in part a boundary between this and an adjoining state or country and authorized to drive logs or maintain booms or dams in such stream, shall have authority to purchase and hold stock in any corporation in such adjoining state or country created for similar purposes upon the same stream, or to consolidate or otherwise unite with such corporation in such adjoining state or country, whenever the purposes for which the corporation in this state is organized can be better effected thereby. No such purchase or consolidation or other union shall be made without the consent of holders of two-thirds of the capital stock of such first-named company. All dams and other works erected under the authority given by this section shall be so constructed, used, and operated as to facilitate and expedite the driving and handling of logs and lumber upon the stream upon which the same may be erected, and the corporation making such improvements hereunder shall have no right to stop logs destined for points below its works on such stream except where dams have been constructed to accumulate water for sluicing logs and flushing the river below the same, and in such case shall not detain logs in any part of the river so as to form a jam or prevent the prompt delivery of logs destined for points below the works constructed under authority of this section.

[1889 c. 221 s. 2; 1905 c. 89 s. 1] (7552)

305.04 CHARGES FOR BOOMAGE BY CERTAIN COMPANIES. Any corporation engaged in the business of collecting, booming, assorting, and delivering to their respective owners, logs or timber floating in any waters forming the boundary between this and any other state, at the place where such business is carried on and which logs or timber have been cut in such adjoining state, as well as in this state, may charge and collect from the owner or owners of such logs or timber \$1.00 per thousand feet board measure for all logs and timber so collected, boomed, assorted, and made ready for delivery.

[1911 c. 191 s. 1] (7554)

305.05 SCALE; FEES. The number of feet board measure of logs and timber so collected, assorted, and made ready for delivery to their respective owners by any such corporation shall be determined by a scale thereof to be made by the surveyor general of the lumber district in which the logs and other timber are so made ready for delivery, and before the same are delivered to the owner. The surveyor general shall be entitled to receive for his fees for making such scale three cents per thousand feet for all logs so scaled, which fees shall be paid by the corporation so engaged in booming and assorting such logs, monthly, on delivery of a scale bill showing the number and amount of each mark of logs scaled by such surveyor general during the preceding month.

[1911 c. 191 s. 2] (7555)

305.06 LIEN; SALE. The amount of boomage fixed by this chapter shall be deemed to be due whenever the logs or timber are made ready for delivery to

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the owners thereof, and any such corporation shall have a complete and perfect lien upon, and property in, all logs or timber in its possession so far as to enable it to take, scale and retain a sufficient number to pay the boomage and charges due on the same, and also boomage and charges due such corporation on logs or timber of the same mark, or different marks, belonging to the same original owner which may have been previously delivered, and may sell the same at public vendue at the place where the logs may be, to the highest bidder for cash, by first giving notice of the time and place of sale, with a description of the mark, or marks, and the quantity of logs or timber retained or to be sold, in some newspaper published in the county in which the principal office of such corporation may be located, and also by posting a written or printed copy of such notice at the office of the surveyor general of logs and lumber in the lumber district in which such corporation is engaged in business, each of which publications and posting of such copy shall be made at least 20 days before the time specified for such sale. At any such sale the corporation may fairly and in good faith purchase the whole or any part of such logs or timber, and shall, after deducting and retaining all boomage and charges which may be due as aforesaid, and the expenses of the sale, pay the overplus, if any, to the party or parties lawfully entitled thereto.

[1911 c. 191 s. 3] (7556)