

SEC. 25. All laws and parts of laws in conflict with this act are hereby repealed. ^{Repeal.}

SEC. 26. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. ^{Constitutionality.}

SEC. 27. That all provisions of this act and all penalties and forfeitures provided herein applicable to railroad companies shall likewise be applicable to express companies. ^{Applicable to express companies.}

Passed the House February 25, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 7, 1905.

CHAPTER 82.

(H. B. No. 203)

RELATING TO THE INCORPORATION, MANAGEMENT AND POWERS OF COMPANIES FOR OPERATING TOLL LOGGING ROADS, ETC.

AN ACT relating to the incorporation, management and powers of companies having for their object the building of toll logging roads, chutes, water ways and other ways for the transportation of logs and other timber products, and conferring upon such companies the power of eminent domain, and declaring an emergency.

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

SECTION 1. Any two or more persons may incorporate a company, having for its principal object the construction, maintenance and operation of logging roads, chutes, flumes and artificial water courses, or water ways and other ways, for the transportation of logs and other timber products. Such corporation shall have power to acquire, hold, use and transfer all such real and personal property as shall be reasonably necessary for carrying on the business of such corporation. ^{Incorporation and powers of.}

SEC. 2. Such corporation shall have power to build, construct, maintain and operate logging roads, whether skid roads, railroads or any other kind, also chutes, flumes and artificial water courses, water ways and other ways, for the ^{Further powers.}

transportation of logs or any other timber products, together with all necessary yarding grounds, rollways and landings.

Transportation charges.

SEC. 3. After any such logging road, way, chute, flume or artificial water course or other improvements shall have been constructed, such company shall transport all timber products offered to it for carriage as its means of transportation are adapted to carry, and such company shall have the right to charge reasonable tolls for the use thereof, which tolls shall be uniform, having due regard to the portion or length of any such logging road, way, chute, flume, or artificial water course or other improvements used by any person. Such company shall have a lien for the amount of its reasonable tolls and charges upon any and all logs or other timber products transported by it over its logging road, way, chute, flume or artificial water course. Notice of such lien shall be filed, and the same shall be enforced, in the same manner as is now or may hereafter be provided for the filing and enforcement of liens on logs by boom companies.

Notice of lien.

“Quasi public” companies—condemnations by eminent domain, etc.

SEC. 4. Such companies shall be deemed *quasi* public companies and common carriers, and any such company shall have the right of eminent domain and shall have the right to appropriate and condemn lands and property for its use. Such right of condemnation and of eminent domain shall be exercised in the same manner as is now, or may hereafter be, provided by law for the condemnation of property by ordinary railroad corporations exercising the right of eminent domain: *Provided*, That the right of eminent domain shall not be exercised by any such corporation with respect to any residence. *And provided further*, That any property acquired by such corporation under the provisions of this act by the exercise of the right of eminent domain shall be used exclusively for the purposes of this act; and whenever the use of such property as herein contemplated shall cease for the period of one year, the property shall revert to the original owner, his heirs or assigns. Nothing in this act shall be construed to authorize the taking or damaging of any power plant constructed or being constructed for the creation or utilization of water power.

Emergency.

SEC. 5. An emergency exists and this act shall take effect immediately.

Passed the House February 14, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.