

Violation and  
penalty.

that can be agreed upon by both seller and purchaser of the district in which such logs are boomed or rafted for towage as aforesaid, unless the parties interested agree to the towing of said logs. All persons violating this or the preceding section by removing the said logs before they are scaled and measured as herein provided for, or by aiding in the removal of the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, for each offense, be fined in any sum not less than five hundred dollars nor more than two thousand dollars, and they shall stand committed until such fine and the costs of prosecution are paid: *Provided*, [That] the provisions of this and the preceding section shall not apply to logs sold or exported for manufacture outside of the State of Washington.

Passed the house March 2, 1895.

Passed the senate March 9, 1895.

Approved March 18, 1895.

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## CHAPTER LXXII.

[H. B. No. 206.]

### RELATING TO BOOM COMPANIES.

AN ACT to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, fixing maximum tolls therefor.

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

Corporations,  
objects of.

SECTION 1. Any corporation having for its object, in whole or in part, the clearing out and improvement of rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, may be organized under the laws of this state, and in accordance with the provisions of the codes and statutes of Washington, as set down and num-

bered in volume 1 of Hill's Annotated Statutes and Codes of Washington, sections 1497 to 1520, inclusive, and such corporations shall have all powers and be subject to all the liabilities and duties therein mentioned.

SEC. 2. Such corporation shall have power to acquire, hold, use and transfer all such real and personal property or estate, by lease or purchase, as shall be necessary for carrying on the business of said corporation. If such corporation shall not be able to agree with persons owning land, shore rights or other property sought to be appropriated, as to the amount of compensation to be paid therefor, the compensation therefor may be assessed and determined and the appropriation thereof be made in the manner provided by law for the appropriation of private property in chapter 6 of title 9, volume 2, Hill's Annotated Statutes and Codes of Washington: *Provided*, That any property acquired under the provisions of this act for the purposes herein mentioned by the exercise of the right of eminent domain shall be used exclusively for the purposes aforesaid; and whenever the use of said property acquired by the right of eminent domain, as herein contemplated, shall cease for a period of one year, the same shall revert to the original owner, his heirs or assigns.

Authority and powers of.

Eminent domain, reversion of.

SEC. 3. Any corporation organized for the purposes mentioned in section one of this act shall, within ninety days after its articles of incorporation have been filed, proceed to file in the office of the secretary of state a plat or survey of so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purposes by said corporation. Such plat shall be made from the records of the United States in the office of the surveyor general of this state, or by a competent surveyor, after actual survey, from the notes thereof.

Plats, when filed.

SEC. 4. Such corporation shall have power and is hereby authorized, in any of the rivers and streams of this state, or the dividing waters thereof, to remove jams, roots, snags and rocks, improve and straighten the channel, build wing dams and sheer booms, construct dams with gates or

Duty of companies or corporations.

otherwise for the purpose of storing water with which to produce artificial freshets, and in all ways to improve such streams and rivers for the purposes herein mentioned and contemplated: *Provided*, Nothing shall be constructed that shall in any way interfere with the navigation of such river or stream or the use of its waters for any purpose: *Provided further*, That any such wing dams, sheer booms, dams with gates or otherwise shall not be so constructed or used as to in any manner injure or damage any lands adjacent to such stream by overflowing same or causing logs or other timber to accumulate on any land adjacent to such stream so dammed or used: *Provided, however*, That whenever the owners of more than one-half the land lying along side, or abutting on, any stream affected by the tide, proposed to be improved according to this act, shall file with the board of county commissioners, of the county in which said river is situated, a remonstrance against any improvements of so much of the stream as is affected by the tide, it shall then be unlawful for any corporation to take the land or any slough within the territory owned by any of such remonstrances: *Provided*, That such remonstrance shall be filed with said board within fifteen days from the filing of said plat.

Navigation  
not to be  
obstructed.

Remonstrance,  
where filed.

Rights of  
owners of  
timber.

Tolls.

SEC. 5. After such corporation shall have entered upon its duties, which shall be within three months of the time of its filing of its maps of location, such corporation shall, upon request of owners, and in case of logs and other timber products lying in such position as to obstruct or impede the drive, without such request, sluice, sack and drive all logs and timber products of suitable length that may be placed in the beds of the river improved as aforesaid or that may be delivered into its ponds, and shall handle all such logs and other timber products of all persons upon the same terms, without discrimination as to time of sluicing, sacking and driving such logs or other timber products; to charge and collect reasonable and uniform tolls for such services on all logs or other timber products so handled; such tolls shall not exceed sixty cents per thousand feet, board measure, on logs, spars or other large timber, and reasonable compensation on all other prod-

ucts, as may be determined by the directors of said corporation; the amount of such logs and other products is to be determined by the usual method of scaling, and such corporation shall have a lien upon all logs and other timber products handled for sluicing, sacking and driving thereof, to be enforced in any manner now or hereafter provided by law for the enforcement of lien for labor on logs. Liens.

SEC. 6. Any corporation acting under and in accordance with the provisions of this act shall be liable to the owner or owners of logs or other timber products for all loss or damage resulting from neglect, carelessness or unnecessary delay on the part of such corporation or its agents. Damages.

SEC. 7. Should any corporation neglect, for the period of eight months after improving any stream or river, to operate its dams, or to otherwise perform its duties as herein provided, then all rights herein conferred to such corporations upon such streams or rivers, or portions thereof, shall cease. Rights to  
cease, when.

SEC. 8. Duly organized boom companies at present operating upon any of the streams or rivers of this state may file amended articles of incorporation to embrace the provisions of this act, and, for the purpose of time limitations mentioned in this act, the time of filing such amended articles of incorporations shall be deemed to be the time of organization thereof, but failure to comply with the provisions of this act shall work forfeiture of the rights of such corporations only so far as the same are subjoined under the provisions of this paragraph. Boom com-  
panies,  
rights of.

SEC. 9. An emergency is declared to exist, and this act shall be in force from and after its passage and approval by the governor.

Passed the house February 14, 1895.

Passed the senate March 7, 1895.

Approved March 18, 1895.