

Ascertained
and assessed

mentioned in said act; and the said damages, as well as all damages for the lands, easements and rights which it may require for such boom or booms, piers, dams and appurtenant works, shall be ascertained and assessed by a jury of condemnation, which shall be summoned, and proceed in the same manner, and in like cases, provided in section two of said act; but the said jury, to ascertain and assess damages which may be done to private property not required by said corporation for such boom or booms, piers, dams and appurtenant works, may be summoned at the instance of the owner of the property alleged to be damaged, as well as at the instance of said corporation.

Use reasonable
diligence.

Lien upon

SEC. 9. *And be it enacted*, That it shall be the duty of said corporation to use reasonable diligence to catch all logs, timber and lumber of every description that may be floated or rafted to said boom or booms, and to hold the same in said boom or booms for the owner or owners thereof; and it may contract with the owner or owners thereof for the use of said improvements, and establish such rates of charges for boomage and other services as may be reasonable and proper, and recover the same; and shall also have a lien upon all logs, timber and lumber of every kind secured in said boom or booms, until the boomage thereof is paid; and in case the owner or owners of any timber, logs, or lumber of any kind, shall neglect or fail to pay said boomage for the space of thirty days after the same are secured in said boom or booms, it shall be lawful for said corporation to sell the same at public auction after ten days' public notice, and out of the proceeds of sale pay all cost and expense attending said sale, and the boomage due on said logs, timber and lumber of every kind, and the balance pay over to the owner or owners thereof upon demand for the same.

In force.

Proviso

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage; provided, however, that the powers conferred by the original act, to which this act is an amendment, in relation to booms and boomage, shall not be exercised except upon the North Branch of the Savage River.

Approved April 11th, 1874.