

CHAPTER 91

LOGS AND LUMBER

91.24 WILFULLY INJURING BOOMS.

The right of the public to the use of the streams for driving logs is not paramount and unqualified, but subject to the incidental delays and hindrances occasioned by dams, if the means of passage through or around them is reasonably sufficient for the purpose. *Crookston Waterworks v Sprague*, 91 M 461, 98 NW 347, 99 NW 420.

Defendant had the right to accumulate and detain water by flooding dams for such time and in such quantities as was reasonably necessary to enable it to drive with efficiency and dispatch the logs which were to be floated by it upon that part of the stream over which it operated, and this notwithstanding that such detention of the water so lessened the supply in the stream that plaintiff meanwhile was unable to run his mill. *Johnson v Wild Rice Boom Co.*, 127 M 490, 150 NW 218.