

No. 201.

AN ACT

For the erection of a boom in the Susquehanna river, at or near the borough of Lock Haven, Clinton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Crawford, Thomas Bridgens, Joseph Hanna, D. K. Jackman, Allison White, George W. Kinzer and H. L. Diffenback, and their associates and successors, be and are hereby constituted a body politic and corporate, by the name and style of "The West Branch boom Style company," and by that name may sue and be sued, plead and be impleaded in all the courts of record of Clinton county, or elsewhere, have a common seal, to be altered by them at pleasure, make by-laws, not repugnant to the laws of this state, or of the United States, for the management of their corporate concerns, and have and enjoy all the rights and powers of a corporation.

SECTION 2. That the said corporation are authorized and empowered to erect and maintain on the south side of the West Branch of the river Susquehanna, between a point opposite the mouth of Heiner's run, and the mouth of Bald Eagle creek, such boom or booms, with piers as may be necessary for the purpose of stopping and securing logs, mast or spars, and other lumber floating upon said river, and erect such piers, side branches or shear booms as may be necessary for that purpose: *Provided,* That said booms shall not extend more than half way across said river, and be so constructed as to admit the safe passage of rafts, boats, logs, masts, spars, or other lumber, and not impede the navigation of said river and branches thereof: *And provided also,* That all persons shall have the same privilege of landing rafts of logs, masts, spars, boards or other lumber, and fastening the same, as they have heretofore enjoyed, and the said corporation shall construct, and at all times keep and maintain their piers and booms, sufficiently strong to secure all the lumber contained therein.

SECTION 3. That if any person or persons shall suffer damage by the exercise of powers herein granted to said corporation, and the amount thereof cannot be agreed upon by the parties, nor some suitable person or persons agreed upon to estimate the same, the court of common pleas having jurisdiction in the county where the boom or booms are situated, shall upon application of the party aggrieved, cause said damages to be ascertained by three disinterested freeholders of the same county, to be appointed by the said court, and who shall make report to the said court, on or before the first day of the term next after the award shall have been made, and which being confirmed by the court, shall have the effect of a judgment from the time of such confirmation: *Provided however,* That if either party be dissatisfied with the award of said commissioners, and shall at the time at which the said award is presented for confirmation, apply to said court for a trial by jury in the manner as other like cases are determined, the court shall by jury determine the amount of such damage accordingly; and if the verdict shall not be more favorable to the party applying for the jury, than the

Authorized to erect and maintain a boom or booms on the West Branch.

Proviso.

Proviso.

Damages, how ascertained and adjusted.

Proviso.

award given by the commissioners, judgment for costs shall be rendered against the applicants; and if the verdict be more favorable to the party applying for a jury, than was awarded by the commissioners, the applicants shall receive costs, and execution shall in either case issue upon the judgment; said corporation shall not take any private property until compensation be made, or adequate security be given therefor before such property shall be taken.

Penalty and punishment for injuries.

SECTION 4. That if any person or persons shall wilfully or maliciously injure or destroy any of such booms or piers, or other works connected therewith, he or they shall pay the amount of the damages to the corporation, to be recovered by action of trespass, and further be liable to indictment and prosecution, before the court of quarter sessions for a misdemeanor, and on conviction, shall be sentenced to pay a fine for the use of the county, not exceeding five hundred dollars, and to suffer imprisonment in the county jail not exceeding two years.

Duties of the corporation.

SECTION 5. That it shall be the duty of the corporation to cause the passage ways, or open spaces in said booms, to be carefully guarded day and night, so that no lumber be permitted to escape, to raft all lumber in said booms, securely and faithfully with suitable warps and wedges, for rafting and securing the same below said boom ten days, if the number of logs belonging to any one man or company of men does not exceed one hundred, if the number be over one hundred, and does not exceed three hundred, five days, and if the owner at the expiration of the time aforesaid, has not removed the same, the corporation may remove them to some safe and convenient place, and the owners thereof shall pay such expense as may arise in the removal and securing of the same; and should any person or persons suffer any loss in consequence of the neglect or carelessness of the corporation, then the said corporation shall be accountable for such loss; the owner of the lumber shall drive it as near the main body of logs, or as near the place where they are to be rafted as may be.

Tolls.

SECTION 6. That said corporation shall have the right to charge and collect toll or boomage upon the lumber thus boomed, rafted and secured, including warps and wedges, by which they are rafted, to wit: thirty-five cents per thousand feet board measure, for board logs, and a reasonable sum for finding warp, rafting and booming all square timber, spars, clapboard, bolts, and other lumber in proportion to other board logs, and said tolls shall at all times be subject to the further regulations of the legislature; the corporation shall have a lien upon all logs or other lumber thus boomed, for the payment of all boomage and other expenses, until such times as the same shall be paid to the corporation: *Provided*, That in any case where spars, square or round timber, may have been rafted to run to market, and such raft may have been staved or broken to pieces in any other way, and said logs should go into said boom by accident, or be taken in by the agents of said corporation, the said company shall deliver the same to the owner, on the production by him of reasonable evidence of his right thereto; for which they shall be entitled to twelve and a half cents for every spar and log of square timber, and six cents for every log of round timber, to be paid by the person claiming the same.

Proviso.

Persons having lumber upon the said river and desirous of driving below the limits of the booms, shall give notice, &c.

SECTION 7. That should any person or persons have lumber upon said river, which they are desirous of driving below the limits of said booms, and do not wish the same to be rafted at said booms, they shall give notice in writing to said corporation of their intentions, on or before the first day of March, in each year, describing the kind of lumber and its quantity as near as may be, together with the marks thereon, and the corporation upon the receipt of such notice, shall be

compelled to take up and turn all such lumber through their booms as fast as the owners of such lumber, wishing to raft the same below said booms, may desire, and no faster, and be entitled to receive as a toll or boomage, five cents for each and every board log boomed through said booms, and a reasonable compensation for all other kinds of lumber, in proportion to board logs, and to be paid on the delivery of said logs through said booms as aforesaid; the corporation to retain a lien on all such lumber, until the toll or boomage shall have been paid: *Pro-Provido*. At all times that no lumber of any description shall be stopped, except upon the written request of the owner or owners of the same, and no toll or expense shall accrue to any lumber designed to run, or to be driven to any point below Lock Haven: a free and unobstructed passage shall at all times be kept open, so that the navigation of the river shall be as free as it now is.

SECTION 8. That if any logs shall be boomed, rafted and secured as aforesaid, and no person should appear to claim the same, and pay the tolls thereon, it shall be lawful for the corporation, after advertising the same sixty days in the towns of Williamsport, Lock Haven and Clearfield, with the marks thereon, if any there be, to dispose of the same to the best advantage, if no owner appear to claim the same; and the owners at any time within two years from said sale, shall be entitled to receive the avails thereof, after deducting the tolls, expenses and necessary charges, but if not claimed within said two years, the proceeds shall be vested in the corporation for their own use.

Corporation to advertise unclaimed logs, &c.

SECTION 9. That for the purposes aforesaid, the said corporation be and are hereby authorized and empowered to purchase, hold and possess any real estate adjacent to said boom or booms, or convenient thereto, with leave to build all such buildings as may be deemed necessary for the convenient management of the affairs of said corporation, and for the same purposes, their agent, and those in their employ are hereby empowered to use and occupy the lands on the shore of said river, so far as may be necessary at the places where said booms are erected, and at such other place or places as may be necessary for rafting and securing logs, and other lumber, and to pass and re-pass on foot to and from said boom or booms, over the lands on both sides of said river, for the purpose of making repairs from time to time, and generally for doing all matters and things necessary for the full accomplishment of the object of this corporation; subject, however, to pay such damages as may arise in the prosecution of such objects or purposes, the damages to be ascertained as in the third section of this act.

May purchase, hold and possess real estate.

SECTION 10. That all logs rafted out of said booms, or any of the branches thereof, shall be counted or measured, and their quantity ascertained by some competent person or persons, to be appointed by the court of common pleas of Clinton county, whose duty it shall be to keep an account of all such lumber as may be turned through said boom or booms, agreeably to the seventh section of this act.

Logs to be counted or measured by persons appointed by the court of common pleas of Clinton county.

SECTION 11. The legislature reserves the right to alter or repeal this charter at any time; in such manner, however, that no injustice be done the corporators.

Reservation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.