

Proviso.

who shall meet and determine upon such sale, encumbrance or disposition, as shall have been proposed: *And provided further*, That the said by-laws and ordinances, and all the acts of said corporation, framed, enacted and promulgated by the same, shall be in conformity to the rules and principles of the Presbyterian church in the United States of America, and not inconsistent with the constitution and laws of the United States, or of this state.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The ninth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 160.

A N A C T

To incorporate the "Susquehanna boom company."

Corporators.

Name.

Privileges.

Powers and authorities.

Proviso.

Proviso.

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 John Leighton, his associates and successors, be and hereby are constituted a body politic and corporate, by the name and style of the "Susquehanna boom company," and by that name may sue and be sued, plead and be impleaded, in all courts of record 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 west branch of the river Susquehanna, between the borough of Williamsport and the mouth of Quineshehocque creek, such boom or booms with piers, as may be necessary for the purpose of stopping and securing logs, masts, spars and other lumber, floating upon said river, and erect such piers, side branch or shear booms, as may be necessary for that purpose: *Provided*, That said booms be so constructed as to admit the safe passage of rafts and boats, and not impede the navigation of said river and the 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; but no person shall be allowed at any time to encumber said booms with rafts, either of logs or other lumber.

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 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 term when 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 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.

Damages how as-
certained.

Provided.

Court may grant
a trial.

Costs.

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 treble the amount of the damage 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.

Damages for in-
jury to works.

Fine and im-
prisonment.

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 booms 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.

Duty of corpora-
tion.

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: fifty 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 on all logs or other lumber, thus boomed, for the payment of all boomage and other expenses, until such

Tolls on boom-
age.

Lien on lumber.

Proviso. times as the same shall be paid to the corporation: *Provided*, That in any cases where spars, square or round timber may have been rafted to run to market, and such rafts may be 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.

Persons to give notice to corporations in certain cases.

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 last 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 shall upon the receipt of such notice, turn all such lumber through their booms, as fast as the owners of said lumber, wishing to raft the same below said boom, may desire; and be entitled to receive as a toll or boomage eight cents for each and every board log turned through said booms, and a reasonable compensation for all other kinds of lumber in proportion to board logs, and to be paid on 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.

Toll.

Proceedings in case the owners of lumber do not appear and claim.

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 and Lock Haven, 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 owner 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 may hold real estate.

SECTION 9. That for the purposes aforesaid, the said corporation be and hereby are 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 place or 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 incorporation, subject however to pay such damages as may arise in the prosecution of such objects or purposes, the damage to be ascertained as in the third section of this act.

Occupy the lands on the shores, &c.

Lumber to be measured.

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 Lycoming county, whose duty it shall be to

keep an account of all such lumber as may be turned through said boom or booms, agreeable to the seventh section of this act.

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

FINDLEY PATTERSON,
Speaker of the House of Representatives.
DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 161.

AN ACT

To incorporate the Washington fire company of the borough of Frankford, in the county of Philadelphia.

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* Incorporate. all and every the persons that shall, at the time of passing this act, be members of the association called the Frankford fire company number one, in the county of Philadelphia, shall be and they are hereby erected and declared to be one body politic and corporate, by the name, style and title of the “Washington fire company of the borough of Name. Frankford, in the county of Philadelphia;” and by the same name shall have perpetual succession, and shall be able to sue and be sued, im- Privileges. plead and be impleaded, in all courts of record or elsewhere; and also, the said corporation and their successors at all times hereafter, be able to purchase, receive, have, hold and enjoy, to them and their successors, all, and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattles of whatsoever nature, kind or quality soever, real, personal or mixed, or choses in action, and the same, from time to time sell, alien, grant, demise and dispose of: *Provided,* That the clear yearly value or income of the said cor- Proviso. poration shall not exceed two thousand dollars; and also to make and have a common seal, and the same to break and renew at pleasure; and Seal. also to ordain, establish and put in execution such by-laws, ordinances By-laws. and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs thereof.

SECTION 2. That nothing contained in this act shall in anywise affect, alter or diminish the rights and interests that the said Frankford fire