

No. 350.

AN ACT

Authorizing the recording of certain powers of attorney executed by Joseph Harrison, junior, and his wife, and to incorporate the Loyalsock boom company.

Preamble.

WHEREAS, Joseph Harrison, junior, a citizen of the state of Pennsylvania, now residing temporarily in Russia, executed a certain power of attorney, bearing date the seventh day of November, old style, one thousand eight hundred and forty-six, whereby he did appoint Stephen Poulterer, of the city of Philadelphia, his true and lawful attorney, for him and in his name, among other things, to enter satisfaction of record of any mortgages that should be held by him, the said Joseph Harrison, junior; and with Sarah, his wife, executed a certain other power of attorney, bearing the same date, whereby they did constitute and appoint the said Stephen Poulterer, their true and lawful attorney for them and each of them, and in their names to bargain, sell, assign, release and extinguish all and every such ground rents in the state of Pennsylvania, as did or should belong to said Joseph Harrison, junior, and to convey all their right, title, interest therein and thereto, and to make and execute the necessary deeds and assurances therefor:

And whereas, Each of the said powers of attorney were acknowledged by the said Joseph Harrison, junior, and the said second power of attorney, by his said wife, before Abraham Van Sassan, the acting consul for the port of St. Petersburg, in Russia, for A. P. Gibson, the consul of said port, as is certified under the common seal of the said consul:

And whereas, By reason of the absence of said A. P. Gibson, from St. Petersburg, the said powers cannot be duly acknowledged, and by reason of the want of authority in the said Abraham Van Sassan, to take the said acknowledgments, the said powers of attorney cannot operate according to the intention of the parties: therefore,

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 the said powers of attorney from the said Joseph Harrison, junior, and from Joseph Harrison, junior, and Sarah, his wife, to said Stephen Poulterer, dated the seventh day of November, old style, one thousand eight hundred and forty-six, and authenticated and acknowledged as aforesaid, may be admitted to record in the office for recording deeds, et cetera, for the city and county of Philadelphia; and when so recorded, shall be equally operative and efficacious for all the purposes of the said powers, as if the same and each of them had been duly acknowledged by the said Joseph Harrison, junior, and Sarah, his wife, before A. P. Gibson, the said consul of the United States, for the port of St. Petersburg, and were in all respects in conformity with the laws of this state.

Powers of attorney may be admitted to record.

Incorporators.
Style.

SECTION 2. That Isaac Smith and William Woodman, and their associates and successors, be and are hereby constituted a body politic and corporate, by the name and style of "The Loyalsock 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 Privileges. 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 3. That the said corporation are authorized and empowered Power to erect to erect and maintain, on the West Branch of the river Susquehanna, and maintain between a point opposite the western line of the borough of Williams-booms, &c. port and the Muncy dam, such boom or booms with piers, as may be necessary for the purpose of stopping and securing logs, masts, or 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 *Proviso.* of rafts and boats, and not impede the navigation of said river and branches thereof : *And provided also*, That all persons shall have the *Proviso.* 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 incumber said booms with rafts either of logs, or other lumber.

SECTION 4. That if any person or persons shall suffer damage. by Damages, how to the exercise of powers herein granted to said corporation, and the amount be ascertained thereof cannot be agreed upon by the parties, nor some suitable person and paid. 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 *Proviso.* of said commissioners, and shall at the term 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 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.

SECTION 5. That if any person or persons shall wilfully or maliciously Penalty for injure or destroy any of such booms or piers, or other works connected ing works. therewith, he or they shall pay treble 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.

SECTION 6. That it shall be the duty of the corporation to cause the Duties of corpo- passage ways or open spaces in said booms to be carefully guarded day ration. 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 7. 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 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.

Regulation for
driving lumber
below said booms.

SECTION 8. 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 booms may desire, and be entitled to receive as a toll or boomage, eight 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.

Logs boomed or
rafted may be
sold.

SECTION 9. 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 Muncy, 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.

May hold real
estate.

SECTION 10. 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 not to pass and repass 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.

SECTION 11. That all logs rafted out of said booms, or any of the branches thereof, shall be counted or measured, and their quantity ascer- Measurement of logs.
tained 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, agreeably to the seventh section of this act.

SECTION 12. 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.

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

WM. F. JOHNSTON,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 351.

AN ACT

Incorporating the First Universalist society, in the borough of Conneautville, in the county of Crawford, to declare certain creeks, in Crawford and Jefferson counties, public highways, to authorize the overseers of the poor, in Sadsbury township, Crawford county, to sell certain real estate, to legitimate Nancy Adeline Dorrell, of Crawford county, relative to the change of venue of certain suits, and to authorize the courts of quarter sessions of Washington and Fayette counties, to hold special courts.

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 a corporation is hereby created by the name, style and title of "The First Universalist society of the borough of Conneautville;" and by the same name shall have perpetual succession, and be able to sue and Privileges.*