

No. 366.

AN ACT

To authorize Henry Garrett and Richard G. Stotesbury, to construct a Trunk to float Lumber in Potter and Clinton Counties.

Wooden trunks
authorized to be
constructed.

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* Henry Garret and Richard G. Stotesbury, be and they are hereby authorized and empowered to construct a wooden trunk or trunks, from the head-waters of Young Woman's creek and its branches, in the county of Potter; thence along the valley of said creek or its branches, in the counties of Potter and Clinton, to the north bank or shore of the West Branch of the Susquehanna river, at or near the mouth of said creek on said river, not exceeding one mile from the mouth of said creek, the said trunk not to exceed three feet in width, except in curvature, where it shall not exceed ten feet, and to contain no more than six inches of water in depth.

May take and use
water.

SECTION 2. That the parties above named, their heirs or assigns, shall have the right to take from said Young Woman's creek, or its branches, any quantity of water necessary to supply said trunk with water sufficient to float and transport boards or other lumber therein, down the said trunk to the said West Branch of the Susquehanna river: *Provided*, That the taking of said water shall in no wise affect or injure the navigation of said stream or its branches, or any water power erected thereon.

Proviso.

May enter upon
lands.

SECTION 3. That it shall be lawful for the said parties, their heirs and assigns, their agents or servants to enter in and upon, and take such lands in and along the said Young Woman's creek, and its branches, or in the body of the said creek or its branches, and also to take such gravel, stone, earth and timber as may be necessary to lay down and construct said trunk or trunks, and for running and transporting boards and lumber as aforesaid: *Provided*, That before said parties, their heirs or assigns, shall enter upon and take such lands and materials as aforesaid, they shall make ample compensation to the owner or owners thereof, or give adequate security therefor.

Proviso.

Damages.

SECTION 4. That if the said parties and the owners of any such lands or materials, cannot agree upon the compensation to be made, the court of common pleas of the county in which the land lies, on the application of either party, shall appoint three disinterested persons to value and assess the same and make report to the court, subject to the right of appeal, as in cases of awards under the compulsory arbitration law.

Rights of persons
floating lumber.

SECTION 5. That the owners of land laying adjoining or contiguous to said Young Woman's creek, and its branches, and all other persons desirous to float lumber down said trunk or trunks, to the said West Branch of the Susquehanna river, shall have the right to do so upon such terms per thousand, not exceeding ten cents per thousand feet per mile, and under such rules and regulations as the said above named parties, their heirs and assigns may fix and establish—notice of which terms and regulations

to be published in the newspapers of Potter and Clinton counties, for four weeks prior to the first day of March in each year.

SECTION 6. That if the said parties shall not commence the construction of the said trunk or trunks within two years, and shall not complete the same within three years from the passage of this act, then all the privileges hereby granted and conferred shall be null and void, and the Legislature reserves the right to alter or amend this grant or repeal the same, if the privileges hereby granted shall be abused.

Commencement
and completion of
work.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The seventeenth day of April, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 367.

A N A C T

To incorporate the Coudersport and Oswayo Plank Road Company.

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 S. Mann, William T. Jones, William M'Dougall, Joseph Mann and Sobieski Ross, or any three of them be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of the "Coudersport and Oswayo plank road company," with power to construct a plank road from the borough of Coudersport, in Potter county, to the township of Oswayo, and there to intersect the Oswayo and Wellsville plank road; and the said company shall have the power to extend their road down the valley of the Oswayo creek to the town of Ceres, in the county of M'Kean, subject to all the provisions and restrictions of an act regulating plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are consistent with this act.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares of twenty-five dollars each, with power to increase their capital stock to sixteen hundred shares of like amount.

SECTION 3. That said company shall have a right to construct their road upon any of the public roads between the points specified; and if they shall not commence the construction of their road within three years after the passage of this act, and finish the same within five years, then this act to be null and void, ex-