

PROMOTE BUSINESS OF LUMBERING
Act of May 15, 1871, P.L. 868, No. 781
AN ACT

Cl. 32

To promote the business of lumbering in the counties of Clinton, Centre, Clearfield and Elk.

Section 1. Lumbermen may pass over unimproved lands

It shall be lawful for any person or persons, firm or corporation, engaged in the business of lumbering in the Counties of Clinton, Centre, Clearfield and Elk, to pass and re-pass over the unimproved land of any other person or persons, to enable the said person or persons, firm or corporation, so engaged in lumbering, his or their agents and employees, to have ingress and egress to and from the timber lands or mills upon or at, while they are engaged in said business; and it shall be lawful for the person or persons, firm or corporation, so engaged in lumbering, to lay out and open all roads which he or they may deem necessary, upon any unimproved lands, for the purpose of transporting his or their logs, timber, lumber, shingles or other property, and to take, use and occupy such unimproved land, (not being used or occupied by the owner or owners of said land,) as shall be necessary for the purpose of piling and banking the said logs, timber, lumber, shingles or other property: Provided, That the rights granted by this section shall not be exercised until the owner or owners of the land so taken, used and occupied, shall be fully prepaid the damages he or they shall sustain by reason thereof, or the same shall be secured to him or them as provided in the second section of this act. 1871, May 15, P.L. 868, Sec. 1.

Section 2. Proceedings to assess damages

In case the person or persons, firm or corporation, and the owner or owners of land taken, used and occupied, in accordance with the provisions of the foregoing section, shall be unable to agree upon the amount of damages to be paid for such use and occupancy, it shall be lawful for the said person or persons, firm or corporation, to file, in the office of the clerk of the court of quarter sessions of the county wherein the land is located, his or their petition to the said court for the appointment of viewers to appraise and ascertain said damages, and to file with such petition his or their bond to the Commonwealth of Pennsylvania, in such sum, and with such sureties, as shall be approved by a judge of said court, (said approval to be indorsed in writing on the said bond,) conditioned to pay to the owner or owners of the lands the damages which may be ascertained and awarded by the viewers, and confirmed by the court, together with such costs as may be decreed against the petitioner or petitioners; and therefore it shall be the duty of the said court, at its next succeeding term, to appoint three disinterested persons, who, after giving at least five days' notice to the parties, their agents or attorneys, shall proceed to view and assess said damages, considering the advantages and disadvantages to accrue, and make

report thereof to the next court of quarter sessions; whereupon the said court shall proceed thereon in the same manner as is or shall be provided in the case of road views in said county, with power to order a review or confirm the report, and to decree payment of costs by either party, or divide the same between them, as justice and equity may require. 1871, May 15, P.L. 868, Sec. 2.