

**LUMBER AND FLAT BOATS TAKEN UP THE OHIO AND OTHER RIVERS**

**Act of Mar. 6, 1849, P.L. 138, No. 119**

**Cl. 32**

**AN ACT**

To regulate the taking up of lumber and flat-boats in the Ohio, Allegheny and Monongahela rivers and their tributaries, and to change the schute on Wise's ripple, in the Monongahela river, near Fredericktown.

**Section 1. Duties of persons taking up lumber**

From and after the passage of this act if any person or persons shall take up any logs, shingles, shingle-bolts, boards or lumber of any kind, or any flat-boat floating upon the waters of the Ohio, Allegheny or Monongahela Rivers, or of any of their tributaries, or lying upon the shores of the same, it shall be the duty of such person or persons so taking up such logs, lumber or flat-boat, within five days after taking up the same, to make out a list and description of such logs, lumber or flat-boat, with the marks, letters or names thereon, and to post up such list and description in at least three conspicuous places in the town, township, ward or borough in which such logs, lumber or flat-boat were taken up; and if the owner or owners of any such logs, lumber or flat-boat, his or their agent or agents, shall not call for and take away the same within three months after the giving of the notice aforesaid, such logs, lumber or flat-boat, shall become forfeited to the person or persons so taking up the same. 1849, March 6, P.L. 138, Sec. 1.

**Section 2. Compensation for taking up lumber; damages for refusal to deliver**

Any person or persons taking up and securing any logs, shingles, shingle-bolts, boards or lumber of any kind, or any flat-boat, upon any of the waters or shores of the Ohio, Allegheny and Monongahela Rivers, or of any of their tributaries, shall be entitled to receive from the owner or owners thereof, his or their agent or agents, the sum of six cents for every log, the sum of one cent for every shingle bolt, the sum of six cents for every bunch of shingles, the sum of fifteen cents for every thousand feet of boards, and the sum of four dollars for every flat-boat so taken up and secured; upon the payment of which sum or sums, or upon tender of payment thereof by the owner or owners of such logs, lumber or flat-boat, his or their agent or agents, such logs, lumber or flat-boat shall forthwith be delivered up to the owner or owners of the same, his or their agent or agents; and if any person or persons taking up such logs, lumber or flat-boat, or if any person or persons in whose possession the same may be found, shall neglect or refuse to deliver up as aforesaid the same to the owner or owners thereof, his or their agent or agents, or if any person or persons shall deface or obliterate any marks, letters or names on said logs, shingles, shingle-bolts, boards or lumber of any kind, or any flat-boat, or if any person or persons shall knowingly sell or purchase any such logs, lumber or flat-boat, or shall saw such logs, or shall convert any such

logs, lumber or flat-boat, to his or their own use in any way, unless the same shall have been forfeited as directed in section first of this act, he or they so offending in any manner as aforesaid shall forfeit and pay to the owner or owners of such logs, lumber or flat-boat, treble the value thereof, to be sued for and recovered in the same manner as other debts are now recoverable by law; and any person or persons offending in any manner as aforesaid shall also, for each and every such offense, be liable to a penalty of fifty dollars, the one-half to the use of the Commonwealth, the other half to the use of the person suing for the same; the said penalty to be sued for, and recovered in the same manner as other penalties of like amount are now recoverable by law: provided, that if any person or persons owning logs, shingles or shingle-bolts on said waters shall wish to float the same by driving without rafting, he or they shall not be liable to pay any charges for taking up said logs, shingles or shingle-bolts, having previously given ten days' notice of his or their intention to float the same by driving, by posting up bills in three conspicuous places in the town, township, ward or borough through which such logs, shingles or shingle-bolts may be driven as aforesaid: And provided further, That the provisions of this act shall not extend to the cities of Pittsburgh and Allegheny, excepting so much thereof as provides penalties for withholding or secreting any such lumber or flat-boat, or obliterating or defacing any mark or marks thereon. 1849, March 6, P.L. 138, Sec. 2.