

tween Thomas Dewees and Mary his wife, late Mary Kid, be and the same is hereby declared to be null and void, and they are hereby declared to be separated, set free and totally discharged from the matrimonial contract, and from all duties and obligations arising therefrom, as fully, effectually, and absolutely, as if they had never been joined in matrimony, any law, custom or usage to the contrary notwithstanding.

Approved April 3, 1804. Recorded in L. B. No. 10, p. 26.

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## CHAPTER MMDXVII.

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### AN ACT TO AUTHORIZE ALEXANDER M'INTIRE TO ERECT A TOLL BRIDGE OVER FRENCH CREEK.

Section I. (Section I, P. L.) 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 it shall and may be lawful for Alexander M'Intire, his heirs and assigns, to erect, build, maintain and support a good and substantial bridge over and across French creek, on the line of direction where a road laid out from the Block-house, in the town of Meadville, to the outlet of Conneaut lake crosses the same, in Crawford county; and the property of said bridge, when built, shall be and the same is hereby vested in the said Alexander M'Intire, his heirs and assigns forever, and the said Alexander M'Intire, his heirs and assigns, may demand and receive toll from travellers and others, not exceeding the following rates, to wit: For every coach, landau, chariot, phaeton or other pleasurable carriage, ten cents for each horse drawing the same; for every wagon or cart, eight cents for each horse drawing the same; for every empty wagon or cart, five cents for each horse drawing the same; for every sleigh or sled, five cents for each horse drawing the same; for a single horse and rider, five cents; for every horse, four cents; for every foot passenger, one cent; for every head of horned cattle, two cents; for sheep or swine at the rate of half a cent each; and all carriages which shall be drawn by oxen, or partly by oxen and partly by horses, two oxen shall

be estimated as equal to one horse: Provided always, nevertheless, that nothing in this act contained shall extend to authorize the said Alexander M'Intire, or any other person, to erect a bridge in the manner in this act before mentioned, on any private property, without the consent of the owner thereof, or to erect the same in such manner as in any way to interfere with, injure or obstruct the navigation of the said creek, or the passage over the ford across the same, near where the said bridge may be erected: And provided, that previously to the erection of said bridge the court of quarter sessions and grand jury at Crawford county, shall approve thereof.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That if the said Alexander M'Intire, his heirs and assigns, shall not proceed to carry on the said work within one year after the passing of this act, or not within three years complete the same, according to the true intent and meaning of this act; or if at any time after the said bridge is completed, it is suffered to be out of repair, so as to be impassable for horses and wagons, for the space of twelve months, then and in either of those cases all and singular the rights, liberties, privileges and franchises hereby granted to the said Alexander M'Intire, his heirs and assigns, shall revert to this commonwealth.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That if the said Alexander M'Intire, his heirs and assigns, shall neglect to keep the said bridge in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the county, such justice shall issue his precept, directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the said bridge; of which said meeting notice shall be given to the said Alexander M'Intire, his heirs or assigns, and the said justices shall, at such time and place, by oaths or affirmations of the said freeholders, inquire whether the said bridge is in good and perfect order and repair as aforesaid; and if the said bridge shall be found by the said inquisition not to be in good order and repair, accord-

ing to the true intent and meaning of this act, he shall certify the same, and send a copy of the inquisition to the said Alexander M'Intire, his heirs or assigns, and from thenceforth the said tolls hereby granted shall cease to be demanded, paid or collected, until the defective part or parts of the said bridge shall be put in good and perfect order and repair.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That whenever the court of quarter sessions and grand jury, in concurrence with the commissioners of said county, shall think proper that the said bridge should become free, then the commissioners of said county, together with the court, shall choose four judicious persons, three of whom shall be chosen by the commissioners, and one by the court, together with three other such persons, to be chosen by the said Alexander M'Intire, his heirs or assigns; and the persons so chosen as aforesaid, shall proceed to estimate the value of the said bridge, and a sum agreed upon by a majority of them shall be reported to the next court of quarter sessions; and if the court approve the same, the said commissioners shall draw a warrant in favor of the said Alexander M'Intire, his heirs or assigns, on the treasury of said county, for the amount of the said sum, and on payment or tender thereof, the said bridge shall be free; but if the said Alexander M'Intire, his heirs or assigns, shall at any time, on reasonable notice, refuse or neglect to choose three persons, in the manner hereinbefore mentioned, the said commissioners may proceed with the persons by them and the court so appointed, *ex parte*, in making the valuation, and the same proceedings shall be thereupon had as if the said Alexander M'Intire, his heirs or assigns, had chosen three persons in the manner hereinbefore mentioned.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That all persons attending divine worship on Sabbath days, or funerals, at any time, shall have liberty to pass and repass over said bridge, toll free; and also all paupers shall have liberty to pass and repass the said bridge toll free.