

CHAPTER MMXV.

AN ACT TO AUTHORIZE JOHN CANAN TO ERECT A TOLL BRIDGE OVER
THE FRANKSTOWN BRANCH OF THE JUNIATA RIVER.

[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 John Canan, his heirs and assigns, to erect and build, maintain and support a good and substantial bridge over and across the Frankstown branch of Juniata river, nearly opposite the said John Canan's mills, where the great road from Huntingdon to the western part of the county and to Pittsburg crosses the said branch, and that the property of the said bridge, when built, shall be, and the same is hereby, vested in the said John Canan, his heirs and assigns forever; and that the said John Canan, his heirs and assigns, may demand and receive toll from travelers and others, not exceeding the following rates, viz.: For every coach, landau, chariot, phaeton, or other pleasurable carriage, ten cents for each horse drawing the same; for every loaded wagon or cart, ten cents; and for every empty wagon or cart, eight cents, for each horse drawing the same; for every sleigh or sled, six cents for each horse drawing the same; for a single horse and rider, seven cents; for every horse, six cents; for every foot passenger, one cent; for every head of horned cattle, two cents; for each sheep or swine, at the rate of ten cents for every score; 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, in charging all the aforesaid respective tolls, and every mule as equal to one horse. Provided always nevertheless, That nothing in this act contained shall extend to authorize the said John Canan, 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 owners thereof, or to erect the same in such manner as in any way to interfere with, injure or interrupt the navigation of the said river, or the passage over the ford across the same, near where the said bridge may be erected.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all poor persons, or such as are or may be exempted from the payment of county rates and levies, shall have liberty to pass and repass the said bridge toll free.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said John Canan, his heirs and assigns, every third year from completing the said bridge, shall lay before the court of quarter sessions of the proper county an abstract of his accounts, including the capital expended, and of the income and profits of the same, and if it shall appear, at the end of either of the said triennial periods, that the profits shall have exceeded twenty per centum on the capital expended, the toll shall be reduced, so that the clear profits not exceed twenty per centum on the capital stock expended thereon.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the said John Canan, his heirs and assigns, shall not proceed to carry on the said work within one year after the passing of this act, or shall not, within three years, complete the same, according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the said John Canan, his heirs and assigns, shall revert to this commonwealth.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whenever the grand jury, in concurrence with the commissioners of said county, shall think proper that the said bridge should become free, then the commissioners of the said county, together with three persons chosen by the said John Canan, his heirs or assigns, shall proceed to estimate the value of the property which the said John Canan, his heirs or assigns, have in the bridge, and the sum agreed on by a majority of them shall be laid before the next

court of quarter sessions and if the court approve the same, then the said commissioners shall draw a warrant in favor of the said John Canan, 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 a free bridge; but if the said John Canan, 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 *ex parte* in making the valuation, and the proceedings shall be thereupon had, as if the said John Canan, his heirs or assigns, had chosen three persons in the manner hereinbefore mentioned.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the said John Canan, his heirs or 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 precepts, directed to any constable, commanding him to summon three judicious freeholders to meet at certain time in the said precepts to be mentioned, at the said bridge, of which said meeting notice shall be given to the said John Canan, his heirs or assigns, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said bridge is in such good and perfect order and repair, as aforesaid, and if the said bridge shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify the same, and send a copy of the inquisition to the said John Canan, his heirs or assigns, and from thenceforth the said tolls hereby granted shall cease to be demanded, paid or collected, until the said defective part or parts of the said bridge shall be put in good and perfect order and repair, as aforesaid.