

1725.

CHAPTER CCLXXXVIII.

An ACT for the better preventing obstructions to the navigation of Chester creek, and other navigable creeks and rivers in this province.

WHEREAS, in the year one thousand seven hundred, it was thought necessary, for the better accommodation of the borough of Chester, in the county of Chester, and the inhabitants of the lower parts of the said county, as well as travellers, that the King's high road should be altered and brought nearer to the river, to pass through the said borough, with a bridge over the said creek there; and thereupon, in consideration of the owners of lands, and especially of the mills, situate on the said creek, above the said borough, which had been erected at great charge, and required the same to maintain and support them, for the benefit of trade, an act was passed in the said year that the road should be laid out as aforesaid through the said borough, and a draw bridge should be there built, and that a person should attend the same to draw it up, that sloops and shallops might pass to and from the said mills: And also that for the conveniency of rafts and logs passing to the said mills, the space of twenty feet at least should be left clear between the timber or stone work; which draw bridge was accordingly erected, but now is gone to decay, and requires to be rebuilt or repaired: Therefore, *Be it enacted*, That the Commissioners for the time being, appointed for the said county of Chester, shall cause the said draw-bridge to be rebuilt or repaired, within the space of twelve months next after the publication hereof, according to the dimensions in the said recited act, and from time to time shall cause it to be continued in repair, for the accommodation of the said mills, and of the owners of lands, and inhabitants on the navigable parts of the said creek, above the borough aforesaid, and also for the accommodation of all such persons, as have occasion to pass and repass with any mast vessel through the said bridge; who are hereby obliged carefully to raise and lower the said draw bridge, so as the same may receive no damage thereby, under the penalty of five shillings for every neglect or offence therein.

Commissioners to repair the draw-bridge over Chester creek, &c.

II. And whereas the erecting of bridges over creeks or rivers of water, to the obstruction of their navigation, where navigable, doth not only affect the interest of the owners of lands upon and near navigable waters above those bridges, but also the trade of this province in general: And the better to preserve the navigation of those rivers and creeks, divers laws of this province have from time to time been enacted, but the same, upon experience, have been found not fully to answer the ends thereby intended: *Be it therefore further enacted*, That no bridge, frame or device whatsoever, shall, at any time to come, be made, erected, upheld, sustained or repaired, over any creek or river within this province, navigable for any sloop, shallop, flat, or other craft, that shall or may any wise stop or hinder the navigation of any such sloop, shallop, flat, or other craft, or floats of logs; any law, custom or usage, to the contrary thereof in any wise notwithstanding.

No bridge to be built on navigable creeks, that may hinder navigation.

III. Provided always, That nothing herein contained shall be construed to forbid or hinder the maintaining and repairing the draw-bridge herein before particularly mentioned, or any other bridge erected by public authority, or the making of dams, mounds or tide banks, for the draining of low grounds, and improving of meadows, by the owners or owner of the greater part of the lands, low grounds, or meadows, included within the same dams, mounds or tide banks, any thing herein contained to the contrary in any wise notwithstanding,

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Passed 14th August, 1725.—Recorded A. vol. II. page 324.

See a supplement to this act, passed September 3d, 1778. (post. chap. 797.) By which, provision is made for erecting a new bridge where the old one stood, without a Draw—and so much of the act in the text, as is thereby altered, is repealed.