

CHAPTER LVII.

AN ACT FOR THE ERECTING OF BRIDGES AND MAINTAINING HIGHWAYS.

For the greater conveniency and ease of traveling in and through this province and counties annexed:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That within twelve months after the rising of this general assembly, bridges shall be built and maintained over all small creeks and rivulets where the respective county courts shall see cause, from the Falls of Delaware to the utmost parts of Sussex county, on the King's road, ten feet broad, with rails on each side; which county courts with the concurrence of the grand jury shall agree with and appoint some person or persons to build such bridges in their respective counties, who shall be paid for the same out of the respective county stocks. And where any creek is the bounds or limits of two counties, the charge of a bridge over such creek shall be equally paid by each of the said counties: And to that end it shall be lawful for the governor and council to appoint and agree with workmen to build such bridges as aforesaid; and when built to certify the same, with the charges thereof, to each of the said county courts respectively to be held next after such bridges are finished; upon which the said courts shall forthwith order their county treasurer to pay such undertaker or undertakers their respective county moieties for the same.

[Section II.] And be it further enacted by the authority aforesaid, That all trees, stumps of trees and other incumbrances that lie in or cross any highways, shall be cleared; and all passages in and out of all creeks in the King's road, and all passages in and out of all other creeks, runs and branches where other roads are or shall be established, shall be made safe and easy both for horse and cart: and to that end, each respective county court shall divide their county into as many precincts as

they shall think fit, and shall, every Seventh month yearly, nominate and appoint one overseer of the highways over every such precinct, under the penalty of ten pounds. And every such overseer shall summon all the inhabitants of his respective precinct, as from time to time he shall see occasion, upon the penalty of five pounds, to come to such place or places as he shall appoint, and be there ready at or before the sun be one hour high, and continue to work thereat till within one hour of sunset (meal-times excepted) upon the penalty of twenty shillings for each willful absence or neglect; in case of non-payment, to be levied by warrant from the justices at the next county court (directed to such person as the said court shall order and appoint) by distress and sale of goods, which distress shall be returned to the next court ensuing, to the benefit of that precinct towards the defraying of the charge of the highways and bridges therein.

Provided always, That the said overseer shall give each of the inhabitants six days' notice before they are to go out as aforesaid. And if any public road now is or hereafter shall be laid out by authority over any mill-race, which was cut before such road was laid out, in such case, if it be the King's road, there shall be a cart-bridge built and maintained over the said mill-race at the charge of the county in manner aforesaid; and if it be any other than the King's road, then the overseer of the precinct wherein it is shall order the making and maintaining such bridge: but if any mill-race be cut through any public road which was by authority laid out before the cutting thereof, then the owner or owners of the said mill-race shall build such bridge or bridges as aforesaid, at his, her or their proper cost and charges.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly, passed November 27, 1700, Chapter 55; January 12, 1705-6; Chapter 156; March 27, 1712-13, Chapter 198; August 15, 1732, Chapter 330; February 20, 1735-36, Chapter 342; February 17, 1762, Chapter 479; March 4, 1763, Chapter 495; May 18, 1765, Chapter 526; and March 21, 1772, Chapter 653; repealed by the Act of Assembly, passed April 6, 1802, P. L. 178.