

houses, shops or warehouses more than six pounds of gunpowder at one time, unless it be forty perches distant from any dwelling, under the penalty of ten pounds for every such offense, is hereby repealed and declared [null] void and of none effect, and that this present act shall continue in force for and during the term of twenty-one years and no longer.

Passed August 14, 1725. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and the Acts of Assembly passed May 8, 1747, Chapter 372. The Act in the text was repealed by the Act of Assembly passed December 6, 1788, Chapter 1059; March 20, 1856, P. L. 137.

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 travelers, 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 drawbridge 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 of logs passing to the said mills the space of twenty foot at least should be left clear between the timber or stone-work, which drawbridge was accordingly erected but now is gone to decay and requires to be rebuilt or repaired:

[Section I.] Therefore be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That the commissioners for the time being appointed for the said county of Chester shall cause the said drawbridge 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 drawbridge, so as the same may receive no damage thereby, under the penalty of five shillings for every neglect or offense therein.

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 land 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.

[Section II.] Be it therefore further enacted by the authority aforesaid, 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 anywise 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 anywise notwithstanding.

[Section III.] Provided always, That nothing herein contained shall be construed to forbid or hinder the maintaining and repairing the drawbridge hereinbefore 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, anything herein contained to the contrary in anywise notwithstanding.

Passed August 14, 1725. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and the Acts of Assembly passed September 3, 1778, Chapter 808; March 23, 1803, P. L. 389; April 12, 1855, P. L. 220; May 25, 1887, P. L. 268.