

same before the first day of January in the year of our Lord one thousand seven hundred and eighty-seven, the verdict shall be found and judgment entered for the defendant and he shall be acquitted of all the penalties and forfeitures demanded against him and shall recover his costs and charges by him expended in defending such suit or action in the same manner as in other suits or actions determined in the same court.

Passed September 7, 1789. Recorded L. B. No. 3, p. 528.

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## CHAPTER MCDXXXI.

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AN ACT FOR THE RELIEF OF JAMES PETTIGREW AN INSOLVENT DEBTOR IN THE COUNTY OF NORTHAMPTON CONFINED IN THE GAOL OF SAID COUNTY.

(Section I, P. L.) Whereas James Pettigrew late collector of excise of the county of Northampton hath set forth by his petition that he is confined in the gaol of the said county under execution at the suit of this commonwealth for arrearages due by him as the late collector of excise in the said county, which from a variety of misfortunes he is rendered unable to pay and hath prayed that an act may be passed extending to him the benefit of the insolvent laws and it appears to this house [that] the prayer of the petitioner ought to be granted:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the county court of common pleas of the county of Northampton upon the petition of James Pettigrew is hereby authorized and empowered to grant [him] relief with equal and like effect and upon the like terms and conditions as to the imprisonment of his person as is by the laws of this state afforded to insolvent debtors in cases of debts by them owing to private persons.

[Section II.] Provided, That the discharge of the said James Pettigrew shall not extend to exonerate, annul or lessen

the force and effect of any security or engagement entered into by any other person for securing the payment of the moneys collected by him or for his good behavior in the duties of his office.

Passed September 11, 1789. Recorded L. B. No. 3, p. 530, etc.

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CHAPTER MCDXXXII.

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AN ACT TO AUTHORIZE GEORGE FREY OF MIDDLETOWN IN THE COUNTY OF DAUPHIN TO SUPPORT A MILL-DAM ACROSS SWATARA CREEK, AND TO OBLIGE HIM TO MAINTAIN A FREE NAVIGATION FOR BOATS AND OTHER CRAFT ALONG HIS MILL-RACE INTO HIS MILLDAM.

(Section I, P. L.) Whereas George Frey of Middletown in the county of Dauphin, hath at a great expense erected a mill near the mouth of Swatara creek which is bound to be public utility.

' And whereas the navigation of the said creek may be facilitated by means of the race, dam and other works constructed by the said George Frey and it is reasonable and just that he should be obliged to keep the same in repair, on condition of his being permitted to support a dam across the creek aforesaid.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passing of this act it shall and may be lawful for the said George Frey, his heirs, executors, administrators and assigns to support and maintain the tumbling dam which he has already built on Swatara creek, in such manner nevertheless as to enable the fish at all times to pass and re-pass into, out of and over the same with as little obstruction as may be, provided that the water of the said dam (when not raised or swelled by flood or freshes) shall not be more than three feet higher than it would have