

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.

CHAPTER MCDXXXII.

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

been had there been no dam erected, anything to the contrary in an act entitled "An act declaring the river Susquehanna and other streams therein mentioned public highways, for improving the navigation of the said river and streams and preserving the fish in the same"¹ notwithstanding.

And provided further, That the said George Frey, his heirs, executors, administrators and assigns shall at all times keep, support and maintain a race effectually supplied with water for boats and canoe navigation free from toll or other charge out of and from the water of the said mill-dam into the bed of the said creek at or near the mill of the said George Frey in such manner as that boats and canoes may freely pass along and through the same with as much ease and as little impediment as may be to the said navigation.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That so much of the said recited act as would authorize or empower the said person or persons to remove, pull down, prostrate or destroy the said dam if this act had not been made shall be and the same is hereby repealed. Provided nevertheless, That if the said George Frey, his heirs, or assigns, shall at any time or times from and after the first day of January which will be in the year of Our Lord one thousand seven hundred and ninety-one wilfully neglect or refuse to comply with the directions of this act or to perform the provisos and conditions herein mentioned and expressed he and they shall be liable to the same pains and penalties and the like speedy and effectual remedies shall and may be pursued for pulling down, prostrating and removing the said dam as if this act had not been made.

Passed September 11, 1789. Recorded L. B. No. 3, p. 531.

¹Passed March 9th, 1771. Chapter 627.