

CHAPTER CXXVIII.

An ACT for the relief of James Ash, esquire, formerly Sheriff of the city and county of Philadelphia.

WHEREAS John Nicholson then comptroller-general of this commonwealth, on the fifteenth day of September, Anno Domini one thousand seven hundred and ninety-one, delivered to James Ash, esquire, then sheriff of the city and county of Philadelphia, a writ of *distringas* and *feri facias*, at the suit of the commonwealth against Daniel Brodhead, commanding him to seize and distrain, so that the said Daniel might be compelled to pay and discharge the sum of eight hundred and ninety-three pounds sixteen shillings and nine pence, in which the said Daniel then stood indebted to this commonwealth, together with costs and charges; in obedience to which said writ, the said James Ash levied and recovered the said sum of money: And whereas afterwards to wit, on the seventeenth of February, Anno Domini one thousand seven hundred and ninety-two, the said John Nicholson still being comptroller-general of this commonwealth, called upon the said James Ash for the amount thus levied and recovered, and the said James Ash induced to believe, as well by the part the said John Nicholson took in the said business, as by the command of the said writ, to make known how he executed it to the comptroller-general, and no attorney being marked on the writ, that the said comptroller-general was the proper officer to demand and receive the said money, paid the amount thereof to the said John Nicholson on the day and year aforesaid, and took his receipt as comptroller-general therefor: And whereas

no

no intimation of the impropriety of such payment or of a continued liability was given by any officer of this commonwealth to the said James Ash, until some time in the month of December, Anno Domini one thousand eight hundred, and until by the lapse of time and the insolvency of the said John Nicholson, all possibility of recovering back the money, if improperly paid, was gone: And whereas under these circumstances it would be unjust and oppressive to insist upon a second payment by the said James Ash: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said James Ash, be, and he is hereby acquitted, exonerated and discharged of and from all claim by this commonwealth, for or on account of any money levied and collected under the said writ of *distringas* and *feri facias*, for the use of this commonwealth, as fully and effectually to all intents and purposes as if he had accounted for and paid the same to the proper officer of this commonwealth.

James Ash exonerated from a second payment of monies heretofore paid to J. Nicholson, esquire, former comptroller-general.

CHARLES PORTER, *Speaker*
of the House of Representatives.

JAMES BRADY, *Speaker*
of the Senate.

APPROVED—the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN.

CHAP.