

[Section IX.] (Section XIII, P. L.) Provided always and be it enacted by the authority aforesaid, That in any action instituted in pursuance of this act or upon any issue formed between the commonwealth and any person or persons for whom or against whom the said comptroller-general shall have awarded balances of account or sums of money as aforesaid the court may with the consent of the attorney-general and party as is usual in such cases appoint referees or auditors as the case may require to settle the said accounts and report to the court whose report if confirmed by the court shall have the like effect and there shall be the like proceedings as in the case of a verdict of a jury and judgment given thereon accordingly as aforesaid.

Passed February 13, 1785. Recorded L. B. No. 2, p. 413, etc. See the Act of Assembly passed August 26, 1786, Chapter 1230.

CHAPTER MCXXXIV.

AN ACT TO REPEAL AN ACT OF ASSEMBLY, ENTITLED "AN ACT TO VEST IN ISAAC AUSTIN A CERTAIN MESSUAGE, WHARF, FERRY AND FERRY LANDING, SITUATE ON THE NORTH SIDE OF MULBERRY STREET, AT THE EASTERNMOST EXTREMITY THEREOF, IN THE CITY OF PHILADELPHIA, LATE THE PROPERTY OF WILLIAM AUSTIN, ATTAINTED OF HIGH TREASON,"¹ AND TO RESTORE THE POSSESSION OF THE REAL ESTATE THEREIN MENTIONED TO GEORGE ADAM BAKER.

(Section I, P. L.) Whereas an act of assembly, entitled "An act to vest in Isaac Austin a certain messuage, wharf, ferry and ferry landing, situated on the north side of Mulberry street at the easternmost extremity thereof in the city of Philadelphia late the property of William Austin attainted of high treason,"¹ passed on the sixth day of August last by which for reasons therein set forth the said messuage, wharf, ferry and ferry-landing in the said act described late the estate of William Austin an attainted traitor were declared to be vested, granted, con-

¹ Passed August 6, 1784, Chapter 1103.

firmed and established in the said Isaac Austin, his heirs and assigns forever, he paying into the treasury of the state the sum of seven hundred and sixteen pounds three shillings and three pence one farthing, and the sheriff of the city and county of Philadelphia was in and by the same act enjoined, commanded, authorized and required to deliver unto the said Isaac Austin the peaceable and quiet possession of the premises aforesaid.

(Section II, P. L.) And whereas it appears to this house that the sheriff of the said city and county did on the twenty-sixth day of August last, cause possession of the premises to be delivered to the said Isaac Austin.

(Section III, P. L.) And whereas it further appears to this house that the said Isaac Austin did not pay into the treasury of the state the said sum of seven hundred and sixteen pounds three shillings and three pence one farthing, nor any part thereof, before the ninth day of November last, when the said Isaac Austin paid into the treasury of this state the sum of four hundred pounds and no more; so that no estate by virtue of the said act had been vested in the said Isaac Austin when possession thereof was delivered to him as aforesaid.

(Section IV, P. L.) And whereas the sum of three hundred and sixteen pounds three shillings and three pence one farthing part of the said sum of seven hundred and sixteen pounds three shillings and three pence one farthing upon the payment of which as a condition precedent; the same estate was by the act aforesaid to be vested, granted, confirmed and established in the said Isaac Austin, remain unpaid into the treasury of this state, until the twelfth day of January last.

(Section V, P. L.) And whereas at the time at which the act of assembly aforesaid was passed there was an ejectment depending in the court of common pleas of the county of Philadelphia which had been instituted by the said George Adam Baker against the said Isaac Austin for the recovery of a small tenement parcel of the premises whereby the respective pretensions and claims of the said George Adam Baker, and of the said Isaac Austin to the same might have been tried by due course of law had not the act aforesaid been passed:

(Section VI, P. L.) And whereas it hath been declared by the council of censors that the passing of the act aforesaid was a flagrant infringement of the sacred right of a citizen to trial by jury and a wanton violation of the constitution of this commonwealth and the council of censors have moreover recommended to the legislature to repeal all laws which the said council have deemed and declared to have been enacted contrary to the principles of the constitution:

(Section VII, P. L.) And forasmuch as it is incumbent on all men but more especially on the legislature when they have done wrong and shall be afterwards convinced of their error to relieve and re-instate the person or persons who may suffer thereby as far as reasonably can be done.

[Section I.] (Section VIII, P. L.) Be it 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 act aforesaid and every matter and thing therein contained shall be and the same is hereby to all intents and purposes repealed and made null and void.

[Section II.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the sheriff of the city and county of Philadelphia be and the same sheriff is hereby enjoined, commanded, authorized and required, to proceed with all convenient speed to deliver unto the said George Adam Baker the peaceable possession of the premises aforesaid as far as the said sheriff in pursuance of the act aforesaid, dispossessed the said George Adam Baker and no further so that the [said] possession may be restored and holden as it was before the passing of the said act.

[Section III.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if the said sheriff shall upon the reasonable demand of the said George Adam Baker refuse or neglect to deliver the peaceable possession of the said messuage, ferry and ferry-landing, with their appurtenances as aforesaid to the said George Adam Baker, or his lawful attorney or assigns that the said sheriff shall be liable in an action of damages to the said George Adam Baker for such refusal or neglect to the full value of the premises and the said George Adam Baker

shall in such case have also such relief as is by law given in the case of forcible entries.

(Section XI, P. L.) Provided always, That nothing in this act contained shall injure, lessen or affect in anywise, the claim of the said Isaac Austin to the premises or any part thereof; but the same shall be and remain the same as it would have been if the act aforesaid or this act had not been made.

[Section IV.] (Section XII, P. L.) And be it enacted by the authority aforesaid, That the supreme executive council, be and they are hereby authorized and desired to cause the aforesaid sum of four hundred pounds so as aforesaid paid by the said Isaac Austin and the further sum of three hundred and sixteen pounds three shillings and three pence one farthing also paid by the said Isaac Austin into the treasury on the twelfth day of January last making together the sum of seven hundred and sixteen pounds three shillings and three pence one farthing to be repaid to him out of the treasury of this state within ten days after demand made thereof by the said Isaac Austin his heirs or assigns.

Passed February 18, 1785. Recorded L. B. No. 2, p. 390, etc.

CHAPTER MCXXXV.

AN ACT TO INCORPORATE THE PRESBYTERIAN CONGREGATION IN ABINGTON TOWNSHIP, IN THE COUNTY OF MONTGOMERY.

(Section I, P. L.) Whereas the ministers, elders and members of the Presbyterian church in the township of Abington in the county of Montgomery have prayed that the said church may be incorporated and by law enabled as a body politic and corporate to receive and hold such charitable donations and bequests as have been or may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the religious societies who are incorporated in the state of Pennsylvania: