

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed at a Session which commenced May 24th, 1781,  
and ended June 25th, 1781.

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JOSEPH REED, PRESIDENT OF THE EXECUTIVE COUNCIL.

F. A. MUHLENBERG, SPEAKER OF THE GENERAL ASSEMBLY.

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### CHAPTER DCCCCXXXIV.

*An ACT for the repeal of so much of the laws of this commonwealth, as make the continental bills of credit, and the bills emitted by the resolves or acts of the Assemblies of the said commonwealth, a legal tender, and for other purposes therein mentioned.*

WHEREAS the honourable the Continental Congress, and the different Legislatures of the United States of America, struggling in support of their inborn rights and invaded liberties, have been necessitated, by reason of the scarcity of specie, to emit large sums of paper currency, by the rapid depreciation whereof the said United States have laboured under great difficulties in procuring the necessary supplies for carrying on the present war: And whereas the quantity of specie being of late considerably increased within the said United States, the said Congress have, in the most pressing manner, recommended to the different Legislatures of the same States to repeal all laws, making the paper bills of credit of the United States a legal tender, equal to gold or silver: In compliance with the said recommendation, and for attaining the good ends and purposes thereby intended,

II. *Be it enacted, and it is hereby enacted,* That so much of all and every of the laws of this commonwealth, as declare the bills of credit emitted by the honourable the Continental Congress, or by the resolves of the Assemblies of the late province of Pennsylvania, or by the present or late Assembly or Assemblies of this commonwealth, to be a legal tender, in discharge of debts, contracts or

Part of divers acts repealed.

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demands, and so much of the said laws, as impose any penalty or forfeiture upon persons refusing to accept any of the said bills of credit in satisfaction of any debts, contracts or demands, and so much of the said laws, as impose any penalty or forfeiture upon persons refusing to receive the said bills of credit in payment for any live stock, necessary of life, commodity, article or goods whatsoever, or upon persons offering such goods or articles for a less price or smaller sum of money to be paid in gold or silver, or other current money, than in the bills of credit aforesaid, or upon persons giving or receiving a greater nominal sum of the said bills of credit for a less in gold or silver, shall be, and the same is and are hereby repealed and made void.

Proviso, as to certain paper bills, which are to be received in payment of lands except forfeited estates.

III. *Provided always nevertheless,* That the foregoing clause shall not extend, or be construed to extend, to repeal, alter or make void any laws, or sections or clauses of laws, whereby the paper bills of credit, emitted in pursuance of an act passed on the twenty-fifth day of March, one thousand seven hundred and eighty, and the paper bills of credit emitted in pursuance of the act passed on the seventh day of April, one thousand seven hundred and eighty-one, are made receivable, at the same rate as gold and silver, in the payment of the arrearages of purchase money due for lands or lots sold, or to be sold or conveyed by this state, forfeited estates only excepted.

No tender to be affected, if duly made, &c.

IV. *Provided also,* That nothing in this act contained shall affect any tender made in due and legal manner, under and according to the directions of any of the said laws, or any suits, actions or judgments, which have been commenced or had, or which are now depending, or which hereafter may be brought, for or by reason of any tender made before the passing of this act.

Debts, &c. contracted since January, 1777, and not satisfied or discharged, how to be paid.

V. *And be it further enacted,* That all debts, duties, rents, annuities, and other demands, granted or contracted for by any deed, will, mortgage, bond, specialty, bill of exchange, note, assumpsit, or otherwise, since the first day of January, one thousand seven hundred and seventy-seven, which were expressed to be paid and discharged in any foreign money, or in gold and silver money of any denomination, or in bullion, or in any commodity, and which have not since been paid and satisfied, or discharged, shall be deemed, construed and taken to be yet due and owing from debtors to creditors in such money or other commodity, as in the said contracts were expressed, and the same may be sued for and recovered in any court of justice within this commonwealth, having competent jurisdiction, in so much gold or silver money, as shall be equal in value to the debt or duty, according to the terms of the contract.

VI. And whereas most of the debts contracted before the first day of January, one thousand seven hundred and seventy-seven, are due and owing from persons, who, from principles of honour and honesty, have declined paying their creditors with a depreciated paper currency, when by law they might have so done, and it would be unreasonable that such debtors should be compelled to discharge their old debts in gold or silver money, until it shall become more plenty and easier to be acquired :

Rents, &c. contracted before the

VII. *Be it therefore enacted,* That where any Judgment already hath been, or hereafter shall be, entered in any Court of Record

within this commonwealth, by default, upon the confession of the party, the report of referees, or the verdict of a jury, or otherwise, for any sum of money contracted for or due for rents, ground-rents or annuities, before the first day of January, one thousand seven hundred and seventy-seven (debts due to the state excepted) the said court is hereby authorized if the same be not ascertained by the said confession, report or verdict) to ascertain how much of the said sum of money is due to the plaintiff for the principal sum due, and how much thereof is for interest, damages, costs and charges, and to give judgment for the whole sum, which judgment shall remain as a lien upon the real estate of the defendants, in the same manner as judgments at law bind such estate; and thereupon the said court shall award execution against the defendant for so much of the said sum only, as the said interest, damages, costs and charges, shall amount to, which money shall be levied, recovered and paid, in gold and silver money; but no execution shall issue for the principal sum until two years after the passing of this act, or until permission shall be given for that purpose by an act of the Assembly of this commonwealth; but the defendant shall nevertheless pay the interest of the said principal sum yearly, as it shall grow due, and in default thereof the plaintiff shall be entitled to writs of execution, as often as there shall be occasion to recover the same.\*

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1st of January, 1777, may be sued for, &c.

[\*See the notes to chap. 924, vol. 1, p. 422.]

Proviso respecting defendants, who have not sufficient real estates, &c.

**VIII.** *Provided always nevertheless,* That if the defendants in any such cause shall not be, at the time of rendering the said judgment, seised of a sufficient real estate within this commonwealth, in his own right, to secure the said debt, and shall be about to depart from this state, without leaving such real estate, and shall refuse to give other security for the said principal sum, to the satisfaction of the said court, then, and in such case, the said court are hereby authorized and required to award execution for the whole sum contained in the said judgment, as well principal as interest, damages, costs and charges, any thing herein contained to the contrary notwithstanding.

**IX.** And in order to prevent unnecessary suits, and to give debtors a reasonable time to prepare themselves for payment of their old debts before any suit can be brought, *Be it enacted,* That no suit shall be commenced against any person (other than the subjects of his Britannic Majesty) for any debt or duty contracted for before the first day of January, one thousand seven hundred and seventy-seven, under or by virtue of this act, where the sum demanded exceeds fifty pounds, within less than six months from the passing of this act, unless the creditors shall have demanded from the person of the debtor, or by a note in writing left at the place of his abode, satisfaction of the said debt, at least three months before bringing his suit, or unless the creditor, or some person for him, shall swear or affirm, that he apprehends a danger of losing his debt by the delay.†

Debts exceeding fifty pounds, contracted before the 1st of January, 1777, shall not be sued for in less than six months after passing this act, unless, &c.

[† See the notes to chap. 924, vol. 1, p. 422.]

**X.** *And be it further enacted,* That nothing in this act contained shall extend to revive any debts or demands, which were, on or before the first day of January, one thousand seven hundred and seventy-six, barred by any act for the limitation of actions then in force; and that no debt or demand, which was not barred by such

Debts on or before the 1st of January, 1776, barred by the act for limitation of actions.

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not to be  
revived, &c.

act for the limitation of actions on the said first day of January, one thousand seven hundred and seventy-six, shall be barred by the said act, until two years after the passing of this act, and until such time as is limited by law, according to the nature of each case.

XI. And whereas divers persons, as agents, factors, bailiffs and receivers, sheriffs, attorneys at law and in fact, executors, administrators, guardians, trustees and other persons, in right of their respective offices, trusts and appointments, may have received sums of money, for the use of their principals and persons interested, some of whom may have applied such monies to their own use, others may have kept the same by them, until it depreciated to a much greater degree, and others may have placed the same out on interest, for the use and benefit of their principals, and it is fit and right that justice should take place in such varied cases, as nearly as may be ascertained :

Agents, fac-  
tors, &c.  
receiving  
money, and  
applying it  
to private  
use, &c.

XII. *Be it therefore enacted*, That where any agent, factor, bailiff, or receiver, sheriff, attorney at law or in fact, executor, administrator, guardian, trustee, or other person, has, in right of his office, trust or appointment, received any sum or sums of money, for the use of his or their principals, or persons interested, and have applied the same to their own private use, in such case he or they shall be accountable to his or their principals or persons interested as aforesaid, for so much gold and silver money, as the said bills of credit, or other money, so by them received, were worth at the time of such application, according to the rate of depreciation affixed to the act entitled *An Act directing the mode of adjusting and settling the payment of debts and contracts entered into and made between the first day of January, one thousand seven hundred and seventy-seven, and the first day of March, one thousand seven hundred and eighty-one, and for other purposes therein mentioned*, passed the third day of April, one thousand seven hundred and eighty-one.\* And where any such agent, factor, bailiff, receiver, sheriff, attorney at law or in fact, executor, administrator, guardian, trustee, or other person, having received any sum or sums of money as aforesaid, shall render an account, on oath or affirmation, of the manner of his disposing of the same, and of the profit or loss arising thereupon, and the principal or other person interested as aforesaid shall not be able to disprove the same, in case of loss, then, and in such case, such profit or loss shall go to the benefit or prejudice of the principals or persons interested as aforesaid, allowing a reasonable compensation to such agent, factor, bailiff, receiver, sheriff, attorney at law or in fact, executor, administrator, guardian, trustee or other person, for his trouble in managing the same; and if any such agent, factor, bailiff, receiver, sheriff, attorney at law or in fact, executor, administrator, guardian, trustee, or other such person receiving as aforesaid, shall decline to make such oath or affirmation, and to render such account, it shall be presumed that he applied the said monies to his own use, and he shall be accountable therefor, in the manner herein before mentioned in such cases.

Vol. 1,  
chap. 924.

XIII. And whereas by an act of Assembly of this commonwealth, passed the twenty-seventh of November, one thousand seven hundred and seventy-nine, entitled *An Act for the better support of cer-*

*tain officers of this state, and for ascertaining the specific fines and penalties which they may incur by a neglect of duty\** the fees of the said officers, and the fines and penalties which they might incur by a neglect of duty, were regulated by the price of wheat, which has been found inconvenient and uncertain. 1781.

\* chap. 264.

XIV. *Be it therefore enacted, That, from and after the passing of this act, all the fees due to the officers in the said act mentioned, and all the fines and penalties which they have or may incur by a neglect of duty, shall be paid, levied, collected and received by and from them in gold and silver money, as they were regulated by law or practice, under the late government of Pennsylvania, before the first day of July, one thousand seven hundred and seventy-six, any thing in the said law to the contrary notwithstanding.*

Fees of certain officers, and the fines incurred, to be paid in gold, &c.

XV. *And whereas by an act of Assembly of this commonwealth, passed the eighth day of March, one thousand seven hundred and eighty, entitled An Act to restore and ascertain divers fines, penalties and forfeitures, hereafter mentioned, which may be incurred by the breach of certain acts of Assembly of this commonwealth,† the said fines penalties and forfeitures, therein mentioned, were also regulated by the price of wheat, which mode has been found inconvenient, uncertain and inadequate: Be it therefore enacted, That all fines, penalties and forfeitures, of every kind, imposed by virtue of any acts of the Assemblies of the late province of Pennsylvania, which are now in force, shall be levied, collected and recovered in so much gold and silver money, as in the said several acts is particularly inflicted and respectively specified; and all fines, penalties and forfeitures, imposed by any acts of the Assembly of this commonwealth, since the revolution, shall be levied, collected and recovered in so much gold and silver money, as the sum specified in the respective acts, for the said fines, penalties and forfeitures, were worth at the several times of passing the said acts, according to the rate of depreciation aforesaid.‡*

† chap. 377.

All fines imposed by acts of Assembly to be recovered in gold, &c.

‡ See chap. 1051, 1134.

XVI. *Provided always, and be it further enacted, That all debts or contracts which have been entered into at any time, from or since the first day of March, one thousand seven hundred and eighty-one, or shall be entered into hereafter, shall be paid and discharged according to the special nature of the contract, that is to say; contracts made for gold and silver shall be paid and discharged in the same; and contracts made for paper currency of any emission shall be payable in the same emission, excepting, only, that contracts entered into as above for old continental currency (if any such there be) shall be liquidated and paid at specie value, which value shall be ascertained and determined by a Justice of the Peace, or the Justices of the Common Pleas, as the case may be, within their respective jurisdictions.*

Contracts since March, 1781, to be discharged according to their nature, except, &c.

XVII. *And be it further enacted, That nothing in this act shall be extended to prevent the receiving the bills of credit emitted in consequence of the resolution of Congress of the eighteenth of March, one thousand seven hundred and eighty, in taxes to be laid in pursuance of an act of General Assembly of this state, entitled A Supplement to an act, entitled An act for funding and redeeming the bills of credit of the United States of America, and for providing*

New continental bills, to be received for certain taxes.

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° Chap. 910.

means to bring the present war to an happy conclusion,\* passed the nineteenth day of December, one thousand seven hundred and eighty.

Passed 21st June, 1781.—Recorded in Law Book vol. I. page 442. (p)

(p) The acts here repealed are, chap. 727, passed January 29th, 1777, *M'Kean's* edition, pa. 7, chap. 741, passed March 20th, 1777, *M'Kean's* edition, pa. 48.

The operation of the tender laws suspended for three months, by an act passed May 31st, 1780, (chap. 900.) *M'Kean's* edition, pa. 388.

By an act passed September 22d, 1780, (chap. 907,) *M'Kean's* edition, pa. 406. The suspension continued until the end of the next sitting of the General Assembly. The act of 31st May, 1780, revived and amended, and continued in force, by act of December 22d, 1780, (chap. 912,) *M'Kean's* edition, pa. 418. And, by an act passed Feb'y 20th, 1781, (chap. 916.) *M'Kean's* edition, pa. 433, all acts making bills of credit a legal tender were suspended so far, but it was provided, that the act should not be construed to extend "To any Sheriff, Attorney, Executor, Administrator, Guardian, or other person having received money, by legal authority in right of another, but that it should be lawful to make payment, in all such cases as might have been done before the passing of this act, nor to prevent the bills of credit from being of the same value in the payment of taxes, and all other debts and demands whatsoever, as the bills of credit of the United States issued before the eighteenth day of March last, (1780.)

See the depreciation act, and the notes thereto subjoined, vol. 1, pa. 519, (chap. 924.)

The acts for the emission of bills of credit previous to the revolution are, chap. 261, 267, 274, 289, 300, 319, 353, 412, 672, 698, 713, (see post. note to chap. 959;) and after the commencement of the revolution, by an act of March 20th, 1777, (chap. 741, above referred to) the sum of £.200,000, were emitted in bills of credit, and a tax imposed on all real and personal estate for the purpose of sinking the same. The 10th section of the act declared, that all bills of credit bearing date at any time before the 1st of July, 1759, should not pass in payment of any debt or demand after the 1st of October, 1777, except for taxes, in order to sink and destroy the said bills. Supplements to this act, chap. 756, 757.

By an act of March 23d, 1778, (chap. 780,) it was enacted, that the bills of

credit, issued under the authority of the crown of Great-Britain, on or before the 19th of April, 1775, shall cease to be a legal tender in any payment whatsoever, that all acts making them current, shall be repealed, except so far as respects the conviction and punishment of persons counterfeiting, or altering such bills of credit, or uttering the same, knowing them to be counterfeited and altered; and that such parts of all acts, as relate to the sinking the said bills of credit, by taxes, excise, or otherwise, shall also be repealed. The act, however, provided, that such bills of credit might, on or before the 1st of June, 1778, either be paid in taxes, or into the Loan-Office, or exchanged at the State Treasury for an equal sum in the paper money of the Congress, or of the commonwealth: but after the 1st of June, 1778, (with an allowance of a short term to absentees) they were declared to be irredeemable. The provisions of this act were extended to the provincial bills of credit issued by the act of September 30th, 1775, (chap. 713,) by an act of May 25th, 1778, (chap. 789.)

By act of March 28th, 1780, one hundred thousand pounds emitted in bills of credit for the present support of the army, &c. (chap. 896,) made a legal tender by act of the 23d of December, 1780, (chap. 913.) By chap. 931, the Executive was empowered to sell City lots sufficient to redeem so much of the bills emitted by the act of March, 1780, as should not be redeemed by the proceeds of the sale of Province-Island; and by the act of June 25th, 1781, (chap. 937, sect. 5,) for raising additional supplies for the year 1781, certain taxes were imposed, and the bills of credit emitted by the act of March, 1780, were declared to be receivable in payment. These bills were funded on the City Lots and Province-Island, and have been entirely redeemed. Acts passed for redeeming public debts, April 10th, 1792, (chap. 1635,) February 9th, 1793, (chap. 1642,) April 22d, 1794, (chap. 1764.)

It will be obvious, however, that but a small part of the act in the text, can now have any operation. By the 10th sect. of the first article of the constitution of the United States, no State can emit bills of credit, or make any thing but gold and silver a tender

payment of debts. All the above acts, not printed in this edition, at large, will be found in the table of titles prefixed, with a reference to the records of them, under the appropriate years. See *Hollingsworth v. Ogle*, 1 Dallas, 257. *Johnson v. Hocker*, ib. 406. *Eastwick v. Hugg*, ib. 222. 1781.

CHAPTER DCCCCXXXVI.

A SUPPLEMENT to an act, entitled *An act for establishing a Land-Office, and for other purposes therein mentioned.*\*

\* Antc. chap. 929. vol. 1, pa. 629.

WHEREAS it appears necessary to explain certain parts of the act, entitled *An act for establishing a Land-Office, and for other purposes therein mentioned*, and to make some amendments thereto. Therefore,

II. *Be it enacted, and it is hereby enacted*, That the meaning of the word location, mentioned in the fifth section of the said act, was, is, and is hereby declared to be, an application made by any person or persons for land in the office of the secretary of the late Land-Office of Pennsylvania, and entered in the books of the said office, numbered and sent to the Surveyor-General's office. The word location defined.

III. *And be it further enacted*, That it shall and may be lawful to and for the President, or, in his absence, the Vice-President, in Council, to sign all and every warrant and warrants of acceptance, re-survey and partition, as fully as the Governor of the late province of Pennsylvania, or Commissioner of property, might or could have done. President, &c. to sign warrants of acceptance, re-survey, &c.

IV. *And be it further enacted*, That the Receiver-General shall, once in every month, pay into the hands of the Treasurer of this commonwealth, all monies which shall come into his hands by virtue of the said act, to which this is a supplement, which shall be subject to the disposal of the Legislature of this state, to whom he is to account once in every year. Receiver-General to pay money to the State-Treasurer once in every month, &c.

V. *And be it further enacted*, That the rate of exchange, at which the Receiver-General shall receive the five pounds sterling for every hundred acres of land, shall and is hereby declared to be, at the rate of one hundred and sixty-six and two thirds of the currency of this state for one hundred pounds sterling. Rate of exchange at which the Receiver-General is to receive the five pounds sterling.

Passed 25th June, 1781.—Recorded in Law Book vol. I. page 449.