

CHAPTER CMXLV.

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.¹

(Section I, P. L.) Whereas the honorable 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 labored 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 and silver:

In compliance with the said recommendation and for attaining the good ends and purposes thereby intended:

[Section I.] (Section II, 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 so much of all and every of the laws of this commonwealth as declare the bills of credit emitted by the honorable 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 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

¹ See Act of January 29, 1777, Chapter 738.

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.

(Section III, P. L.) 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.

(Section IV, P. L.) 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 and 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.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, 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 and silver money as shall be equal in value to the debt or duty, according to the terms of the contract.

(Section VI, P. L.) 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 honor 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:

[Section III.] (Section VII, P. L.) Be it therefore enacted by the authority aforesaid, 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 (debt 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 de-

fendant 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.

(Section VIII, P. L.) Provided always, nevertheless, That if the defendants in any such cause shall not be at the time of rendering the said judgment, seized 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, anything herein contained to the contrary notwithstanding.

(Section IX, P. L.) 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:

[Section IV.] Be it enacted by the authority aforesaid, 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 creditor 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.

[Section V.] (Section X, P. L.) And be it further enacted by the authority aforesaid, 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 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.

(Section XI, P. L.) 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 moneys 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.

[Section VI.] (Section XII, P. L.) Be it therefore enacted by the authority aforesaid, 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,"¹ 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,

¹ Passed April 3, 1781, Chapter 935.

guardian, trustee or other person, having received any sum or sums of money as aforesaid, shall render an account on oath or affirmation, of his 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 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 said moneys to his own use, and he shall be accountable therefor in the manner hereinbefore mentioned in such cases.

(Section XIII, P. L.) And whereas, by an act of assembly of this commonwealth, passed the twenty-seventh day of November, one thousand seven hundred and seventy-nine, entitled "An act for the better support of certain officers of this state, and for ascertaining the specific fines and penalties which they may incur by a neglect of duty,"¹ the fees of the said officers and the fines and penalties which they might incur by neglect of duty were regulated by the price of wheat, which has been found inconvenient and uncertain:

[Section VII.] (Section XIV, P. L.) Be it therefore enacted by the authority aforesaid, 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, anything in the said law to the contrary notwithstanding.

¹ Passed November 27, 1779, Chapter 875.

(Section XV, P. L.) 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,"¹ 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:

[Section VIII.] Be it therefore enacted by the authority aforesaid, 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.

[Section IX.] (Section XVI, P. L.) Provided always, and be it further enacted by the authority aforesaid, 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 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.

[Section X.] (Section XVII, P. L.) And be it enacted by the

¹ Passed March 8, 1780, Chapter 888.

authority aforesaid, 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 means to bring the present war to a happy conclusion,'"¹ passed the nineteenth day of December, one thousand seven hundred and eighty.

Passed June 21, 1781. Recorded L. B. No. 1, p. 442, etc. See the Act of Assembly passed March 12, 1783, Chapter 1008.

CHAPTER CMLXVI.

AN ACT FOR RECRUITING THE PENNSYLVANIA LINE IN THE ARMY OF THE UNITED STATES.

(Section I, P. L.) Whereas, the frequent calling forth the militia of this state is attended with great expense and loss of time, to prevent which in future as much as may be:

[Section I.] (Section II, 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 there shall, with all convenient speed, be enlisted within this state two thousand seven hundred able bodied men, to serve in the Pennsylvania line for the term of eighteen months from the first day of July next, who shall be raised and procured by or at the expense of the inhabitants of the city of Philadelphia and the several counties of this state, in number and according to the proportion following: That is to say: By the city and county of Philadelphia, eight hundred and ninety-five; the county of Bucks, one hundred and seventy-seven; the county of Chester, two hundred and eighty-four; the county of Lancaster, three hundred and eighty-

¹ Passed December 19, 1780, Chapter 921.