

the armament for the defence of the river and bay as aforesaid is kept up, and in conjunction with the other duties appropriated by law to that purpose, the debts arising thereon and interest are fully paid.

Passed November 22, 1782. Recorded L. B. No. 2, p. 29, etc. Repealed by the act of assembly passed September 17, 1783, Chapter 1032.

CHAPTER CMXCIX.

AN ACT TO STAY AND PREVENT SUITS BEING BROUGHT AGAINST SUNDRY OFFICERS, DEPUTIES OR AGENTS HERETOFORE EMPLOYED IN THE SERVICE OF THIS STATE, AND OF THE UNITED STATES.

(Section I, P. L.) Whereas sundry inhabitants of this state, duly authorized and appointed agreeable to the resolutions of Congress have acted as agents for the United States in the several characters of commissaries, quartermasters, forage-masters, and in the clothier and medical departments:

(Chapter II, P. L.) And whereas other persons under the proper authority and appointment of this state have also acted in the same characters and through their laudable zeal for the good of the service have not only used their best endeavors as public officers but have also engaged their private credit in many instances for the payment of public debts:

(Section III, P. L.) And whereas the honorable Congress by their act of the twentieth day of February last pointed out a mode for the speedy settlement and liquidation of public accounts and by their resolve of the nineteenth day of March last have recommended to the several legislatures of the United States to stay and prevent suits of individuals against public officers, their deputies and agents. And it appearing to this legislature highly unjust that any person or persons having acted as public officers or deputies and agents aforesaid should be involved in distress and ruin in consequence of their honest and virtuous exertions for the common interest and safety of the public:

[Section I.] (Section IV, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That in every case where any action hath been, or hereafter shall be brought, during the continuance of this act, against any person or persons who have acted in any of the public departments aforesaid either as principals, deputies or agents, upon any contract, bargain or agreement, and which was entered into before the first day of January last, the court before whom such action hath or may be prosecuted shall upon application proceed in a summary manner into the examination of the circumstances of such suit; and if it shall appear to the satisfaction of the court that the debt or sum sued for was contracted by the said officer, his agent or deputy, for the public service, and that the property for which said contract was made was delivered and came to the use of the public at the price for which said property was originally purchased by said officer, his agent or deputy and that the said officer, agent or deputy hath not had a settlement and payment of his accounts nor hath sufficient of the public money in his hands so as to enable him to discharge the debt or demand in question therewith to all and every which queries the said officer, deputy or agent shall answer on oath or affirmation if thereto required by the plaintiff, then and in such case the said court are hereby empowered and required to order a stay of all proceedings on such action or actions.

(Section V, P. L.) Provided always, That where any plaintiff or plaintiffs in any suit heretofore brought or which may hereafter be brought against any public officer, agent or deputy as aforesaid, shall by authenticated official papers, or other sufficient evidence (for which purpose it shall be lawful for any such plaintiff or plaintiffs to call for and require and the courts are hereby enjoined to order to be produced on oath or affirmation all the books and papers kept by such officer, his deputy or agent, of his or their agency), make it appear to the satisfaction of the court that the defendant in such suit hath settled his accounts and received payment for the balance due to him as an officer, agent or deputy as aforesaid from the public or

that he hath sufficient public money in his hands to pay the debt or demand for which such suit hath or may be brought, then and in such case it shall be lawful for such plaintiff or plaintiffs to prosecute their suit or suits in the usual course of law to judgment and execution, anything hereinbefore contained notwithstanding.

(Section VI, P. L.) And if public money sufficient to discharge the whole of such debt or demand for which such suit hath or may be brought shall not be in his or their hands or possession, that then and in such case judgment and execution with costs of suit in the usual course of law shall proceed against the said public officer, agent or deputy as aforesaid for such sum or sums of public money as shall be found on the evidence aforesaid to be in his or their hands or possession.

(Section VII, P. L.) Provided also, That if the plaintiff in any such suit shall recover only part of his debt or demand as aforesaid from such public officer, agent or deputy, such recovery shall not prevent, hinder or be a bar to his prosecuting any other suit hereafter against such officer, agent or deputy for the residue of his debt or demand, in case the said officer, agent or deputy shall hereafter receive more public money to pay and discharge the debts or demands so contracted by him as aforesaid.

(Section VIII, P. L.) Provided also, That nothing in this act contained shall be construed or taken to render any of the said officers, agents or deputies, liable for the payment of such debts or demands, further or otherwise than they were or might have been liable for the payment of the same by law before the passing of this act.

[Section II.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That to enable the plaintiff or plaintiffs the better to support such suit or suits all officers or other persons within this state who are in possession of books, official papers, or other authentic documents, shall and they are hereby required on application to him or them made for that purpose to make out and certify copies from such books, official papers, and other authentic documents or such parts thereof as such plaintiff or plaintiffs shall think necessary; which copies so made out and certified on oath or affirmation shall be evidence

to the court so far as they may relate to the staying or prosecuting such suit or suits, and in no other case whatsoever; excepting in such cases wherein they may be considered by the court as legal evidence.

[Section III.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force for the term of eighteen months from the publication hereof and from thence to the end of the next sitting of the general assembly and no longer.

Passed November 29, 1782. Recorded L. B. No. 2, p. 31, etc.

CHAPTER M.

AN ACT TO PREVENT THE ERECTING ANY NEW AND INDEPENDENT STATE WITHIN THE LIMITS OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas by the separation of the thirteen United States from Great Britain the commonwealth of Pennsylvania hath become a sovereign and independent state, and in consequence of such separation a government established solely on the authority of the people hath been formed, and it being evident that every county hath by the constitution or by-laws enacted for that purpose an incontestible right to send deputies to represent them in the general assembly, and that they have exercised that right, they being now actually represented in this house, therefore all the inhabitants of this commonwealth as they are under the protection of its laws are bound by and do owe allegiance thereto:

(Section II, P. L.) And whereas great exertions have been made for the defense of the frontiers and large sums expended therein, notwithstanding the embarrassments and difficulties under which the commonwealth hath, and still doth labor in its finances:

(Section III, P. L.) And whereas this commonwealth is indebted to the late proprietaries of Pennsylvania in a large sum of money payable at the end of the war, and each and every coun-