

The fifth and sixth election districts united, to be called the fifth district, and the place of holding the elections therein, fixed, by act of March 8th, 1792, (post. chap. 1621.)

A new district, to be called the sixth district, established, by act of April 8th, 1794, (post. chap. 1723.)

A new district erected, April 10th, 1799, (post. chap. 2064.)

Brunswick and Stevenson's districts established, and an addition made to the sixth district, by act of Dec'r 1st, 1800, (post. chap. 2143.)

The bounds of the ninth, or Stevenson's district enlarged, Jan'y 8th, 1805, (post. chap. 2515.)

A district, called the 10th district, established March 31st, 1806, (post. chap. 2715, sect. 8.)

Mountpleasant township erected into a district, March 28th, 1808, (post. chap. 2972, sect. 6,) and Buffaloe township erected into a district, (same act, sect. 26.)

Places of holding elections in the fifth and tenth districts altered by act of April 4th, 1809, sect. 32, 33; and the place of holding the elections in Hill's districts altered by act of March 20th, 1810, sect. 3.

By the judiciary act of Feb'y 24th, 1806, the counties of Beaver, Allegheny, Washington, Fayette and Greene, compose the fifth district. The courts are held as follows; the term continuing one week; Beaver, 1st Monday in January, August and November, and last Monday in March; in Allegheny, the Mondays following; in Fayette the Mondays succeeding the courts in Allegheny; in Greene, the Mondays succeeding the courts in Fayette; and in Washington, the Mondays succeeding the courts in Greene.

See *Washington County*, in the General Index to this edition.

CHAPTER DCCCCXXIV.

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.

WHEREAS the good people of this state labour under many inconveniences, for want of some rule, whereby to settle and adjust 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, many of which are yet due and unsatisfied; and it seems just and reasonable that some rule should be by law established for liquidating and adjusting the same, so as to do justice as well to the debtors as creditors:

II. *Be it therefore enacted and it is hereby enacted,* That from and after the passing of this act, all debts and contracts, of what nature or kind soever, entered into or made within the period aforesaid, now remaining due and unfulfilled, for the payment of money, shall be liquidated, settled and adjusted, agreeable to a scale of depreciation herein after mentioned and contained, that is to say; by reducing the amount of all such debts and contracts to the true value in specie, at the days or times the same were incurred or entered into; and upon payment of the said value so found in specie, or other money equivalent, the debtors or contractors shall be for ever discharged of and from the said debts or contracts, any law, custom or usage, to the contrary in any wise notwithstanding.

III. *And be it further enacted,* That the proviso clause in the suspension act of the thirty-first day of May, one thousand seven

Certain debts and contracts to be settled according to a scale of depreciation.

The mod. &c.

Part of certain acts repealed.

1781.

* chap. 907.
 † chap. 907
 ‡ chap. 916.

hundred and eighty,* continued by a supplement of the twenty-second day of September, one thousand seven hundred and eighty,† and also the proviso clause of the suspension act of the twentieth day of February, one thousand seven hundred and eighty-one,‡ so far as the same take off or restrain the enacting clause in the said laws, in case of payment of any debt or demand whereupon any distress may be made, or upon which any action or suit shall be commenced in any court of law within this state, shall be, and the same are hereby, repealed, any thing in the said proviso clauses to the contrary notwithstanding.

Mode of
 settlement
 in cases
 where the
 parties can
 not agree.

IV. *And be it further enacted,* That in all cases between debtors and creditors, for debts or demands due and payable, or incurred, on or before the first day of March, one thousand seven hundred and eighty-one, where the parties cannot otherwise agree, it shall and may be lawful for any court of law, and for any Justice of the Peace (in cases of debts and demands cognizable before one Justice of the Peace) upon the prayer of either party, to appoint three or more auditors, in presence of the parties, if they will upon reasonable notice attend, otherwise, upon proof of such notice to the Court or Justice, to appoint the said auditors *ex parte*, in manner following, to wit; by naming a treble number, and each of the parties to strike out one alternately, until the number to be appointed only remain in nomination. And in case of non-attendance of either party, the Clerk of such court, or the Justice of the Peace, shall strike for the absent party; which auditors, so appointed, shall have full power and authority, upon notice to the parties, to meet, hear and examine the parties, upon interrogatories, and also such witnesses, papers and proofs of the parties, as shall be to them adduced; and thereupon liquidate, adjust and settle all debts or demands, and other controversies, subsisting between the parties, agreeable to the directions of this act, where that can be done; but in cases where the act shall not apply, then to settle and adjust the same according to equity and good conscience, upon due consideration had of the nature and circumstances of the case; but the said auditors shall not have any power or authority in cases where partial payments have been made in money then current, to reduce such payment. And the said auditors, where any tender has been made before the first day of March, one thousand seven hundred and eighty-one, in money current, shall not allow the creditor more than the value of his debt, reduced to specie at the time when such tender was made; and where it shall appear to the said auditors that any debtor, who had willingly received bills of credit made current in payment of his debts, and was also prepared and ready to pay the sum due by him in such money, but was prevented by the creditor absconding, concealing his bonds or papers, or secretly assigning them, or such like evasions, in all such cases the debtor shall have the benefit of a legal tender; and the said auditors, upon settling and adjusting all such debts or demands, shall make report to the Court or Justice, as the case may require; which report shall be of the same force and effect as a verdict of a jury in the case, and the Court or Justice shall enter judgment on such report.

V. *And be it further enacted*, That the following scale of depreciation shall be the rule to determine the value of the several debts, contracts and demands, in this act mentioned, compared with silver and gold. 1781.
Scale of depreciation.

One thousand seven hundred and seventy-seven.

January,	One and an half.	July,	Three.
February,	One and an half.	August,	Three.
March,	Two.	September,	Three.
April,	Two and an half.	October,	Three.
May,	Two and an half.	November,	Three.
June,	Two and an half.	December,	Four.

One thousand seven hundred and seventy-eight.

January,	Four.	July,	Four.
February,	Five.	August,	Five.
March,	Five.	September,	Five.
April,	Six.	October,	Five.
May,	Five.	November,	Six.
June,	Four.	December,	Six.

One thousand seven hundred and seventy-nine.

January,	Eight.	July,	Nineteen.
February,	Ten.	August,	Twenty.
March,	Ten and an half.	September,	Twenty-four.
April,	Seventeen.	October,	Thirty.
May,	Twenty-four.	November,	Thirty-eight and an half.
June,	Twenty.	December,	Forty-one and an half.

One thousand seven hundred and eighty.

January,	Forty and an half.	July,	Sixty-four and an half.
February,	Forty-seven and an half.	August,	Seventy.
March,	Sixty-one and an half.	September,	Seventy-two.
April,	Sixty-one and an half.	October,	Seventy-three.
May,	Fifty-nine.	November,	Seventy-four.
June,	Sixty-one and an half.	December,	Seventy-five.

One thousand seven hundred and eighty-one.

January,	Seventy-five.	February,	Seventy-five.
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VI. *And be it further enacted*, That the act, entitled *A Supplement to an act for the more easy recovery of small debts*,* passed on the ninth day of October, one thousand seven hundred and seventy-nine, be, and the same is hereby repealed and made void. Certain act repealed.
* Chap. 951.

VII. *And be it further enacted*, That the act, entitled *An Act for limitation of actions*,† passed the twenty-seventh day of March, one thousand seven hundred and thirteen, shall not run or operate during the time the courts of justice were shut in this state, nor during the time of any suspension act of this state in any Act of limitation suspended during, &c.
† Chap. 196.
ante. p. 78.

1781. action or distress prohibited to be made or brought by such act, under the penalty of taking depreciated money in full payment.

Passed 3d April, 1781.—Recorded in Law Book vol. I. page 422. (k)

(k) The act of December 18th, 1780, (chap. 909) provided for settling the depreciation of the pay of the Pennsylvania line and state navy; and for issuing depreciation certificates for the amount. These certificates were declared to be receivable in payment for confiscated estates, and unlocated lands. Provision was made to prevent transfers of the certificates of privates, unless attested by the commanding officer of the regiment; and a scale of depreciation was established for making this settlement. The settlement was completed, and all the certificates issued in consequence of it, have, at subsequent periods, been redeemed or paid. For other acts relating to the compensation of the army, &c. see chap. 869, 930, 944, 960, 996, 1013, 1155, 1180, 1199, 1208, 1635, 1642, 1764. (Note to chap. 909. former edition.)

By chap. 934, (post.) the tender laws are repealed; but an equitable mode is established for settling the accounts of agents, &c. who have received monies on account of their constituents, while those laws were in operation. And, by the act of December 23d, 1784, (chap. 1112, now obsolete) it was provided, that where judgment had been obtained for a debt payable before the 1st of January, 1777, the court should ascertain the sum due, and give judgment for the whole, with principal and interest, with stay of execution, as to one third part, &c. for one year, as to another third part, &c. for two years, and as to the remaining third part, for three years, from and after passing the act; and with respect to future judgments, the stay of execution was to be regulated in equal third parts, payable at three equal periods from the entering the judgment, &c. Several executions might be issued for the instalments, at the respective specified times of payment, without writs of *scire facias* to revive the judgments. Executions in the hands of Sheriffs, founded on judgments for debts due before the first of January, 1777, were stayed for one year, upon payment of interest and costs, and giving security that the property (if any) taken in execution should then be forthcoming. Assignees of the estates of debtors, in trust for creditors, whose debts were contracted, and the assignment made before January 1st, 1777, were prevented from making sale, within three years after the act passed,

without the consent of the assignor, expressed in writing, or by his being a witness to the Deeds of Conveyance. Debts due to the State, or the United States not to be affected by that act. There was an exception also as to debtors not seized in their own right of a sufficient real estate to satisfy their debts beyond all reprises, and who were about to depart the state without securing the same; and as to the case of debt due before the 4th of July, 1776, by any citizen of this State to any of the subjects of Great Britain. The benefit of that act was also extended to debtors of the late corporation of Philadelphia, by an act passed April 8th, 1785. (chap. 1154) (note to chap 1112, former edition.)

A previous act, passed March 12th, 1783, (chap. 997,) had provided that no execution should issue for the principal due on any contract entered into before the 1st of January, 1777, (except debts due to the state,) until one year after the 21st of June, 1783. That trustees of lands or tenements assigned for the benefit of creditors before the 1st January, 1777, should not sell before the 21st June, 1784, and that no statute of limitation should run as to the time between the 1st January, 1776, and the 21st June, 1784, upon debts or contracts made before the 1st January, 1776. (Note to chap 997, former edition.)

For a general view of the order and effect of the tender laws, see *Johnson v. Hocker*, 1. Dallas 406.

In *Cooper v. Coates*, on a rule to shew cause, why auditors should not be appointed, under the act of Assembly, the defendant's deposition was read, wherein he swore, that no question of depreciation could arise in this cause.

By the Court. The words (sect. 4,) are so very general and comprehensive, that, if the spirit and intention of the law, expressed in the preamble and other sections, were not to be considered, they would include every case arising between the periods mentioned in the act. But it is inconsistent with the constitution, and with justice, that the trial by jury should be taken away in this manner; and therefore the courts of justice have always determined, that auditors shall be appointed only where there is a dispute about the depreciation. Rule discharged. 1 Dallas, 248.

The court will not appoint auditors under the depreciation act, unless it appears that the contract arose between

January 1st, 1777, and 1st March, 1781. *Robb v. McCune*, MSS. Rep. Sup. Court. April 1794.

In debt on bond, dated January 9th, 1779, for payment of £.80 on the 10th January, 1780, with lawful interest.

The defendant admitted himself to be liable to plaintiff for the sum expressed in the condition of the bond, rating the same at 8 for 1 according to the scale, with interest; but insisted the jury would estimate the debt in no other mode than that pointed out by the law.

The plaintiff contended that he was entitled to the nominal sum and interest, and offered to shew that the writing obligatory, on which the present suit was founded, was given in lieu of another obligation between the same parties, for a debt contracted long before the revolutionary war. He insisted, that it having been determined at *Easton*, that the depreciation act was binding on juries, and that they could not legally reduce partial payments, it would follow, that where that act did not apply, they had the power of "settling and adjusting the demand, according to equity and good conscience, upon due consideration had of the nature and circumstances of the case."

By the Court. This is not a necessary consequence of the decision cited. We sit here as a court of law, bound by certain known rules. The Legislature has not thought proper to clothe the jury with the power of determining in what cases the depreciation act does not apply; but has invested auditors with that authority, under the control of the court, and has armed them with

extraordinary powers to effectuate this end, by examining the parties on interrogatories. Where there is a dispute about depreciation, auditors alone are competent to give relief. Where no such dispute exists, the intervention of jury becomes indispensably necessary, and jurors are frequently called upon to decide cases wherein partial payments have been made in continental money. It would be obviously absurd, that in such instances, there should be any rule restrictive on auditors, but not binding on juries. We cannot go into the offered proofs, no authority being delegated to us for that purpose. Our decision rests as well on precedent, as principle. In a case at Lancaster, May 1783, between Benjamin Graff and John Witmer, and others, *McKean*, C. J. asserted the same doctrine.

Let the jury therefore be discharged, and the plaintiff apply for the nomination of auditors. Berks, *Nisi Prius*, September 1798. cor. *Teates* and *Smith*, J. *Levan's Administrators v. Frey*.

The case at *Easton* was before the same Judges, September 1795, *Miller v. Leonard* and *Rush*. The only question was, whether the jury could legally reduce a partial payment made in September 1778, and it was there held that they could not. MSS. Rep. S. C. 2 Dallas, 237. And see *Ricup v. Bixter*, 2 Dallas, 132.

The same principle has been held in the case of a legacy devised in times of continental money. *Kennedy v. Kennedy*. Chester, May 1800, cor. *Shippen*, C. J. and *Teates*, J.

1781.

CHAPTER DCCCCXXV.

An Act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all the laws heretofore made for that purpose.

WHEREAS the regulations hitherto made for the inspection of bread and flour have not been quite effectual, and a variety of laws on the same subject tend to mislead the people.

I. Be it therefore enacted, and it is hereby enacted, That the act, entitled "An Act to prevent the exportation of bread and flour not merchantable,"* passed the fourteenth day of October, one thousand seven hundred and thirty-three (excepting that part of it which repeals the act therein mentioned, and called an act to prevent the exportation of bread and flour not merchantable) and the act, entitled "A Supplement to the act, entitled An Act to prevent the exportation of bread and flour not merchantable, and to the act which is an amendment thereto,† passed on the sixth day of October, one

Certain acts continued in force till October next; except, &c. [chap. 382.]

then repealed. [chap. 384.]