

C H A P
V.

act to enable the treasurer of the western shore to draw and sell bills of exchange, and for an emission of bills of credit, if necessary, exceed the sum recommended by congress to be issued.

Debts may be
discharged in
new bills, &c.

IX. AND BE IT ENACTED, That where any debt, covenant, contract, promise or agreement, unless for gold or silver, or sterling money, or unless the contract was made and intended to prevent the payment of any of the said bills, has been created or made between the first of September, seventeen hundred and seventy-six, and the twentieth of April, seventeen hundred and seventy-nine, the debtor, or person bound in such debt, covenant, promise, contract or agreement, may, at any time hereafter, pay or discharge the same in the said new bills of credit, or the bills emitted by the act of assembly, entitled, An act to enable the treasurer of the western shore to draw and sell bills of exchange, and for an emission of bills of credit, if necessary, by paying in such bills, in the case of money lent, two thirds of the real value at the time of the loan, and in case of contracts upon sales of property, by paying two thirds of the real value of the money at the time the same was made payable, so that the loss of the creditor and risk of the debtor may fall as equally on each as the nature of the case will admit; and in case of difference between the parties, such value to be ascertained, on application of either, by persons to be appointed by the county court where the debtor resides, whose determination shall be final; and where any debt, covenant, contract, promise or agreement, unless for gold or silver, or sterling money, or unless the contract was made and intended to prevent the payment of any of the said bills, hath been made or entered into on the said twentieth of April, seventeen hundred and seventy-nine, and between that time and the twelfth of June last, or that hath been made since the said twelfth of June for continental currency, or for convention money, or bills issued by the acts of assembly under the old government, the debtor, or person bound in every such debt, covenant, contract, promise or agreement, may at any time hereafter discharge the same, by paying or tendering one dollar of the said new bills, or bills emitted by the said act, for every forty dollars due or payable; and if the said new bills, or bills emitted as aforesaid, should hereafter depreciate and become of less value than they now are, such depreciation shall be accounted for and paid by the debtor, or person tendering payment of one dollar of the new for every forty dollars of the old money aforesaid; provided always, that if any person hath refused or neglected to pay money lent after a demand made, or if any person hath broke his contract, by neglecting to make payment for the property sold at the time limited, or if any person hath neglected to pay his debt at the day appointed for payment, and the time of payment was expressly agreed and understood to be part of the contract, (the common case of passing bonds with a day of payment, in which neither party considered the day to be part of the contract, excepted,) and to discover the intention in case of specialty or otherwise, either party may give indifferent testimony, or on convenient notice examine the other on oath, nothing in this act shall prevent the person injured by such breach of contract from suing for and recovering equal to the loss sustained by such breach, such damages not to exceed the real value of the money contracted, to be paid at the time of breach, with interest, and such damages may be laid and assessed in the new money, and so much thereof given or recovered as may be equal to the value of the debt or damages as aforesaid, with interest.

Debts hereaf-
ter made, how
to be dis-
charged, &c.

X. AND BE IT ENACTED, That all debts, promises, contracts, covenants and agreements, hereafter made by writing or parole for gold or silver, or paper money, shall be paid, discharged or executed, agreeable to the bond, bill, note, or other instrument in writing, or the parole, promise or agreement, and the intent and meaning of the parties, any law to the contrary hereof notwithstanding; and where any debt, promise or contract, made before the first day of September, one thousand seven hundred and seventy-six, has been renewed since that day, and any bond, bill, note, or other instrument of writing, given or executed for the same, or where any debt, covenant, promise, contract or agreement, has been *bonâ fide* created or made, since the first day of September, one thousand seven hundred and seventy-six, for gold, silver or sterling, in such cases the bills of credit issued by congress, or emitted by any acts of assembly under the old government, or resolves of convention, shall not (after the passing of this act) be a tender or payment in law or equity for any such debt, covenant, promise, contract or agreement.

Bills not to be
a tender, &c.

XI. AND BE IT ENACTED, That the bills of credit issued by congress, or emitted by any acts of assembly under the old government, or resolve of convention, shall not, after the passing this act, be a tender or payment in law or equity, for any debt, covenant, promise, contract or agreement, created or made before the first day of September, one thousand seven hundred and seventy-six, unless where the creditor has not become a subject and resident of this or some one of the United States since the said first day of September, seventeen hundred and seventy-six, and in such case the debtor of such creditor, or of his assignee, (who has not become a subject and resident of this or some