

And be it enacted, That the bills of credit emitted in virtue of this act, shall not be a tender in law or equity in payment or discharge of any debt, contract, promise or agreement, already created or made, or hereafter to be created or made, for the payment of money, unless the parties shall contract or agree to receive the said bills of credit in payment, in which case only the said bills of credit may be tendered before suit to stop interest, or brought into court after suit at any time pending the action, or on execution, in discharge of principal and interest, and the court shall inquire into the terms of the debt or contract, and allow or refuse the tender, or direct the money brought into court to be received in payment of principal and interest, and commit or discharge the defendant, as the case may require.

And be it enacted, That the said bills of credit by this act to be emitted, shall not continue in circulation for a longer time than ten years from the tenth day of April next.

And be it enacted, That the bills of credit emitted in virtue of this act shall be received as equal to gold and silver for the sum in each bill mentioned, in payment of all duties imposed by law on goods, wares and merchandise, hereafter to be imported into this state, and in payment of all arrearages of all taxes due since the first day of March, seventeen hundred and eighty-four, and in payment of all arrearages of all duties, and in payment of all taxes hereafter to be imposed, during the time the said bills of credit shall remain in circulation, and in payment of the salaries of all the civil officers of government, and the allowances on the journal of accounts to the members of the general assembly, and others, and in payment of all county assessments due, or hereafter to become due, and in payment of any composition or caution money for land, and in payment of all marriage, ordinary, pedlars and retailers licences, and of all fines, forfeitures and amerciaments, and in payment of all officers and attorneys fees, during the time the said bills of credit shall continue in circulation; and it is declared, That it is not hereby intended that the said bills of credit shall be received in payment of the duties, or the five per cent. which may hereafter be imposed by congress, agreeably to the power invested in that body for that purpose by a law of this state, passed November session, seventeen hundred and eighty-five.

ABSTRACT of the substance of the BILL for the relief of debtors, published by the order of the house of delegates for the information of their constituents.

WHEREAS, from the present great scarcity of money, and from the distresses occasioned by a long, ruinous and destructive war, the good people of this state are rendered unable to pay their private debts in gold and silver, especially while sorely pressed with heavy taxes: And whereas a very great number of suits have been lately prosecuted in the general court, and the several county courts, by creditors against their debtors, without regard to their peculiar situation and circumstances, by means whereof the bodies of such debtors may be taken and imprisoned to the ruin of themselves and families: And whereas it is the duty of this general assembly to provide a relief for such persons under their said distresses and sufferings, which may probably be effected by improving upon the humane system which the general assembly, before the late revolution and during the proprietary government, adopted by a law, which still subsists, enabling debtors under execution to deliver goods and chattels in payment and satisfaction of their debts, at their real and actual worth, and without having the same exposed to public sale on such executions to raise gold and silver for their creditors.

A debtor in all cases of private dealings and transactions, where an action is brought against him, and judgment is, or shall be obtained thereon, may bring into court a schedule (on oath or affirmation) of all his property, real or personal, consisting of gold and silver coin; lands in fee-simple, fee-tail for life or years, wheat, Indian corn, tobacco, flour, slaves, bar-iron, pig-iron wares and merchandise of merchants, traders or shopkeepers for sale, which he shall be actually seized or possessed of, and may offer any of the said articles in the said schedule to the plaintiff, or his council, in payment and satisfaction of such judgment and execution.

If upon such offer the plaintiff, or his council, will not accept it, the court shall direct the parties, or their council, to appoint two appraisers on each side, (not related to, nor creditor nor debtor to either party) who shall select such articles enumerated in the schedule, as they shall think a just attention to the interest of both parties requires, and shall appraise and value such articles at their real and actual worth in current gold and silver coin as ascertained by law; and if the parties, or their council, cannot agree on the appointment of appraisers, the court shall nominate them.—The appraisers to sit under oath or affirmation.

If debtor's title to the property in schedule is bad and doubtful, the court may over-rule such schedule.

If the property in the schedule cannot be divided or lessened in quantity, so as to be equal only to the plaintiff's debt and cost, but shall exceed the same, the plaintiff shall be considered as debtor for the surplus, to be discharged in property, as before, if plaintiff chafes, and the payment of such surplus may be enforced by execution; but the plaintiff in this case may elect, to avoid a payment by such schedule exceeding his claim, by countermanding his execution, or to have such property, if lands or houses, rented till the debt and costs be satisfied; or if the property be slaves, that the same be hired till satisfaction be made, and the renting of lands and the hiring slaves shall be under the directions of the court.

No tobacco, grain, or flour, pig or bar-iron, shall be allowed in such schedule, but such as is good, sound and merchantable. The tobacco to have passed inspection, and notes ready to be delivered. The wheat and Indian corn threshed out and cleaned, and ready to be delivered; and the flour to be well packed in barrels for exportation, and ready to be delivered; and if flour offered at places where there is an inspector, the same shall pass inspection; and it is the duty of the creditor to receive the property in schedule at the place where appraised; and if the creditor neglects to remove the articles for 20 days after recording the schedule, (at which time the property vests in him) the debtor shall not thereafter be responsible for casualties, or theft.

On decrees in chancery for any debt, property may be paid in the same manner.

Where plaintiffs, or complainants, on judgments or decrees for debts, are executors or administrators, the property shall vest in them as such; and if they are debtors, they may offer a schedule of the goods and chattels of the deceased.

If any creditor, who shall be satisfied by property as aforesaid, shall be ejected or deprived of the same by due course of law, from a defect of right or title in the debtor, he shall be obliged to pay the deficiency.

All actions, and bills in chancery, already brought against any debtor, may be prosecuted to judgment or decree; and in all cases of judgments, or decrees, already obtained, or executions thereupon, or which shall be obtained on the actions and bills in chancery now pending, if plaintiffs or complainants forbear to issue executions, or shall, within ten days notice of this act, countermand such executions as have issued on judgments or decrees already obtained, such creditor shall not be bound by any offer of property, and the debtor shall be obliged to forbear such offer of property so long as such creditor shall forbear to issue execution on his judgment or decree; and the countermanding any execution already issued, shall not prevent the issuing another, so as to effect such debtor; but if any executions shall issue after this act, the debtor shall not be precluded from satisfying the same by property, on countermand, or other act of the creditor.

If any debtor is now, or shall hereafter be, in custody, under execution, and his property at the public assessment is equal to the debts and costs, and the creditor will not countermand the execution, the sheriff shall discharge such debtor.—Provided, if the debtor be thus discharged, his property shall be considered as mortgaged to the creditor till the meeting of the court, by which the debtor may be enabled to discharge himself by a schedule of property as aforesaid.

If an action shall be hereafter brought, or bill in chancery, against such debtor, the court may immediately order the plaintiff to ascertain his debt or damages, on oath or affirmation; and if the debtor admits the same, the court shall give judgment, or decree, for the same; but if debtor does not admit the claim, the plaintiff, or complainant, shall proceed to trial and judgment, or hearing and decree; and the debtor may discharge the same by property in the manner aforesaid, and the like proceedings shall be had, and all the provisions in the act shall take effect in like manner as aforesaid.

—In an ejectment, on mortgage, or a bill to foreclose, the principal and interest due may be satisfied by property as aforesaid, and the like proceedings may be had as on judgments and decrees as aforesaid.

All judgments for damages on actions for trespasses, wrongs and injuries, may be discharged in the manner as judgments for debts, or damages on private dealings and transactions.

On warrants, by magistrates, for debts within their jurisdiction, the debt and costs may be discharged by personal property, to be appraised in such manner as the parties may agree; or if they disagree, the magistrate may direct such appraisement, and delivery afterwards, to be made in such manner as he thinks will best effectuate right and justice to both parties.

If debtor is not seized, or possessed, of the articles enumerated, or in such quantity as to satisfy the claim of his creditor, he may add in his schedule such other goods and chattels, which he may be possessed of, as with the enumerated articles, will be sufficient to satisfy such claim.

Nothing in the act to extend to loans of money by foreigners, on mortgage of lands, under act of November session, 1784, chap. 58.

Where no execution hath issued, or if issued, not served or renewed, on judgment already obtained, or to be obtained, the time of the continuance of

the act shall not be reckoned as the time, or part of the time, elapsed for preventing an execution issuing on such judgment; but such execution may issue notwithstanding such time having elapsed.

The act to commence on the first day of February, 1787, and to continue in force for one year thereafter, and until all proceedings under it, before the expiration thereof, shall be finished and completed; but no proceedings under the act shall be commenced after the first of February, 1788.

* * * The continuance and conclusion of Mr. Davall's publication, is necessarily postponed on account of the foregoing bills.

M A D R I D, September 19.

THE following are the principal articles of the treaty of peace, concluded between this court and the regency of Algiers:—The dey shall be at liberty, whenever he may think fit, to appoint an agent to reside for him in one of the Spanish ports:—the place and fortifications of Oran as well as those of Almanzquivr shall remain in *status quo*, without any communication with the Moorish camp; those places shall never be attacked by the sovereign of Algiers; and the bey of Mascara shall not attempt any thing against either of them, without special order from the former; yet as the aforesaid bey has a sovereign authority over his own province, the dey of Algiers shall approve of all conventions, made or to be made, between the Spaniards and the said bey; to whom the said dey will recommend to see that the Spanish fortresses be not insulted. In case the rebellious Moors, who live independent and unconquered, should be guilty of hostilities, such event shall not in the least affect the good harmony between the two high contracting powers; nor are the Christians to be protected, when once out of the reach of the Algerine batteries. Three months are granted in case of a rupture, for the subjects on both sides to secure their effects and property.

By the 25th article, the dey declares, that in consideration of his Catholic majesty's interference, the Algerines will not only respect the coasts of Spain, but also those of the pope's dominions; and further, that he will at all times welcome at Algiers any ships under the Spanish colours or protection; his Catholic majesty engaging reciprocally to treat in the same friendly manner the subjects or friends of Algiers, &c.

L O N D O N, October 4.

Mr. Adams, the American ambassador, has since his return from Holland, had repeated conferences with his Majesty's confidential servants, which give room to expect that something of importance, in the way of negotiation is now agitating.

The Dutch mails which have arrived to-day, confirm the report, that the states of Holland had resolved to deprive the Stadtholder of the nomination of military appointments; the decision passed by 15 voices against 4; and messengers of state were immediately dispatched to acquaint the Stadtholder of this agreeable news.

The states of Utrecht and Holland have quarrelled. The states of Holland have set their troops in motion against them, and add, that they are determined to maintain their rights and their sovereignty.

Oct. 16. Letters from Lisbon, dated September 20th, mention, that the Queen has absolutely entered into a treaty with the United States of America, and the Venetians, for forming a confederacy with the piratical states. Supposing such a maritime league should be concluded, it is highly probable that the Algerines, &c. would be more than a match for them, and carry on an offensive war with great advantage. The united fleet of the Americans and Portuguese, admitting it should exceed in strength any that could be fitted out by Tunis, Tripoli, and Algiers, could not put a stop to the piracies in every quarter. Single ships would rove the seas as usual, and in the winds, tides, currents, and friendly ports, on the Barbary and Turkish coasts, elude the vigilance of their confederated enemies.

Letters from different parts of the kingdom are filled with accounts of the damages occasioned by the late storms; and we hear that the coasts of France, Holland and Denmark, &c. as well as our own, are covered with shipwrecks.

Extract of a letter from Fort Frederick, on the Coast of Africa, September 2.

"The dispute between the Dutch and Portuguese, which was near coming to open hostilities, is at length very amicably adjusted, the Dutch, having recalled their governor from Delmain who began the dispute. All is now tranquillity here, and trade moderately brisk, but you will be surprised to hear that the Africans refuse to trade with the Americans, so that most of their ships pass in common for French."

P E T E R S B U R G, December 21.

Extract of a letter from a gentleman in London, to his friend in Petersburg, dated September 21, 1786.

"Hostilities are absolutely commenced in Holland, between the Stadtholder's party and the States, in opposition.—It happened in Amsterdam, which place the prince's troops took possession of. I shall send you the papers by the brigantine Walker, which will sail in 4 or 5 days, that will contain more information; the present only came by yesterday's mail."

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