

C H A P.
V.Bills brought
in to be re-
tained by the
treasurer, &c.

IX. And be it enacted, That so many of the last mentioned bills of credit which may be brought in by exchange, and any money which may hereafter be paid into the treasury, for or on account of bonds due from the inhabitants of this state, shall be retained by the treasurer in his office, so that the sum to be emitted in virtue of this act shall not, with the sum issued under the aforesaid 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, &c.
may be dis-
charged in
new bills, &c.

X. And be it enacted, That where any debt, covenant, contract, promise, or agreement, unless for gold and 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 risque 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 day 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,

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