

An Act, for suspending the laws for the collection of private debts, under certain limitations.

It is enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws heretofore enacted, and now in force in this Commonwealth, for the collection of private debts, in specie, be, and they are hereby suspended for the term of eight months from and after the passing of this act.

And whereas the circumstances of some debtors may be so embarrassed as to render it expedient for their creditors to secure their demands, and some creditors may be disposed to receive their dues in specific articles, rather than to wait till the expiration of this act.

Be it therefore enabled by the authority aforesaid, That when, and so often as any creditors shall commence any action against a debtor, and recover judgment and execution thereon, and in all cases where execution hath been already issued on judgment rendered, unless the creditor shall chuse to have his execution issued on a judgment already rendered, returned unsatisfied (in which case the creditor shall be intitled to interest on his said execution so long as the same shall remain unsatisfied) it shall, and may be lawful for the said debtor to pay and discharge the said execution in real or personal estate, or both, on condition that the debtor shall make declaration under oath of all his property of every kind, if required by the creditors. If the debtor shall give false information respecting his property, or conceal any part thereof, he shall be liable to prosecution therefor; and the creditor shall have a right to take his choice of the debtor's real or personal, or both, except household furniture, necessary for upholding life, farming utensils, wearing-apparel, necessary for clothing, and the tools of mechanics necessary for prosecuting his or their trades. And the said execution shall be levied in the manner following, viz. The debtor being the legal owner and possessor of such estate, it shall be received by the said creditors in discharge of the said execution at the appraisal of three disinterested and discreet men, being freeholders of the same county, and chosen in the following manner; that is to say, the creditor shall chuse one, the debtor shall chuse one, and the officer serving the said execution, shall chuse the other of the said appraisers. And in case either of the parties shall neglect or refuse to chuse as aforesaid, the said officer shall chuse in the room of the party thus neglecting or refusing. And the persons thus chosen, shall, previous to their entering on the said business, before some Justice of the Peace, within the same county, be sworn faithfully and truly to appraise such real or personal estate, as shall be presented unto them for the purpose aforesaid, at the true and real value thereof in specie, according to their best skill and judgment. And the said officer shall, at the time and place of appraisal, duly deliver the said estate, thus appraised, to the said creditor, his agent or attorney, and endorse the whole amount thereof on the said execution, in full, or in part discharge thereof, as the case may be. And for want of estate sufficient to satisfy such execution, it shall and may be lawful, by virtue of the same execution, to take the body of such debtor, and him

commit to the common goal of the county, there to remain until he shall pay and satisfy the remainder of the said execution, or be discharged by the creditor, or otherwise, in due course of law. Provided always, That where real estate is taken at the election of the creditor, one year shall be allowed for the redemption of the same; but, if taken at the option of the debtor, he shall be deprived of his right of redemption.

And be it further enabled by the authority aforesaid, That if any suit shall hereafter be commenced within this Commonwealth, against any debtor being a citizen thereof, such debtor, after due notice given to the creditor or creditors commencing such suit, or to his or their agent or attorney, is hereby authorized to tender real or personal estate in full satisfaction of the debt due to the said creditor, together with all legal costs of suit to the time the said tender was made: in which case, if the said debtor shall make declaration under oath, of all his property of every kind, and shall consent that his creditor shall take his choice thereof, in manner aforesaid, and that the same should be appraised by appraisers, chosen as aforesaid, (saying that the appraisers, which in the case of an execution is to be chosen by the officer serving the same, shall be appointed by a Justice of the Peace) or in case the creditor shall chuse to receive the debt in real estate, if the said debtor, after the same is appraised and set off, shall make and execute a good and lawful deed thereof to the creditor, sufficient to hold the same in fee with warranty, such citizen or debtor, on making a tender as aforesaid, to the said creditor, his agent or attorney, before two or more good and lawful witnesses, or on executing a deed as aforesaid, shall never be holden to pay any cost of suit or interest that may arise on said debt, after the time the said tender was made.

Provided nevertheless, That nothing in this act shall be construed to extend to any public officer or officers, agent or agents, attorney or attorneys, who may have in his or their hands, monies in trust, the property of individuals: nor shall any creditor be hereby debarred from bringing an action, for the recovery of interest, in specie, on contracts where interest, in specie, is promised; but such creditor or creditors, may, and they hereby are empowered to commence an action or actions, as the case may be, for interest only; and prosecute the same to final judgment and execution; and when recovered, to indorse the same on the obligation on which such action was founded.

Provided also, That nothing in this act shall be construed to extend to any bills of exchange which have been, or which shall hereafter be protested according to law. Provided also, That nothing in this act shall be so construed as to militate or interfere with any treaty or treaties now subsisting, or which may be formed between the United States of America, and any other nation; any thing in this act, to the contrary notwithstanding. Provided also, That nothing in this act shall be so construed as to effect any notes due to, or from the President and Directors of the Massachusetts-Bank.

And be it further enabled by the authority aforesaid, That in all cases when the debtor shall have a right to tender real or personal estate to be received at an appraised value, it shall be expressed in the execution, which shall be hereafter issued against him.

This act to continue, and be in force for the term of eight months, from the passing thereof and no longer. In the House of Representatives, Nov. 14, 1786.

This Bill having had three several readings, passed to be enacted. ARTEMAS WARD, Speaker. In Senate, Nov. 15, 1786.

This Bill having had two several readings, passed to be enacted. SAMUEL PHILLIPS, jun. President. By the Governor, Approved. JAMES BOWDOIN.

True copy. Attest JOHN AVERY, jun. Sec'y.

Commonwealth of Massachusetts. In Senate, November 10, 1786.

WHEREAS at the time for holding the Supreme Judicial Court at Great Barrington, within and for the county of Berkshire, on the first Tuesday of October last, the justices of the said Court, by reason of the commotions, tumults and disorders in the said county, were prevented from holding the said Courts at the said time and place, within and for the said county: Therefore,

Resolved, That the said Supreme Judicial Court, be held at Lenox, within and for the said county of Berkshire, on the first Tuesday of May next, then and there to transact and do all the business, and to hear and determine, all the several causes, complaints, and other matters and things which would regularly have come before the said Court, had it been held on the first Tuesday of October last as aforesaid, and likewise all the several causes, complaints, recognizances, and other matters and things which may regularly be brought before the said Court, that have arisen or may arise, in the said county, from the said first Tuesday of October last, until the holding of the said Court on the first Tuesday of May as aforesaid; and that all appeals, writs, recognizances, warrants, complaints, and other causes, which were to have been returned, received, considered and proceeded upon by the said Court, at their term in October last, as aforesaid, shall be returned, received considered and proceeded upon, heard and determined, in like manner, as the same might, and ought to have been returned, received, considered, proceeded upon, heard and determined before the said Court, if the same Court had been held in the said county, on the first Tuesday of October last, as by law to the contrary notwithstanding.

Sent down for concurrence. SAMUEL PHILLIPS, jun. President. In the House of Representatives, Nov. 14, 1786.

Read and concurred. ARTEMAS WARD, Speaker. Approved. JAMES BOWDOIN.

A true copy. Attest JOHN AVERY, jun. Secretary.

STRAYED from the subscriber, some time in June last, two yearling HEIFERS, one a dark red, with a white face; the other a brown, with considerable white on his legs, both marked with a half crop the upper side of the right ear, and a slit under the side of the same. Whoever will take up said creatures, and give information where they may be had, to the printer hereof, or the publisher, shall be handsomely rewarded, by SELOMON JOHN. West-Hampton, Dec. 13, 1786.

FOR SALE, At the Printing-Office in Northampton, The First, Second, and Third Part of Webster's Institute. A L S O, Watt's Palms, Printers, Blanks of most kinds, Writing-Paper, and a few copies of Col. Humphreys Poem.

HAMPSHIRE GAZETTE.

WEDNESDAY, DECEMBER 27, 1786.

NORTHAMPTON: PRINTED BY WILLIAM BUTLER, A FEW RODS EAST OF THE COURT-HOUSE.

An ADDRESS from the GENERAL COURT to the PEOPLE of the COMMONWEALTH of MASSACHUSETTS.

THE constitution is an free and popular as the preservation of society will admit; and indeed some have feared, it is more so: It has been highly applauded by foreigners and approved by the people. All persons employed in the legislative or executive parts of government, depend annually upon the people for their choice; if the people are dissatisfied with their conduct, they have an opportunity yearly to appoint others, in whom they can more fully confide. Can there be any necessity then, of resorting to irregular, or violent measures, to obtain redress of grievances?

That the people are overburthened with taxes is said to be a grievance: The taxes have indeed been very great; perhaps the General Court have misjudged of the abilities of their constituents, but it may be that those who complain, if they knew the state of the public debt, and the motives of the Legislature, would be satisfied. We shall therefore state them.

The sums applied to the use of the United States, were esteemed by Congress to be indispensably necessary: And the General Court in former years supposed they could not with any regard to their duty as a part of the union refuse the payments; nor could we think ourselves under less obligations to provide for ourselves under that part of the tax granted us, which is appropriated to the use of the Congress.

The necessity of a speedy payment of the here mentioned part of that tax, is complained of as a grievance. By the resolve of Congress of September 27, 1785, it was provided, that the Commissioners of the Continental Loan-Office should not on any pretence whatever, refuse any monies for the interest of the Continental debt, until the State for which he was Loan-Officer, should have passed a Legislative act, complying with the requisition in the said resolve; and by the same resolve it was required, that the Legislature of each State should provide, in the said complying with that requisition, that if on the first day of January, 1787, the said certificates should not be in the hand of some proper officer, the deficiency should be paid in specie. It was therefore absolutely necessary, that the act should have been passed; and notwithstanding which, application is now made to Congress, that the term for receiving those certificates may be prolonged.

The army notes were made payable, one third part in 1784, one third in 1785, and the remainder in 1786. The service of the officers and soldiers of the late army, was acknowledged by all to be exceedingly meritorious, and perhaps no part of the community had greater reason to complain of grievances than they. It was represented that many of them were urgent to have the notes redeemed: They were issued upon this express condition, that they should be receivable in the first taxes after they should become payable; and the General Court well knew, that if the abilities of the people were sufficient, it would be greatly for their advantage to redeem them.

We think the observations that have been made will explain the necessity of that part of the taxes, which has been applied to the support of civil government. With regard to the residue of the taxes it is apparent, from the manner in which the expenditures have been made, that they were occasioned by the war. When the war first commenced, the people solemnly engaged to each other to carry it on until they obtained security of their rights, although their lives and families should be the price of the purchase; If there was the least truth or sincerity in these declarations, could it be supposed, they would individually grudge the contribution of their part of the expence, when the event exceeded their most sanguine expectation?

Public credit is one of the most important points committed to the Legislature; in proportion as the credit of the State is weakened and in danger. It is of the same importance to a community, as a character for truth is to individuals. The want of a paper currency has been complained of as a grievance; but we find that in divers places where complaints have arisen, the idea of a paper currency is rejected with marks of great disapprobation. Inced a little attention to the subject, we conceive, must satisfy every intelligent and unprejudiced mind, that the emission of such a currency would be exceedingly injudicial. If it could be carried into execution, the said coin would be exported, the morals of the people would become more depraved, designing men would practise innumerable frauds, and it should never after be redeemed, it should plunge the State in deeper distress: If it should not be redeemed, it would cause the ruin of many individuals, and brand the State with infamy. And upon whom would that ruin fall? Not upon the artful and unprincipled, they would gain by the fraud; not upon the prudent and deserving, they would be guarded against it; but the loss would chiefly happen to the widow and the orphan, the simple and unwarly; and the most innocent and defenceless part of the community; that part, whose interests the Legislature ought to defend with peculiar attention.

The widow and orphan are the special charge of the Supreme Being, and all are enjoined to exercise vigilance and tenderness for their welfare. This injunction every man, possessed of natural affections, must feel the force of; for who can tell how soon his wife and his child, may fall a prey to thievery and speculators, if a paper money system shall be adopted.

A full experiment of this State's ability to uphold the credit of a paper medium, was made in the case of the new emission: The faith of the United States, and of this State, were both pledged for its support; a fund was provided, sufficient to pay the interest; and although, when interest came to circulation it passed for the rate of one and seven eighths for one, interest for a large amount in silver was paid upon the nominal sum; notwithstanding which, at the very time the interest was paying, the currency rapidly depreciated.

We presume there is not a man in the State, who supposes, that if we emitted a paper currency, it would not depreciate; and if it depreciates, it will pass at different rates in different places, and to different persons, at the same time; it will therefore produce the same effect as divers weights and divers measures, which we are assured are an abomination.

We feel in common with our neighbours the scarcity of money; but is not this scarcity owing to our own folly? At the close of the war, there was no complaint of it; since that time our fields have yielded their increase, and heaven has showered its blessings on us in uncommon abundance; but are not we constrained to allow that immense sum has been expended, for what is of no value, for the more pernicious produce of the West-Indies; and the dread of a paper currency impedes the circulation of what remains: It is said however, that such a currency would give us present relief; but like the pleasure of sin, it would be but for a season; and like that too, it would be a reproach to the community, and would produce calamities without end.

Until the people can forget the injuries and frauds occasioned by paper currencies, in their own time; we think they must be satisfied, of the inexpediency and injustice, of making new emissions.

Within a few years the habits of luxury have exceedingly increased; the usual manufactures of the country have been little attended to. That we buy goods cheaper than we can make them, is often repeated, and is even become a maxim in economy, although a most absurd and destructive one. While these habits continue, the wisest Legislature will not be able to remove our complaints: The emission of a paper currency, and such like expedients, may seem to refresh us for a moment; but they will serve to fan the flame, that must eventually consume us.

Without a reformation of manners, we can have little hopes to prosper in our public or private concerns. At the close of the war we greedily adopted the luxurious modes of foreign nations. Although our country abounds with all the necessaries of life, the importations from abroad,

for our own consumption, have been almost beyond calculation; we have indulged ourselves in fanciful and expensive fashions and intemperance living; by these means our property has been lessened and immense sums in specie have been exported. Government is complained of, as if they had devoured them; and the cry of many persons now is, make us paper money. This request is next in point of imprudence to that of the Israelites to Aaron, to make them a calf; and a compliance would be but a little more honourable or advantageous, in the one case, than it was in the other.

As the difficulty in paying debts increased, a disregard to honesty, justice and good faith, in public and private transactions, became more manifest. That virtue, which is necessary to support a Republic, has declined; and as a people, we are now in the precise channel, in which the liberty of States has generally been swallowed up. But still our case is not desperate; by recurring to the principles of integrity and public economy and fidelity in contracts, and by so the impeding man may be averted, and we become respectable and happy. By so means we may satisfy the invading prodigality, and should be able to maintain our freedom. In fact, we may hope, the God of our fathers, who had directed our fathers, will prosper the work of his hands, and save the fair structure of American liberty from falling into ruin.

We make no boast of uncommon skill in legislation; but sincerely regretting the evils we have taken, we claim the merit of upright conduct, and of pursuing as far as we can judge, a plan, formed on the principles of justice, and calculated to promote the honour, the safety and happiness of the State.

In a Commonwealth, where a spirit of unreasonable jealousy and a complaining temper are indulged and countenanced, it will be impossible to give satisfaction to the people; if Angles in such case were governed, opposition would be made to their administration; indeed we have a striking instance that when such humours prevail, even the authority of the Supreme Being will be thought a grievance. The people of Israel were under his particular care and government; He was their Lawgiver and Judge; He delivered them from their oppressors; He led them through the sea; He rained them down the corn of Heaven and sent them meat to the full; but notwithstanding, they complained of His government and wantonly provoked His anger like that people, we have experienced astonishing testimonies of the divine favour. God forbid that like them, we should requite him with murmuring and ingratitude, and provoke him to destroy us.

When the people are dissatisfied with the conduct of any government, it may at least deserve a reflection, whether the dissention is not with themselves. At the last election, we returned, than at any former period, they came together with a fixed design, to gratify their constituents in every thing which the interest of the community would permit; and they never lost sight of that object; notwithstanding which, greater dissatisfaction with public measures is expressed at this time, than ever before since the revolution. The Legislature have attended to all the petitions that have been presented, and all the complaints that have been made; so far as justice will allow, they will comply with the requests in these petitions, and remove the grounds of those complaints. If they possess abilities and integrity equal to the other members of the community, the advantages they derive from the information collected from all parts of the State, and a public discussion of subjects, render them more capable to judge of the fitness of public measures; but if they are to have the favour of the people, and a voice in the public councils, only on condition of their establishing inquiry by law, they are willing to lose the shameful pre-eminence.

The General Court have heard with interest, and