

C H A P. V. pear by the books of the said company to belong to him at the time or times when such loss or losses shall be sustained.

When persons refuse to pay, president to make a demand, &c.

XIII. And, whereas it is absolutely necessary that debts due to the said bank should be punctually paid, to enable the directors to calculate with certainty and precision on meeting the demands that may be made upon them, **Be it enacted,** That whenever any person or persons are indebted to the said bank for monies borrowed by them, or for bonds, bills or notes, given or endorsed by them, with an express content in writing that they may be made negotiable at the said bank, and shall refuse or neglect to make payment at the time the same may become due, the president shall cause a demand of payment to be made, in writing, on the person of the said delinquent or delinquents having consented as aforesaid, or if not to be found, have the same left at his last place of abode, and if the money so due shall not be paid within ten days after such demand made, or notice left at his last place of abode as aforesaid, it shall and may be lawful for the president for the time being, at his election, to write to the clerk of the general court, or of the county in which the said defaulter or defaulters shall reside, or did at the time he or they contracted the debt reside, and send to the said clerk the bond, bill, or note due, with proof of the demand made as aforesaid, and order the said clerk to issue *capias ad satisfaciendum*, *fieri facias* or attachment, by way of execution, on which the debt and costs may be levied, by selling the property of the defendant for the sum or sums of money mentioned in the said bond, bill or note; and the clerk of the general court, and the clerks of the several county courts, are hereby respectively required to issue such execution or executions, which shall be made returnable to the court whose clerk shall issue the same, which shall first sit after the issuing thereof, and shall be as valid and effectual in law, to all intents and purposes, as if the same had issued on judgment regularly obtained according to the common and ordinary course of proceeding in the said court, and such execution or executions shall not be liable to be stayed or delayed by any superedeas, writ of error, appeal, or injunction from the chancellor: Provided always, that before any execution or executions shall issue as aforesaid, the president of the bank shall make an oath, (or affirmation if he shall be of such religious society as are allowed by the laws of this state to make affirmation,) ascertaining whether the whole or what part of the debt due on the said bond, bill or note, is due; which said oath or affirmation shall be filed in the office of the clerk of the court from which the execution shall issue; and if the defendant shall dispute the whole or any part of the said debt on the return of the execution, the court before whom it is returned may order an issue to be joined, and trial to be had the same court at which the return is made, and make such other proceedings that justice may be done in the speediest manner.

Persons forging notes, adjudged felons, &c.

XIV. **And be it enacted,** That if any person or persons shall, within this state, forge or counterfeit any of the notes or checks of the said bank, or pay or tender in payment, or in any manner pass or offer to pass, such forged or counterfeited note or check, knowing them to be forged or counterfeited, and shall thereof be convicted in any court of law within this state, he or they shall be adjudged a felon, and suffer such punishment as shall be adjudged him by said court, so as the same do not extend to death, or more than seven years servitude.

C H A P. VI.

Passed December 14.

An ACT to enable Richard Tilghman Earle to sell and convey certain property of his deceased father Richard Tilghman Earle.

Preamble.

**W**HEREAS Richard Tilghman Earle, of Queen-Anne's county, by his humble petition to this general assembly, hath set forth, that Richard Tilghman Earle, his deceased father, was, in his lifetime, seized in fee of several parts of tracts of land lying in Queen-Anne's county, called Providence, Crump's Forest, Upper Heathworth, Okenthorpe, and Tom's Fancy Enlarged, and of fourteen hundred and seventy-five acres of land lying in Caroline county, which he bought of a certain William Banks, and that, by his last will and testament, he empowered his executors to sell and convey the afore-  
said