

C H A P. XLVIII.

confiscated property; and the said Simon Nicholls, and his sureties, may, at any time before the year seventeen hundred and ninety, discount for the debt due from the said Simon Nicholls any certificate discountable under the said act.

Commissioners to settle the account, &c.

IX. AND, whereas it is represented to this general assembly, that the said Alexander Catlett hath incurred considerable costs and expences on account of his becoming security for the said Simon Nicholls, which it is reasonable should be reimbursed, BE IT ENACTED, That the commissioners of Montgomery county, or a major part of them, shall have full power and authority to settle the account of the collections made by the said Alexander Catlett; and make him such allowance for his trouble, costs and expences, incurred as security for the said Simon Nicholls, as two arbitrators chosen by the said Nicholls and Catlett may think just and reasonable, and if the said arbitrators differ in opinion, they to choose a third person; which allowance shall be deducted out of the money and certificates by him collected, according to the order of the said commissioners, before the payment shall be made into the treasury as aforesaid.

If bond is not given, A. Catlett may proceed, &c.

X. AND BE IT ENACTED, That in case the said Simon Nicholls shall not give bond with security, within the time required by this act, that then and in such case the said Alexander Catlett shall have full power to proceed to complete the collection of arrearages in the said county, as fully and amply as collectors of the taxes in other counties are empowered to do, and this act, and every clause therein contained, shall cease, determine, and be at an end.

C H A P. XLIX.

Passed 20th of Jan. 1787.

An ACT for the settlement of public accounts, and to appoint persons to collect the debts due to persons convicted of treason, and for a specific performance of certain contracts made by British subjects previous to the revolution. Lib. TBH. No. B. fol. 174.

Preamble.

WHEREAS a number of citizens have claims against British merchants trading to this state before the revolution, and since peace those merchants have appointed factors or agents to collect the debts due to them from the citizens of this state, and those factors or agents never having notified, by public advertisement or otherwise, their power to adjust the debts of said merchants, those citizens who have claims against them are unable to obtain a settlement of their accounts; and it being necessary to secure as far as possible to our citizens their just debts;

Factors, &c. to lodge a list, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That all such factors or agents, or their principals, now within this state, unless bond with security be given as herein after directed, shall, on or before the first day of August next, lodge with the auditor a list of all balances due to such merchants, upon oath; and any such factor, agent or merchant, who shall hereafter come into this state, shall, within four months from the time of coming into this state, lodge with the auditor a list upon oath of balances due to such merchants; and if they should neglect to deliver such list as aforesaid, then it may be lawful for the debtors of such merchants to plead the non-compliance with this act; and the several courts of justice within this state are hereby directed not to proceed, after the first day of August next, to give judgment against any citizen of this state, on any action brought by any of the said merchants, or their agents, as aforesaid, unless they produce a certificate from the auditor, certifying that this act has been complied with.

And give bond, &c.

III. AND BE IT ENACTED, That every factor or agent appointed to collect debts due before the seventeenth day of October, seventeen hundred and eighty, by citizens of this state to subjects of Great Britain, and every such British creditor, if he shall collect, shall give bond to the state with such security, and in such penalty, as the chancellor shall approve, with condition that he will satisfy and pay all just debts due from such creditor to any citizen of this state, so far as debts shall be collected by him; and no debtor of any such British creditor shall be obliged to pay his debt before bond be given as hereby required; and if bond and security shall be given as aforesaid, then the British merchant, agent or factor, shall not be obliged to return the list as is herein before directed.

Claims rejected may be laid before the chancellor, &c.

IV. AND, whereas numbers of accounts and claims against persons whose property has been confiscated by this state have been laid before the auditor to be approved and passed for payment thereof, and many of them have been, and still may be, rejected for want of the necessary evidence to satisfy the auditor of the justness of the claim, BE IT ENACTED, That in all cases where the auditor has rejected, or shall reject, any account or claim as aforesaid, for want of the necessary proof,