

II. BE IT ENACTED, by the General Assembly of Maryland, That in case any security, on the bond of any public debtor passed before the time of making the said act, and which is thereby made a part of the said fund, shall give notice in writing to the principal debtor, that he desires or requires him to give new security for the debt and interest, or what thereof is due, such debtor shall, within six weeks thereafter, give a new bond to this state, with two good securities, for the payment of the debt and interest, or what thereof is due, which securities shall be approved of by the treasurer; and, to enable him to judge the better of their sufficiency, he may require a certificate of the assessment of their property, and may examine them on oath, to be administered by him, touching their property; and the treasurer is directed not to accept the new securities, unless he shall be satisfied they are ample and sufficient; and on the treasurer's approving the said new bond and security, he shall endorse the same, that it is given in lieu of the first, and the same shall be subject to every intent and purpose to the same mode of recovery as the first was, which shall then be cancelled; but if the original debtor shall refuse to give such new security as aforesaid, or shall delay to do the same within the said six weeks, then shall the treasurer, on the request of the security, and on a copy of the said notice being lodged with him, with an affidavit endorsed thereon of the due service thereof, order an execution against the principal, on which shall be made the whole debt and interest due with costs.

C H A P.
LIII.
Debtors to give
new bonds, &c.

C H A P. LIV.

An ACT to provide a remedy for creditors and others against this state. Lib. TBH. No. B. fol. 181.

Passed 20th of
Jan. 1787.

WHEREAS individuals may have claims against this state for money, which they cannot settle and adjust with the auditor-general, and it is reasonable that some mode should be adopted to afford such individuals an opportunity of trying the justice of their claims at law;

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That any citizen of this state, having any claim against this state for money, may commence and prosecute his action at law for the same against this state as defendant, by issuing a summons directed to the attorney-general, and sending with such summons a short note expressing the cause of action, and such person may declare, that the state is indebted unto him in any sum he thinks proper, and the attorney-general shall plead thereto, and the issue shall be made up; and the jury shall try such issue or issues, and if they find for the plaintiff, they may assess such damages as they may think just, and the same shall be paid by the state, and with costs, if the jury find more due to the plaintiff than admitted by the auditor, but if the jury find for the state, the plaintiff shall pay costs of suit, and be liable to execution therefor; and the attorney-general shall exhibit the claim of the state, if any, and if the jury shall find that the plaintiff is indebted to the state, they may find accordingly, and judgment may thereupon be entered and given against him for such sum and costs of suit, and such plaintiff may appeal in the same manner as private persons can by law appeal in suits between them, on giving bond with security, and the attorney-general may also appeal if he thinks proper.

Actions may be
commenced,
&c.

III. AND BE IT ENACTED, That where any person shall file a bill in chancery against the state, that process shall and may be served on the attorney-general, which service shall be effectual to all intents and purposes, according to the notice of the process issued; provided, that where any injunction is prayed to stay proceedings at law for the payment of any debt claimed by the state, the chancellor shall not order such injunction on the affidavit of the complainant only, but shall be fully satisfied by other proof, that the material facts in the complainant's bill are true.

Process to be
served on the
attorney-gene-
ral, &c.

C H A P. LIV.

An ACT respecting certain certificates and plots. Lib. TBH. No. B. fol. 182.

WHEREAS by an act passed at November session, seventeen hundred and eighty-five, * entitled, An act ascertaining the mode of granting titles to the purchasers of certain confiscated property, it is enacted, that any certificates and plots of survey, which shall or may be returned to the register of the land-office for the western shore on or before the first day of January, in the year seventeen hundred and eighty-seven, by any person who has been appointed by the intendant to survey any of the aforesaid lands, shall be received by the examiner-general, and be of the same validity as if they had been executed and returned by the surveyor of the county: And whereas several of the certificates and plots have not been returned agreeably to the above recited act, owing to the inclemency of the weather in the months of November and December last past, and for other reasons;

Preamble.
* Chapter 66.