

X. AND BE IT ENACTED, That in the appointment of a cashier of the bank, a majority of at least nine directors present shall be necessary to a choice.

C H A P.
XXX.
A majority necessary, &c.

XI. AND BE IT ENACTED, That the board shall, at every quarterly meeting, choose three directors to inspect the business of the bank for the ensuing three months, and the inspectors so chosen shall, on the evening of every Saturday, examine into the state of the cash account, and of the notes received and issued, and see that those accounts be regularly balanced and transferred.

Board to choose three directors, &c.

XII. AND BE IT ENACTED, That any director, officer, or other person holding any share of the said bank stock, who shall commit any fraud or embezzlement, touching the money or property of the said bank, shall be liable to be prosecuted in the name of this state, by indictment, for the same, in any court of law of this state, and upon conviction, shall, besides the remedy that may be had by action in the name of President, Directors and Company, of the Bank of Columbia, for the fraud aforesaid, forfeit all his stock in the said bank to the company.

Penalty on persons committing fraud, &c.

XIII. AND BE IT ENACTED, That no stockholder, subscriber, or member of the said corporation, shall be answerable for any losses, deficiencies or failures, of the capital stock of the said corporation, for any more or larger sum or sums of money whatsoever, than to the amount of the stock, stocks or shares, which shall appear by the books of the said company to belong to him at the time or times such loss or losses shall be sustained.

No stockholder to be answerable, &c.

XIV. 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 consent 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 become due, the president shall cause a demand 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, at his election, to write to the clerk of the general court, or of the county in which the said delinquent or delinquents may 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 set after the issuing thereof, and shall be as valid, and as effectual in law, to all intents and purposes, as if the same had issued on judgment regularly obtained in the ordinary course of proceeding in the said court, and such execution or executions shall not be liable to be stayed or delayed by any superseas, writ of error, appeal, or injunction from the chancellor; provided always, that before any execution shall issue as aforesaid, the president of the bank shall make an oath, (or affirmation if he shall be of such religious society as allowed by this state to make affirmation,) ascertaining whether the whole or what part of the debt due to the bank on the said bond, bill or note, is due; which 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 shall and may order an issue to be joined, and trial to be had the same court at which the return is made, and shall make such other proceedings that justice may be done in the speediest manner.

On refusal, &c. president may cause a demand to be made, &c.

XV. 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 notes or checks, knowing the same 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 shall not extend to death, or more than seven years service.

Penalty on persons counterfeiting, &c.

XVI. AND BE IT ENACTED, That if any person or persons shall steal, or take by robbery, any of the notes of the said bank, it shall be deemed and construed to be felony, of the same nature and in the same degree as if the offender had stolen, or taken by robbery, any other goods of like value with the

Stealing, &c. deemed felony, &c.