

part thereof on the — day of —, and so forth, as the case may be; and I the said A. B. do hereby consent, that the said C. D. shall, in case of failure of payment on my part, be authorized to proceed for a recovery of the aforesaid debt; according to the act for the instalment of debts, and to regulate the recovery of the same. Witness my hand and seal this — day of —, seventeen hundred and —.

“Signed, sealed and delivered,
in presence of”

“Which said agreement shall be executed by the debtor in presence of two witnesses at least, and be filed by the creditor with the bond, or other cause of action, with the clerk of the court where application shall be made for execution, as hereafter directed.

“And be it enacted, That every creditor, his, her, or their executors, administrators or assigns, with whom any agreement shall or may be made to secure the payment of any debt, installed and made payable at stipulated periods under this act, shall and may, in case of the nonpayment of any part of the same when due, upon filing such agreement, with the original cause of action, with the clerk of the general court, or county court in which his debtor resides, as the case may be, with an affidavit of such nonpayment, issue an execution for such part of the principal and interest then due, according to the terms of the said agreement entered into and signed as aforesaid, and no appeal, writ of error, superseas or injunction, shall be had to delay the payment of any part of any debt installed under this act, when the same shall become due.

“And be it enacted, That if upon the return of any execution issued as aforesaid, the debtor can prove to the court, or if demanded by either party, to a jury, to be impannelled and sworn, a payment to his creditor, his executors, administrators or assigns, shall pay all the costs of such execution.

“And be it enacted, That where the person of any debtor, or his lands, goods or chattels, have been taken, or shall hereafter be taken, in execution, such debtor, on and with the consent of his creditor, may instal his debt, agreeably to this act, in manner aforesaid.

“Be it enacted, That nothing in this act contained shall be construed to destroy, or in any degree lessen, the security or remedy which any creditor hath for any debt, where all the debtors, bound for the payment thereof, do not instal according to the form and effect of this act.”

The bill, entitled, An act to repeal the fortieth section of the constitution and form of government, was read the second time by especial order and will pass.

The bill, entitled, An act for the payment of the journal of accounts, was read the second time, and the question being put, That the same do pass? The yeas and nays being called for, appeared as follow:

A F F I R M A T I V E.

The honourable Daniel Carroll, Esquire, president, the honourable William Perry, John Smith, Richard Ridgely, Samuel Hughes and Peregrine Tilghman, Esquires.

N E G A T I V E.

The honourable George Gale and Charles Carroll, of Carrollton, Esquires.

Determined in the affirmative, endorsed will pass, and, with the above bills and resolution, was sent to the house of delegates by Charles Carroll, of Carrollton, Esquire.

Mr. Cellars, from the house of delegates, delivers to the president a bill, entitled, An act to empower the justices of Washington county to assess and levy a sum of money on the property of said county for the purpose of finishing the prison in Washington county, endorsed; “By the house of delegates, May 25, 1787: Read the first time and ordered to lie on the table.

“By order,

W. HARWOOD, clk.

“By the house of delegates, May 25, 1787: Read the second time by especial order and will pass.

“By order,

W. HARWOOD, clk.”

Which was read the first and second time by especial order and will pass.

The following message was prepared, agreed to, and, with the above bill, was sent the house of delegates by William Perry, Esquire.

BY THE SENATE, MAY 25, 1787.

GENTLEMEN,

HAVING dispatched the business on our table, and given sufficient time for the preparation of a supply bill, we have determined to rise to-morrow, and therefore hope you will make the necessary arrangements for closing the session at that time.

By order,

J. DORSEY, clk.

The senate adjourns till to-morrow morning 8 o'clock.

S A T U R D A Y, May 26, 1787.

THE senate met. Present as on yesterday. The proceedings of yesterday were read.

George Gale, Esquire, brings in and delivers to the president a bill, entitled, A Supplement to the act respecting surplus lands; which was read the first time and ordered to lie on the table.

Mr. Jackson, from the house of delegates, delivers to the president a bill, entitled, An act to procure a permanent fund for the debt due from this state to Messieurs Vanstaphorst, endorsed; “By the house of delegates, May 26, 1787: Read the first time and ordered to lie on the table.

“By order,

W. HARWOOD, clk.

“By the house of delegates, May 26, 1787: Read the second time by especial order and will pass.

“By order,

W. HARWOOD, clk.”

Which was read the first time and ordered to lie on the table.

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