

ment ; and in all cases, the majority of the creditors in amount, shall have the right, on application made to the chancellor, or any county court, as a court of equity, to require the trustee or trustees, who shall be appointed by any bank, for the benefit of the said creditors, to give bond and security to the state of Maryland, in such sum, and with such security, as the said chancellor, or any county court as aforesaid, may require and approve, for the faithful performance and execution of the trust, or on neglect or refusal so to do, to surrender up said trust ; which bond shall be filed and recorded with all other of the proceedings, and a copy of the same, authenticated in the usual form, shall be evidence in any court of law or equity in this state, and in any suit or suits brought on said bond, wherein an authenticated copy of the same shall be offered in evidence, the plea of non est factum shall not be received, unless the same is verified by the affidavit of the defendant or defendants tendering the same.

Required to bond.

Plea.

SEC. 3. *And be it enacted*, That any person who may conceive himself or herself aggrieved by the conduct of any trustee or trustees as aforesaid, may put the said bond in suit, and recover such damages as shall be assessed by a jury, under the direction of the court ; *Provided nevertheless*, that no part of this act shall have any effect or operation upon the deeds of trust heretofore made by the president and directors of the Bank of Maryland, or the trustees appointed to administer the affairs of that institution, or the debtors and creditors thereof, as their legal and equitable rights respectively stood before the passage of this act.

Suit authorized.

Bank of Maryland excepted.

SEC. 4. *And be it enacted*, That wherein any suit at law process, as now prescribed or authorized by law, shall be served upon any corporate body, requiring the same to appear in any court, to such suit, and such corporate body shall not accordingly appear during the term to which such process shall be returned, or by the second day of the succeeding term, judgment by default shall be entered against such corporate body, for the amount of the claim of the plaintiff or plaintiffs, to be proved to, and ascertained by a jury, upon inquiry, by it executed at bar, as in cases of ascertainment of damages by a jury on judgments by default ; and an appearance on the first or second day of such succeeding term, shall not be allowed to such corporate body, except on such terms as to the court shall seem just, to the end, that the plaintiffs shall not suffer by the delay of the defendant, in not appearing at the first term.

Corporation sued and failing to appear, &c.

Judgment by default.

Not allowed appearance succeeding term. Except.