

C H A P.
XLVIII.

tor in the room of the said Simon Nicholls, or otherwise on account of the said Simon Nicholls, and which remain in his hands unapplied to the purchase of discountable certificates.

If bond is not given, execution shall issue, &c.

III. **And be it enacted,** That if the said Simon Nicholls shall not give bond as aforesaid, an execution shall immediately after the said first day of April next be issued against his property, which shall be taken and sold on the terms prescribed by the consolidating act for the sale of confiscated property; provided nevertheless, that the sales shall not exceed the balance due from the said Simon Nicholls to the state, after crediting the said Simon Nicholls with the certificates and monies received for taxes, or otherwise on account of the said Simon Nicholls, by the said Alexander Catlett, and the certificates purchased therewith, and the sums remaining due from the people, which balance shall be ascertained and determined by the commissioners of the tax for Montgomery county for the time being, before the issuing of such execution.

Balance due to be divided, &c.

IV. **And be it enacted,** That the balance remaining due after such sale be divided into two equal parts, and execution shall issue against the property of each of the securities of the said Simon Nicholls for one half of the said balance, and the said property shall be sold on the terms aforesaid, unless the proprietor shall, on or before the first day of September next, give bond with security, to be approved as aforesaid, for the payment of such balance, and that each of the said securities, on the sale of any of his property, and taking bond payable to the state with security as aforesaid for the purchase money, shall have credit to the amount of such sale; but if either of the said securities prove insolvent, the other shall be responsible for the deficiency.

Sureties may discount certificates, &c.

V. **And be it enacted,** That at any time before the year seventeen hundred and ninety, either of the sureties of the said Simon Nicholls be permitted to discount for the debt due from their principal or themselves, as the case may be, any certificates discountable under the consolidating act.

Execution set aside, &c.

VI. **And be it enacted,** That the execution issued against the said Alexander Catlett out of the general court, returnable to May term next, be and is hereby set aside.

A. Catlett to account for all certificates, &c.

VII. **And,** whereas it is stated by the said Simon Nicholls, and admitted by the said Alexander Catlett, that the said Alexander Catlett has received in taxes certificates to a considerable amount, and also considerable sums of money, which money and certificates he laid out in the purchase of depreciation certificates, which ought to be applied to the balance due the state from the said Simon Nicholls, **Be it enacted,** That the said Alexander Catlett shall account for all such certificates as he hath received for taxes, with the interest thereon at and from the time of receiving the same, which remain on hand not exchanged nor sold for depreciation certificates, and for the amount of all such certificates as he hath purchased with the monies or certificates collected as aforesaid, and for the interest thereon at and from the time of the purchase thereof; and that all such certificates, or other certificates to the amount thereof, if discountable under the consolidating act, shall be received by the treasurer, and applied to the credit of the said Simon Nicholls; and the said Alexander Catlett shall make oath, to be administered by the treasurer, that the certificates he delivers in are to the amount of all the certificates received by him in taxes, or purchased by the monies and certificates he collected as aforesaid, and that the certificates he delivers in to the treasury, comprehend the amount of both principal and interest of all certificates that he has received of the people as aforesaid, or that he or any other person for him has purchased with monies or certificates which he collected of the people, to the best of his knowledge; and no execution shall issue against the property of the said Simon Nicholls as directed by this act, until the said Alexander Catlett shall account as aforesaid, after deducting out of the said money and certificates such allowance as may be made the said Alexander Catlett by the commissioners of the tax for Montgomery county in the settlement of his account, in manner hereafter directed.

VIII. **And**