

Proviso.

he shall forfeit and pay to the holder of such note the sum of twenty-five dollars to be recovered before any justice of the peace in the same manner as debts of like amount are or may be by law recoverable: *Provided*, That nothing in this act shall be construed to prevent any bank from redeeming its own notes with the notes of any other bank in whose behalf the same shall be presented for payment.

Restriction as to the time allowed to close their affairs.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the time allowed by this act for the final close and settlement of the affairs of the said banks, shall not extend beyond the period to which the duration of their original charters was limited.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

CHAPTER CXLIII.

AN ACT

Regulating suits on promissory notes, and for taking stock in execution.

One or more persons liable may be included in one suit.

Statement to be filed, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful hereafter for any individual or body politic or corporate, holding a note, draft or bill of exchange endorsed by one or more endorsers, to include in any suit to be instituted for the recovery of any sum which may be due thereon to such holder, all and every person or persons liable for the payment thereof or any one or more of them, and such suit shall not alter or affect the legal responsibility of the defendants respectively to each other, in which suit the plaintiff by his agent or attorney, shall file a statement and proceed to judgment and recovery according to the provisions of an act of assembly, entitled "An act to regulate arbitrations and proceedings in courts of justice," passed twenty-first March one thousand eight hundred and six.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the stock of any body corporate owned by any

individual or individuals, body or bodies politic or corporate, Stock made in his, her, its, or their own name or names, shall be liable to be taken in execution and sold in the same manner that goods and chattels are liable in law to be so taken and sold, subject nevertheless to any debt due by any holder or holders of such stock to the company or body corporate. And whereas it sometimes happens that the stock of such bodies corporate is held in another name or names than that or those of the real owner or owners thereof, and it is just that stock so held should be made liable for the debts of the real owner or owners.

Therefore,

SECT. 3. *Be it further enacted by the authority aforesaid,* That whenever any plaintiff or creditor shall file an affidavit with the prothonotary of the court, alderman or magistrate, in which, or before whom such plaintiff or creditor has instituted, or is about to institute a suit, stating that he verily believes such stock to be really and bona fide the property of the debtor against whom such suit has been, or is about to be brought, and also shall enter into a recognizance with two sufficient sureties conditioned for the payment of such damages, as such court, alderman or magistrate may adjudge to the party or parties to whom such stock shall really belong, in cases such stock should not be the property of such debtor, it shall and may be lawful for such court, alderman or magistrate to cause to be issued process in the nature of a foreign attachment against such stock, and to summon as garnishee the person or persons in whose name or names the same shall be held and proceed against the said stock and such garnishee, in all respects in the same manner as by the laws of this commonwealth proceedings now are or hereafter may be prescribed in cases of foreign attachments against personal estate, and upon judgment being had in favor of the plaintiff in any such suit, execution may issue immediately for the sale of such stock, in the same manner that goods and chattels are sold on writs of fieri facias: *Provided,* That in case of a judgment before a justice of the peace or alderman, where the amount in controversy shall exceed five dollars and thirty-three cents, an appeal shall be allowed to the court of common pleas agreeably to the same rules and regulations now or hereafter to be prescribed for granting appeals in other cases cognizable before a justice of the peace.

When process in the nature of a foreign attachment against stock may issue.

Mode of proceeding.

Execution thereon.

Proviso, respecting an appeal.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.