

III. AND BE IT ENACTED, That upon the said Tristram Dalton executing and acknowledging a deed to the trustee or trustees to be appointed as aforesaid, conveying all his property, real, personal and mixed, and all debts, rights and claims, agreeably to the oath of the said Tristram Dalton, and on the delivery of the possession of the said property, and all books, papers, and evidences of every kind, relating to the said property, and the trustee or trustees certifying the same in writing to the chancellor, the chancellor shall thereupon order that the said Tristram Dalton shall be discharged from all debts, contracts, covenants, promises and agreements, due from, or owing or contracted, made or entered into by him, before the date of the said deed, either in co-partnership with any person or persons or by himself; provided, that such discharge shall not operate so as to discharge any other person from any debt; and provided also, that any property which the said Tristram Dalton shall acquire in his own right, by descent, gift, bequest, devise, or in course of distribution, shall be liable to the payment of his debts.

C H A P. XXVI. On giving a deed to be discharged, &c.

IV. AND BE IT ENACTED, That the trustee in virtue of this act shall, in the first place, apply the proceeds of the property of the said Tristram Dalton which shall come to the hands of such trustee or trustees to the satisfaction and discharge of liens heretofore created thereon, and after the discharge of such liens, the residue among his several creditors, in equal proportions to their several debts; and the interest, share or part, of the said Tristram Dalton, in any property or debt held by, or due to, any co-partnership, shall be applied, in the first place, to the satisfaction and discharge of such co-partnership debts.

Liens to be first discharged, &c.

V. AND BE IT ENACTED, That any trustee or trustees to be appointed in virtue of this act, before he or they shall proceed to act as such, shall give bond, with security, to be approved of by the chancellor, for the faithful execution of the trust reposed in him or them, and pursue in all respects the directions of the chancellor in the performance of the said trust.

Trustee to give bond, &c.

VI. AND BE IT ENACTED, That if any of the creditors of the said Tristram Dalton shall, on the application of the said Tristram Dalton to the chancellor, or within two years thereafter, allege in writing that the said Tristram Dalton has, directly or indirectly, sold, conveyed, lessened, or otherwise disposed of, or purchased in trust for himself, or any other person or persons, or intrusted or concealed, any part of his property, debts or effects, with intent to injure or defraud his creditors, or any of them, or to expect, secure or receive, any benefit or advantage therefrom, the chancellor, at the election of such creditor, may either examine the said Tristram Dalton on oath, on such allegations, or direct an issue in a summary way, without the form of an action, for trying the truth of the same; and if upon the answer of the said Tristram Dalton in the trial of the issue, he shall be found guilty of any fraud or deceit of his creditors, he shall for ever be precluded from any benefit of this act, and if the said Tristram Dalton shall, at any time thereafter, upon indictment, be convicted of wilfully, falsely and corruptly swearing to any matter or thing to which he shall swear by virtue of this act, he shall suffer as in case of wilful and corrupt perjury.

T. Dalton may be examined, &c.

VII. AND BE IT ENACTED, That if the said Tristram Dalton shall be arrested or imprisoned on process sued out on any judgment or decree obtained against him for any debt, damage or costs, due, contracted, owing, or growing due before the passing this act, the court out of which such process issued shall and may discharge the said Tristram Dalton on motion; and if the said Tristram Dalton shall be sued, arrested or imprisoned, on any mesne process for the recovery of any debt or damages, contracted, owing, or growing due before the passing this act, the court before whom such process shall be returned shall and may discharge the said Tristram Dalton out of custody on his common appearance being entered, without any special bail.

If arrested, to be discharged, &c.

VIII. AND BE IT ENACTED, That the said Tristram Dalton shall not be entitled to the benefit of the provisions of this act, unless, at the time of presenting his petition as aforesaid, he shall produce to the chancellor the assent of two thirds in value of his creditors who are citizens of this state, or of the United States, at the time of passing this act.

Assent of creditors to be produced, &c.

C H A P. XXVII.

An ACT to lay out a road from the Morgan-town road, on the ridge between Aza Beall's and William Coddington's, to the Virginia line, near the lands of John Forrest. Lib. JG. No. 3. fol. 271.

Passed 3d of Jan. 1800.

WHEREAS sundry inhabitants of Allegany county, by their petition to this general assembly have set forth, that they labour under many inconveniencies for the want of a public road, to leave

Preamble.