

shall be annexed to or accompany such petition, the county court shall direct personal notice of such application to be given to the creditors, or to as many of them as can be served therewith, or their agent or attorneys, or direct notice of such application to be advertised in the most public places of the county where the said debtor resides, or to be inserted in some news-paper for such time as they may think proper, and on the appearance of the said creditor, or neglect to appear on notice, at the time or times and place appointed, the county court shall administer to the petitioning debtor the following oath or affirmation, as the case may require: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will deliver up, convey and transfer, to my creditors, in such manner as the county court shall direct, all my property that I have, or claim any title to or interest in, and all debts, rights and claims, which I have, or am any way entitled to, in possession, remainder or reversion, (the necessary wearing apparel and bedding of myself and family excepted,) and that I have not, directly or indirectly, at any time, sold, conveyed, lessened or disposed of, for the use or benefit of any person or persons, or intrusted, any part of monies or other property, debts, rights or claims, thereby to defraud my creditors, or any of them, or to secure the same to receive or expect any profits, benefits or advantages thereby;" and the county court shall thereupon name such person as a majority of the creditors in value, their agents or attorneys, shall recommend, to be trustee for the benefit of the creditors of the petitioning debtor, or in case of the non-attendance of the creditors, or of their not making a recommendation, the county court shall name such person as they shall think proper, to be trustee as aforesaid.

3. AND BE IT ENACTED, That no person herein before mentioned shall be entitled to the benefit of this act, unless the county court shall be satisfied, by competent testimony, that he has resided the two preceding years within the state of Maryland prior to the passage of this act, and unless, at the time of presenting his petition as aforesaid, he shall produce to the county court the assent, in writing, of so many of his creditors as have due to them the amount of two thirds of the debts due by him at the time of the passing of this act; *Provided*, that foreign creditors, not residing within the United States, or not having agents or attorneys therein, duly authorized and empowered to act in their behalf, shall not, for any purpose, be considered as creditors within the meaning of this clause; *And provided also*, that the county court may, without the assent of the creditors as aforesaid, from time to time order to be discharged from custody any of the said petitioners who may be in actual confinement in virtue of any process issued, or that may be issued, in pursuance of any debt at this time due and owing, which discharge is hereby declared to be a release only of the person of such debtor, but not of his property, unless the assent in writing of two thirds in value of the creditors aforesaid be obtained.

4. AND BE IT ENACTED, That before such trustee proceeds to act, he shall give bond for the faithful performance of his duty to the state of Maryland, for the use of the creditors of said petitioning debtor, in such penalty as the county court shall direct, which shall be recorded in the office of the county court, and a copy there-

None to be entitled to benefit of this act but citizens—assent of creditors,

Proviso.

Trustee appointed to give bond, &c.