

## CHAP. 64.

Passed Jan. 25 1806

Preamble.

## CHAP. LXIV.

*An Act for the relief of Richard Gittings and Lambert Smith, of Baltimore County, Insolvent Debtors.* Lib. TH. No. 1. fol. 67.

WHEREAS Richard Gittings and Lambert Smith, heretofore carrying on trade in Baltimore as copartners, by their petition to this general assembly have set forth, that having contracted sundry debts which they were unable to discharge, they applied to the general assembly, at November session, eighteen hundred, for an act of insolvency, and that an act\* did accordingly pass in their favour; that they thereupon made their application to the chancellor, as the said act directed, for the benefit thereof, offering to comply with all the terms of the said act, and exhibiting, with their petition, the several lists, and the written consent of two-thirds in value of their creditors, thereby required; that one of their creditors objected before the chancellor to their obtaining any relief under the said act, whereupon the chancellor directed, that certain issues, to the number of three, founded upon the allegations of the said objecting creditor, should be tried in the general court for the western shore; that the last of the said issues, being afterwards withdrawn, the other two, relating to certain preferences given by the petitioners to Thomas and Samuel Hollingsworth, and to William Taylor and William P. Matthews, who had become securities for the petitioners, by endorsing their paper, or in custom-house bonds, or otherwise, were tried at May term, eighteen hundred and four, in the absence of the petitioners, upon a statement of facts agreed to by their counsel, without their approbation or knowledge, and that the jury, upon that statement, and under the direction of the court as to the law arising thereon, found a verdict against the petitioners; that in consequence of that verdict, so founded upon the opinion of the said court, and returned to the court of chancery, the petitioners have been deprived of the benefit of the said act of insolvency, although the preferences imputed to them as undue and improper, upon strict notions of law, had been long before sanctioned by the act of April session, seventeen hundred and eighty-seven,† entitled, An act respecting insolvent debtors, and were given by the petitioners under a sense of justice and moral obligation, and a sincere belief of their legality, countenanced by the general opinion of the merchants of Baltimore, that such preferences were proper, and by the example of the numerous persons, who at the same session of eighteen hundred, applied for, and actually obtained, legislative relief; that the petitioners, under the order of the chancellor, in the year eighteen hundred and one, gave up to the trustee, then appointed, all the property they had in the world, several as well as joint, the proceeds whereof are in the hands of the said trustee, and are now willing to give up to their partnership creditors whatever property they may since have acquired; and the said petitioners having prayed, that upon a view of all the circumstances of their case, by which it is distinguished from ordinary cases of this description, the general assembly would pass an act, by which they might, notwithstanding the said preferences, be effectually relieved from their partnership debts; and this general assembly being of opinion, that under the said circumstances, the prayer of the said petitioners is reasonable, therefore,

Ch. 44.

Ch. 34.