

the said sheriff, or other officer, shall obey the said order, and shall be entitled to a preference, after a discharge of all liens on the said debtor's estate, to all other creditors, in the payment of his account against the said debtor for legal fees of imprisonment, and his reasonable expenses in carrying the said debtor to the county court, or any judge thereof, in obedience to the order as aforesaid, any thing in the said original law, or the supplements thereto, notwithstanding; and the court, or any judge thereof, may direct that the body of such debtor shall be discharged from imprisonment, and appoint a time when such debtor shall appear before the county court, to answer interrogatories which his creditors may propose to him or her, on not less than three months notice, as by the said original act is provided, any thing in the said original act, or the supplements thereto, to the contrary notwithstanding: *Provided*, that such discharge from imprisonment shall not operate as a discharge of any of the debts of the said imprisoned debtor, unless the said debtor shall, before his final hearing, obtain the assent, in writing, of two-thirds in amount of his or her creditors; *And provided*, that the said imprisoned debtor, at the time of his discharge by the county court, or any judge thereof, shall enter into bond, with such penalty and security as the county court, or any judge thereof, shall direct and approve, conditioned for his personal appearance at such time or times as the said court, or any judge thereof, may direct, to answer the allegations of his or her creditor or creditors, according to the provisions aforesaid; and if the said debtor shall not enter into bond as aforesaid, if required by the county court, or any judge thereof, then such debtor shall remain in confinement until the application, if objected to, shall have been decided upon.

By 1817 ch. 183, such application may be made to a judge of the orphans court, who is vested with the like powers exercised by a judge of the county court.

3. **ANDBE IT ENACTED**, That in all cases of petitions of insolvent debtors, as well those that are now depending as those that may hereafter apply for the benefit of the acts for the relief of insolvent debtors, the court before whom such petition may be depending, or any judge thereof, may appoint a trustee for the benefit of the creditors of such debtor, and may order that such trustee shall enter into bond, with such surety or sureties as the said court or judge shall approve, and on filing such bond with the clerk of the court, all the property, real, personal and mixed, of such debtor, and also all claims which shall be due to such debtor, shall immediately be vested in such trustee, for the use and benefit of the creditors of such debtor, any thing in any other law to the contrary notwithstanding.

Trustee may be appointed—to enter into bond.

See 1805, ch. 110, s. 2 and 4.

CHAP. LXXII.

An Act to repeal an act, entitled, An act for the punishment of Forgery, and for other purposes. Lib. TH. No. 2, fol. 65.*

Passed Dec. 22, 1806, ch. 64.

WHEREAS universal experience hath proved, that the commission of crimes is more effectually restrained by the certainty than the severity of punishments, and as the principles both of humanity and sound policy require that capital punishments should be inflicted in cases only where the general welfare evidently and imperiously demands it; therefore,

Preamble.

2. **BE IT ENACTED**, by the General Assembly of Maryland, That the act, entitled, An act for the punishment of forgery, and for other purposes, be and the same is hereby repealed.

An act repealed.