

term thereafter, as in the county court to which such attachment shall be returnable in the two next terms thereafter, and also pay the sheriff's expences and fees before mentioned, such attachment shall, by award of the court to which it shall be returnable, be dissolved, and the absconding person be fully restored to every thing attached: And in case such bail shall be given as aforesaid, the justice or justices before whom the same shall be taken, if out of court, shall certify the caption thereof to the court to which such attachment shall be returnable; and any person or persons may declare against such absconding person, either in the provincial court the first term, or in the county court the first or second term after special bail so given, without further or other process, and such manucaptor or mancaptors shall be chargeable and liable as if they had become special bail in every several action: And in case such absconding person shall not compound with or pay and satisfy his or her creditors, or give special bail as aforesaid, it shall and may be lawful for the provincial or county court respectively, where the said writ of attachment shall be returned as aforesaid, and they are hereby required and empowered, to nominate, appoint and commission, three fit persons to be trustees for all the creditors of the said absconding person, which persons, or any two of them, so nominated and appointed trustees by the said court, shall be and are hereby fully empowered and authorized to take into their hands all the whole estate or estates, as well real as personal, and all evidences, books of accounts, and papers, relating thereto, of the absconding person, seized as aforesaid, or any where being or lying, or which they may afterwards discover to be or lie in any part of this province, and to make sale of such real and personal estate, by public vendue, after thirty days public notice at the least, and of all the interest of the said absconding person in the same, and deeds, bills of sale, and other conveyances to make and execute; which deeds and conveyances, and every of them, so made and executed for the estate, be it legal or equitable, real or personal, of such absconding person, or any part or parcel thereof, shall be good, valid and effectual, in law, to all intents and purposes whatsoever, against the said absconding person, his or her heirs, executors and administrators, and all person and persons claiming by, from or under him, her or any of them, who could not, under the laws now in being, and this act, defend his, her or their property, estate and possession, against the creditors of the said absconding person.

Ab-sconding person not satisfying his creditors, &c. court to nominate trustees, &c.

VII. And be it enacted, by the authority aforesaid, That the said trustees, or any two of them, so as aforesaid appointed, shall, immediately thereafter, if appointed by the county court, give public notice by advertisement at the courthouse door, and if by the provincial court, then in the Maryland gazette, of such their appointment, and therein require all persons indebted to the said absconding person, by a certain day by them to be appointed in their said notice, to pay all such sum or sums of money and tobacco which they owe to the said absconding person or persons, and deliver all other effects which he, she or they, may have in their hands, power or custody, belonging to such absconding person as aforesaid, and all books of accounts, papers or evidences, whatsoever, relating thereto, to them the said trustees; and the said trustees, or any two of them, shall be and are hereby enabled and made capable to sue for, recover and receive, in their own name or names, all such estate and estates, as well real as personal, debts and other effects, books, evidences and papers, as they shall find due or belonging to the said absconding person, and the same, when received, shall apply as herein after directed; and the said trustees may and shall also take advantage of all conditions in favour of the said absconding person, and make tenders to save penalties or defeat conditions, as the said absconding person might have done, and be invested with all equitable as well as legal interests that the said absconding person had.

Who are to give notice of their appointment, &c.

VIII. Provided nevertheless, That the said trustees shall not bring any suit or suits in the chancery court, for any equitable matter, unless at least two thirds in value of the creditors (with respect to their claims) agree thereto, unless at the sole and separate cost, and for the sole and separate benefit, of the creditors at whose instance such suit is brought, when less than two thirds in value require the same. And in case any person indebted to the said absconding person, or

Provide.

Persons indebted, &c.