

CHAP. 202.

said petitioner, the said Commissioners reported to Baltimore county court unfavorably upon said petition, for the reasons in said report set forth; that having been denied the benefit of said laws, and having been taken in execution at the suit of one of his creditors, said memorialist is now confined in the public jail of Baltimore county; and whereas, it has been represented by the said memorialist, that if opportunity were afforded him to examine testimony in explanation of the transactions upon which the judgment of the said Commissioners was founded, he would be enabled to negative the frauds imputed to him and whereas, by the existing law, there is no right of appeal reserved to the petitioning debtor, and it is reasonable and just that the conduct of the said memorialist should be subjected to the examination of a jury of the county, therefore,

Discharge on giving bond

Section 1 *Be it enacted by the General Assembly of Maryland*, That Baltimore county court, or any one of the judges thereof, in the recess of the said court, be, and they are hereby authorised and empowered to discharge the said Ely Balderston from imprisonment, upon the said Ely Balderston giving bond with security, to be approved by said court, or a judge thereof, in double the amount of his debts, appearing due by his schedule, to appear before Baltimore county court, at the term of said court next ensuing the date of said bond, to answer such allegations as may be filed against him by any of his creditors, who were such at the time of his original application to the commissioners aforesaid; said bond to be filed in Baltimore county court, and a copy of the same, under the seal of said court, shall be as good evidence in any suit in any court of law or equity in this state, as the original would be if produced and proved.

Trial granted

Sec. 2. *And be it enacted*, That, upon any allegations which shall be filed by any of the creditors of the said Ely Balderston, it shall be the duty of said court to frame an issue or issues in a summary way, and without the form of an action, to be tried by a jury; and upon said trial and allegations, the same proceedings shall be had, as are now authorised in cases where the report of the Commissioners of Insolvent Debtors, upon the application of a petitioning debtor is favorable to the discharge of such debtor.

Judgment

Sec. 3. *And be it enacted*, That if upon the trial of such issue or issues, the jury shall find that the said Ely Balderston, before the time of his application to the commissioners for the benefit of the insolvent laws, as aforesaid, had been guilty of any fraud, or other act, which in the contemplation of the insolvent laws of this state is sufficient to debar him from the benefit of said laws, that then the said Ely Balderston shall be forever debarred of and from all benefit of said laws, otherwise, that the said Ely Balderston shall be discharged agreeably to the provisions of said laws.