

C H A P.
LXIV.

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,

II. BE IT ENACTED, *by the General Assembly of Maryland*, That in case the said Richard Gittings and Lambert Smith shall, on or before the first day of June next, before the judges of Baltimore county court, make and subscribe the following oath, or affirmation, to wit: "We, Richard Gittings and Lambert Smith, do swear, or solemnly, sincerely and truly affirm and declare, that we will deliver up, convey and transfer, to our creditors, in such manner as the judges of said court shall direct, all our property, that we have or claim any title to, or interest in, at this time, and all debts, rights and claims, which we have, or are any way entitled to, in possession, remainder, or reversion, and that we 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 our money or other property, debts, rights or claims, thereby to defraud our creditors, or any of them, or to secure the same, to receive or expect any profit, benefit or advantage thereby," the judges of said court shall thereupon name such person as a majority of the said Richard Gittings and Lambert Smith's creditors, their agents or attorneys, shall recommend to the trustee for the benefit of the creditors of the said Richard Gittings and Lambert Smith, and in case no recommendation as aforesaid shall be made by the said creditors, their agents or attorneys, the judges of said court shall nominate and appoint such person as they shall think proper to be trustee as aforesaid.

III. AND BE IT ENACTED, That before such trustee proceeds to act, he shall give bond for the faithful performance of his duty, to such person, in trust for the creditors of said petitioning debtors, and in such penalty, as the judges of said court shall direct, which shall be recorded in Baltimore county court, and a copy thereof, certified under the hand of the clerk of Baltimore county shall be good evidence in any court of law or equity of this state; and if any trustee appointed by virtue of this act shall refuse to act, or die, or neglect to give bond as aforesaid in a reasonable time to be judged of by the said court, or be removed by the said court for misbehaviour, they shall appoint such other person as they shall think proper in his place, who shall give bond as aforesaid, and on giving such bond, in case the said Richard Gittings and Lambert Smith had conveyed their property to the former trustees, he shall be immediately vested with all the property of every kind and all debts, rights and credits, of the said Richard Gittings and Lambert Smith, as completely as the former trustee was vested with the same.

IV. AND BE IT ENACTED, That upon the said Richard Gittings and Lambert Smith's executing and acknowledging a deed to the trustee to be appointed as aforesaid, conveying all their property real, personal and mixed, and all debts and claims, agreeably to the oath or affirmation as aforesaid, and on their delivery to the said trustee all the said property which they shall have in possession, and their books, papers, and evidences of debts of every kind, and the said trustee's certifying the same in writing to the said court, it shall be lawful for the said court to order that the said Richard Gittings and Lambert Smith shall be discharged from all debts, covenants, contracts, promises and agreements, due from, or owing or contracted by, them, as partners in trade as aforesaid, before the date of the said deed, and by virtue of such order the said Richard Gittings and Lambert Smith shall be discharged as aforesaid; provided, that if the said Richard Gittings and Lambert Smith have been guilty of a breach of the laws, and have been fined, or are liable to be fined, for such breach, they shall not be discharged from the payment of any fine incurred for any breach of the laws of this state; and provided, that any property which they shall thereafter acquire, by gift, descent, or in his own right by bequest, devise, or in any course of distribution, shall be liable to the payment of their said debts; and provided, that the discharge of the said Richard Gittings and Lambert Smith shall not operate so as to discharge any other person from any debt.

V. AND BE IT ENACTED, That the said court may allow such petitioning debtors to retain the wearing apparel of themselves and families.

VI. AND BE IT ENACTED, That the said court may direct any trustee to be appointed by virtue of this act to sell and convey the property conveyed to him by the petitioning debtors, at such time, and on such terms and conditions, as he shall think most advantageous for the creditors, and the