

C H A P. XCVII.

An ACT for the relief of fundry insolvent debtors.

Passed January 20.

Preamble.

WHEREAS William Kirby, Andrew Wallace, Ezekiel Towson, junior, William Riley, George and Henry Shock, Jacob Hart, John Semmering, Thomas B. M'Cabe, George Stout, junior, Robert Doyme, John Miller, Robert Taylor, William Stonall, Tudie James, Joseph Clark, William Reeves, George Lythe, Jacob F. Levy, John Friday, John Goulding, Patrick Goulding, Charles Ward, John M'Iver and Philip Edwards, of Baltimore county, Jacob Fowll, Benjamin M. Ward, Elisha Stewart, James Clayland and James Grace, of Talbot county, Robert J. Smithey, Alexander Couper, Thomas Nicholls, of John, William Needham and John Fleming, of Montgomery county, Roger Tregoe, Joshua Breerwood and Nathan Breerwood, of Dorchester county, James Ferrall, Alexander A. Leslie and Samuel Tyler, junior, of Prince-George's county, Andrew Havener, of Frederick county, Corbin Lee Onion, William Osborn, of Benjamin, Elisha Perkins and Michael M'Elheney, of Harford county, Cornelius Mills, Samuel Maynard, William Wenstandley, Stephen Watkins and Valentine Brown, of Anne-Arundel county, Charles Shanks, of Saint-Mary's county, William Chew and Thomas Harwood, of Calvert county, John Fendall Beall and Jacob Clements, of Charles county, Joseph Everitt and Benjamin Duhamel, of Queen-Anne's county, Thomas Gassaway, of Allegany county, by their petitions to this general assembly have set forth, that by reason of many misfortunes they are unable wholly to satisfy their creditors, and have prayed that they may be discharged upon their delivering up all their property for the use of their creditors; and the prayer of the said petitioners being found reasonable, therefore,

II. Be it enacted, by the General Assembly of Maryland, That on application of either of the said debtors to the chancellor, by petition in writing, offering to deliver to the use of his creditors all his property, real, personal or mixed, to which he is any way entitled, a schedule whereof, (on oath or affirmation, as the case may require,) together with a list of the creditors of the person so applying, on oath or affirmation, as far as he can ascertain them, shall be annexed to such petition, the chancellor shall direct personal notice of such application to be given to the creditors, and also to as many of them as can be served therewith, or their agents or attornies, or direct notice of such application to be inserted in the public news-papers for such time as he may think proper, which, in case of there being a creditor or creditors beyond sea, shall not be less than six months, and on their appearance, or neglect to appear on notice at the time or times and place appointed, the chancellor shall administer to the petitioning debtor the following oath, or affirmation, as the case may require: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will deliver up, convey and transfer, to my creditors, in such manner as the chancellor shall direct, all my property that I have or claim any title to or interest in, at this time, and all debts, rights and claims, which I have, or am any way entitled to, in possession, remainder or reversion, and that I 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 my money, or other property, debts, rights or claims, thereby to defraud my creditors, or any of them, or to secure the same to receive or expect any profit, benefit or advantage thereby;" and the chancellor shall thereupon name such person as a majority of the creditors in value, their agents or attornies, then present, shall recommend, to be a trustee for the benefit of the creditors of the petitioning debtor, or in case of the non-attendance of the creditors, or of their not making a recommendation, the chancellor shall name such person as he shall think proper to be a trustee as aforesaid.

Chancellor, on application, to direct notice to be given, &c.

III. And be it enacted, That no person herein before mentioned shall be entitled to the benefit of any of the provisions of this act, unless the chancellor shall be satisfied, by competent testimony, that he is, and at the time of the passing of this act was, a citizen of the United States, and of this state, and unless, at the time of presenting his petition as aforesaid, he shall produce to the chancellor the

No person to be entitled to the benefit of this act but a citizen, &c.