

C H A P.
LXIV.

it shall be lawful for any judge or justice, on application of the party at whose suit the said person was imprisoned, and on his producing a certificate from the register in chancery, that such person hath not appeared before the chancellor, agreeably to the said order, to remand the said person to the prison from which he was discharged, there to remain until discharged by a due course of law; and provided always, that if any creditor of any petitioning debtor in any of the gaols on the eastern shore, shall require security of the petitioner, that the judge or justice aforesaid shall not release any petitioner until he or they shall give such security as the judge or justice shall require, for his appearance before the chancellor within three months from the date of his discharge as aforesaid; provided nevertheless, that as to all and every person or persons included in this act, who have been engaged in trade or merchandize, it shall not be necessary for them, or either of them, to procure the assent of their creditors, or any part of them as aforesaid, but if so many of his or their creditors as have due them the amount of one fourth of the debts due by him or them at the time of passing this act, shall not lodge with the chancellor their dissent in writing to such debtor or debtors being admitted to the benefit of this act, on or before the expiration of six months after the said notice shall be given or published as aforesaid, such debtor or debtors shall be entitled to all and every benefit of this act, in as full and ample manner as if such debtor or debtors had procured the assent of two thirds of his or their creditors as aforesaid; provided also, that in such notice it shall be stated, that the debtor or debtors make their application as traders or merchants.

Chancellor to
limit the time
for bringing in
claims, &c.

XIII. AND BE IT ENACTED, That the chancellor may, by order, limit and appoint the time for creditors to bring in and declare their claims, and may examine such creditors, and also the debtor, on oath or affirmation, concerning the same, and on any contested claim, may, if he thinks proper, order the same, or any fact concerning the same, to be tried on an issue framed for that purpose, and may order any part of the petitioning debtor's estate to be set apart and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a real debt is due, shall collude with the debtor to gain an undue preference in the satisfaction of his debt, or for concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parole, or in writing, or any kind of security, to give false colour to his claim for more than is *bonâ fide* due, such creditor shall lose his debt truly due, and shall be totally excluded in the distribution.

Debtors arrest-
ed may be dis-
charged, &c.

XIV. AND BE IT ENACTED, That if the said debtors, or any of them, shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against them, or any of them, for any debt, damages or costs, contracted, owing, or growing due before the passing of this act, the court out of which such process issued, or any one judge of the general court, or the chief justice of the district court, or the two associate justices of the county court of the county where the said debtor may be arrested or imprisoned, on application made to them, shall and may discharge such debtor on motion; and if the said debtors, or any of them, shall be arrested or imprisoned on any process for the recovery of any debt, damages or costs, contracted, owing, or growing due before the passing of this act, the court before whom such process shall be returned shall and may discharge such debtor or debtors out of custody, on his common appearance being entered, without any special bail; provided, that the discharge of such debtor or debtors shall not acquit any other person from such debt, damages or costs, or any part thereof, but that all such persons shall be answerable for the same in such manner as they were before the passing of this act.

Proceedings to
be recorded, &c.

XV. AND BE IT ENACTED, That all proceedings in chancery under this act shall be recorded by the register, who shall be entitled to the same fees as are fixed by law for services in other cases, which shall be paid at the time of obtaining the discharge.

Creditors to be
consulted, &c.

XVI. AND BE IT ENACTED, That in all appointments of trustees under this act by the chancellor, in the room of any person before appointed, the chancellor shall consult the creditors, and govern himself by the choice of a majority of them in value, unless, upon notice being given by public advertisement, or in such manner as he shall think reasonable, the said creditors shall neglect to make such choice.

To apply be-
fore Sept. 1st.

XVII. AND BE IT ENACTED, That none of the said debtors, who do not make application as aforesaid on or before the first day of September next, shall have any benefit of this act.

E. Solomon to
have the benefit
of this act, &c.

XVIII. AND, whereas Elkin Solomon, of the city of Baltimore, by his petition has set forth, that he is unable to pay debts which he owed before the seventeenth day of May, seventeen hundred and ninety-four, and that he has been imprisoned, and is still liable to be imprisoned for the same: And whereas many of his creditors have recommended him to the clemency of the legislature; therefore, BE IT ENACTED, That the said Elkin Solomon shall have the benefit of this act, in full discharge of all debts, covenants, promises and agreements, due from or owing by him before the said seventeenth day of May, seventeen hundred and ninety-four, upon the same conditions and restrictions, and under and subject to the same penalties for any breach of any matter or thing imposed or directed by this act.

C H A P. LXV.

Passed Jan. 10.

Certain of-
fences to be tri-
ed in the city
of Baltimore,
&c.

AN ACT respecting the criminal business of the city and county of Baltimore. BE IT ENACTED, by the General Assembly of Maryland, That from and after the passage of this act, the trial and cognizance of all criminal offences, and other matters, arising within the city of Baltimore, which were heretofore held, exercised and cognizable, by the court of oyer and terminer and gaol delivery for Baltimore county, in virtue of an act of assembly passed at November session, seventeen hundred and ninety-three, entitled, An act respecting the punishment of criminals, shall be inquired into, heard, tried and determined, within the city of Baltimore, in manner and form following; that is to say, that the governor and council nominate, appoint