

Passed Jan. 20. An ACT for the relief of Peter Redhead, of Talbot county, an insolvent debtor.

Preamble.

WHEREAS Peter Redhead, of Talbot county, has stated to this general assembly his inability to pay his debts, and has petitioned for an act to release him therefrom upon giving up all his property to the use of his creditors: And whereas it appears to this general assembly that all of the said Peter Redhead's creditors, except John Erskine, of Baltimore city, are willing to take their dividend of said Redhead's property, and grant him a release: And whereas his inability to obtain said Erskine's consent to the release prayed for precludes him from the benefit of a general insolvent law, the said Redhead being a debtor to the amount of more than two thirds in value of his debts to said Erskine, which justifies a distinction of his case from others who have petitioned for similar acts;

Chancellor to appoint a trustee, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That in case the said Peter Redhead shall, on or before the first day of June next, before the chancellor of this state, make and subscribe the following oath, or affirmation, to wit: "I, Peter Redhead, 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," the chancellor shall thereupon name such person as a majority of the said Redhead's creditors, their agents or attornies, shall recommend to be a trustee for the benefit of the creditors of the said Peter Redhead, and in case no recommendation as aforesaid shall be made by the said creditors, their agents or attornies, the chancellor shall nominate and appoint such person as he shall think proper to be a trustee as aforesaid.

Who shall give bond, &c.

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 debtor, and in such penalty, as the chancellor shall direct, which shall be recorded in the office of the register of the court of chancery, and a copy thereof, certified under the hand of the said register, 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 chancellor, or be removed by the chancellor for misbehaviour, he shall appoint such other person as he shall think proper in his place, who shall give bond as aforesaid, and on giving such bond, (in case the said Redhead had conveyed his property to the former trustee,) he shall immediately be vested with all the property of every kind, and all the debts, rights and credits, of the said Redhead, as completely as the former trustee was vested with the same.

P. Redhead, on executing a deed, to be discharged, &c.

IV. AND BE IT ENACTED, That upon the said Redhead executing and acknowledging a deed to the trustee to be appointed as aforesaid, conveying all his property, real, personal and mixed, and all debts and claims, agreeably to the oath, or affirmation, as aforesaid, and on his delivery to the said trustee all his said property which he shall have in possession, and of his books, papers, and evidences of debts of every kind, and the said trustee's certifying the same, in writing, to the chancellor, it shall be lawful for the chancellor to order that the said Redhead shall be discharged from all debts, covenants, contracts, promises and agreements, due from, or owing or contracted by him, before the date of the said deed, and by virtue of such order the said Redhead shall be discharged as aforesaid; provided, that if the said Redhead hath been guilty of a breach of the laws, and hath been fined, or is liable to be fined, for such breach, he 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 he 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 the said debt; and provided, that the discharge of said Redhead shall not operate so as to discharge any other person from any debt.

May retain his apparel.

V. AND BE IT ENACTED, That the chancellor may allow such petitioning debtor to retain the necessary wearing apparel of himself and family.

Trustee may be directed to sell, &c.

VI. AND BE IT ENACTED, That the chancellor may direct any trustee to be appointed by virtue of this act to sell and convey the property conveyed to him by the petitioning debtor, at such time, and on such terms and conditions, as he shall think most for the advantage of the creditors, and the produce thereof, after satisfying all incumbrances and liens, shall be divided among the said creditors, agreeably to their several and respective claims, but no judgment to be rendered after the passage of this act against the said Peter Redhead shall be a lien on his real and personal property, nor shall any process against his real or personal property have any effect thereon, except writs of *feri factas* actually and *bonâ fide* laid before the passing of this act.

Commission allowed, &c.

VII. AND BE IT ENACTED, That the chancellor may allow any trustee to be appointed by virtue of this act such commission for his trouble as he shall think reasonable, not exceeding eight per cent. and if any complaint shall be made to the chancellor of the conduct of any trustee, by any creditor interested in the distribution of any estate, the chancellor may call such trustee before him, and inquire into the cause of complaint in a summary way, and make such rules and orders as shall be judged necessary for the accomplishment of the object of the trust, and punish the said trustee, as for a contempt, in case of his not obeying the same, and if he thinks it necessary, he may remove the said trustee, and appoint another person in his place.