

C H A P.  
LXXII.

Benjamin Davis Penn, Samuel Darley, Sarah Beall and Henry Carlisle, of Montgomery county, Richard Burgefs, of Allegany county, Richard Yates, of Baltimore county, Samuel Webb, of Harford county, James B. Loveless, of Baltimore county, and John Ward, of Caroline county, and Gavin Hamilton Smith, of Calvert 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,

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

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 or her creditors all his or her property, real, personal or mixed, to which he or she 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 or she can ascertain them, shall be annexed to such petition, the chancellor shall, in his discretion, either direct personal notice of such application to be given to the creditors, or so 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 shall 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, reversion or remainder, 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 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.

Trustee to 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 debtor 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 debtor, as completely as the former trustee was vested with the same.

On executing a  
deed, debtor to  
be discharged,  
&c.

IV. AND BE IT ENACTED, That upon the said petitioning debtor's executing and acknowledging a deed to the trustee to be appointed as aforesaid, conveying all his property, real, personal and mixed, and all debts, rights and claims, agreeably to the oath, or affirmation, of such debtor as aforesaid, and on his delivery to the said trustee of 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 debtor shall be discharged from all debts, covenants, contracts, promises and agreements, due from, or owing or contracted by, him or her, before the date of the said deed, and by virtue of such order the said debtor shall be discharged as aforesaid; provided, that no person who has been guilty of a breach of the laws, and hath been fined, or is liable to be fined, for such breach, shall 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 such debtor shall not operate so as to discharge any other person from any debt.

V. AND