

An ACT for the relief of fundry insolvent debtors. Lib. JG. No. 2. Passed 24th of Dec. 1795.
 fol. 385.

WHEREAS Samuel Turner Dyson, of Charles county, Abraham George Hammond, Robert Ellis, Solomon Carter, Michael Wall, James E. Key, Andrew Goulding, John Goulding, Patrick Goulding, Thomas Goulding, Benjamin Aldworth, Richard Bond, senior, George Wiley, David Finchette Freebain, John Rush, Jacob B. Dimmitt, John Pickergill, William Johnson and Thomas Hare, of Baltimore county, Jacob Hackney, John Frederick Amelung and James Labes, of Frederick county, Henry Wilson, Thomas Cox, James Osborne, William Jones, William Osborne, of Benjamin, and Gerard Gover, of Harford county, Perry Beall, Henry Hardman, Lewis Duvall, Thomas Weedon and George Weimburger, of Montgomery county, Abijah Bond and Edward I.loyd Wailles, of Prince-George's county, James Porter and Thomas Lea, of Queen-Anne's county, John Mackin and John Savin, of Cæcil county, Elisha Massay, Joseph Briscoe and Hyland Geers, of Kent county, Benjamin Dorsey, Joseph Caverly, Jacob M'Concy and Ely Gassaway, of Anne-Arundel county, Daniel Ross, of Calvert county, and John Ward, of Caroline 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,

Preamble.

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 direct personal notice of such application to be given to the creditors, and also 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 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, &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 assent, in writing, of so many of his creditors as have due to them the amount of three fourths of the debts due by him at the time of the passing of this act; provided, that foreign creditors, not residing in the United States, and not having agents or attornies residing therein duly empowered to act in their behalf, shall not be considered within the intent and meaning of this clause; and provided also, that the chancellor may, without the assent of the creditors as aforesaid, from time to time order to be discharged from custody any of the said petitioners who may be in actual confinement in virtue of any process issued, or that may be issued, in pursuance of any debt at this time due and owing by him, which discharge is hereby declared to be a release only of the person of such debtor, but not of his property, unless the assent in writing of three fourths in value of the creditors as aforesaid be obtained.

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

IV. AND

P.