

1799.

L A W S OF M A R Y L A N D.

C H A P. LXXXVIII. 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, &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.

If arrested, may be discharged, &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.

Deeds established, &c.

XV. AND BE IT ENACTED, That the deed of trust heretofore executed by William Smith to Lenox Martin and Thomas Morton, and the deed of trust heretofore executed by Samuel Williams to Lenox Martin, Hardage Lane and Thomas Morton, for the benefit of their creditors, be and the same is hereby established and confirmed, and shall not operate to prevent them, or either of them, from the benefit of this act, on compliance with the other requisites thereof.

A. Creuze to be entitled, &c.

XVI. AND BE IT ENACTED, That Allaire Creuze, of Baltimore county, shall be entitled to receive the full relief and benefit by this act granted to the petitioners herein before mentioned, on her complying with all the rules and conditions of such petitioners required, except that the said Allaire Creuze shall not be required to produce to the chancellor any evidence of her being a citizen either of this state or of the United States.

Debtors to pay, &c.

XVII. AND BE IT ENACTED, That each insolvent debtor, at the time of his application to the chancery court for relief, shall pay to the register of the court of chancery the sum of five dollars, to be paid to the chancellor.

Proceedings to be recorded, &c.

XVIII. 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.

XIX. 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.

C H A P. LXXXIX.

Passed 3d of Jan. 1800. Preamble.

An ACT to aid and revive the proceedings of the court of appeals. WHEREAS by reason of the indisposition of some of the judges at June and November terms last, several causes standing for trial and argument on points of considerable consequence went off the docket without being decided;

H. B.