

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 creditors all his property, real, personal or mixed, (the necessary wearing apparel and bedding of himself and his family excepted,) to which he is in 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 can ascertain them, shall be annexed to or accompany such petition, the chancellor shall direct personal notice of such application to be given to the creditors, or to as many of them as can be served therewith, or their agent or attornies, or direct notice of such application to be advertised in the most public places of the county where the said debtor resides, or to be inserted in some news-paper for such time as he may think proper, and on the appearance of the said creditor, 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, remainder or reversion, (the necessary wearing apparel and bedding of myself and family excepted,) 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 monies, 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 profits, benefits or advantages, thereby;" and the chancellor shall thereupon name such person as a majority of the creditors in value, their agents or attornies, 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.

C H A P.
CVIII.
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 this act, unless the chancellor shall be satisfied, by competent testimony, that he has resided the two preceding years within the state of Maryland prior to the passage of this act, 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 two thirds 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, and the executors and administrators of deceased creditors, 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, 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 two thirds in value of the creditors aforesaid be obtained.

No person to
be entitled to
a citizen, &c.

IV. AND BE IT ENACTED, That before such trustee proceed 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, the chancellor 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.

Trustee to
give bond, &c.

V. 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, agreeable to the oath or affirmation of such debtor 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 evidence of debts of every kind, and the said trustees 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,

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