

C H A P.
CX.

the time of presenting his petition as aforesaid, he shall produce to the county court 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 within the United States, or not having agents or attorneys therein, duly authorised and empowered to act in their behalf, shall not, for any purpose, be considered as creditors within the meaning of this clause; and provided also, that the county court 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.

IV. AND BE IT ENACTED, That before such trustee proceeds to act, he shall give bond for the faithful performance of his duty to the state of Maryland, for the use of the creditors of said petitioning debtor, in such penalty, as the county court shall direct, which shall be recorded in the office of the county court, and a copy thereof, certified under the hand of the clerk of said court, 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 county court, or be removed by the county court for misbehaviour, the county court shall appoint such person as they 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 trustee's certifying the same in writing to the county court, it shall be lawful for the county court to order that the said debtor shall be discharged, as well from all debts, covenants, contracts, promises and agreements, due from, or owing or contracted in his individual, as also in a copartnership capacity, by him, before the passage of this act, 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 law, 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 hereafter 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 debts; and provided also, that the discharge of such debtor shall not operate so as to discharge any other person from any debt.

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

VI. AND BE IT ENACTED, That the county court may allow such petitioning debtor to retain the necessary wearing apparel and bedding of himself and family.

May retain his apparel, &c.

VII. AND BE IT ENACTED, That the county court 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 they shall think most for the advantage of the creditors, and the produce thereof, after satisfying all judgments, incumbrances and liens, shall be divided among the said creditors, agreeable to their several and respective claims, but not judgment to be entered after the passage of this act against any of the said debtors who shall take advantage of this act, shall be a lien on his real property, nor shall any process against his real or personal property have any effect thereon, except writs of *fieri facias* actually and *bona fide* laid before the passing of this act.

Trustee may be directed to sell, &c.

VIII. AND BE IT ENACTED, That any trustee may sue for, in his own name, and recover, any property or debt assigned to him by any debtor in virtue of this act.

May sue, &c.

IX. AND BE IT ENACTED, That if any creditor, on the application of any such debtor to the county court, or within two years thereafter, shall allege in writing to the county court, or to the general court of the shore where such debtor shall reside, that such debtor hath, directly or indirectly sold, conveyed, lessened, or otherwise disposed of, or purchased in trust for himself, or any of his family or relations, or any person or persons, intrusted or concealed, any part of his property of any kind, or any part of his debts, rights or claims, thereby to deceive or defraud his creditors, or any of them, or to secure the same, or to receive or expect any profit or advantage thereby, or that

When fraud is alleged, debtor may be examined, &c.