

that the said Mary should have peaceable possession of the land he possessed, known by the name of Lot Number Twenty-nine, for the term of four years from the time of his death, to support his, the testator's, children, and that after the expiration of the said four years, the said land be sold to the best advantage by the said James and Mary; and that there is reason to believe that the said William Rice intended that the whole of his land should be sold by his executors; and the said petitioners have also stated, that the piece of land called Part of Lot Number Seventy-four, will, from its situation, be of no value when separated from lot number twenty-nine, which the said William Rice directed to be sold in his will aforesaid, and that the sale of lot number twenty-nine will be very materially injured if sold separate from part of lot number seventy-four; that the devisees of the said William Rice are of tender age, the oldest not exceeding twelve years, and have prayed that a law may pass, authorising the said executor and executrix to dispose of the said land called Part of Lot Number Seventy-four, together with the tract called Lot Number Twenty-nine, for the benefit of the widow and children of the said William Rice, according to his evident wish and intention; and the prayer of the said petition appearing reasonable, and the facts therein stated to be true, therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That it shall and may be lawful to and for the said James Rice and Mary Wolf to expose to public sale the said piece or parcel of land, being part of lot number seventy-four, at the same time, and together with the tract of land called and known by the name of Lot Number Twenty-nine, on such terms as they may think most for the advantage of the persons interested in said lands, and to execute a deed to the purchaser thereof, conveying all the right, title, claim and interest, which the said William Rice had, of, in and to, the said lands, at the time of his death, and the money raised by the sale of the said piece of land called Part of Lot Number Seventy-four, shall be applied and distributed by the said James Rice and Mary Wolf in the same manner as the money arising from the sale of the tract of land called Lot Number Twenty-nine is by the will of the said William Rice directed to be applied and distributed.

III. AND BE IT ENACTED, That the deed executed as herein before directed, when recorded among the land records of Frederick county, shall have the effect to convey all the right, title, claim and interest, which he the said William Rice had in the said lands at the time of his death.

C H A P. LXIV.

An ACT for the relief of Richard Gittings and Lambert Smith, of Baltimore county, insolvent debtors.

Passed 25th of
January, 1806.

WHEREAS Richard Gittings and Lambert Smith, heretofore carrying on trade in Baltimore as copartners, by their petition to this general assembly have set forth, that having contracted sundry debts which they were unable to discharge, they applied to the general assembly, at November session, eighteen hundred, for an act of insolvency, and that an act did accordingly pass in their favour; that they thereupon made their application to the chancellor, as the said act directed, for the benefit thereof, offering to comply with all the terms of the said act, and exhibiting, with their petition, the several lists, and the written consent of two thirds in value of their creditors, thereby required; that one of their creditors objected before the chancellor to their obtaining any relief under the said act, whereupon the chancellor directed, that certain issues, to the number of three, founded upon the allegations of the said objecting creditor, should be tried in the general court for the western shore; that the last of the said issues, being afterwards withdrawn, the other two, relating to certain preferences given by the petitioners to Thomas and Samuel Hollingsworth, and to William Taylor and William P. Matthews, who had become securities for the petitioners, by endorsing their paper, or in custom-house bonds, or otherwise, were tried at May term, eighteen hundred and four, in the absence of the petitioners, upon a statement of facts agreed to by their counsel, without their approbation or knowledge, and that the jury, upon that statement, and under the direction of the court as to the law arising thereon, found a verdict against the petitioners; that in consequence of that verdict, so founded upon the opinion of the said court, and returned to the court of chancery, the petitioners have been deprived of the benefit of the said act of insolvency, although the preferences imputed to them as undue and improper, upon strict notions of law, had been long before sanctioned by the act of April session, seventeen hundred and eighty-seven, entitled, An act respecting insolvent debtors, and were given by the petitioners under a sense of justice and moral obligation, and a sincere belief of their legality, countenanced by the general opinion of the merchants of Baltimore, that such preferences were proper, and by the example of the numerous persons, who at the same session of eighteen hundred, applied for, and actually obtained, legislative relief; that the petitioners, under the order of the chancellor, in the year eighteen hundred and