

C H A P.  
XLIV.

property to his creditors; and if the said person, so brought before the judge or justice, shall produce a petition to the chancellor, with a schedule of his whole property, and a list of his creditors, on oath, as herein required, thereto annexed, and also the assent of two thirds of his creditors, and shall, before the said judge or justice, take the oath required for delivering up his property for the use of his creditors, it shall be lawful for the said judge or justice to order that the said person be discharged from imprisonment, and appear before the chancellor within three months from the time of such discharge; and if such order shall be made, the said judge or justice shall transmit the said petition and assent of his creditors, in writing as aforesaid, with the schedule and list, on oath as aforesaid, annexed, to the chancellor; provided nevertheless, that if the said person, so discharged from imprisonment, shall not appear before the chancellor agreeably to the said order, it shall be lawful for any judge or justice, on application of the party at whose suit the said person was imprisoned, and on his producing a certificate from the register in chancery, that such person hath not appeared before the chancellor agreeably to the said order, to remand the said person to the prison from which he was discharged, there to remain until discharged by a due course of law; and provided always, that if any creditor of any petitioning debtor in any of the gaols on the eastern shore, or in Allegany county, shall require security of the petitioner; that the judge or justice aforesaid shall not release any petitioner, until he or they shall give such security as the judge or justice shall require for his appearance before the chancellor within three months from the date of his discharge as aforesaid; provided nevertheless, that as to all and every person or persons included in this act, who have been engaged in trade or merchandise, it shall not be necessary for them, or either of them, to procure the assent of their creditors, or any part of them as aforesaid, but if two or more of his or their creditors, having due to them the amount of one fourth of the debts due by him or them at the time of the passing of this act, or case there be not more than eight creditors, if any one creditor, having due to him the amount of one fourth of such debts, shall not lodge with the chancellor their dissent in writing to such debtor or debtors being admitted to the benefit of this act, on or before the expiration of six months after the said notice shall be given or published as aforesaid, such debtor or debtors shall be entitled to all and every benefit of this act, in as full and ample manner as if such debtor or debtors had procured the assent of two 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 having been traders or merchants.

Chancellor may  
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.

Proceedings to  
be recorded,  
&c.

XV. 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.