

An ACT for the relief of William Dent Beall, of Montgomery county.

Passed 3d of Jan. 1800.

Lib. JG. No. 3, fol. 246.

WHEREAS William Dent Beall, of Montgomery county, has stated to this general assembly, that from a variety of losses he is rendered totally unable to pay the whole of his debts, and has petitioned for an act to release him therefrom, upon giving up all his property to the use of his creditors. And whereas the said William Dent Beall, being a major in the service of the United States, is liable, from the military arrangements, to be called out of this state, which justifies a distinction of his case from others who have petitioned for similar acts;

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That in case the said William Dent Beall shall, before the associate justices of Montgomery county court, make and subscribe the following oath, to wit: "I, William Dent Beall, do swear, that I will deliver up, convey and transfer, to the use of my creditors, all my property, real, personal or mixed, (the necessary wearing apparel of myself and family only excepted,) that I have or claim any title to, or interest in, at this time, and all debts, rights and claims, which I have at this time, or that I am in any respect entitled to, in possession, remainder or reversion, and that I have not, directly or indirectly, at any time before, sold, conveyed, leased, disposed of, or intrusted or concealed, any part of my property of any kind, or any part of my debts, rights or claims, thereby wilfully to defraud or deceive my creditors, or any of them, or to secure the same, or to receive or expect any profit, benefit or advantage thereby;" and shall execute and acknowledge, before the aforesaid associate justices, a conveyance to such person as the said associate justices may appoint as his trustee, on behalf of his creditors, of all his property as aforesaid; a schedule whereof he shall insert in or annex to the said conveyance, that thereupon, and for ever thereafter, the said William Dent Beall shall, by virtue of this act, be acquitted, released, and for ever discharged, from all debts, promises, contracts, agreements and covenants, due from, or contracted, made or entered into by him, before the passing this act; provided, that any property acquired by the said William Dent Beall, after the making the said conveyance, by descent, or in his own right by devise, bequest, or in the course of distribution, shall be liable for the payment of his debts.

On making oath, &c. acquitted, &c.

III. AND BE IT ENACTED, That the person appointed in pursuance of this act as trustee in behalf of the creditors of the said William Dent Beall, before he acts as such, shall take the following oath, before one of the said associate justices, to wit: "I, A. B. do swear, that I will faithfully, impartially and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me as trustee for the creditors of William Dent Beall, without favour, affection, prejudice or malice;" and shall also give bond for the faithful performance of his duty, to such person, in trust for the creditors of said William Dent Beall, and in such penalty as the said associate justices shall direct, which shall be recorded in the clerk's office of Montgomery county, and a copy thereof, certified under the hand of the said clerk, shall be good evidence in any court of law or equity of this state.

Trustee to take an oath, &c.

IV. AND BE IT ENACTED, That the trustee appointed as aforesaid shall be allowed for his services a commission of eight per cent.

His commission.

V. AND BE IT ENACTED, That if the said William Dent Beall shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against him 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 shall and may discharge the said William Dent Beall on motion; and if the said William Dent Beall 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 the said William Dent Beall out of custody, on his common appearance being entered, without any special bail, provided that the discharge of the said William Dent Beall 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.

W. D. Beall, if arrested, to be discharged, &c.

VI. AND BE IT ENACTED, That if any creditor of the said William Dent Beall shall, at any time within two years after he is discharged, allege in writing to the justices of Montgomery county court, in court sitting, that he the said William Dent Beall hath, directly or indirectly, sold, conveyed, leased, or otherwise disposed of, or intrusted or concealed, any part of his property of any kind,

He may be examined, &c.