

profits, benefits or advantages, thereby; and the county court (b) CHAP. 110 shall thereupon name such person as a majority of the creditors in value, their agents or attorneys, shall recommend, to be trustee for the benefit of the creditors of the petitioning debtor, or in case of nonattendance of the creditors, or of their not making a recommendation, the county court shall name such person as they shall think proper, to be trustee as aforesaid.

Trustee to be appointed.

(b) By 1808, ch. 71, s. 3, the county court, or any judge thereof, may appoint a trustee, who shall enter into bond, and on filing such bond all the property of the debtor is vested in the trustee. See note (g) under section 5.

3. AND BE IT ENACTED, That no person herein before mentioned shall be entitled to the benefit of this act, unless the county court shall be satisfied, by competent testimony, that he has resided two preceding years within the state of Maryland prior to the passing of this act (c), and unless, at 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 (d), 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, or at the time of his application to the county court for the benefit 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, or any judge during the recess of the court, may, without the assent of the creditors as aforesaid, order to be discharged from custody any of the said petitioners who may at any time 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, or at the time of his application to the county court for the benefit of this act, which discharge is hereby declared to be a release (e) 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.

Debtor must have resided two years in the state, and produce the assent of two thirds, &c. of his creditors.

Proviso.

Court may withhold assent, &c. discharge from custody.

(c) By 1806, ch. 98, the benefit of this act to be extended to any insolvent debtor who has been a resident within the state two years next before application.

(d) By 1807, ch. 150, s. 4, corporate bodies, executors, &c. may sign their assent to the release of any insolvent debtor—and by November 1812, ch. 77, s. 2, creditors assenting shall make affidavit that the debtor is *bona fide* indebted to him in the sum claimed as due, otherwise such creditor not to be included among the assenting creditors. As to assent vexatiously withheld, see November 1812, ch. 77, s. 5.

(e) See November 1812, ch. 77, s. 3, as to who shall be entitled to a persons release against all arrests, &c.

4. 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 (f) 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

Trustee to give bond—how securities are to be supplied.

(f) See note (b) to section 2.