

lottery shall commence, cause the said well in said town to be deepened and widened in the best manner the sum of money raised by the said lottery will admit.

C H A P.
XL.

III. AND BE IT ENACTED, That it shall be the duty of said commissioners, before they act as such, to lodge such bond in the clerk's office of Frederick county, there to be recorded, and upon such bond, or any office copy thereof, suit or suits may be instituted against the obligors therein, or any of them, or their or any of their legal representatives, for any breach or non-compliance with the condition of the same.

Bond to be
lodged, &c.

IV. AND BE IT ENACTED, That if the said lottery shall not be drawn within eighteen months from the time of proposing the scheme of said lottery, it shall be lawful for any person who may have purchased a ticket or tickets therein, to commence a suit against the obligor or obligors named in the bond given as aforesaid for the recovery of the money paid for such ticket or tickets, on demand being made and not complied with.

A suit may be
commenced,
&c.

C H A P. XLI.

An ACT for the relief of Caleb Summers, of Montgomery county.

Passed 7th of
January, 1804.
Preamble.

WHEREAS Caleb Summers, of Montgomery county, by his petition to this general assembly hath set forth, that he hath been arrested by the sheriff of Montgomery county, and is now in confinement for debts which he is unable to pay, and hath prayed that a special act of insolvency may be passed in his favour to release him from confinement and his debts, on his delivering up all his property for the benefit of his creditors; and the prayer appearing reasonable, therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That on the said Caleb Summers's application to the chancellor, by petition in writing, offering to deliver to the use of his creditors all his property, real, personal or mixed, to which he is any way entitled, a schedule whereof, on oath, together with a list of his creditors, on oath, as far as he can ascertain them, shall be annexed to such petition, the chancellor shall order the sheriff of Montgomery county to cause the said Caleb Summers to be brought before him, and shall administer to him the following oath, to wit: "I, Caleb Summers, do swear, that I will deliver up, convey and transfer, to my creditors, in such manner as the chancellor shall direct, all my property that I have or claim any title to, or interest in, at this time, and all debts, rights and claims, which I have or am any way entitled to, in possession, remainder or reversion, and that I have not, directly or indirectly, at any time sold, conveyed, lessened or disposed of, for the use of any person or persons, or intrusted, any part of my money or other property, debts, rights or claims, thereby to defraud my creditors, or any of them, or to secure the same to receive or expect any profit, benefit or advantage thereby;" and the chancellor shall thereupon appoint such person or persons as trustee or trustees as he may think proper; and the trustee or trustees so appointed shall, before he or they proceed to act, give bond to such person, in trust for the use of the creditors of the said Caleb Summers, and in such penalty as the chancellor may direct, conditioned for the faithful discharge of the trust, which bond shall be recorded in the office of the register of the court of chancery, and a copy thereof, certified under the hand of the said register, shall be good evidence in any court of law or equity of this state; and if any trustee or trustees 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 by the chancellor, or be removed by the chancellor for misbehaviour, he shall appoint such other person or persons as he shall think proper in his or their place, who shall give bond as aforesaid, and on giving such bond, (in case the said Caleb Summers had conveyed his property to the former trustee or trustees,) he or they shall immediately be vested with all the property of every kind, and all the debts, rights and credits, of the said Caleb Summers, as completely as the former trustee or trustees were vested with the same.

Chancellor, on
application,
may order the
sheriff, &c.

III. AND BE IT ENACTED, That upon the said Caleb Summers's executing and acknowledging a deed to the trustee or trustees to be appointed as aforesaid, conveying all his property, real, personal and mixed, (except the necessary wearing apparel and bedding of himself and family,) and all debts, rights and claims, agreeably to the oath of said Caleb Summers, and on his delivery to the said trustee or trustees of all his said property which he shall have in possession, and of his books, papers, and evidences of debts of every kind, and the said trustee or trustees certifying the same in writing to the chancellor, it shall be lawful for the chancellor to order that the said Caleb Summers shall be discharged from all debts, covenants, contracts, promises and agreements, due from, or owing or contracted by him, before the date of the said deed, and by virtue of such order the said Caleb Summers shall be discharged as aforesaid; provided, that any property which the said Caleb Summers shall hereafter acquire in his own right by devise, bequest, descent, or in course of distribution, shall be liable for the payment of his said debts; and provided also, that the discharge of

On executing a
deed, to be dis-
charged, &c.