

chancellor to order the sheriff in whose custody he shall be, to bring him before him at a certain time by him in the said order to be appointed, for the purpose of taking the oath or affirmation herein before mentioned, and the said sheriff shall obey the said order, and shall be entitled to a preference, after the discharge of all liens on the said debtor's estate, to all other creditors, in the payment of his account against the said debtor for legal fees of imprisonment, and his reasonable expences in carrying the said debtor to the chancellor, in obedience to his order as aforesaid, any thing in this act to the contrary notwithstanding; and the chancellor may direct that the body of such debtor shall be discharged from imprisonment, and appoint a time when such debtor shall appear before him to answer interrogatories which his creditors may propose to him, on not less than three months notice as aforesaid, any thing in this act to the contrary notwithstanding; provided, that such discharge from imprisonment shall not operate as a discharge of any of the debts of the said imprisoned debtor; and provided, that the said imprisoned debtor, at the time of his discharge, if required by the chancellor, shall enter into bond, with such penalty and security as the chancellor shall direct and approve, conditioned for his personal appearance at such time or times as the said chancellor shall direct, to answer the allegations of their creditor or creditors according to the provisions aforesaid, and if the said debtor shall not enter into bond as aforesaid, if required by the chancellor, then such debtor shall remain in confinement until the application, (if objected to,) shall be decided on.

XII. 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.

And limit the time, &c.

XIII. 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 cost, contracted, owing or growing due, before the passage 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 debtor, 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 passage 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.

If arrested, to be discharged, &c.

XIV. AND BE IT ENACTED, That each insolvent debtor shall pay to the register of the court of chancery the sum of five dollars, to be paid to the chancellor.

Debtors to pay, &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.

Proceedings to be recorded, &c.

XVI. AND BE IT ENACTED, That in all appointments of trustees under this act by the chancellor, in the room of any person before appointed, the chancellor shall consult the creditors, and govern himself by the choice of a majority of them in value, unless upon notice being given by public advertisement, or in such manner as he shall think reasonable, the said creditors shall neglect to make such choice.

Creditors to be consulted, &c.

XVII. AND BE IT ENACTED, That if any creditor, on the application of any such debtor to the chancellor, or within three months thereafter, shall allege, in writing, to the chancellor, that

Certain debtors may be examined, &c.