

# A C T O F C O N G R E S S.

judge, to except to any charge contained in the account of the commissioners: And the said judge, after hearing the commissioners, may in a summary way decide upon the validity of such exception.

Penalties, how to be recovered, &c.

Sec. 48. *And be it further enacted,* That all penalties, given by this act for the benefit of the creditors, shall be recovered by the assignee or assignees by action of debt, and the money so recovered, the charges of suit being deducted, shall be distributed towards payment of the creditors.

General issue, &c. provided, &c.

Sec. 49. *And be it further enacted,* That if any action shall be brought against any commissioner, or assignee, or other person, having authority under the commission, for any thing done or performed by force of this act, the defendant may plead the general issue, and give this act and the special matter in evidence; and in case of a nonsuit, discontinuance, or verdict or judgment for him, he shall recover double costs.

Property to be vested in the commissioners, &c.

Sec. 50. *And be it further enacted,* That if any estate real or personal shall descend, revert to, or become vested in any person, after he or she shall be declared a bankrupt, and before he or she shall obtain a certificate, signed by the judge as aforesaid, all such estate shall, by virtue of this act, be vested in the said commissioners, and shall be by them assigned and conveyed to the assignee or assignees in fee-simple, or otherwise, in like manner as above directed, with the estate of the said bankrupt, at the time of the bankruptcy, and the proceeds thereof shall be divided among the creditors.

Proceedings of the commissioners to be filed, &c.

Sec. 51. *And be it further enacted,* That the said commissioners shall, once in every year, carefully file, in the clerk's office of the district court, all the proceedings had in every case before them, and which shall have been finished, including the commissions, examinations, dividends, entries, and other determinations of the said commissioners, in which office, the final certificate of the said bankrupt may also be recorded; all which proceedings shall remain of record in the said office, and certified copies thereof shall be admitted as evidence in all courts, in like manner as the copies of the proceedings of the said district court are admitted in other cases.

Creditors may attend the examinations, &c.

Sec. 52. *And be it further enacted,* That it shall and may be lawful for any creditor of such bankrupt, to attend all or any of the examinations of said bankrupt, and the allowance of the final certificate, if he shall think proper, and then and there to propose interrogatories, to be put by the judge or commissioners to the said bankrupt and others, and also to produce and examine witnesses and documents before such judge or commissioners, relative to the subject matter before them. And in case either the bankrupt or creditor shall think him or herself aggrieved by the determination of the said judge or commissioners, relative to any material fact, in the commencement or progress of the said proceedings, or in the allowance of the certificate aforesaid, it shall and may be lawful for either party to petition the said judge, setting forth such facts and the determination thereon, with the complaint of the party, and a prayer for trial by a jury to determine the same, and the said judge shall, in his discretion, make order thereon, and award a *venire facias* to the marshal of the district, returnable within fifteen days before him, for the trial of the facts mentioned in the said petition, notice whereof shall be given to the commissioners and creditors concerned in the same; at which time the said trial shall be had, unless, on good cause shewn, the judge shall give farther time, and judgment being entered on the verdict of the jury, shall be final, on the said facts, and the judge or commissioners shall proceed agreeably thereto.

Allowance to the bankrupt, &c.

Sec. 53. *And be it further enacted,* That the commissioners before the appointment of assignees, and the assignees after such appointment, may, from time to time, make such allowance out of the bankrupt's estate until he shall have obtained his final discharge, as in their opinion may be requisite for the necessary support of the said bankrupt and his family.

Creditors may direct where money shall be deposited, &c.

Sec. 54. *And be it further enacted,* That it shall be lawful for the major part in value of the creditors, before they proceed to the choice of assignees, to direct in what manner, with whom, and where the monies arising by, and to be received from time to time out of the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided; to which direction every such assignee and assignees shall conform as often as three hundred dollars shall be received.

Majority may act.

Sec. 55. *And be it further enacted,* That every matter and thing by this act, required to be done by the commissioners of any bankrupt, shall be valid to all intents and purposes, if performed by a majority of them.