

proceeds thereof, after satisfying all incumbrances and liens, shall be divided among the said creditors, agreeably to their several and respective claims, but no judgment to be rendered after the passage of this act against the said Richard Gittings and Lambert Smith shall be a lien on their real and personal property, nor shall any process against their real or personal property have any effect thereon, except writs of *feri facias* actually and *bonâ fide* laid before the passage of this act.

VII. AND BE IT ENACTED, That the said court may allow any trustee to be appointed by virtue of this act such commission for his trouble as they shall think reasonable, not exceeding eight *per centum*; and if any complaint shall be made to the said court of the conduct of any trustee, by any creditor interested in the distribution of any estate, the said court may call such trustee before them, and inquire into the cause of complaint in a summary way, and make such rules and orders as shall be judged necessary for the accomplishment of the object of the trust, and punish the said trustee as for a contempt, in case of his not obeying the same, and if the said court think necessary, they may remove said trustee, and appoint another person in his place.

VIII. AND BE IT ENACTED, That if the said Richard Gittings and Lambert Smith shall be arrested or imprisoned on any process sued out on any judgment or decree against him or them for any debt, damages or costs, contracted, owing or growing due, in virtue of the aforesaid copartnership, before the passage of this act, the court out of which such process issued shall and may discharge the said Richard Gittings and Lambert Smith on motion; and if the said Richard Gittings and Lambert Smith shall be arrested or imprisoned on any process for the recovery of any debt, damages or costs, contracted, owing or growing due, in virtue of the copartnership aforesaid, before the passage of this act, the court before whom such process shall be returnable shall and may discharge the said Richard Gittings and Lambert Smith out of custody, on his or their common appearance being entered, without any special bail; provided, that the discharge of the said Richard Gittings and Lambert Smith shall not acquit any other person from such debt, damages and costs, or any part thereof, but that all such shall be answerable for the same in the same manner as they were before the passing of this act.

IX. AND BE IT ENACTED, That if any of the partnership creditors of the said Richard Gittings and Lambert Smith shall, at any time within two years after their discharge, allege, in writing, to the said court, in court sitting, that the said Richard Gittings and Lambert Smith have, directly or indirectly sold, conveyed, lessened, or otherwise disposed of, or intrusted or concealed, any part of their property of any kind, or any part of their debts, rights or claims, with intent thereby wilfully and corruptly to deceive and defraud their creditors, or to secure the same for their own benefit, or to receive or expect any profit, benefit or advantage thereby, the said court may thereupon examine the said Richard Gittings and Lambert Smith on interrogatories, on oath, for the discovery of their property, or any concealment thereof, and respecting their conduct touching the same, or the said court may direct an issue or issues to be tried in the said court to determine the truth of any allegation made by the said Richard Gittings and Lambert Smith; and if the said Richard Gittings and Lambert Smith shall be so found to have committed any such corrupt and wilful fraud and deceit of their creditors, they shall be precluded from having any benefit of this act; and in case the said Richard Gittings and Lambert Smith shall, at any time within two years as aforesaid, upon any indictment, be convicted of wilfully, falsely and corruptly swearing to any matter or thing in their oath aforesaid contained, they shall suffer as in case of wilful and corrupt perjury, and likewise be liable to their creditors, and be wholly deprived of any relief or benefit of this act.

X. AND BE IT ENACTED, That in case of the death of either of the said petitioners before relief shall be obtained under this act, the survivor, upon complying with the terms of this act, on his part, shall be entitled to the full benefit, and be subject to all the pains and penalties thereof.

C H A P. LXV.

## An ACT to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice therein.

WHEREAS a very material reform in the courts of common law in this state has been established by the act, entitled, An act to provide for the trial of facts in the several counties of this state, and to alter, change and abolish, all such parts of the constitution and form of government as relate to the general court and court of appeals, which passed at November session, eighteen hundred and four, and was ratified and confirmed, according to the constitution and form of

Passed 25th of  
January, 1806.