

time, to be judged of 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 Joseph Forman 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 Joseph Forman, as completely as the former trustee or trustees were vested with the same.

C H A P.  
XVI.

III. AND BE IT ENACTED, That upon the said Joseph Forman's executing and acknowledging a deed to the trustee or trustees to be appointed as aforesaid, conveying all his property, real, personal and mixed, and all debts, rights and claims, agreeably to the oath of said Joseph Forman, 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 Joseph Forman 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 Joseph Forman shall be discharged as aforesaid; provided, that any property which the said Joseph Forman 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 the said Joseph Forman in virtue of this act, shall not discharge any person or persons who now is, are or shall be, liable or answerable for him in any manner whatsoever, except such person or persons as are or have become bail for the said Joseph Forman, who are hereby discharged therefrom.

On executing a deed, to be discharged, &c.

IV. AND BE IT ENACTED, That if any creditor of the said Joseph Forman shall, within two years from the passage of this act, allege, in writing, to the chancellor, or to the general court of the western shore, or the county court of the county where the said Joseph Forman shall reside, and confirm his allegation by such proof as the chancellor or the courts respectively shall deem sufficient, that the said Joseph Forman hath, before the passing of this act, directly or indirectly sold, conveyed, assigned, or otherwise disposed of or purchased, in trust for himself, or intrusted or concealed, any part of his property of any kind, or any part of his debts, rights or claims, thereby to deceive or defraud his creditors, or any of them, or to receive or expect any profit or advantage thereby, the said chancellor or court respectively, may thereupon, at the election of the creditor making such allegation, either examine the said Joseph Forman on interrogatories, on oath or affirmation, touching the subject of the said allegations, or direct an issue or issues in a summary way, without the form of an action, to determine the truth of the same, and if upon the answer of the said interrogatories, or the trial of the said issue or issues by a jury, the said Joseph Forman shall be found guilty of any fraud or deceit of his creditors, he shall be forever precluded from any benefit of this act; and if the said Joseph Forman shall, at any time thereafter, upon indictment, be convicted of wilfully, falsely and corruptly swearing to any matter or thing to which he shall swear by virtue of this act, he shall suffer as in case of wilful and corrupt perjury.

In case of fraud, to be examined, &c.

V. AND BE IT ENACTED, That if the said Joseph Forman shall have been, or shall hereafter be, arrested or imprisoned on any process sued out on any judgment or decree obtained against him for any debt, damages or costs, or on any other process sued out for the recovery of any debt, damages or costs, contracted, owing or due before the passing of this act, the court before whom such process shall be returnable, or any one judge or justice thereof during the recess of the court, shall and may discharge the said Joseph Forman out of custody, directing a common appearance to be entered to the mesne process; provided, that the discharge of the said Joseph Forman 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.

VI. AND BE IT ENACTED, That the creditor or creditors making such allegation shall be liable to pay to the said Joseph Forman such costs and damages as the chancellor or the court respectively before whom the allegation or issue or issues shall be tried shall award, if the said Joseph Forman shall not be convict thereof.

Creditor liable to pay, &c.