

C H A P.  
CIV.

veyance of his property, or passed bonds or evidences of debt as aforesaid, on interrogatories, (of which interrogatories the person or persons answering the same shall, at the election of the person or persons making the allegation, be furnished with a copy or copies,) 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, such debtor shall be found guilty of any fraud or deceit of his creditors, or loss by gaming as aforesaid, or having given preference as aforesaid, he shall be for ever precluded from any benefit of this act, and in case such debtor or other person shall, at any time thereafter, upon any indictment found in the county court of the county in which such debtor may reside, or in the county where such oath or affirmation shall have been taken or administered, be convicted of wilfully, falsely and corruptly, swearing or affirming to any matter or thing to which he shall swear or affirm by virtue of this act, he shall suffer as in case of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

Commissional-  
lowed, &c.

X. AND BE IT ENACTED, That the chancellor may allow any trustee to be appointed by virtue of this act such commission for his trouble as he shall think reasonable, not exceeding eight *per cent.* and if any complaint shall be made to the chancellor of the conduct of any trustee by any creditor interested in the distribution of any estate, or if any trustee hath or shall become insolvent, the chancellor may call such trustee before him, 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 he thinks it necessary, he may remove the said trustee and appoint another person in his place.

Chancellor may  
order debtors to  
be brought be-  
fore him. &c.

XI. AND BE IT ENACTED, That if any debtor, who shall petition the chancellor in virtue of this act, shall be imprisoned at the time of exhibiting such petition, it shall be lawful for the 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 debtors; 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.

Judge, &c. in  
Alleghany coun-  
ty may order  
the sheriff, &c.

XIII. AND BE IT ENACTED, That in case any person named in this act may be imprisoned in the gaol of Alleghany county, it shall be lawful for the judge of the district, or any associate justice of the county, on the application of such person, at any time before the first day of September next, to order the sheriff in whose custody he may be, to bring the said person immediately before him, for the purpose of taking the oath or affirmation, if required, for delivering up his property to his creditors; and if the said person, so brought before the judge or justice, shall produce a petition to the chancellor, with a schedule of his whole property, and a list of his creditors, on oath, as herein required, thereto annexed, and also the assent of two thirds of his creditors, and shall, before the said judge or justice, take the oath required for delivering up his property for the use of his creditors, it shall be lawful for the said judge or justice to order that the said person be discharged from imprisonment, and appear before the chancellor within one month from the time of such discharge; provided, that before such judge or justice shall make such order as aforesaid, he shall take a bond to the state, from two good and sufficient securities, in the penalty of double the amount of debts of the said debtor, conditioned for his or her appearance before the chancellor within the time prescribed; and if such order shall be made, the said judge or justice shall transmit the said petition, and assent of his creditors in writing as aforesaid, with the schedule and list on oath as aforesaid, annexed, to the chancellor, and a certificate of the oath taken before him by such debtor; provided nevertheless, that if the said person, so discharged from imprisonment, shall not appear before the chancellor agreeably to the said order, it shall be lawful for any judge or justice, on ap-