

property have any effect thereon, except writs of *fieri facias* actually and *bonâ fide* laid before the passing of this act.

C H A P.  
LXIV.

VIII. AND BE IT ENACTED, That any trustee may sue for, in his own name, and recover, any property or debts assigned to him by any debtor in virtue of this act.

May sue, &c.

IX. AND BE IT ENACTED, That if any creditor, on the application of any such debtor to the chancellor, or within two years thereafter, shall allege, in writing, to the chancellor, or to the general court of the shire, or the county court of the county, where such debtor shall reside, that such debtor hath directly or indirectly sold, conveyed, lessened, or otherwise disposed of, or purchased in trust for himself, or any of his family or relations, or any other person or persons, 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 secure the same, or to receive or expect any profit or advantage thereby, or that he has passed bonds, or other evidences of debts, either without consideration, or on improper consideration, or lost more than one hundred pounds current money by gaming at any one time, or hath assigned or conveyed any of his property, with intent to give an undue and improper preference to any creditor or creditors, or security, within two years before the passage of this act, the said chancellor or court may thereupon, at the election of the creditor making such allegation, either examine the said debtor, and any person or persons to whom he may have made any conveyance or conveyances of his property, or passed bonds or evidences of debts as aforesaid, 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 trials 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 of 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, 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 the case of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

When fraud, &c. is alleged, debtor may be examined, &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, 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 allow a commission, &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 in case such imprisoned debtor shall have any creditors beyond sea, the chancellor may, in his discretion, order the sheriff to bring the said debtor before him at such time as he thinks proper, and on his taking the oath herein before mentioned, 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 any interrogatories which his creditors may propose to him, on not less than six 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 debtors, at the time of their discharge, if required by the chancellor, shall enter into bond, with such penalty, and with security, as the chancellor shall direct and approve, conditioned for the 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 debtors shall not enter into bond as aforesaid, if required by the chancellor, then such debtors shall remain in confinement until their application (if objected to) shall be decided on.

And order imprisoned debtors to be brought before him, &c.

XII. AND BE IT ENACTED, That in case any person named in this act may be imprisoned in any gaol on the eastern shire, 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 three months from the time of such discharge; 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; provided nevertheless, that if the said person, so discharged from imprisonment, shall not appear before the chancellor agreeably to the said order,

Judge, &c. on E. shire may order the sheriff, &c.