

C H A P.
XXXIX.

"credits, which I have, or am any way entitled to, in possession, reversion or remainder, as well in my own right as in copartnership with any other person or persons, and that I have not, directly or indirectly, at any time, sold, conveyed, lessened or disposed of, for the use or benefit of any person or persons, or intrusted, any part of my money or other property aforesaid, debts, rights or claims, thereby to defraud my creditors, or any of them, or to secure the same to receive or expect any profit, benefit or advantage thereby;" and in case of the neglect of the said creditors to appear and recommend a trustee or trustees, the chancellor shall appoint such person or persons to be trustee or trustees as he shall think proper.

On executing a deed to be discharged, &c.

III. AND BE IT ENACTED, That upon the said Nicholas Slubey 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 the said Slubey, and on the delivery of the possession of the said property, and his books, papers, and evidences of debts of every kind, and the said trustee or trustees certifying the same, in writing, to the chancellor, the chancellor shall thereupon order that the said Nicholas Slubey shall be discharged from all debts, contracts, covenants, promises and agreements, due from, or owing or contracted, made or entered into by him, before the date of the said deed, either in copartnership with any person, or by himself; provided, that such discharge shall not operate so as to discharge any other person from any debt; and provided also, that any property which the said Nicholas Slubey shall thereafter acquire by descent, gift, devise, or in course of distribution, shall be liable to the payment of his debts.

Trustee to apply proceeds, &c.

IV. AND BE IT ENACTED, That the trustee or trustees of the said Nicholas Slubey shall, in the first place, apply the proceeds of the property held in his own right, which shall come to his or their hands, to the satisfaction and discharge of debts due to this state, and the residue, after the discharge of liens heretofore created thereon, amongst his several creditors, in equal proportions to their respective debts; and the interest, share or part, of the said Nicholas Slubey, in any property or debts held by or due to him in copartnership with any other person or persons, shall be applied in the first place to the satisfaction and discharge of such copartnership debts.

And give bond, &c.

V. AND BE IT ENACTED, That any trustee or trustees, to be appointed in virtue of this act, before he or they shall proceed to act as such, shall give bond, with security to be approved of by the chancellor, for the faithful execution of the trust reposed in him or them, and pursue, in all respects, the directions of the chancellor in the performance of the said trust, in the same manner as is provided by the fourth, sixth, tenth and thirteenth sections of the act, entitled, An act for the relief of sundry insolvent debtors, passed at November session, seventeen hundred and ninety-six; and the chancellor shall have and exercise, with reference to the said Nicholas Slubey, all and singular the powers and authority vested in him by the said sections with reference to the debtors named in the said act.

When fraud is alleged, debtor may be examined, &c.

VI. AND BE IT ENACTED, That if any of the creditors of the said Nicholas Slubey shall, on the application of the said Slubey to the chancellor, or within two years thereafter, allege, in writing, that the said Nicholas Slubey hath, directly or indirectly, sold, conveyed, lessened, or otherwise disposed of, or purchased in trust for himself or any other person or persons, or intrusted or concealed, any part of his property, debts or effects, with intent to injure or defraud his creditors, or any of them, or to expect, secure or receive any benefit or advantage therefrom, or secured to any creditor or creditors, within two years before the passage of this law, any illegal preference, the chancellor, at the election of such creditor, may either examine the said Nicholas Slubey on oath, on such allegations, or direct an issue or issues in a summary way, and without the form of an action, for trying the truth of the same; and if upon the answer of the said Nicholas Slubey, or the trial of such issue or issues, he shall be found guilty of any fraud or deceit of his creditors, or preference as aforesaid, he shall forever be precluded from any benefit of this act; and if the said Nicholas Slubey 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.

If arrested to be discharged, &c.

VII. AND BE IT ENACTED, That if the said Nicholas Slubey shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against him for any debt, damages or costs, due, contracted, owing, or growing due before the passing of this act, the court out of which such process issued shall and may discharge the said Nicholas Slubey on motion; and if the said Nicholas Slubey shall be sued, arrested or imprisoned, on any mesne process, for the recovery of any debts or damages contracted, owing, or growing due before the passing of this act, the court before whom such