

rendered for any sum, shall be a lien on the lands of the debtor, so as to be preferred in such distribution, nor shall any process against goods or lands be preferred on such distribution, except writs of *fieri facias*, actually and *bonâ fide* executed before the debtors application for relief as aforesaid; and the chancellor may, from time to time, make such orders respecting the conduct of such trustee or trustees, and may remove any trustee for misbehaviour, and appoint another in his place, as justice may require:

VII. And be it enacted, That any trustee or trustees may, if necessary, sue in his or their own name or names for the recovery of any property or debts belonging to such debtor, and conveyed, transferred or assigned, to such trustee or trustees, agreeably to this act.

Trustee may
sue in his own
name, &c.

VIII. And, to prevent collusion between debtors and their creditors, and expedite the adjustment and distribution of insolvents estates, Be it enacted, That the chancellor may, by order, limit and appoint the time for creditors to bring in and declare their claims, and may examine such creditor, and also the debtor, on oath, touching the same, and on any contested claim may, if he thinks proper, order the same, or any fact concerning the same, to be tried on an issue framed for that purpose, and the chancellor may, in his discretion, perceiving the debtor is not likely to be entitled to a surplus, order that he be allowed and received as a witness on the trial of any such issue as aforesaid, and the chancellor may order any of the produce of the insolvent's estate to be set apart and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a real debt is due and owing, shall collude and contrive with the debtor to gain an undue preference in the satisfaction of his debt, or for concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parole or in writing, or any kind of security, to give false colour to his claim for more than is *bonâ fide* due, such creditor shall lose his debt truly due, and shall be totally excluded in the distribution.

Chancellor to
limit the time
for bringing
in claims, &c.

IX. And be it enacted, That if any creditor, on the application of any such debtor to the chancellor as aforesaid, or at any time within two years thereafter, shall allege in writing, that such debtor hath, directly or indirectly, sold, lessened, or otherwise disposed of, in trust, or concealed any part of his property of any kind, or any part of his debts, rights or claims, whereby to secure the same, or to receive or expect any profit, benefit or advantage, thereby, or to deceive or defraud his creditors, the chancellor shall thereupon stay all proceedings, and may examine such debtor on interrogatories, on oath or affirmation, for the discovery of his property, or any concealment thereof, and respecting his conduct touching the same, or the chancellor may, in his discretion, direct an issue to be tried in the general court, or the county court where such debtor resides, to determine the truth of any allegation made by such creditor, and if such debtor shall be found guilty of any wilful fraud or deceit of his creditors, he shall for ever be precluded from having any benefit of this act, and any property by him conveyed in trust for his creditors, shall remain and belong to them, and he shall be liable to them for any balance; and if any debtor, who shall take the oath or affirmation by this act directed, shall, upon indictment, be convicted of wilfully, falsely and corruptly, swearing or affirming to any matter or thing in such oath or affirmation contained, such person shall suffer as in case of wilful and corrupt perjury, and likewise be liable to his creditors, and shall have no relief by, or benefit of, this act.

And in case
of fraud stay
all proceed-
ings, &c.

X. And be it enacted, That if any debtor shall prefer any of his creditors, except securities, who have *bonâ fide* become such before the passing of this act, such preference shall be void in law and equity, and any money paid, or property given, in preference, shall be recovered by the trustee or trustees of such debtor.

No prefe-
rence shall be
given, &c.

XI. And