

CHAP.  
XXXIV.  
On claims be-  
ing satisfied,  
property to be  
restored, &c.

XI. And be it enacted, That if any debtor, whose property shall have been assigned according to this act, shall have satisfied all claims brought in and allowed against him, the chancellor may order his estate and effects not sold, to be restored to him, and he shall thereupon be seized and possessed thereof, as of his former estate.

Surplus to be  
paid to the  
debtor, &c.

XII. And be it enacted, That if, on final settlement of all debts and claims against such debtor, there should be any surplus, the chancellor shall direct the same to be paid by the trustee or trustees to such debtor, his executor or administrator.

Trustee to be  
allowed a sa-  
lary, &c.

XIII. And be it enacted, That the chancellor may allow the trustee or trustees appointed by him in virtue of this act, such salary or commission, not exceeding seven and a half *per cent.* for his or their trouble, as the chancellor shall think just and reasonable.

Debtors im-  
prisoned may  
apply to the  
chancellor,  
&c.

XIV. And be it enacted, That if any debtor shall be imprisoned, and in actual custody, he may apply to the chancellor in the manner before directed, and the chancellor may thereupon direct notice to his creditors, and may order the sheriff or other officer, in whose custody such debtor may be, to bring him before the chancellor, and may administer to such debtor the oath or affirmation aforesaid, and similar proceedings may be had as herein before directed.

Certain credi-  
tors may ap-  
ply to the  
chancellor in  
writing, &c.

XV. And, whereas many people, greatly indebted, have wasted, mispent and misconducted their property, so that their creditors have lost their debts, or great part thereof, notwithstanding such debt might have been wholly, or in great part, satisfied by an honest and timely application of such property, and some of those debtors have laid in prison under commitment for want of bail, or in execution, till they have spent and wasted their property, with the expectation of being afterwards relieved from imprisonment by the general or a special insolvent act; to prevent as far as may be the like injustice to creditors, Be it enacted, That if any creditor or creditors for any sum or sums to the amount in the whole of upwards of three hundred pounds current money, may apply to the chancellor in writing, stating his or their claim, and that such debtor refused, neglected or declined, to give such creditor or creditors sufficient security for the payment of such debts, verifying such application by affidavit thereto annexed, and verifying also, by the affidavit of one or more credible witnesses, not being creditors, annexed to the said application, that such witness or witnesses is or are well acquainted in general with the circumstances and affairs of the debtor, and with his conduct and management, and that he or they believe that such debtor is wasting, mispending, or misconducting his property, and thereby impairing and lessening the security of his creditors for their debts, whereby the said creditors, or some of them, may probably lose their debts, or part thereof, and the chancellor may thereupon direct such debtor to appear before him, and to answer on oath (or affirmation) as to the justice of the debt or claim against him, and in case of his appearance, or if after notice he shall not appear, the chancellor may inquire into the truth of the premises by the examination of witnesses, not being creditors, and if satisfied of the justice of the debt or claim, and of the misconduct of the debtor as aforesaid, he may direct such debtor to give, within such time as he shall appoint, real or personal security, as he may think proper, to such creditor or creditors, at such time as he may think reasonable, and if refused, delayed or neglected, by such debtor, the chancellor may declare such debtor to be insolvent; and if any defendant, indebted to the amount in the whole of more than three hundred pounds current money, shall be committed and remain committed for the full space of thirty days, either for want of special bail or in execution, and shall for that time actually remain in gaol, the creditor, or whoever he was so committed, having laid before the chancellor an authenticated copy or certificate of such commit-  
ment,