

C H A P.
CVIII.

from, or owing or contracted by him, before the date of the said deed, and by virtue of such order the said debtor shall be discharged as aforesaid; provided, that no person who has been guilty of a breach of the law, and hath been fined, or is liable to be fined for such breach, shall be discharged from the payment of any fine, or is liable to be fined for such breach, shall be discharged from the payment of any fine incurred for any breach of the laws of this state; and provided, that any property which he shall thereafter acquire by gift, descent, or in his own right by bequest, devise, or in any course of distribution, shall be liable to the payment of the said debts; and provided also, that the discharge of such debtor shall not operate so as to discharge any other person from any debt.

May retain his
apparel, &c.

VI. AND BE IT ENACTED, That the chancellor may allow such petitioning debtor to retain the necessary wearing apparel and bedding of himself and family.

Trustee may be
directed to sell,
&c.

VII. AND BE IT ENACTED, That the chancellor may direct any trustee to be appointed by virtue of this act, to sell and convey the property conveyed to him by the petitioning debtor, at such time, and on such terms and conditions, as he shall think most for the advantage of the creditors, and the produce thereof, after satisfying all incumbrances and liens, shall be divided among the said creditors, agreeable to their several and respective claims, but no judgment to be entered after the passage of this act against any of the said debtors who shall take advantage of this act, shall be a lien on his real property, nor shall any process against his real or personal property have any effect therein, except writs of *feri facias* actually and *bona fide* laid before the passing of this act.

And may sue,
&c.

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

When fraud is
alleged, debt-
or may be ex-
amined, &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, 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 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 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 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 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 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 case of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

Chancellor
may allow a
commission,
&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.

May order im-
prisoned debt-
ors, &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