

**C H A P. XCVII.** 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 *bonâ 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, debtor may be examined, &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, (of which interrogatories the person or persons answering the same shall, at the election of the person or persons making the allegation, be furnished with a copy or copies,) 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 imprisoned debtors to be brought before him, &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 the chancellor 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 interrogatories which his creditors may propose to him, on not less than three 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 debtor, at the time of his discharge, if required by the chancellor, shall enter into bond, with such penalty and security as the chancellor shall direct and approve, conditioned for his 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 debtor shall not enter into bond as aforesaid, if required by the chancellor, then such debtor shall remain in confinement until the application, (if objected to,) shall be decided on.

XII. AND