

C H A P.
CX.

he has passed bonds, or other evidences of debt, either without consideration, or on improper consideration, or lost more than one hundred dollars 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, before the passage of this act, the said county court 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 debt 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 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 found in the county court of the county in which such debtor may reside, or in the county court where such oath or affirmation shall have been taken or administered, 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.

Commissional-
lowed, &c.

X. AND BE IT ENACTED, That the county court may allow any trustee to be appointed by virtue of this act such commission for his trouble as they shall think reasonable, not exceeding eight *per cent.* and if any complaint shall be made to the county court 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 county court 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 they think it necessary, they may remove the said trustee and appoint another person in his place.

Court may or-
der debtors to
be brought be-
fore them, &c.

XI. AND BE IT ENACTED, That if any debtor, who shall petition the county court in virtue of this act, shall be imprisoned at the time of exhibiting such petition, it shall be lawful for the county court to order the sheriff in whose custody he shall be, to bring him before them at a certain time by them 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 county court, in obedience to their order as aforesaid, any thing in this act to the contrary notwithstanding; and the court, or in vacation the chief justice, or either of the associate justices, may direct that the body of such debtor shall be discharged from imprisonment, and appoint a time when such debtor shall appear before the county court, 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 debtors; and provided, that the said imprisoned debtor, at the time of his discharge, if required by the county court, chief justice, or either of the associate justices, shall enter into bond, with such penalty and security as the county court, chief justice or associate justice, shall direct and approve, conditioned for his personal appearance at such time or times as the said court, chief justice or associate justice, shall direct, to answer the allegations of his creditor or creditors according to the provisions aforesaid; and if the said debtor shall not enter into bond as aforesaid, if required by the county court, chief justice or associate justice, then such debtor shall remain in confinement until the application, (if objected to,) shall be decided on.

And limit the
time, &c.

XII. AND BE IT ENACTED, That the county court may, by order, limit and appoint the time for creditors to bring in and declare their claims, and may examine such creditors, and also the debtor, on oath or affirmation, concerning the same, and, on any contested claim, may, if they think proper, order the same, or any fact concerning the same, to be tried on an issue framed for that purpose, and may order any part of the petitioning debtor'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, shall collude 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