

erty, nor shall any process against his real or personal property have any effect thereon, except writs of fieri-facias actually and bona fide executed before the passing of this act.

“ And be it enacted, That any trustee may sue for, in his own name, and recover, any property or debts assigned to him by any debtor in virtue of this act.

“ 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, or to the general court of the shire, or the county court of the county, where such debtor shall reside, 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 other 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, benefit 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 within two years before the passage of this act, the said chancellor, or 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 or conveyances 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 to the said interrogatories, on 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, he shall for ever be 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.

“ 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 five 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, 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 speedy 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.

“ 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 the 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 in case such imprisoned debtor shall have any creditors beyond sea, the chancellor may, in his discretion, order the sheriff to bring the said debtor before him at such time as he thinks proper, and on his taking the oath herein before mentioned, 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 any interrogatories which his creditors may propose to him, on not less than six 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 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 creditors, and also the debtor, on oath or affirmation, concerning 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 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 give false colour to his claim, for more than is bona fide due, such creditor shall lose his debt truly due, and shall be totally excluded in the distribution.

“ And be it enacted, That if the said debtors, or any of them, shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against them, or any of them, for any debt, damages or costs, contracted, owing, or growing due before the passing of this act, the court out of which such process issued, shall and may discharge such debtor, on motion; and if the said debtors, or any of them, shall be arrested or imprisoned on any process for the recovery of any debt, damages or costs, contracted, owing, or growing due before the passing of this act, the court, before whom such process shall be returned, shall and may discharge such debtor or debtors out of custody, on his common appearance being returned, without any special bail; provided, that the discharge of such debtor or debtors shall not acquit any other person from such debt, damages or costs, or any part thereof, but that all such persons shall be answerable for the same, in such manner as they were before the passing this act.

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