

of his books, papers, and evidences of debts of every kind, and the said trustee's certifying the same, in writing, to the chancellor, it shall be lawful for the chancellor to order that the said debtor shall be discharged from all debts, covenants, contracts, promises and agreements, due 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 laws, and hath been fined 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 debt; and provided, that the discharge of such debtor shall not operate so as to discharge any other person from any debt.

C H A P.
LXX.

VI. **And be it enacted,** That the chancellor may allow such petitioning debtor to retain the necessary wearing apparel of himself and family.

May retain
his apparel.

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, agreeably to their several and respective claims, but no judgment to be rendered 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 thereon, except writs of *fieri facias* actually and *bonâ fide* laid before the passing of this act.

Trustee may
be directed to
sell, &c.

VIII. **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 may sue,
&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, 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 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 a preference to any creditor or creditors, or security, 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 of the said interrogatories, or the trials 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 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 the case of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

When fraud,
&c. is alleged,
debtor may be
examined,
&c.