

beginning of this act, or before the time of his application to the county court for the benefit of this act. Chap. 150.

8. 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, and may also prosecute to judgment any suit commenced by the debtor before his appointment. Trustee may sue in his own name.

9. AND BE IT ENACTED, That if any creditor, on the application of any debtor to the county court, or within two years thereafter, shall allege in writing to the county court, 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 debt, either without consideration, or on improper consideration, or lost more than one hundred dollars by gaming at any one time (i), 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 (k), before the passage of this act, or before the time of his application to the county court for the benefit 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. When fraud is alleged debtor may be examined, &c.

(i) The losing 100 dollars by gaming at any one time is, by 1807, ch. 150, restricted to within three years next before the application.

(k) See 1807, ch. 55, and November 1812, ch. 77, defining what is an undue and improper preference, and declaring all deeds, &c. made for that purpose to be void.

10. 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 Commission allowed to trustee and complaints against him to be inquired into, &c.