

charged 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.

C H A P.
LXXIII.

XI. 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 *bonâ fide* due, such creditor shall lose his debt truly due, and shall be totally excluded in the distribution.

And limit the time for bringing in claims, &c.

XII. 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.

Debtors arrested may be discharged, &c.

XIII. And be it enacted, That all proceedings in chancery, under this act, shall be recorded by the register, who shall be entitled to the same fees as are fixed by law for services in other cases,

Proceedings to be recorded, &c.

XIV. And be it enacted, That in all appointments of trustees under this act, by the chancellor, in the room of any person before appointed, the chancellor shall consult the creditors, and govern himself by the choice of a majority of them in value, unless upon notice being given by public advertisement, or in such other manner as he shall think reasonable, the said creditors shall neglect to make such choice.

Creditors to be consulted, &c.

XV. Whereas the said William Hammond, on the first of September, seventeen hundred and ninety, made his absolute deed to David M'Mechen for one hundred acres of land, as appears by the said deed, but which deed was intended as a mortgage, and so declared by the said William Hammond and David M'Mechen in a deed of trust from William Hammond to Richard Curson, and others, dated the thirtieth of April, one thousand seven hundred and ninety-one; And whereas the said William Hammond, on the twenty-fourth of January, one thousand seven hundred and ninety-one, made his deed of mortgage to the said David M'Mechen, as appears by the said deed: And whereas the said William, on the thirtieth day of April, one thousand seven hundred and ninety-one, made a deed of trust to Richard Curson, and others, as appears by the said deed: And whereas it is admitted by the said David M'Mechen, that all the said deeds were made and intended to indemnify the said David M'Mechen for all money that the said David M'Mechen was bound to pay for the said William Hammond to Michael John Harris, and to secure the said David M'Mechen a

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