

Concealing from subsequent creditors they having given preferential security to be a fraud and punishable as such, and any person privy thereto to be also punishable.

confessions of Judgments for such amounts as would cover their whole effects or stock of goods, present or prospective, which instruments by reason of their being dated or registered antecedent to sixty days of the subsequent making of an assignment, would still be effectual to the operating a preference out of the estate by the holder of such security, and to the prejudice of such creditors, as many in ignorance thereof have subsequently given credit to the maker of such perpetual security. Be it enacted that any person or trader who, having given such security, or made any alienation of right of prosperity as aforesaid, shall subsequently seek to obtain credit from any person or firm, other than the holder of such security, for a greater amount than one hundred dollars, without informing such person or firm from whom he seeks credit of the existence of such security or referring to the holder thereof, who may become security for such credit, shall be guilty of fraud, and punishable as the law directs for obtaining goods under false pretences.

Improper or fraudulent alienation of goods paid for by notes, to be dealt with by Judge.

XX. If any trader having purchased goods and given notes or bills for the same, shall be discovered to be improperly alienating such goods or disposing of the same by auction or otherwise below their value, for the purpose of defeating or defrauding his creditor, it shall be competent to such creditor, notwithstanding that the notes given for such goods may not then be due or at maturity, to make representation of the circumstances by affidavit, of such attempted or intended fraudulent disposal of such goods, to the Judge having jurisdiction within the district in which the place of business of such trader is situated, who shall direct enquiry into the facts of the case, and, if he sees fit, may summon the trader before him to be dealt with as in the 17th section, in which case the assignee appointed, shall be approved of by the applying creditor or creditors, and he shall take such measures for the preservation of the estate for the benefit of all the creditors of such trader, as to him may seem proper. And if in addition to the allegation that the debtor is personally indebted in the sum specified, it shall be alleged, upon grounds specially stated on oath, that the debtor is notoriously insolvent, that he has refused to compromise or arrange with his creditors or to make an assignment for the benefit of all his creditors, and that he continues to carry on his business or trade, such debtor shall be held to be about to secrete his goods and chattels or dispose of the same with intent to defraud his creditors generally and the petitioners in particular, and the Judge may, if he deems it just and proper, issue an immediate order to the sheriff of the county to take and hold all the real and personal property of said debtor, including books, book debts, notes of hand and mortgages, and said sheriff shall hold all such property subject to the order of the said judge, who, upon the appointment of a trustee under this Act, shall give notice thereof to the sheriff, and the said sheriff shall deliver over all such property to the said trustee; and provided always, that the charge of the sheriff for services rendered under this or any other section of this Act, shall be taxed and settled by the said judge, and shall, in no case, be in the nature of poundage upon the property seized, but an adequate remuneration only for such services.

Appointment of Accountant in bankruptcy his qualifications, &c.

XXI. And whereas it is expedient that all insolvent estates in process or to be in process of winding up under assignment, should be brought under the supervision of a proper officer, alike for the benefit of all interests therein, as for the acquisition of a statistical knowledge of bankruptcy, therefore, it shall be lawful for His Excellency the Governor, by and with the advice of the Executive Council, to nominate and appoint such an