

Fraudulent
conveyances,
&c., void.

XLIII. All payments, securities, conveyances or transfers of property, or agreements made or given by any trader in contemplation of bankruptcy, and for the purpose of giving any credit, indorser, surety or other person any preference or priority over the general creditors of such bankrupt, and all other payments, securities, conveyances or transfers of property, or agreements, made or given by such trader in contemplation of bankruptcy to any person or persons whatever, not being a *bond fide* creditor or purchaser for a valuable consideration, without notice, shall be deemed utterly void and a fraud under this Act; and the assignee shall be entitled to claim, sue for, recover, and receive the same as part of the assets of the bankrupt, and the person making such unlawful preference or payment shall receive no discharge under the provisions of this Act; and all voluntary payments, securities, conveyances or transfers of property, or of the credits of such bankrupt, or agreements made or given by him without consideration, or in consideration of a pre-existing debt, within the sixty days preceding the issuing of a commission against him, shall be null and void, and a fraud under this Act.

XLIV. If any bankrupt, being at the time insolvent, shall (except for an adequate consideration) have conveyed, assigned or transferred to any of his children, or to any other person any of his property, real or personal, goods or chattels, or have delivered or made over to any such person any bills, bonds, notes or other securities, or have transferred his debts, to any other person, or unto any other person's name, the Court shall have power to order the same to be sold and disposed of for the benefit of the creditors under the bankruptcy, and every such sale shall be valid against the bankrupt, and such children and persons, and against all persons claiming under him.

Confession of
judgment
void.

XLV. In Upper-Canada, if at any time within one month after any trader shall have given a confession of judgment, or a warrant of attorney to confess judgment, or a *cognovit actionem*, a commission of bankruptcy shall issue against such trader, then such confession, warrant of attorney, or *cognovit actionem* shall be deemed to have been obtained by fraud, and shall be void as against the assignee under such commission.

Of the certifi-
cate,

XLVI. It shall be lawful for the Court to appoint a public sitting for the allowance of a certificate to the bankrupt, (whereof, and of the purpose whereby twenty-one days' notice shall be given, in manner to be directed by the Court, and a copy of such notice shall be served on the assignees or on their solicitor) and at such sitting any of the creditors of such bankrupt who shall have given to such bankrupt three clear days' notice, in writing, of his opposition and the reasons thereof, may be heard against the allowance of the certificate, and the Court shall consider any objection against allowing such certificate, and either find the bankrupt entitled thereto and allow the same, or refuse or not find the allowance thereof, or annex such conditions thereto as the justice of the case may require; Provided always, that no certificate shall be a discharge under this Act unless the Court shall certify to the Court of Review that such bankrupt has made a full discovery of his estate and effects, and in all things conformed himself to the law relating to bankrupts, and that there does not appear any reason to doubt the truth or fulness of such discovery, nor unless the bankrupt make oath, in writing, that such certificate was obtained fairly and without fraud, nor unless the allowance of such certificate shall, after such oath, be confirmed by the