

Insolvent taken, not discharged for one year.

154. If any insolvent shall be taken in execution after the refusal of protection, or after the refusal or suspension of his certificate, he shall not be discharged from such execution, until he shall have been in prison for the full period of One year, except by order of the District Court.

List of uncertificated insolvents to be published in the Gazette every six months.

155. Every District Judge shall transmit to the Attorney-General on or before the fifteenth day of January and the fifteenth day of July in each year, the name and residence of every insolvent whose certificate shall have been refused or suspended by such Judge, and who shall then be uncertificated ; and the said Attorney-General shall thereupon cause a list, alphabetically arranged, showing the names and residences of all such uncertificated insolvents to be prepared, and published in the Gazette for general information,

Any person refusing to be sworn, or refusing to answer, or not answering fully, or refusing to sign examination, or to produce books, &c., maybe committed.

156. If any insolvent, or the wife of any insolvent, shall refuse to make and sign the declaration contained in the Schedule, or if any other person shall refuse to be sworn, or shall refuse to answer any lawful question put by the court, or shall not fully answer any such question to the satisfaction of the court, or shall refuse to sign his examination when reduced into writing (not having any lawful objection allowed by the court), or shall not produce any books, papers, deeds, and writings, or other documents in his custody or power, relating to any of the matters under inquiry, which such insolvent, wife of the insolvent, or person is required by the court to produce, and to the production of which he shall not state any objection allowed by the court, it shall be lawful for the court, by warrant, to commit such insolvent, wife of such insolvent, or other person to prison, there to remain without bail until he shall submit himself to such court to be sworn, and full answers make to the satisfaction of such court to all such lawful questions as shall be put by the court, and sign such examination, and produce such books, papers, deeds, writings, and other documents in his custody or power, to the production of which no such objection as aforesaid has been allowed.

157. If any person be committed by the District Court for refusing to answer or for not fully answering any question put to him by the court, such court shall in its warrant of commitment specify every such question :

Questions to be Specified In warrant.

Provided that if any person so committed shall bring any habeas corpus in order to be discharged from such commitment, and there shall appear on the return of such habeas corpus any such insufficiency in the form of the warrant whereby such person was committed, by reason whereof he might be discharged, it shall be lawful for the Court of Appeal, and such court is hereby required, to commit such person to the same prison, there to remain until he shall conform, unless it shall be shown to such court by the person committed that he has fully answered all lawful questions put to him by the District Court, or if such person was committed for refusing to be sworn or for not signing his examinations, unless it shall appear to the Court of Appeal that he had a sufficient reason for the same :

Provided also that the Court of Appeal shall, if required thereto by the person committed, in case the whole of the examination of the person so committed shall not have been stated in the warrant of commitment, inspect and consider the whole of the examination of such person whereof any such question was a part ; and if it shall appear from the whole examination that the answer or answers of the person committed is or are satisfactory, such court shall and may order the person so committed to be discharged.

158. If any person shall disobey any rule or order of the District Court, duly made by such court, for enforcing any of the purposes and provisions of this Ordinance, or made or entered into by consent of such person for carrying into effect any of such purposes or provisions, the court may, by warrant in the form S in the Schedule, commit the person so offending to prison, there to remain without bail until such court, or the Court of Appeal, shall make order to the contrary,

Persons disobeying any order of court to be committed.

If petitioning creditor's debt be not due, or if act of insolvency be not proved, and petition be Filed fraudulently or maliciously, court may order satisfaction

159. If the debt stated by the petitioning creditor in his affidavit, or in his petition for sequestration, and verified by affidavit to be due to him from any person, shall not be really due, or if, after a petition for sequestration filed, it shall not have been proved that the person against whom such petition has been filed had committed an act of insolvency, and it shall also appear that such petition was filed fraudulently or maliciously, the court shall and may, upon petition of the person against whom any such petition was so filed, examine into the same, and order satisfaction to be made to him for the damages by him sustained.

Petitioning creditor compounding with person after insolvency to forfeit his debt and pay the money, &c.

160. If any petitioning creditor shall, after the filing of his petition, receive any money, satisfaction, or security for his debt or any part thereof, whereby such petitioning creditor may receive more for every ten rupees in respect of his debt than the other creditors, such petitioning creditor shall forfeit his whole debt, and shall also repay or deliver up such money, satisfaction, or security, or the full value thereof, to the assignees of such insolvent for the benefit of the creditors of the insolvent.

Concealing insolvent's effects.

161. Any person who shall wilfully conceal any real or personal estate of the insolvent, and who shall not, within forty-two days after the filing of the petition for sequestration, discover such estate to the court or to the assignees, shall forfeit the sum of one thousand rupees, and double the value of the estate so concealed ; and any person, other than the person who shall have concealed the same, who shall after such time voluntarily discover to the court or to the assignees any part of such

Penalty.
Allowance to persons making discovery.

insolvent's estate not before come to the knowledge of the assignees, shall be allowed *five per centum* thereupon, and such further reward as the assignees, with the consent of the court, shall think fit to be paid out of the estate recovered on such discovery.

162. If any creditor of any insolvent shall obtain any sum of money, or any property whatever, or security for money, from any person as an inducement for forbearing to oppose or for consenting to the allowance of the certificate of such insolvent, or to forbear to petition for the recall of the same, every such creditor so offending shall forfeit and lose for every such offence the treble value or amount of such money, property, or security so obtained (as the case may be).

Obtaining money, &c., to forbear opposition to or to consent to allowance of, certificate

Penalty.

163. Any person who shall insert or cause to be inserted in the Gazette, or in any newspaper, any advertisement under this Ordinance without authority, or knowing the same to be false in any material particular, shall be guilty of an offence, and liable on conviction to punishment by fine or imprisonment as the High Court shall award.

Inserting advertisements without authority.

164. Sections 36 and 37 shall apply and extend to State debtors as if the State had been specially mentioned in the said sections, and 37 to apply to State debtors.

165. In this Ordinance, unless the context otherwise requires—

" registered attorney " means an attorney-at-law appointed under Chapter V of the Civil Procedure Code by a party or his recognized agent to act on his behalf.

SCHEDULE

Form A

THE INSOLVENCY ORDINANCE

DECLARATION OF INSOLVENCY

I, the undersigned A. & of. do hereby declare that I am unable to meet my engagements with my creditors.

Dated at the hour of o'clock (in the forenoon, or at noon, or in the afternoon, as *the case may be*) this. day of. 19....

Witness

C.D.

(Signed) A. B.