

BANKRUPTCY.

14 OF 1911.

TO AMEND CERTAIN PROVISIONS OF THE OTTOMAN LAW RELATING TO
BANKRUPTCY.

J. E. CLAUSON.]

[June 26, 1911.]

1. This Law may be cited as the Bankruptcy Law, 1911. Short title.
2. In this Law the term "trustee" means and includes every trustee in bankruptcy, Juge-Commissaire, Syndic, or person appointed by any Court of competent jurisdiction to administer in conformity with the provisions of the Ottoman Commercial Code the estate of any person who has been adjudged bankrupt under the said Code. Definitions.
3. Any person may be convicted of culpable bankruptcy under the provisions of the Ottoman Commercial Code upon a complaint or charge made or preferred in the first instance by any creditor of such person or by the trustee. Prosecution of culpable bankrupts.
4. Whoever shall be convicted of culpable bankruptcy under the provisions of the Ottoman Commercial Code, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour. Punishment of culpable bankrupts.
5. Any person adjudged bankrupt under the provisions of the Ottoman Commercial Code, shall, in each of the cases following, be deemed guilty of an offence, and on conviction thereof, shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour; that is to say:—
 - (1.) If he does not to the best of his knowledge and belief, fully and truly discover to the trustee all his property, movable and immovable, and how and to whom and for what consideration and when he disposed of any part thereof, and what sums he has annually spent for his personal expenses and the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud; Failure to make full discovery to trustee.
 - (2.) If he does not deliver up to the trustee, or as he may direct, all such part of his movable and immovable property as is in his custody or under his control, and which by law constitutes the assets divisible amongst his creditors, unless the Court is satisfied that he had no intent to defraud; Failure to deliver up property.

- Failure to deliver up books, etc.
- (3.) If he does not deliver up to the trustee, or as he may direct, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- Concealment, mutilation, falsification, etc., of books, etc.
- (4.) If, after the presentation of a bankruptcy petition by or against him, or within twelve months next before such presentation, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or otherwise to defraud;
- Preventing the production of books, etc.
- (5.) If, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or otherwise to defraud;
- False entries.
- (6.) If, after the presentation of a bankruptcy petition by or against him, or within twelve months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or otherwise to defraud;
- Parting with, altering books, etc.
- (7.) If, after the presentation of a bankruptcy petition by or against him, or within twelve months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs;
- Omission in statements.
- (8.) If he makes any material omission in any statement affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- Concealment of property or debts, or disposition of property for less than market value.
- (9.) If, after the presentation of a bankruptcy petition by or against him, or within twelve months next before such presentation, he conceals any part of his property or any debt due to or from him, or disposes of any part of his goods or property for any consideration which is substantially less in value than the usual market value of such goods or property, unless the Court is satisfied that he had no intent to defraud;
- Removal of property.
- (10.) If, after the presentation of a bankruptcy petition by or against him, or within twelve months next before such presentation, he fraudulently removes any part of his property;

- (11.) If knowing or believing that a false debt has been claimed or proved by any person under the bankruptcy he fails for the period of one month from the date of such knowledge or belief to bring the matter to the notice of the trustee;
- (12.) If, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors he attempts to account for any part of his property by fictitious losses or expenses;
- (13.) If, within twelve months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;
- (14.) If, within twelve months next before the presentation of a bankruptcy petition by or against him, he obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit and he has not paid for the same, unless the Court is satisfied that he had no intent to defraud;
- (15.) If, within twelve months next before the presentation of a bankruptcy petition by or against him, he pawns, pledges, mortgages, or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;
- (16.) If, after the presentation of a bankruptcy petition by or against him, or within twelve months next before such presentation, he has made any gift, sale, delivery, transfer, mortgage of, or any charge on his property, unless the Court is satisfied that he had no intent to defraud;
- (17.) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or bankruptcy;
- (18.) If, after the presentation of any bankruptcy petition by or against him, he quits or attempts to quit the Island, unless the Court is satisfied that he had no intent to defraud.
6. If any person, after the presentation of a bankruptcy petition by or against any debtor who is subsequently adjudged bankrupt, or within twelve months next before such presentation, removes or conceals or causes to be removed or concealed, either for his own benefit or for the benefit of such debtor or of any other person, any part of the property of such debtor which ought by law to be divided

Failure to inform trustee of false debts.

Fictitious losses, etc.

Obtaining credit on false representation.

Obtaining credit on false pretences of carrying on business.

Pawning, mortgaging, etc., property obtained on credit.

Making gift, sale, mortgage, etc., of property.

Obtaining consent of creditors by false representation.

Quitting or attempting to quit Island.

Punishment of persons removing, etc., property of bankrupt.

amongst his creditors, such person shall be guilty of an offence, and on conviction thereof shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour, unless the Court is satisfied that he had no intent to defraud.

False claims
declarations,
etc., against
bankrupt,

7. If after the presentation of a bankruptcy petition by or against any debtor who is subsequently adjudged bankrupt, any person either in his own behalf or in behalf of any other party wilfully and with intent to defraud makes any false claim, declaration or statement of account which is untrue materially he shall be guilty of an offence punishable with imprisonment for any term not exceeding three years, with or without hard labour.

Punishment
of trustee for
concealment,
etc., of affairs
of bankrupt.

8. Whoever being a trustee shall, in any report or statement relating to the affairs of any person who has been adjudged bankrupt, wilfully make any material omission, or conceal or withhold any information or matter tending to show the true condition of the affairs of such person or the circumstances of the bankruptcy, or shall in any way assist any person to commit any of the offences in this Law mentioned, then in every such case such trustee shall be guilty of an offence punishable with imprisonment for any term not exceeding seven years, with or without hard labour.

Repeal.

9. The enactments mentioned in the first column of the Schedule to this Law are hereby repealed to the extent appearing in the second column of the Schedule.

SCHEDULE.

Ottoman Commercial Code.	Article 288 and official note thereto; Paragraph 3 of Article 290; Articles 291, 292, 293 and 294.
Ottoman Penal Code.	Articles 231 and 232.
