§ 166. Depositors preferred in case of failure or suspension. In case of the failure or suspension of any private banker, the claims of persons for money on deposit or delivered for transmission shall be preferred against such assets as shall be shown by the books of such private banker, or by other legal evidence, to have been derived from the investment of such moneys, or from the investment of permanent capital, such claimants shall also share pro rata with other creditors in any other assets of such individual or of such partnership and of the individual members thereof.