

and put in course of liquidation, and due notice of such dissolution and liquidation given by advertisement in the *Canada Gazette*, such judgment shall be executory against the assets and property of such trading company or copartnership : Provided always that the creditors of such company or copartnership shall have a prior claim upon the assets thereof, to such creditor of a member thereof. Proviso.

XVI. Any trader who shall purchase goods on credit, or procure advances of money, knowing himself to be unable to meet his engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person; or who shall purchase goods or incur debts in contemplation of insolvency, with intent to defraud the person thereby becoming his creditor, and who shall afterwards become insolvent without having paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to *contrainte par corps* to compel payment of the debt so incurred by him, and of all costs incurred in endeavouring to enforce the collection thereof; and if such debt or debts be incurred by a trading company, then every member thereof who shall not prove himself to have been ignorant of the incurring, and of the intention to incur, such debt or debts, shall be so liable : Provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the Judgment to be rendered in such suit or proceeding. Penalty on Traders fraudulently obtaining credit without means of paying.
Proviso.

XVIII. The word "Creditor" in this Act shall be held to mean every person to whom the trader is liable, whether primarily or secondarily, and whether as principal or surety; but no debt shall be doubly represented or ranked for, either in the computations for ascertaining the acceptance of creditors, or in the dividends to be paid under any assignment. And all the provisions of this Act respecting traders shall be held to apply equally to unincorporated trading companies and co-partnerships. Word "creditor" how construed. Act to apply to unincorporated companies and partnerships.

XIX. This Act shall apply only to Lower Canada.