

An Act to facilitate the remedy by Attachment under Execution, of separate Creditors against Co-partnership Property.

HER MAJESTY, &c. enacts as follows :

Preamble.

1. A separate Creditor of any one partner in a commercial firm may attach by writ of *saisie arrêt*, the right, title and interest of such partner in the partnership property. Attachment.
2. Service of such writ on the partnership *tiers saisie* may be made at the office or place of business thereof, and need not be personal. Service of Writ.
3. The exigency of such writ shall be to compel the partnership to declare under oath, by one of the partners, (or some duly authorized person,) the right, title and interest of the said partner in the partnership property, and the amount thereof, and in default of such declaration the judgment may be rendered against the partnership. Exigency of Writ. Default.
4. In case it appears by the said declaration, that the interest of such partner amounts to a less sum than that claimed by the attaching creditor, and such creditor is not willing to accept a judgment against the partnership for the amount so declared or the amount of the interest of the debtor partner is declared or appears to be indeterminate; or in case it be declared that the partnership is not willing that a judgment should be rendered against it for any specific sum of money, the partnership shall be held within a delay to be fixed by the Court, to produce and file under oath,— If the partnership do not consent to judgment against them, they shall file certain documents.
- (1.) A true copy of the Deed, Articles, or Agreement in writing, of such partnership, or if there be no such Deed, Articles, or Agreement, then a declaration under oath of the verbal agreement under which such partnership exists,— Articles, &c.,
- (2.) A statement showing the amounts invested by the partners respectively in the partnership;—the assets thereof, giving separately and in detail an account of the Real and Personal property of the partnership, debts due thereto, with the names, residences and occupations of the debtors respectively; the creditors of the partnership, with their names, residences and occupations, and the amount due to each respectively; a statement of the account of such partner with the partnership, made up to the date of the issuing of such writ of *saisie arrêt*, and showing the amounts drawn by such partner from, or paid out for him by the firm during the previous year, or such shorter period as the partnership may have subsisted, and a copy of the last balance sheet of the partnership, or if there be none, then of a balance sheet to be made up to the date of seizure. Statement of sums invested, &c., by each partner, &c. Balance sheet.
5. In case of default to comply with any order of the Court under the next preceding section, judgment may be rendered against the partner in default to file. Judgment in cases of default to file.