

the partnership, by any person who shall have signed the same or who was really a member of the partnership therein mentioned at the time such declaration was made; nor shall any such signer or partner be deemed to have ceased to be a partner until a new declaration shall have been made and filed as aforesaid, stating such alteration in the partnership; but nothing herein contained shall exempt from liability any person who being a partner shall not have been mentioned in the declaration, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and if judgment be recovered against them, any other partner or partners may be sued jointly or severally, in an action upon such judgment: nor shall any thing in this Act be construed to affect the rights of any partners with regard to each other, except that no such declaration as aforesaid shall be controverted by any signer thereof.

IV. And be it enacted, That after the expiration of six months from the passing of this Act, if any person shall be or shall have been associated as partners for the purposes of trade in Lower Canada, and no declaration shall have been filed under this Act with regard to such partnership, then any action which might be brought against all the members of the partnership, may also be brought against any one or more of them, as carrying on or as having carried on trade, jointly with others, (without naming such others in the writ or declaration) under a name and style to be mentioned; and if judgment be recovered against him or them, any other partner or partners may be sued jointly or severally upon such judgment: Provided always, that if any such action be founded on any obligation or instrument in writing in which all or any of the partners bound by it shall be named, then all the partners named therein shall be made parties to such action.

How actions may be brought against partnerships or members of partnerships with regard to which no declaration shall have been filed within six months after the passing of this Act.

Proviso.