

or absent from it, the Recovery of such Debts is thereby delayed and impeded—For remedy whereof,

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly,* That where Co-Partners, or others, are and shall become jointly indebted by Specialty or simple Contract, to any Person or Persons, and any one or more of such joint Debtors shall be absent or resident out of the Island, the Creditor or Creditors, in all Suits, in such Cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the Supreme Court, a Writ or Writs of *Mesne Process* against all the said Co-Partners or joint Debtors, which shall be served in the usual manner upon such of the Defendants as shall be within the Island, and which Process so served shall be deemed as good and effectual to all intents and purposes as if the same had been served on all the said Co-Partners or joint Debtors.

When one or more joint Debtors absent or resident out of the Island, Creditors may proceed to recover their Debts by Writ of *Mesne Process* against all the joint Debtors, which may be served on such Defendants as are within the Island.

II. *Provided always, and be it enacted,* That if it shall be made appear to the said Court, by Affidavit or Plea in Abatement, that the names of any of the said Co-Partners or joint Debtors are omitted in the Writ, or that any of them who were in the Island at the time of issuing such *Mesne Process* as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the Writ, or to stay the Proceedings, as the Case may require, any thing herein contained to the contrary notwithstanding.

If it shall appear to the Court, by Affidavit or Plea in abatement, that the names of any joint Debtors are omitted in the Writ, or any of them within the Island not served with same, Court may abate the Writ or stay proceedings.

III. *And be it further enacted,* That in all Cases as aforesaid, the Plaintiff or Plaintiffs may file his, her, or their Declaration against such of the Co-Partners or joint Debtors as have been duly served with *Mesne Process*, and may suggest in the said Declaration that the other Co-Partners or joint Debtors (naming them) were absent out of the Island, and without the Jurisdiction of the Court, at the time of issuing the Process, and at the time of filing such Declaration, and thereupon the Plaintiff or Plaintiffs may proceed, according to the usu-

Plaintiff may file Declaration against such joint Debtors as have been served with *Mesne Process*, and may thereafter proceed to