

cases in which provision is herein before made, that special shall be deemed general partners, and special partnerships general partnerships, when all the persons so becoming general partners may be joined with those originally general partners, in any suit or suits brought against such partnership.

Where special p. are deemed not liable.

SEC. 20. *And be it enacted*, That if in any case a suit shall be brought against general and special partners, and at the trial of the cause, it shall appear that the special partners, or any of them, are not liable to the writ of the plaintiff, the court may proceed to judgment, or decree against the partners who may appear to be liable, in the same manner as if such partners were the only parties defendants to the writ, excepting that the partners who may be deemed not liable shall recover their legal costs as against the plaintiff, and such other additional costs, as the court may deem reasonable, and if a creditor shall have recovered against the general partners only, and shall afterwards discover that the special partners have become liable as general partners, he may file a bill in equity against the general and special partners for further relief against them, and in such proceeding the judgment recovered as aforesaid, shall be prima facie evidence of the amount of debt due by the partnership, as against the special partners.

Case of recovery and special partners found to be liable.

As to dissolution of P.

SEC. 21. *And be it enacted*, That no dissolution of such partnership, by the acts of the partners, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless by death of one of the partners, or insolvency of the partnership, or until a notice of such dissolution shall have been filed and recorded in the clerk's office, in which the original certificate was recorded, and published once a week for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business, or by notices set up at some public place in each election district, in the cases provided for in the seventh section, which publications may be proved by affidavit, made and recorded, as herein before prescribed, for the publication of the certificate of the formation of such partnership.

Right of legislating reserved.

SEC. 22. *And be it enacted*, That nothing in this act shall be construed to prevent the legislature from altering, amending or repealing the same whenever it may be deemed proper so to do.

Repeal.

SEC. 23. *And be it enacted*, That the act entitled, an act to authorize limited partnerships within this state, passed at December session of year eighteen hundred and twenty-five, chapter one hundred and thirteen, be, and the same is hereby repealed.