

On motion of Mr. Kerr, said bill was amended, by adding at the end of the 13th section thereof the following,

“And such capital shall be deemed to have been reduced, not only when it shall appear, that by payment as aforesaid, the nominal amount thereof as exhibited in money in hand, and in the apparent amount of claims, and in the cost of property, as the case may be, was lessened, but also, and when so far as it shall appear, without regard to apparent amount of capital, or property, or interests of the partnership, that the available assets of said partnership at such time of payment of interest or profits were not, or shall not have proved to have been sufficient for the payment of the debts and liabilities of the partnership.”

On motion of Mr. McLean, said section was further amended, by adding at the end thereof, the following,

“And if any such special partner shall knowingly receive or retain any part of such original capital by way of interest, profits or otherwise, he shall be deemed a general partner.”

On motion of Mr. Richardson, seconded by two other members that voted in the majority, the house reconsidered their vote upon the amendment as offered by Mr. Kerr.

The said amendment was then rejected.

On motion of Mr. Alexander, seconded by two other members that voted in the majority, the house reconsidered their vote upon the amendment as offered by Mr. McLean, to come in at the end of 13th section,

The said amendment was then rejected.

On motion of Mr. Alexander, said bill was amended by striking out in the 15th and 16th sections, the following, in these words, ‘whether upon request or otherwise’

Mr. Kerr, moved further to amend said bill, by inserting as the 19th and 20th sections thereof, the following,

“Sec. 19. And be it enacted, that any creditors of such partnership, may for recovery of their claims against said general and special partners proceed at their election by bill in court of Chancery or in a county court as a court of equity, and in such cause said courts may enforce discovery of all such matters as shall be properly enquired of concerning said partnership by such bill, and by such orders and process thereon as they may deem proper, enforce the delivery into court of all books and papers of said partnership, which on application said courts may determine should be produced, and said courts shall have full power and authority to decree payment of the claims of said creditors either against said general partners only, or also against said special