

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 24

An Act to enable Creditors more easily to recover their debts from Joint Partners

Whereas creditors are often put to great trouble and difficulty in recovering debts due from joint partners, the proceeding to outlawry against persons who cannot be taken by process, not being in use in this province, and doubts have arisen, whether any one joint partner is now compellable to answer for the partnership debts, unless all are brought into court, which many times cannot be done, for remedy whereof,

II. Be it enacted by the Governor, Council and Assembly, That all persons that now are or hereafter shall be jointly indebted to any other person or persons whatever, for any joint contract, obligation, matter or thing whatsoever, for which remedy could or might be had at law against such debtors, in case all were or could be taken by process issued out of the courts of this province, shall be answerable to their creditors separately for such debts; that is to say, such creditor or creditors shall and may issue process against such joint debtors, in the manner now in use, and in case any or either of such joint debtors shall be taken, and brought into court, by virtue of such process, he, she or they, so taken and brought into court, shall answer to the plaintiff or plaintiffs, and in case the judgment pass for the plaintiff or plaintiffs, he or they shall have his or their judgment and execution against those that are brought into court, and against the other joint debtors named in the process, in the same manner as if they had been all taken and brought into court by virtue of such process. Provided always, That it shall not be lawful, by virtue of this act, to execute such execution against the body, or the lands, or goods, the sole property of any person not brought into court, before *foire facias* brought against him or them on such judgment.