RL 186:10

TITLE XVII
REGULATIONS OF TRADE

CHAPTER
186. GENERAL PARTNERSHIPS
187. LIMITED PARTNERSHIPS
188. HAWKERS AND PEDDLERS
189. ITINERANT VENDORS
190. JUNK DEALERS
191. SALE OF LIGHTNING RODS
192. WEIGHTS AND MEASURES
193. SALES OF CERTAIN ARTICLES
194. INSPECTION AND SALE OF DAIRY PRODUCTS
195. PURCHASE OF MILK, ETC., FOR RESALE OR MANUFACTURE
196. MILK CONTROL
197. GRADING, PACKING, SHIPPING, AND SALE OF APPLES
198. GRADING, MARKING, AND SALE OF EGGS
199. PURCHASE, SALE, AND TRANSPORTATION OF POULTRY
200. THE SALE OF GOODS
201. INSPECTION OF LUMBER
202. COMBINATIONS AND MONOPOLIES
203. FAIR TRADE LAW
204. UNFAIR SALES ACT
205. BONDED WAREHOUSES
206. UNIFORM WAREHOUSE RECEIPTS ACT
207. UNION LABELS, AUTHOR'S RIGHTS, TRADE-MARKS, ETC.
208. HOTELS AND OTHER PUBLIC PLACES
209. PAWNBROKERS

CHAPTER 186
GENERAL PARTNERSHIPS

Sections 1–10. Registration of Partnerships
Sections 11–16. Surviving Partners

Registration of Partnerships

1. Certificate. Every sole proprietor doing business in this state under any name other than his own, and every partnership or association doing business in this state, shall file in the office of the secretary of state a certificate signed and sworn to by such sole proprietor or by the members of such partnership or association, stating the name under which such business is to be carried on, the place of such business, a brief description of the kind of business to be carried on, and the individual name or names and addresses of such sole proprietor or the members of such partnership or association.
G. S. 106:1. G. L. 117:1. P. S. 121:1. 1919, 57:1. P. L. 155:1.

2. Withdrawal of Partner. Whenever any member of such partnership or association withdraws therefrom the remaining members of such partner-

ship or association shall, and the withdrawing member may, within ten days thereof file in the office of said secretary a certificate signed and sworn to by the remaining members, setting forth the fact of such withdrawal, together with the date thereof.
1919, 57:2. P. L. 155:2.

3. Evidence. Until the certificate of the person withdrawing, or that of the remaining members of the partnership or association, is filed, such failure to file shall be *prima facie* evidence of a continuation of said partnership or association.
1919, 57:2. P. L. 155:3.

4. Discontinuance. If any person, partnership or association to whom the provisions of this subdivision apply shall cease to do business a certificate setting forth such fact, and the date of such discontinuance, shall be filed with the said secretary within thirty days subsequent thereto. Such certificate shall be signed and sworn to by the members of such partnership or association, or by any sole proprietor, or by his or their executors or administrators.
1919, 57:3. P. L. 155:4.

5. Record; Fees; Blanks. The secretary of state shall keep a suitable file or record of such certificates, and the filing fee for each certificate shall be one dollar. He shall prepare blanks for such certificates, and shall, on request, furnish such blanks to persons, partnerships or associations subject to the provisions of this subdivision.
1919, 57:4. P. L. 155:5.

6. Failure to File. Whenever the secretary of state shall have reason to believe that a person, partnership or association has not filed a certificate in accordance with the provisions of this subdivision he shall forthwith send to such person, partnership or association a blank certificate, and shall demand that filing be made. If no reply thereto be received within fifteen days thereafter he shall mail a second request, so marked, and if no reply be received or registration made within thirty days thereafter he shall certify the facts to the attorney-general.
1921, 98:2. P. L. 155:6.

7. Limitation. This subdivision shall not apply to any partnership which has complied with the provisions of chapter 187, nor to any firm, partnership, joint stock company or association the business of which is conducted by trustees under a written instrument or declaration of trust; provided, that the names of such trustees shall be filed as provided in section 1.
1919, 57:5. P. L. 155:7.

8. Penalty. Whoever fails to comply with the provisions of this subdivision shall be fined not more than one hundred dollars.
1919, 57:6. P. L. 155:8.

9. Nonjoinder as Defendant. No action commenced against any such person, partnership or association or any member thereof, upon any cause of action growing out of their affairs, transactions or business, shall be abated, nor shall any attachment made upon the writ in such action be affected, by reason of the nonjoinder of any member of such partnership or association, or individual, who has not been included in such certificate.
G. S. 106:2. G. L. 117:2. P. S. 121:2. 1919, 57:6. P. L. 155:9. 63–361.

10. Trade Name. Upon receipt of any certificate of a person, partnership, or association, the secretary of state shall at once compare the trade or firm name thus presented with the trade names of persons, partnerships, associations, or corporations previously registered in accordance with this chapter or other provisions of law. If it is the same as the name or names under which any existing person, partnership, corporation, or association is registered, or so similar thereto as to be liable to be mistaken for it, the secretary of state shall decline to register such trade name, unless such existing person, corporation, partnership, or association assents in writing to its adoption.
1921, 98:4. P. L. 155:10. 1931, 68:7.

Surviving Partners

11. Inventory. In case of the death of any member of a partnership the surviving partner shall, within one month thereafter, return to the probate office in the county in which administration on the estate of such deceased member is granted, under oath, a true inventory of all the estate, together with a correct schedule of all debts and demands due the partnership.
1860, 2345:1. G. S. 106:3. G. L. 117:3. P. S. 121:3. P. L. 155:11. 52–345.

12. Appraisal. The personal property returned in the inventory shall, upon the application of the administrator or executor, be appraised, and a correct schedule of the debts and demands shall be made, by three suitable persons, to be appointed by the judge of probate, in the same county where administration is granted as aforesaid, and sworn.
1860, 2345:2. G. S. 106:4. G. L. 117:4. P. S. 121:4. P. L. 155:12.

13. Bond. The surviving partner shall, at the time of returning the schedule, when requested by the administrator or executor of the deceased person, give a bond to the judge of probate, with sufficient sureties, in such sum as the judge shall order, conditioned to account and pay to the administrator of the deceased person such share of the partnership property as may of right belong to his estate after payment of the debts of the partnership and the necessary expense of adjusting the same.
1860, 2345:3. G. S. 106:5. G. L. 117:5. P. S. 121:5. P. L. 155:13.

14. Neglect to give Bond. If the bond is not given within sixty days after request by the administrator of the deceased partner the administrator, on giving a like bond, shall cause the inventory to be made, and shall thereafter have the entire control of the partnership property, and shall have the same authority in relation to it that he has to the estate of the deceased; but he shall keep a distinct account of all partnership affairs.
1860, 2345:4. G. S. 106:6. G. L. 117:6. P. S. 121:6. P. L. 155:14.

15. Examinations. Any person suspected and complained of, by any partner, administrator, executor, heir or creditor, to have concealed, embezzled or conveyed away any personal estate of the partnership shall be cited to appear before the judge of probate, and shall be examined, under oath, for the discovery of the same; and the same proceedings shall be had upon such complaint as are provided by law in relation to the embezzlement of the estates of persons deceased.
1860, 2345:5. G. S. 106:7. G. L. 117:7. P. S. 121:7. P. L. 155:15.

16. Adjustment. Executors and administrators shall have power at any time, the assent of the judge of probate in writing first having been