

lots on that side of the square, as the same are recorded, he shall apportion such excess, or deficiency, among the lots or pieces on that front, agreeably to their respective dimensions.

Encroachment by wall upon adjoining lot.

12 Jan., 1809, c. 8, s. 4, v. 2, p. 512.

Party walls.

Ibid.

21 Feb., 1871, c. 62, s. 37, v. 16, p. 427.

Surveyor's certificate and record.

12 Jan., 1809, c. 8, s. 4, v. 2, p. 512.

Examination of foundations; certificates.

Ibid., s. 5, p. 512.

Surveyor's fees.

Ibid., s. 6, p. 512.

Subdivision of squares belonging to United States.

Ibid., s. 8, p. 513.

SEC. 482. Whenever, on such admeasurement, the wall of a house previously erected by any proprietor shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree.

SEC. 483. If the wall of any house, already erected, cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in the District as made under the provisions of section seventy-nine, and the ground so occupied, more than seven inches in width, shall be paid for as provided in the preceding section.

SEC. 484. The surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein, the fact of the occupation of land by a party wall as mentioned in the preceding section.

SEC. 485. It shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street, and correctly placing the party-wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence, and binding on the parties interested.

SEC. 486. The surveyor shall be authorized to receive from the persons for whom he shall perform the services required by this act the fees following, namely:

For examining the plat and calculations of any subdivision of a square or lot, twelve and a half cents for each of the lots or portions into which it may be subdivided; but no more shall be paid for the lots in one square than one dollar and fifty cents.

For examining any building and giving the certificate required by the preceding section, and recording the same, one dollar and fifty cents.

For recording any division or subdivision of any square or lots, for transcripts from records, and for searches in his office, the fees provided by law, but not in any case to exceed the fee allowed by this section for examination.

SEC. 487. Whenever the President shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, not reserved for public purposes, into convenient building-lots or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor in the manner prescribed in this chapter, which plat shall be recorded by the surveyor, and the provisions of this chapter shall extend to the lots, pieces, and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

CHAPTER SEVENTEEN.

LIMITED PARTNERSHIPS.

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SEC. 488. Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities prescribed in this chapter.

Limited partnership, how formed.
2 March, 1867, c. 161, s. 1, v. 14, p. 435.

SEC. 489. Such partnership may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners are by law, and of one or more persons, who shall contribute in actual cash payments a specific sum as capital to the common stock, who shall be called special partners.

General and special partners.
Ibid., s. 2, p. 435.

SEC. 490. The number of special partners shall in no partnership exceed six.

Limit to number of special partners.
Ibid.

SEC. 491. Special partners are not liable for the debts of the partnership beyond the fund contributed by them to the capital.

Limit to their liability.
Ibid.

SEC. 492. Persons desirous of forming a limited partnership shall make and severally sign a certificate, which shall contain—

Certificate of partnership.
Ibid., s. 3, pp. 435, 436.

First. The name or firm under which such partnership is to be conducted.

Second. The general nature of the business intended to be transacted.

Third. The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence.

Fourth. The amount of capital which each special partner shall have contributed to the common stock.

Fifth. The period at which the partnership is to commence, and the period at which it is to terminate.

SEC. 493. The certificate shall be acknowledged by the several persons signing the same before a notary public or a judge of any court in the District, and such acknowledgments shall be made and certified in the same manner as the acknowledgments of deeds of land, and when so acknowledged and certified shall be filed in the office of the clerk of the supreme court of the District, and shall be recorded by him at large in a book kept for that purpose, open to public inspection.

To be acknowledged, certified, and recorded.
Ibid., s. 4, p. 436.

SEC. 494. At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as directed in the preceding section, an affidavit of one or more of the general partners shall also be filed therewith in the same office, stating that the sums, specified in the certificate to have been contributed by each of the special partners to the common stock, have been actually and in good faith paid in cash.

Affidavit of general partner.
Ibid., s. 5, p. 436.

SEC. 495. No such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been made and filed, as directed by the three preceding sections.

When partnership to be deemed formed.
Ibid., s. 6, p. 436.

SEC. 496. If any false statement, not the result of accident or mistake, shall be made in the certificate or affidavit required by the preceding sections of this chapter, all the persons interested in the partnership

Liability for false statements.
Ibid.

shall be liable for all the engagements of such partnership as general partners.

Terms of partnership to be published.

2 March, 1867, c. 161, s. 7, v. 14, p. 436.

Otherwise partnership to be general.

Ibid.
Affidavit of publication.

Ibid.

Renewal or continuance.

Ibid., s. 8, p. 436.

When renewed to be deemed general.

Ibid.
Alteration of terms to be deemed a dissolution.

Ibid., s. 9, p. 436.

If carried on after alteration.

Ibid.

How partnership business may be conducted.

Ibid., s. 10, pp. 436, 437.

In suits who to be defendants.

Ibid.

When name of a special partner used, liability.

Ibid., s. 11, p. 437.

General partners to transact the business.

Ibid., s. 11, p. 437.

Interest and profits.

Ibid., s. 12, p. 437.

SEC. 497. The partners shall publish the terms of the partnership, when registered, three times a week for at least four weeks, immediately after such registry, in two newspapers to be designated by the clerk of the supreme court of the District, the first publication to appear within one week after the registry.

SEC. 498. If the publication prescribed in the preceding section be not made, the partnership shall be deemed general.

SEC. 499. The affidavits of the publication of the notice required by section four hundred and ninety-seven, by the editors or publishers of the newspapers in which the same shall have been published, shall be filed with the clerk directing the same, and shall be prima-facie evidence of the facts therein contained; the affidavit of any one editor or publisher of each newspaper being sufficient.

SEC. 500. Every renewal or continuance of a partnership beyond the time originally fixed for its duration shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner required by the provisions of this chapter for its original formation.

SEC. 501. Every partnership which shall be renewed and continued otherwise as provided in this chapter shall be deemed a general partnership.

SEC. 502. Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership.

SEC. 503. Every partnership which shall in any manner be carried on after any such alteration shall have been made shall be deemed a general partnership, unless renewed as a special partnership, under the provisions of section five hundred.

SEC. 504. The business of the partnership may be conducted under the name of any one or more of the general partners, and with or without the addition of the word Co., or company, as the parties may determine.

SEC. 505. In any action or suit brought on any contract or engagement of the partnership, or to enforce any liability of the same, the general partners whose names shall be used in the firm or business shall be the only necessary defendants; and any judgment or decree recovered against such defendant shall have the same legal effect and operation, and execution thereon shall be enforced and have like effect against the partnership assets, as if the judgment or decree had been recovered against the general partners.

SEC. 506. If the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner.

SEC. 507. The general partners only shall transact the business, and if a special partner shall interfere, contrary to this provision, he shall be deemed a general partner, but he may from time to time examine into the state and progress of the partnership concerns and advise as to their management.

SEC. 508. No part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him or paid or transferred to him in the shape of dividends, profits, or otherwise, during the continuance of the partnership, but any partner may annually receive lawful interest on the sum so contributed by him if the payment of such interest shall not reduce the original amount of such capital;

and if, after payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

SEC. 509. If it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, on being notified thereof.

When capital reduced by payments to special partner.
2 March, 1867, c. 161, s. 13, v. 14. p. 437.

SEC. 510. Every sale, assignment, or transfer of any property or effects of a partnership, or of any general partner, made by such partnership or general partner when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any general partner, with the intent of giving a preference to any creditor of such partnership or insolvent partner, and every judgment confessed, lien created, or security given by such partnership or general partner under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

Sales, assignments, and preferences; when void.

Ibid., s. 14, p. 437.

SEC. 511. Every special partner who shall violate any of the provisions of the two preceding sections, or who shall concur in or assent to any such violation by the partnership or by any individual partner, shall be liable as a general partner.

Further liability of special partners.

Ibid., s. 15, p. 437.

SEC. 512. In case of the insolvency or bankruptcy of a partnership no special partner shall, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied. [See R. S. U. S., § 5121.]

Special partner not to claim as creditor; when.

Ibid., s. 16, p. 437.

SEC. 513. All suits respecting the business of the partnership shall be brought by and against the general partners only, subject to the provisions of section five hundred and five, except in those cases in which provision is made in this chapter, that special partners shall be deemed general partners and special partnerships general partnerships, in which cases all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships.

Suits; how brought.

Ibid., s. 17, p. 437.

SEC. 514. If, in any case or suit brought against general and special partners, it shall appear at the trial of the case that the special partners or any one 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 defendant to the writ, excepting that the partners who may be deemed not liable shall recover their legal costs against the plaintiffs.

When special partners appear not liable.

Ibid., s. 18, pp. 437, 438.

SEC. 515. If, in any case or suit brought against general and special partners, the creditor shall recover a judgment or obtain a decree against general partners only, and shall afterward discover that special partners, or some one or more of them, have become liable as general partners, he may bring a new suit against such special partner or partners.

When special partners are discovered to be liable.

Ibid.

SEC. 516. In the suits mentioned in the two preceding sections the judgment recovered shall be prima-facie evidence of the amount due by the partnership, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners, as against any other partner or partners.

Judgments.

Ibid.

SEC. 517. No dissolution of such partnership by act 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 in consequence of the death of one of the partners, or insolvency of the partnership, or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the office of the clerk of the supreme court of the District, and published once a week for four weeks in two newspapers, to be designated by the clerk, which publication may be proved by affidavit, and recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

Dissolution of partnership.

Ibid., s. 19, p. 438.

SEC. 518. The general partners shall be liable to account to each other and to the special partners for the management of the concern, both in law and equity.

Liability of general partners.

Ibid., s. 20, p. 438.