

Uniform Partnership Act

By virtue of action taken at the last legislative session, Ohio became the twenty-ninth American jurisdiction to have enacted the Uniform Partnership Act.¹ The Act becomes Section 8105-1 to 8105-43 inclusive of the Ohio General Code. The Ohio Act is precisely the same as recommended for adoption by the Commissioners of Uniform State Laws in 1915 with the exception that amendments are made to Sections 25(2)(d) and 37 to make it clear that the substantive provisions of the Act are subject to the procedural provisions of Sections 8085-8097 of the Ohio General Code dealing with the administration of a deceased partner's estate. The new Act repeals Section 8098 of the Ohio General Code which codified the rule of *Rammelsburg v. Mitchell*,² to the effect that partnership realty purchased with partnership funds but not actually needed for firm purposes or used in the firm business is treated as personalty only to the extent needed to satisfy partnership debts while realty purchased with partnership funds which is needed and used in the firm business becomes personalty absolutely. This action was taken since the Uniform Partnership Act treats all partnership property as personalty irrespective of its need and use. In connection with the submission of the Uniform Act to the legislature by the Ohio State Bar Association Committee on Uniform State Laws, an article was prepared pointing out the effect of the Act on Ohio law as it existed prior to the adoption of the Act.³ For that reason this Journal does not contain an extended discussion of the Act. Suffice it to say that the principal effects of the new Act on previous Ohio law are in the areas of partnership real property and creditors rights. It is felt that the new principles introduced will both stabilize the partnership enterprise and protect firm and separate creditors.

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¹ It has not been possible to ascertain whether other state legislatures enacted the Act at sessions held this year.

² 29 Ohio St. 22 (1875).

³ Mathews and Folkerth, *Ohio Partnership Law and the Uniform Partnership Act*, 9 OHIO ST. L. J. 616 (1948).