

1937

c 189 Partnership Registration Act

Ontario

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CHAPTER 189.

The Partnership Registration Act.

FILING DECLARATIONS.

1.—(1) Persons associated in partnership for trading, manufacturing or mining purposes shall cause to be filed with the registrar of the registry division in which they carry on or intend to carry on business a declaration in writing (Form 1), signed by all the members of the partnership. Persons in partnership to deliver a declaration to the registrar.

(2) Where at the time of making the declaration any member is absent from the place where the partnership carries on or intends to carry on business the declaration shall be signed by the members present in their own names and also for any absent member, under his special authority to that effect, and such special authority shall at the same time be filed with the registrar and annexed to the declaration. R.S.O. 1927, c. 172, s. 1. When some of the parties are absent

2. The declaration shall contain the names, surnames, additions and residences of every partner, and the name under which they carry on or intend to carry on business, and shall state also the time during which the partnership has subsisted, and shall also state that the persons therein named are the only members of the partnership. R.S.O. 1927, c. 172, s. 2. Requisites of declaration.

3. The declaration shall be filed within sixty days next after the formation of the partnership. R.S.O. 1927, c. 172, s. 3; 1934, c. 40, s. 2. When to be filed.

4.—(1) A similar declaration shall in like manner be filed whenever any change takes place in the membership of the partnership or in the name under which it carries on business, and every such declaration shall state the change in the membership of the partnership or in its name. R.S.O. 1927, c. 172, s. 4 (1). Declaration where change in partnership.

(2) The declaration shall be filed within sixty days after the change takes place. R.S.O. 1927, c. 172, s. 4 (2); 1934, c. 40, s. 3. When to be filed.

5. The statements made in any declaration shall not be controvertible by any person who has signed the same, nor as against any person not being a member of the partnership Effect of allegations in the declaration.

by any person who has signed the same, or who was really a member of the partnership therein mentioned at the time the declaration was made. R.S.O. 1927, c. 172, s. 5.

Declaration
of dis-
solution of
partnership.

6. Upon the dissolution of a partnership any or all of the persons who composed the partnership may sign a declaration (Form 2), certifying the dissolution of the partnership. R.S.O. 1927, c. 172, s. 6.

Position of
persons
signing
declaration.

7.—(1) Until a new declaration is made and filed by him, or by his partners or any of them, no person who signed the declaration filed shall be deemed to have ceased to be a partner.

Liability of
partners
failing to
make
declaration.

(2) Nothing herein shall exempt from liability any person who, being a partner, fails to make and file the prescribed declaration, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and, if judgment is recovered against them, he may be sued on the original cause of action upon which the judgment was recovered. R.S.O. 1927, c. 172, s. 7.

INDIVIDUALS TRADING UNDER PLURAL NAME.

A person
whose busi-
ness style
indicates
plurality
to file a
declaration.

8.—(1) Every person engaged in business for trading, manufacturing or mining purposes who is not associated in partnership with any other person, but uses as his business style some name or designation other than his own name, or who in such style uses his own name with the addition of "and Company," or some other word or phrase indicating a plurality of members in the firm, shall cause to be filed with the registrar of the registry division in which such person carries on or intends to carry on business a declaration in writing signed by such person.

Requisites of
declaration.

(2) Such declaration shall contain the name, surname, addition and residence of the person making the same, and the name under which he carries on or intends to carry on business, and shall also state that no other person is associated with him in partnership, and such declaration shall be filed within sixty days of the time when such name is first used. R.S.O. 1927, c. 172, s. 8; 1934, c. 40, s. 4.

PENALTIES.

Penalty for
non-com-
pliance.

9. Every member of a partnership or other person required to file a declaration under the provisions of this Act who fails to comply with the requirements thereof shall incur a penalty of not less than \$10 and not more than \$100, to be recovered in any court of competent jurisdiction. R.S.O. 1927, c. 172, s. 9; 1934, c. 40, s. 5.

(NOTE.—See *The Fines and Forfeitures Act, Rev. Stat. c. 144.*)

DUTIES OF REGISTRAR.

10.—(1) The registrar shall enter the declarations, in the order in which the same are received, in a book to be by him kept for that purpose, which shall at all times during office hours be open to the inspection of the public without charge.

Registrar
to record
declaration.

(2) For filing and entering each declaration the registrar shall be entitled to receive from the person filing the same fifty cents, if it does not contain more than two hundred words, and at the rate of ten cents per hundred words for all above the number of two hundred.

Registrar's
fee for filing.

(3) The registrar shall keep two alphabetical index books of all declarations filed with him.

Indexes.

(4) In one of such books, hereinafter called the "Firm Index," the registrar shall enter in alphabetical order the names of the firms in respect to which declarations have been filed with him, and shall place opposite each entry the names of the persons composing the firm, and the date of the receipt by him of the declaration, in the manner shown in Form 3.

Form of
"Firm
Index."

(5) In the second of such books, hereinafter called the "Individual Index," the registrar shall enter in alphabetical order the names of the respective members of each firm, and shall place opposite the entry the names of the firm of which each person is a member, and the date of the receipt of the declaration in the manner shown in Form 4.

Form of
"Individual
Index."

(6) The registrar shall be entitled for searches to the following fees and no more:

Registrar's
fees for
certain
services.

For searching in Firm Index—each firm ten cents;
For searching in Individual Index—each name ten cents;
For each certificate when required—twenty-five cents.

R.S.O. 1927, c. 172, s. 10.

11. The books required for the purposes of this Act shall be furnished by the treasurer of the municipality whose duty it is to furnish registry books, or in case of his default, by the registrar in the same manner as other registry books.

Who to
furnish
registry
books.

R.S.O. 1927, c. 172, s. 11.

MISCELLANEOUS.

12. This Act shall not apply to associations of individuals for the manufacture of butter or cheese and contributing produce from their dairies for that purpose. R.S.O. 1927, c. 172, s. 12.

Butter or
cheese manu-
facturing
associations
excepted.

13. Nothing in this Act shall affect the rights of partners with regard to each other. R.S.O. 1927, c. 172, s. 13.

Rights of
partners
inter se.

FORM 1.

(Section 1.)

DECLARATION OF PARTNERSHIP.

County (or District) of _____
 We _____ of _____ in _____ (occupation)
 and _____ of _____ in _____
 (occupation), hereby certify

1. That we have carried on and intend to carry on trade and business
 as _____ at _____ in partnership, under
 the name of _____

2. That the said partnership has subsisted since the
 day of _____, 19____.

3. And that we are and have been since the said day the only members
 of the said partnership.

Witness our hands at _____ this _____ day of _____,
 19____.

A. B.
 C. D.

R.S.O. 1927, c. 172, Form 1.

FORM 2.

(Section 6.)

DECLARATION OF DISSOLUTION OF PARTNERSHIP.

County (or District)
 of _____

at _____, in the _____
 the name of _____
 partnership was on the _____

I,
 _____,
 formerly a member of the firm carrying
 on business as _____,
 do hereby certify that the said
 day of _____, 19____, dissolved.

Witness my hand, at _____, the _____ day of _____,
 19____.

A. B.

R.S.O. 1927, c. 172, Form 2.

FORM 3.
(Section 10.)
FIRM INDEX.

NAME OF FIRM	NAMES OF PERSONS COMPOSING THE FIRM	DATE OF FILING DECLARATION
Abbott, Black & Co.....	George Abbott, John Black, Edward Cook.....	10th February, 19—.
Bernard, Green & Jones.	John Bernard, Edward Green, John Jones.....	12th February, 19—.
Cook (Thos.) & Co.....	Thomas Cook, James Wilson.....	14th February, 19—.
Dadson, William.....	William Dadson, Thos. Jones, Robert Watson, William Wilberforce, Jas. Johnson...	14th February, 19—.
Dick & Co.....	Richard Dick.....	15th May, 19—.
Dow (Wm.) & Sons.....	William Dow.....	19th May, 19—.

R.S.O. 1927, c. 172, Form 3.

FORM 4.
(Section 10.)
INDIVIDUAL INDEX.

NAME OF INDIVIDUAL	NAME OF FIRM OF WHICH A MEMBER	DATE OF FILING DECLARATION
Abbott, George.....	Abbott, Black & Co.....	10th February, 19—.
Black, John.....	Abbott, Black & Co.....	10th February, 19—.
Bernard, John.....	Bernard, Green & Jones.....	12th February, 19—.
Cook, Edward.....	Abbott, Black & Co.....	10th February, 19—.
Cook, Thomas.....	Thomas Cook & Co.....	14th February, 19—.
Dadson, William.....	William Dadson.....	14th February, 19—.
Dick, Richard.....	Dick & Co.....	15th May, 19—.
Dow, William.....	Wm. Dow & Sons.....	19th May, 19—.

R.S.O. 1927, c. 172, Form 4.