

1914

c 139 Partnership Registration Act

Ontario

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CHAPTER 139.

An Act respecting the Registration of Partnerships.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Partnership Registration Act*. 10 Edw. VII. c. 68, s. 1.

FILING DECLARATIONS.

Persons in partnership to deliver a declaration to the Registrar. 2.—(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 or intend to carry on business a declaration in writing, Form 1, signed by all the members of the partnership.

When some of the parties are absent. (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. 10 Edw. VII. c. 68, s. 2.

Requisites of declaration. 3. 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. 10 Edw. VII. c. 68, s. 3.

When to be filed. 4. The declaration shall be filed within six months next after the formation of the partnership. 10 Edw. VII. c. 68, s. 4.

Declaration where change in partnership. 5.—(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.

When to be filed. (2) The declaration shall be filed within six months after the change takes place. 10 Edw. VII. c. 68, s. 5.

6. The statements made in any declaration shall not be convertible by any person who has signed the same, nor as against any person not being a member of the partnership 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. 10 Edw. VII. c. 68, s. 6.

Effect of allegations in the declaration.

7. 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. 10 Edw. VII. c. 68, s. 7.

Declaration of dissolution of partnership.

8.—(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.

Position of persons signing 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. 10 Edw. VII. c. 68, s. 8.

Liability of partners failing to make declaration.

INDIVIDUALS TRADING UNDER PLURAL NAME.

9.—(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.

A person whose business style indicates plurality to file a 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 six months of the time when such name is first used. 10 Edw. VII. c. 68, s. 9.

Requirements of declaration.

PENALTIES.

10. 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 \$100, to be recovered in any court of competent jurisdiction. 10 Edw. VII. c. 68, s. 10.

Penalty for non-compliance.

(See *Fines, Penalties and Forfeitures Act, Rev. Stat. c. 99.*)

DUTIES OF REGISTRAR.

Registrar to record declaration.

11.—(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's fee for filing.

(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.

Indexes.

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

Form of "Firm Index."

(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 "Individual 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.

Registrar's fees for certain services.

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

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.

10 Edw. VII. c. 68, s. 11.

Who to furnish registry books.

12. 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. 10 Edw. VII. c. 68, s. 12.

MISCELLANEOUS.

Butter or cheese manufacturing Cos. excepted.

13. 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. 10 Edw. VII. c. 68, s. 13.

Rights of partners inter se.

14. Nothing in this Act shall affect the rights of partners with regard to each other. 10 Edw. VII. c. 68, s. 14.

FORM 1.

(Section 2.)

DECLARATION OF PARTNERSHIP.

County or District) of
 We of in (occu-
 pation) and of in
 (occupation), hereby certify

1. That we have carried on and intend to carry on trade and busi-
 ness 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.

10 Edw. VII. c. 68, Form 1.

FORM 2.

(Section 7.)

DECLARATION OF DISSOLUTION OF PARTNERSHIP.

County (or District) of } I,
 at , in the } formerly a member of the firm carrying
 the name of , under } on business as
 partnership was on the } do hereby certify that the said
 day of 19 , dissolved.

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

A. B.

10 Edw. VII. c. 68, Form 2.

FORM 3.
(Section 11.)
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, Thomas 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—.

10 Edw. VII. c. 68, Form 3.

FORM 4.
(Section 11.)
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—.

10 Edw. VII. c. 68, Form 4.