

105.—(1) Where a judgment or order is obtained against a firm, execution may issue against the property of

(a) The partnership;

(b) Any person who has by his appearance or notice, under Rule 14 or pleading, admitted that he is, or who has been adjudged, to be a partner;

(c) Any person who has been served as a partner with the writ of summons and has failed to appear.

(2) If the party who has obtained the judgment or order claims to be entitled to issue execution against any other person as being a member of the firm, he may apply for leave so to do; and the Court may give such leave if the liability be not disputed, or, if disputed, after such liability has been determined in such manner as the Court may direct. C.R. 228.

106. A judgment against a firm in the firm name shall not release, render liable or affect any member thereof who was out of Ontario when the writ was issued and who has not appeared thereto, unless he has been sued either within Ontario or in accordance with the Rules respecting service out of Ontario, but this provision shall not prevent the enforcement of the judgment against partnership property. C.R. 228, *part.*

107. Rules 100 to 106 shall apply to actions between a firm and one or more of the members and to actions between firms having one or more members in common, if the firm or firms carry on business within Ontario, but execution shall not issue in such actions without leave, and, on application for leave, all such accounts and inquiries may be ordered and directions given as may seem just. C.R. 230.

108.—(1) Any person (whether a British subject or not, and whether residing within or without Ontario) carrying on business within Ontario in a name or style other than his own name, may be sued in such name or style.

(2) The writ may be served upon the person so carrying on the business if he be within Ontario, or at the place of business within Ontario (or if there are several such places, at the place within the county in which the cause of action arose), upon any person having the control or management of the business there.

(3) The person upon whom the writ is served shall be informed by notice in writing, given at the time of service,