

action which might be brought against all the members of the partnership, may also be brought against any one or more of them, as trading, or as having traded jointly with others, (without naming such others in the writ and declaration) under the name and style of their said partnership firm; and any other partner or partners, when discovered, may be made a party or parties to any such action under a rule or order of the Court or of any Judge of the Court in which such action is pending, at any stage of such action and upon such terms as to costs or otherwise as may be deemed reasonable; or such partner or partners may be subsequently sued jointly and severally for the original cause of action, together with any costs which the defendants in the first suit have been condemned to pay.

claration has not been filed.

15 **10.** If any such action is founded on any obligation or instrument in writing in which all or any of the partners bound by it are named, then all the partners named therein shall be made parties to such action, subject however to the provisions of any existing law applicable to such cases.

If the action be on a written instrument.

20 **11.** The service of any summons or process for any claim or demand against any existing partnership, at the office or place of business, within this Province, of such partnership, shall have the same effect as a service made upon the members of the said partnership personally; and any judgment rendered against any member of such existing partnership, as trading with another or others under the name of such partnership, for a partnership debt or liability, shall be executory by process of execution against all and every the partnership stock, property and effects, in the same manner and to the same extent as if such judgment had been rendered against such partnership.

Service of summons or process on a partnership.

Execution.

35 **12.** If any person trading under or assuming any firm, or style, or any name other than his own true name and surname only, has not filed in the office of the Registrar a declaration as required of him by this Act, he may be sued by the style, firm or name which he has assumed, and the service of any summons or process issued against him at his office or place of business, shall have the same effect as if served upon him personally, and judgment in such suit may be rendered and execution issued and levied against his estate and effects, as effectually as if he were sued and condemned under his true name and surname only.

Person trading under assumed name may be sued by it; unless he has filed a declaration.

45 **13.** Nothing in this Act shall exempt from liability any person who, being a partner, has not been mentioned in the declaration required by this Act, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in such declaration, or afterwards separately upon being discovered to be such partner.

Partners not mentioned in declaration to be liable.