## Technical and Bibliographic Notes / Notes techniques et bibliographiques

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2nd Session, 3rd Parliament, 12 Victoria, 1849.

## BILL.

An Act to facilitate Actions against persons associated for commercial purposes, and against unincorporated Societies and Companies.

Received and Read a first time, Monday, 29th January, 1849.

Second Reading, Monday, 5th February, 1849.

Mr. CHAUVEAU.

PRINTED BY LOVELL AND GIBSON.

## BILL.

An Act to facilitate Actions against persons associated for commercial purposes, and against unincorporated Societies and Companies.

WHEREAS great difficulties exist in Preamble. Lower Canada in bringing Actions against persons associated as partners for trading purposes, or against unincorporated 5 Companies or Societies formed for like purposes, inasmuch as it is extremely difficult for parties doing business with such Partnerships, Companies or Societies, to ascertain the names, surnames, residences and in additions of all the persons so associated as aforesaid, and many persons are thereby put to great expense and inconvenience: Be it therefore enacted, &c.

And it is hereby enacted by the authority of Partnerships 15 the same, That all persons associated in in Lower Canada to fyle a Partnership for trading purposes in Lower declaration as Canada, shall cause to be delivered to the partners are, Prothonotary of the Superior Court of ori- &c, ginal Civil Jurisdiction, in each District in 20 which they shall carry on business, a declaration in writing, signed by some one or more of the members of such Partnership, on behalf of himself or themselves and of the other members thereof, and containing the 25 names, surnames, additions and residences of each and every partner as aforesaid, and the name, style or firm under which they carry on or intend to carry on such business. and stating also the time during which the 30 Partnership has existed, and declaring that the persons therein named are the only members of such Partnership; and such de- when such claration shall be fyled within six months declaration must be fyled. after the passing of this Act, if such Part-

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nership shall have been or shall be formed

Also on change of partners.

before the expiration of that period, and immediately after the formation thereof if it shall be formed after the expiration of the said period: and a like declaration shall be 5 fyled in like manner when and so often as any change or alteration shall take place in the members of such Partnership, or in the name, style or firm under which they intend against each and every of member of any partnership with regard to

Penalty.

Penalty how recovered.

to carry on their business: under a penalty 10 which the requirements of this section shall not have been complied with, to be recovered before any Court having jurisdiction in civil 15 cases to the amount of such penalty, by any person suing as well in his own behalf as on behalf of Her Majesty; and one moiety of such penalty shall belong to the Crown for the uses of the Province, and the other 20 moiety to the party suing for the same, unless the suit be brought (as it may be) on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty for the uses aforesaid.

Prothonousry to register ench declaration.

Fees.

II. And be it enacted, That the Prothonotary shall enter each such declaration as aforesaid, in a book to be by him kept for that purpose, which shall be at all times, during office hours, open to the inspection of 30 the public, gratuitously; and for registering each such declaration the Prothonotary shall be entitled to demand from the person delivering it to him, the sum of shall not contain more than two hundred 35 words, and at the rate of dred words, for all above the number of two Form of decla- hundred: and such declaration shall be in the form or to the effect of the Schedule to

ration.

Legal effects of the allegations in any such declaration.

III. And be it enacted, That the allegations made in the declaration aforesaid, shall not be controvertible as against any party, by any person who shall have signed the same, nor as against any party not being a member of 45

this Act annexed

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the partnership, by any person who shall have signed the same or who was really a member of the partnership therein mentioned at the time such declaration was made; por 5 shall any such signer or partner be deemed to have ceased to be a pantner until a new declaration shall have been made and fyled as aforesaid, stating such alteration in the the partnership; but nothing herein contained 10 shall exempt from liability any person who being a partner shall not have been mentioned in the declaration, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the 15 declaration, or they may be sued alone, and if judgment be recovered against them, any other partner or partners may be sued jointly or severally, in an action upon such judgment: nor shall any thing in this Act be con-20 strued to affect the rights of any partners with regard to each other, except that no such declaration as aforesaid shall be controverted by any signer thereof.

IV. And be it enacted, That after the ex- How actions 25 piration of six months from the passing of brought this Act, if any person shall be or shall have against partbeen associated as partners for the purposes members of of trade in Lower Canada, and no declaration partnerships shall have been fyled under this Act with with regard to which no de-30 regard to such partnership, then any action claration shall which might be brought against all the mem-have been fyled within bers of the partnership, may also be brought six months afagainst any one or more of them, as carrying of this Act. on or as having carried on trade, jointly with 35 others, (without naming such others in the writ or declaration) under a name and style to be mentioned; and if judgment be recovered against him or them, any other partner or partners may be sued jointly or severally 40 upon such judgment: Provided always, that Provise, if any such action be founded on any obliga-

45 shall be made parties to such action.

ter the passing

tion or instrument in writing in which all or any of the partners bound by it shall be named, then all the partners named therein Interpretation clause.

V. And be it enacted, That the word "Partnership" in this Act, shall include any unincorporated Society, Company, or Association for trading purposes; and the word "Action" shall include any proceeding at Law, to which any such partnership shall be a party.

Act to apply only to L. C.

VI. And be it enacted, That this Act shall apply only to Lower Canada.

## SCHEDULE.

Province of Canada,

District of

I (or we) A. B. of (Grocer,) hereby certify that I (or we) have carried on and intend to carry on trade and business, as (Grocers,) at in partnership with C. D. of E. F. of and that the said partnership bath subsisted since the day of one thousand and that I (or we) and the said C. D. and E. F., are and have been since the said day, the only members of the said partnership. Witness my (or our) hands at this day of one thousand eight hundred and

A. B.

(Or as the case may be.)