

# BILL

No. 4 of 1908.

An Act respecting Partnerships.

(Assented to

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

## REGISTRATION OF COPARTNERSHIPS.

1. All persons associated in partnership for trading, manufacturing or mining purposes in the province shall cause to be filed in the office of the registration clerk of the registration district for registration of chattel mortgages and other transfers of personal property in the province, in which they carry on or intend to carry on business, a declaration in writing, signed by the several members of such partnership: Declarations of partnerships to be filed in certain cases

Provided, however, that if any of the said members be absent from the place where they carry on or intend to carry on business at the time of making such declaration, then such declaration shall be signed by the members present, in their own names and also for their absent co-members, under their special authority to that effect; such special authority to be at the same time filed with the said registration clerk and annexed to such declaration. Where parties absent

2. Such declaration shall be in the form A in the schedule to this Act, and shall contain the names, surnames, additions and residences of each and every partner or associate 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 partnership has existed and is to exist, also declaring that the persons therein named are the only members of such copartnership or association. Contents of declaration

3. Such declaration shall be filed within six months next after the formation of, any such partnership and a similar Time for filing declaration

or in the case of partnerships existing at the commencement of this Act and not already registered under the provisions of the law heretofore in force in that regard, within six months after the commencement of this Act; or at any time upon the fiat of a judge of the Supreme Court or of the District Court of the district where such partnership carries on business;

## PERSON USING TRADE NAME. REGISTRATION.

4. Every person engaged in business for trading, manufacturing or mining purposes, and who is not associated in partnership with any other person or persons, but who uses as his business style some name or designation other than his own, or who in such business 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, as aforesaid, a declaration of the fact in writing, signed by such person. Individual using trade name

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Declarations of partnerships to be filed in certain cases

Provided, however, that if any of the said members be absent from the place where they carry on or intend to carry on business at the time of making such declaration, then such declaration shall be signed by the members present, in their own names and also for their absent co-members, under their special authority to that effect; such special authority to be at the same time filed with the said registration clerk and annexed to such declaration.

Where parties absent

2. Such declaration shall be in the form A in the schedule to this Act, and shall contain the names, surnames, additions and residences of each and every partner or associate 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 partnership has existed and is to exist, also declaring that the persons therein named are the only members of such copartnership or association.

Contents of declaration

3. Such declaration shall be filed within six months next after the formation of, any such partnership, and a similar declaration shall in like manner be filed when and so often as any change or alteration of partnership takes place in the membership of such partnership, or in the name, style or firm under which they intend to carry on business or in the place of residence of each member of said firm, and every new declaration shall state the alteration in the partnership.

Time for filing declaration

Changes in firm

## PERSON USING TRADE NAME. REGISTRATION.

4. Every person engaged in business for trading, manufacturing or mining purposes, and who is not associated in partnership with any other person or persons, but who uses as his business style some name or designation other than his own, or who in such business 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, as aforesaid, a declaration of the fact in writing, signed by such person.

Individual using trade name

5. The declaration last aforesaid shall contain the name, <sup>Contents of individual declaration</sup> surname, addition and residence of the person making the same, and the name, style or firm 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 the same shall be filed within six months of the time when such style is first used,

#### REGISTRATION BOOKS.

6. It shall be the duty of the registration clerk aforesaid <sup>Registration books</sup> to keep two alphabetical index books of all declarations of copartnership filed in his office, in pursuance of the provisions hereof.

7. In one of such books, hereinafter called the "firm index <sup>Firm index books"</sup> book," the registration clerk shall enter in alphabetical order the style of the respective firms in respect of which declarations have been filed in his office, and shall place opposite each entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration in the manner shown in form B in the schedule to this Act.

8. In the second of such books, hereinafter called the "individual index <sup>Individual index book</sup> book," the said registration clerk shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the style of the firm of which such person is a member, and the date of the receipt of the declaration in the manner shown in form C in the schedule to this Act.

#### PENALTY FOR NONREGISTRATION.

9. Each and every member of any partnership or other <sup>Failure to comply with Act</sup> persons required to register a declaration under the provisions of this Act, who fails to comply with the requirements aforesaid, shall forfeit the sum of one hundred dollars to be re- <sup>Penalty</sup> covered before any court of competent jurisdiction by any person suing as well on his own behalf, as on behalf of His Majesty; and half of such penalty shall belong to the general revenue fund of the province, and the other half to the party suing for the same, unless the suit be brought as it may be by the Attorney General on behalf of His Majesty only, in which case the whole of the penalty shall belong to the province aforesaid.

#### EFFECT OF DECLARATION.

10. The allegations made in the declaration aforesaid cannot <sup>Binding effect of declaration</sup> be controverted by any person who has signed the same, nor can they be controverted as against any party not being a partner by a person who has not signed the same, but who was really a member of the partnership therein mentioned at the time such declaration was made.

11. Until a new declaration is made and filed by him or by <sup>Liability of persons signing declaration.</sup> his co-partners or any of them as aforesaid, no such signer shall be deemed to have ceased to be a partner; but nothing <sup>Failure to declare does not exempt from liability</sup> herein contained shall exempt from liability any person who, being a partner, fails to declare the same, as already provided, 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 any other partner or partners may be sued jointly or severally



## FORM B.

## FIRM INDEX BOOK.

Style of firm	Names of persons composing the firm and their residences	Date of filing declaration
John Smith & Co. . . . .	John Smith, Edmonton . . . . . Edward Ives, Wetaskiwin . . . . .	Sept. 15, 1908
James Abbott & Son. . . . .	James Abbott, Calgary . . . . . George Abbott, Calgary . . . . .	Sept. 10, 1908
Bernard & Johnson. . . . .	Arthur Bernard, Macleod. . . . . Alexander Johnson, Macleod. . . . .	March 1, 1908

## FORM C.

## INDIVIDUAL INDEX BOOK.

Name of individual and residence	Style of firm of which a member	Date of filing declaration
Abbott, James, Calgary . . . . .	James Abbott & Son. . . . .	Sept. 10, 1908
Abbott, George, Calgary . . . . .	James Abbott & Son. . . . .	Sept. 10, 1908
Bernard, Arthur, Macleod . . . . .	Bernard & Johnson. . . . .	March 1, 1908
Johnson, Alex., Macleod. . . . .	Bernard & Johnson. . . . .	March 1, 1908

## FORM D.

## DECLARATION OF DISSOLUTION OF PARTNERSHIP.

PROVINCE OF ALBERTA. } I,

formerly a member of the firm of \_\_\_\_\_ carrying on  
business as \_\_\_\_\_ at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
under the style of \_\_\_\_\_ do hereby certify that the  
said partnership was on the \_\_\_\_\_ day of \_\_\_\_\_  
dissolved.

Witness my hand at \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ one thousand \_\_\_\_\_  
A.B.

No.

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THIRD SESSION  
FIRST LEGISLATURE  
8 EDWARD VII  
1908

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BILL

An Act respecting Partnerships.

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Received and read the

First time.....

Second time.....

Third time.....

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*Mr. Cross*

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EDMONTON  
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A.D. 1908