

The Legal News.

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INSURANCE LEGISLATION.

The appeals to the Judicial Committee of the Privy Council in the cases of *Parsons v. The Citizens Insurance Co.*, and *Parsons v. The Queen Ins. Co.*, (3 Legal News, 326) were, on the 26th November, allowed without costs, and the judgments in both cases reversed. The information transmitted by cable with reference to this important decision is meagre, but it is known that the judgment proceeded on the ground that the statutory conditions were presumed to be part of the contract in each case, although not printed in the policy; and that the Canadian Courts had misinterpreted the law. The Judicial Committee held, however, that the Act of the Provincial legislature was within the power of that body to pass.

CONTRIBUTORY NEGLIGENCE.

A singular case of contributory negligence—*Allan v. Mullin*, recently decided by the Superior Court, is reported in the present issue. A valuable stallion, while being shod in a smithy, sustained a horrible injury, and had to be destroyed. The accident would not have happened if the floor of the smithy had not been defective. But on the other hand, what immediately conduced to the accident was the imprudence of the owner's groom who accompanied the animal, and who caused him to start violently by striking him with a whip. The court held that there was contributory fault, and the blacksmith was freed from liability.

NEW BOOKS.

THE MUNICIPAL CODE OF THE PROVINCE OF QUEBEC,
by E. Lef. de Bellefeuille, Esq. Montreal:
E. Senecal & fils.

A French edition of this work was published some two years ago, and is well known to the profession. The Municipal Code, as the Judges have repeatedly declared, is a most intricate and, at times, incomprehensible piece of legislation, and needs all the light that can be thrown upon it by commentators. Few are more qualified for

the task than Mr. de Bellefeuille. In this edition are comprised, together with the Municipal Code, the Quebec License Act, and the first part of the Quebec Election Act, with all the amendments made thereto up to and during the last session of the legislature. The decisions of the Courts are also cited. The latter are less numerous than might be expected, but under our system the judgments of the judges of country districts are seldom if ever reported, and many decisions are no doubt left in the limbo of obscurity from which they have never emerged. Mr. De Bellefeuille has done his best to fill the void, and we cordially commend his work to the attention of our English-speaking readers.

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, NOV. 26, 1881.

Before MACKAY, J.

BERNARD v. GAUDRY *et al.*

Non-registration of partnership—Defendants sued jointly and severally for one penalty.

An action will not lie against two defendants jointly and severally for one penalty, for non-registration of partnership.

PER CURIAM. The action was instituted against the two defendants as partners in Montreal, and is a *qui tam* action for \$200 against the defendants jointly and severally, for not having duly registered their partnership.

The defendants pleaded by exception *à la forme* that this prosecution of two defendants for one penalty of \$200 could not be allowed, as each wrong-doer had to be sued in such cases for his own misconduct, and for \$200. Some other matters were pleaded of no importance now. After that there were two motions to amend, one by plaintiff and one by defendant and these have been granted. The exception *à la forme* having been dismissed, the defendants pleaded to the merits, that the defendants could not be sued jointly and severally for one penalty; that the penalty has been enacted against each wrong-doer for \$200 single penalty; that plaintiff's affidavit before suit is not such an one as the law has appointed for *qui tam* prosecutors; 27-28 Vic., c. 43. (It turns out that the word "dit" ought to have been repeated in