

opinion that the offence may be committed within s. 44 (Cr. Code, s. 403) if there be a threat to accuse the prosecutor of misconduct, even though not amounting to a criminal offence; and the conviction was therefore affirmed.

PARTNERSHIP—JUDGMENT AGAINST PARTNER—EXECUTION—RECEIVER.

*Brown v. Hutchinson*, (1895) 1 Q.B. 737; 14 R. May 314, may be referred to, not so much on account of the point actually decided as for the fact of its serving to point out a difference which exists between the law of England and Ontario as to the manner of enforcing a judgment for a separate debt against a partner of a firm. This cannot be better done than by quoting the words of Lindley, L.J.: "The Partnership Act of 1890, as is well known, made very little alteration in the legal procedure, except by s. 23. Section 23 is absolutely new. It replaced a very cumbrous method of proceeding which had to be adopted before and even under the Judicature Act. When a creditor obtained a judgment against one partner, and he wanted to obtain the benefit of the judgment against the share of that partner in the firm, the first thing was to issue a *fi. fa.*, and the sheriff went down to the partnership place of business, seized everything, stopped the business, drove the solvent partners wild, and caused the execution creditor to bring an action in Chancery in order to get an injunction to take an account and pay over that which was due by the execution debtor." As a remedy for that, s. 24 of the Partnership Act provides that an execution shall not issue against any partnership property except on a judgment against the firm, and enables the court to make an order charging the interest of a partner in the firm in favour of his separate judgment creditors, and in order to enforce that charge enables the court also to appoint a receiver of his interest, and also enables the solvent partner to get rid of the judgment debtor. This feature of the English Partnership Act, we think, is an additional reason for its early enactment in Ontario.

MASTER AND SERVANT—CRIMINAL ACT BY SERVANT IN COURSE OF EMPLOYMENT—CIVIL LIABILITY OF MASTER FOR CRIMINAL ACT OF SERVANT—CONVICTION—RELEASE OF SERVANT FROM CIVIL PROCEEDINGS FOR SAME CAUSE, EFFECT OF ON MASTER'S LIABILITY—THE OFFENCES AGAINST THE PERSON ACT, 1861 (24 & 25 VICT., C. 100), s. 45—(CR. CODE, s. 866).

*Dyer v. Munday*, (1895) 1 Q.B. 742; 14 R. May 266, raised a somewhat novel point. The action was to recover damages for an assault committed by the defendant's servant, in the course