

sables solidairement pour l'argent reçu par la société. La question a été le sujet d'une longue controverse, mais la Cour d'Appel l'a décidée dans la cause de *Bergevin v. Ouimet*, (22 L. C. J. 285) et cette décision est devenue la jurisprudence. On a prétendu que cette cause ne s'appliquait pas. J'ai lu les factums, et je trouve que le principe décidé dans la cause de *Bergevin* s'applique à la présente cause. Le vice-chancelier Wood, dans la cause de *Plumer v. Gregory*, rapportée à la page 631 du 18e volume des "*Law Reports, Equity cases*," dit clairement: "*Each partner is the agent of the other and bound by his acts and representations.*" L'article 712 du Code Civil dit: "Lorsqu'il y a plusieurs mandataires établis ensemble pour la même affaire, ils sont responsables solidairement des actes d'administration les uns des autres, à moins d'une stipulation contraire."

L'exécution en cette cause a été émanée sur le *fiat* des défendeurs et c'est en vertu de cette exécution que la vente judiciaire a eu lieu et que les défendeurs ont reçu l'argent pour le bénéfice du demandeur; par conséquent, ils ne sont pas fondés de prétendre que leur mandat a cessé lors du jugement.

Je suis d'opinion qu'il y a solidarité entre les défendeurs et qu'ils sont ainsi tenu de remettre au demandeur ce qu'ils ont collecté pour lui. Le défendeur St. Julien a prouvé son plaidoyer jusqu'au montant de \$18, ce qui réduit d'autant le montant que les défendeurs sont condamnés de payer au demandeur."

Jugement contre les défendeurs conjointement et solidairement pour \$19 avec dépens.

*M. J. C. Larivière*, avocat du demandeur.

*Prévost & Turgeon*, avocats du défendeur Prévost.

*Champagne & St. Julien*, avocats du défendeur St. Julien.

(J. J. B.)

#### RECENT ONTARIO DECISIONS.

*Criminal law—Conspiracy to bribe Members of Parliament—Pleading.*—On demurrer to an indictment for conspiracy to bring about a change in the Government of the Province of Ontario, by bribing members of the legislature to vote against the Government. *Held*,

1. That an indictable offence was disclosed; that a conspiracy to bribe members of parliament is a misdemeanour at common law, and as such indictable. 2. That the jurisdiction given to the legislature by R. S. O., ch. 12, secs. 45, 46, 47, 48, to punish as for a contempt, does not oust the jurisdiction of the Courts, where the offence is of a criminal character, but that the same act may be in one aspect a contempt of the legislature, and in another aspect a misdemeanour. 3. That the Legislative Assembly has no criminal jurisdiction, and hence no jurisdiction over the matter considered as a criminal offence. 4. That the indictment, considered as a pleading, sufficiently stated the offence intended to be charged.

*Per O'Connor, J. (diss.)*. 1. That the bribery of a member of parliament, in a matter concerning parliament or parliamentary business, is not an indictable offence at common law, and has not been made so by any statute. 2. That in all matters and offences done in contravention of the law and constitution of parliament, with the exception of treason, felony and breaches of the peace, parliament alone has jurisdiction, and the ordinary courts, civil and criminal, have no jurisdiction. 3. That the *lex et consuetudo parliamenti* reserves to the high court of parliament exclusive jurisdiction to deal with all matters relating to its own dignity, or concerning its powers, its members and its business, with the above three exceptions. *Regina v. Bunting et al.*, Queen's Bench Division.—21 C. L. J.

In the United States Circuit Court yesterday afternoon, Stephen G. Russell was convicted of counterfeiting in gilding English silver coins. This case is of interest to silversmiths and gilders, it being the first time that a criminal prosecution has been made for gilding. The defendant claimed that he gilded the shillings with no criminal intent and not with the purpose to defraud any one, but did it for his customers in the prosecution of his business. Judge Webb, in his instructions to the jury, said that the intent with which the defendant gilded these coins was immaterial to make it a crime; that Congress had passed a law making counterfeiting a crime, and if the jury found the defendant had gilded these coins, then the government had made out a case; that the act itself was a crime without any reference to the purpose for which it was done. The jury recommended the defendant to the mercy of the Court, and no sentence will probably ever be imposed, as the government wished to make it a test case and serve as a warning to other gilders.—*Boston Law Record*.