

friends, or worse still, as an acknowledgment of sudden conversion to a different political faith. If six or seven Provincial Governments have each the right of making Queen's Counsel, it is inevitable that every Province will have almost as many as the central government would have appointed in all.

#### THE QUEBEC CABINET.

The professions are strongly represented in the new Provincial administration. Four advocates are members of the Cabinet. The Premier, Mr. Chapleau, was called to the Bar in 1861, and appointed a Q. C., in 1873. Mr. L. O. Loranger, the Attorney-General, the youngest of three talented brothers, of whom the eldest has just retired from the Bench of the Superior Court, was born in 1837, called to the Bar in 1858, and was first elected for Laval, his present seat, in 1875. The new Solicitor-General is Mr. W. W. Lynch, who was born in 1845, and called to the Bar in 1868. He was first elected to the legislature in 1871, for Brome. Mr. E. J. Flynn, the Commissioner of Crown Lands, is also a member of the legal profession. He was born in 1847, and admitted to the Bar in 1873. He has been Professor of Roman Law in Laval University since 1874.

One of the three remaining members of the Cabinet, Mr. E. T. Paquet, is a notary. He was born in 1850, and was first returned for Levis in 1875. The President of the Council, Mr. J. J. Ross, is a physician, who was Speaker of the Legislative Council from 27 Feb., 1873, to August, 1874. The Provincial Treasurer, Mr. J. G. Robertson, is the only member of the Administration unconnected with the professions. He is a merchant, and was Treasurer from 1869 to 1874, and again from 1874 to 1876.

#### NOTES OF CASES.

##### SUPERIOR COURT.

MONTREAL, Oct. 31, 1879.

EVANS et al. v. McLEA et al.

*Principal and Agent*—C. C. 1715—Mandatory not liable to third parties, when acting in the name of the mandator and within the bounds of the mandate.

JOHNSON, J. The plaintiffs are wood and coal merchants, and allege a sale to them by the

defendants of a cargo of coal to consist of about 600 tons, to be shipped by sailing vessel, at a stated price, and they further allege that the default by the defendants to deliver within a reasonable time has occasioned them a damage of \$750. There was a demand and a protest by the plaintiffs on the 12th of December—they holding that the defendants had had plenty of time to deliver—the navigation being closed, and the undertaking having been to deliver here by a sailing vessel. But I do not go into this, or any other point of the case, except the single one presented by the plea, which is that this contract was not one that could bind the defendants personally, or render them personally liable to damages for the breach of it; that the true and real parties to the contract were the plaintiffs on one side, and Richards & Co., of Swansea, in Wales, on the other, who were perfectly well known to the plaintiffs as the principal parties they were transacting with, and the coals not being in the defendants' possession; in fact, that they, the defendants, acted merely as mandataries or agents. I shall not go into a discussion of the elementary principles of the law applicable to cases of this kind. They appear at great length, but without additional light in the report of the case of *Crane & Nolan*: 19 L.C. Jur. 309; and I am bound by the authority of the Court in that case. Under the evidence here, it is quite clear that the defendants were not factors, and equally clear that they disclosed the name of their principals. Personally I should have been with the dissenting Judge in that case; but I must exercise my office in conformity with authority, and the judgment of the Queen's Bench is authority. I rule, therefore, that in the circumstances of this case, it comes under Art. 1715, and not under the Art. 1738; and the action is dismissed with costs.

*Belle* for plaintiffs.

*L. N. Benjamin* for defendants.

MONTREAL, Nov. 7, 1879.

MALLETTE v. CITY OF MONTREAL.

*Powers of Provincial Legislature*—Act authorizing the City of Montreal to make By-law imposing license tax on Butchers' Stalls not ultra vires.

MACKAY, J. This case was argued before me as an injunction case, but has been put before