The Legal News.

VOL. XIII. FEBRUARY 1, 1890. No. 5.

The decision of our Court of Appeal in *Davie & Sylvestre*, M. L. R., 5 Q. B. 143, as to what constitutes a partnership as to third persons, has attracted considerable attention. However simple the principles which regulate the question may appear, the application of them to the practical concerns of men has exercised the acutest intellects. The case of *Davie & Sylvestre* was of course governed by our own system of law and the articles of the Code. Mr. Justice Bossé, who rendered the judgment in appeal, observed that if he were bound by some of the English and modern French authorities cited, he would have some hesitation in declaring that a partnership existed as to third persons. It may be interesting, therefore, to note that the New York Court of Appeals, a few days later, rendered a judgment in the same sense, in *Hackett* v. *Stanley*, the essential particulars of which bear a strong resemblance to those of *Davie & Sylvestre*. Chief Justice Ruger reviews the recent decisions on the subject.

The members of the Bar, both in Montreal and Quebec, have carried resolutions adverse to the B. A. Bill which passed the legislative assembly last year, but which was defeated in the legislative council. The leading members of the Bar in Montreal have supported the bill, and the majority of the General Council have also approved of it; but on a vote of 225 members the bill has only received the approval of a little more than one-third. The impression apparently exists that there are enough lawyers for the business offering (which is quite true), and that there must be no relaxation but rather an increase of vigilance in guarding the portal of the profession. Since these votes were taken, the bill has passed its second reading in the legislative assembly. The legislature has the right and the power to say what rules shall exist with reference to admission to the study of the professions, but we feel some doubt as to the policy of overruling a strong adverse vote of the bar. At the same time we regret that such a vote has been recorded. Our regret is not so much with reference to the fate of the bill, but because such a vote is a discouragement of University education as a preliminary to professional study.

The reading of the Commission appointing the Hon. F. G. Johnson, Chief Justice of the Superior Court, was an occasion of unusual interest, and in our next issue we propose to place on record the addresses delivered, which are not without historical importance. The names of some of those who took part in the ceremony link the present with the early history of the country. The learned Chief Justice himself was able to refer to his part in a memorable trial which took place on the same spot more than half a century ago—before Responsible Government had been secured for Canada. Mr. J. J. Day, Q.C., who spoke on the occasion, was admitted to the bar in June, 1834, and the commission was read by Mr. John Sleep Honey, who has been for fifty-seven years an officer of the Court.

SUPREME COURT OF CANADA.

OTTAWA, Dec. 4, 1889.

Quebec.] CHAGNON V. NORMAND.

Appeal—Jurisdiction—From Province of Quebec—Supreme Court Act, Sec. 29 (b)—Future Rights—Quebec Election Act—Action for penalties for bribery—Effect of judgment—Disqualification.

By Art. 414 of the Revised Statutes o Quebec any person guilty of bribery at a provincial election is liable to a penalty of $200 for each offence, for which any person may sue.

By Art. 429 any person convicted on indictment of such bribery is disqualified for seven years from being a candidate at an election or holding office under the Crown.

N. brought an action for bribery under