

later the agency informed Mr. Whitechurch that they had learnt that Messrs. Weissmann & Kahn had become insolvent. They did not state this as a rumor, but as a fact. Mr. Whitechurch informed Messrs. Weissmann & Kahn of the information given him and its source, whereupon the injured firm took proceedings against Messrs. Wys Muller for defamation. The Tribunal of Commerce found against the plaintiffs, but the Court of Appeal declared itself satisfied that the statement was untrue, and that Messrs. Wys Muller had, therefore, incurred liability towards the appellants. The ground given by the decision is important. It is not material, it states, that the information was given "confidentially and without guarantee;" this does not annul the fault and its consequences. Even a rectifying note sent later on only diminished, but did not extinguish, the damage done, which was assessed at 2,000 francs. Messrs. Wys Muller hereupon sued Mr. Whitechurch for divulging the information, in spite of his engagement to treat it as confidential and himself as responsible for the consequences if he should divulge it. The Tribunal of Commerce condemned him to pay 500 francs damages for violation of his engagement, and this the Court of Appeal confirmed. It will be observed that, in spite of Whitechurch's undertaking to guarantee the agency against the consequences of divulging the information given, he only pays 500 francs of the 2,000 francs for which the agency is condemned.

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*COURT OF APPEAL ABSTRACT.*

*Partnership—Participation in profits—Liability to third parties.*

*Held:*—That participation in the profits of a business does not make the person participating liable as a partner towards third parties unless he has been held out to the public as a partner.

M. entered into an agreement with N., who was then doing business alone under the style of B. L. Nowell & Co., by which M. advanced N. the sum of \$2,000, for which he was to receive 8 per cent interest and one half the net profits of the business.