

the work to be done, and was always ready and willing to complete the contract on his part, but that the defendant had not paid for the work done which he accepted, and has without cause refused to allow Wark to continue the work and complete the contract, and has prevented and discharged him from the further performance and completion of the same. An assignment of the agreement to the plaintiff was then alleged, and \$2,000 damages claimed under the court.

Joseph Martin, for defendant, contended that the plaintiff's only remedy under the circumstances alleged would be an action of deceit for damages for the breach of an implied warranty that defendant had the authority of Martin to enter into the contract, and that any action on the contract would have to be against both partners.

Hazel, Q. C., for plaintiff.

Held, that the defendant could not be sued alone upon such contract, and since upon the facts alleged Martin was not liable upon it the plaintiff's only remedy would be an action for damages for breach of the implied warranty as to authority.

Elliot v. Davis, 2 B. & P. 338, distinguished.

Scoble: If the contract had not been under seal, defendant might have been sued alone upon it.

Pollock on Contracts, 103; Lindley on Partnership (5th ed.), 282.

Appointments to Office.

SUPREME COURT JUDGE (NEW BRUNSWICK).

James Alfred Van Wart, of the City of Fredericton, in the Province of New Brunswick, Esquire, one of Her Majesty's Counsel learned in the Law, to be a *Puisné* Judge of the Supreme Court of the Province of New Brunswick, *vice* the Honourable Mr. Justice Palmer, resigned.

COUNTY COURT JUDGES.

County of Peel.

Duncan McGibbon, of the Town of Milton, in the County of Halton, in the Province of Ontario, Esquire, and of Osgoode Hall, Barrister-at-law, to be Judge of the County Court of the County of Peel, in the said Province of Ontario, *vice* His Honour Judge A. F. Scott, resigned.

Duncan McGibbon, Esquire, Judge of the County Court of the County of Peel, in the Province of Ontario, to be a local Judge of the High Court of Justice for Ontario.

CORONERS.

County of Kent.

Anthony Rayburn Hanks, of the Town of Blenheim, in the County of Kent, Esquire, M. D., to be an Associate-Coroner within and for the said County of Kent.