

application form of the appellant corporation prepared for employees, and containing the usual questions, which were answered and signed by Mumme. Among these questions and answers were the following:—

“2. Employment for which this guarantee is required. A. Representative Dominion Dressed Casing Co., London, Canada.

“3. Full name, address, and business of employer for whom this guarantee is required. A. Dominion Dressed Casing Co., London, Canada.

“4. Salary and full particulars of other remuneration from this appointment. A. Salary, commission on sales, and participation in profits.

“Reason for leaving former employment. A. To become partner of the Dominion Dressed Casing Co., London, Ont.”

The appellant corporation sent to the casing company a letter with the usual questions to be answered by an employer, with the statement that the replies would form the basis of the contract. Among these questions and answers were the following:—

“Q. (a) In what capacity or office will the applicant be engaged, and where? A. As representative in Hamburg, Germany.”

“Q. (e) How often will you require him to render an account of cash received and pay the same to you? A. Monthly or oftener if necessary.”

“Q. (g) How often will you balance his cash accounts, and how will you check their accuracy? A. Account sales rendered weekly. Balance sheet monthly.”

“Q. (i) Will he at any time hold power of attorney on behalf of the employer? A. He is part owner of the business.”

“Q. (k) What salary will he be paid, and how will it be paid, and if subject to any deduction? A. Paid salary and commission on sales and participation in profits.”

From the questions and answers contained in these two documents it is quite clear that what was asked for was a policy guaranteeing the honesty and fidelity of Mumme to his partner in the part of the business to be conducted by him at Hamburg. The use of forms which had manifestly been prepared for and were better adapted to the ordinary relation of employer and employee would have raised some technical difficulties as to the form of the action, but we are relieved from considering these by the admissions made by the counsel for the appellant corporation above referred to. Even without these admissions,