

PRINCIPAL AND AGENT—AGENT, LIABILITY OF—WARRANTY OF AUTHORITY OF AGENT—CONTRACT MADE BY PUBLIC SERVANT ON BEHALF OF THE CROWN.

Dunn v. Macdonald, (1897) 1 Q. B. 401, was an action in which the plaintiff claimed that he had been employed by the defendant, who was a servant of the Crown and Her Majesty's Consul-General for the Oil Rivers Protectorate, to enter his service and serve under him in the Protectorate for three years certain, and claiming salary and allowances as damages for wrongful dismissal before the end of the three years. The plaintiff had previously filed a petition of right, claiming damages for wrongful dismissal against the Crown, but in that proceeding it had been held that his appointment was during pleasure, and his petition was therefore dismissed: *Dunn v. The Queen*, (1896) 1 Q.B. 116 (noted ante, vol. 32, p. 188). He now claimed to recover on the ground that the defendant had impliedly warranted that he had authority to engage him for three years certain, and *Collen v. Wright*, (1857) 8 E. & B. 647, was relied on: Charles, J., however, decided that it would be against public policy to extend the doctrine of that case to contracts made by persons acting as servants of the Crown. He says: "It would, of course, be going too far to say that because a man is a servant of the Crown he cannot enter into any personal liability; but when he is acting in his public character he cannot in my opinion be sued upon an engagement into which he enters, because it is against public policy that he should in such a case incur personal responsibility." The action therefore failed.

MANDAMUS—ALTERNATIVE REMEDY.

The Queen v. Charity Commissioners, (1897) 1 Q.B. 407, deserves to be briefly noted here, for the fact that it affords an illustration of the principles governing the exercise of judicial discretion in granting or refusing the writ of mandamus. The application was made for the writ to compel the defendants to hear and decide on an objection made by the Governors of a public school to accept the nomination of the School Board of London, and to appoint a lady as representative of the School Board on the governing body of the