

became entitled to wages. The daughter appears to have been reluctant to assume the position of hired help in the business where she had formerly been a proprietor, and no doubt the father said to her, "If any one asks you, say you are a partner;" but there never was any intention that there should be a partnership.

Ray endorsed paper for the father. He says he did this on the strength of the partnership, and that he would not have lent the money if he had not understood that the daughter and her husband were members of the firm. I find it quite impossible to accept his story. . . . He took the signature to the note of the father only, and did not ask either the daughter or her husband, who were upon the premises at the time, to become parties to it. The daughter and her husband were both young people without means, and it is hard to suppose that at the time of the transaction their liability would have been regarded as affording any basis for credit.

The case, so far as the son-in-law is concerned, is somewhat different from that against the daughter, for there is no proof that he was in any way a party to the statement, acquiesced in by the daughter, that she might hold herself out as a partner if she desired. . . .

The plaintiff is confronted with another difficulty. Mrs. Gettas at the time of the transaction was an infant. As an infant she could not have contracted; and, as the plaintiff is seeking to impose a quasi-contractual liability upon her by estoppel, her infancy affords a defence. The infancy has not been pleaded, but I think it is proper to grant the application made to permit it to be now set up.

The action is probably defective for want of parties, Athes not being joined. . . .

Action dismissed with costs.

MIDDLETON, J.

APRIL 19TH, 1915.

**COVENEY v. GLENDENNING.*

Company—Unsatisfied Judgment against—Action against Directors by Assignee of Claims for Wages of Servants—Companies Act, R.S.O. 1914 ch. 178, sec. 98—Agreement between Assignee and Company—Novation—Costs.

Action by the assignee of wages claims against the directors of a company to recover the amount of the claims, under sec. 98 of the Companies Act, R.S.O. 1914 ch. 178.