

The conclusions of this Court accord with those of the learned Chancellor.

Appeal dismissed with costs.

MEREDITH, J.A., gave reasons in writing for the same conclusion.

GARROW and MACLAREN, JJ.A., and BRITTON, J., also concurred.

JUNE 30TH, 1910.

*DOMINION EXPRESS CO. v. MAUGHAN.

Partnership—Holding out—Estoppel—Representation of Authority—Publicity—Knowledge—Scope of Business.

Appeal by the defendant John Maughan from the order of a Divisional Court, 20 O. L. R. 310, reversing the judgment of RIDDELL, J., at the trial, whereby the action was dismissed as against the defendant John Maughan, and directing that judgment be entered for the plaintiffs against that defendant, in an action for \$1,395.13, being the amount of certain money orders alleged to have been drawn by John Maughan & Son, as agents for the plaintiffs, and for indemnity in respect of another order not accounted for. The defendant John Maughan denies any agency either by him or his firm for the plaintiffs, and asserted that the agency, if any, was the defendant Harry Maughan's individually, and also denied that Harry Maughan was a member of the firm of John Maughan & Son, and denied that Harry Maughan had any right to sign the name of John Maughan & Son. The Divisional Court considered that the defendant John Maughan had so held out the defendant Harry Maughan as his partner as to make the former liable to the plaintiffs.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, JJ.A., and MIDDLETON, J.

W. R. Smyth, K.C., and W. J. Boland, for the defendant.

Shirley Denison, for the plaintiffs.

MIDDLETON, J.:—The law governing this case, as presented by the plaintiffs, is accurately stated by Lord Wensleydale in *Dickinson*.

* This case will be reported in the Ontario Law Reports.