

servant must be supposed to have contracted with reference to the possibility of losing the position before the end of a year. Thus there is no presumption that an editor employed to conduct a new periodical, started as a mere speculation, is hired for a whole year. Thus in *Baxter v. Nurse* (a), we find Coltman, J., making the following remarks :

"There is also another circumstance which contends to throw doubt upon the supposition that there was a yearly hiring, namely, that the defendant said, if the work were not conducted to his satisfaction, he should give it up. In such a state of things it is not very probable that he should hire persons to be concerned in the management of the publication for a whole year. There is, therefore, in my opinion, no presumption of a yearly hiring, and I do not see that the jury have come to an unreasonable conclusion on the subject."

This would also appear to be the rationale of the decision of the Ontario Court of Appeal in *Bain v. Anderson* (b), so far as it embodies any general principle, the judgment of the lower Court being reversed on the ground that the evidence failed to show any definite hiring in the case of one who, after the business of his employer had been sold, was retained by the purchaser in his former position of superintendent while the business was being reorganized. But the precise grounds of the decision are not stated in the report.

The presumption that the hiring was for a year certain may also be rebutted, where the duties to be discharged are such that the employé is fit for his position only so long as his political opinions continue to be the same as those of his employer. It was ruled by Lord Coleridge in the *nisi prius* case of *Lowe v. Walter*, (c) that a contract employing a foreign correspondent was a mere engagement at a yearly salary unless custom could be imported into it. The learned Chief Justice pointed out that, under any other theory of the relation, an editor might be placed in the anomalous predicament of being obliged to permit his newspaper to be made a medium for the publication of views of which he disapproved.

(a) (1844), 6 M. & G. 935.

(b) (1896), 27 Ont. Rep. 369.

(c) (1892), Times L.R. 358.