

such notice, the party breaking the contract is liable in damages to the other, unless the conduct of the other gave reason for an immediate rescission of the contract."

"While this rule of law does not apply to the public officers or functionaries of a municipal corporation, it applies to their ordinary employees."

*Wurtelo, J.*—"The last question is, whether these rules apply to the employees of municipal corporations? In deciding this question, a distinction has to be made between those who have certain statutory duties to perform, and who are really public officers or functionaries, such as Secretary-Treasurers, and those who are really only ordinary employees, such as superintendents, engineers, clerks, workmen and servants. The former class, like the officers of the Government, must possess at all time the confidence of the body whom they assist in acts of public administration, and they are therefore engaged during pleasure and may be dismissed at will; but the latter class falls under the law applicable to employees generally. This distinction is laid down by *Sirry, vol. 2, art. 1780, nos 52 to 56; Wurtelo, J., C. C., 1888, Paquin vs City of Hull, 11 L. N., 355.*

Remarques de l'Hon. Juge en Chef Lacoste dans la cause de *La Cité de Montréal vs Davis, R. J. Q., 6 C. B. R., 193.* (Confirmé en cour Suprême, 27 C. Supr., 539) :—"Mais nous croyons que la loi, en accordant à la cité la faculté de renvoyer et de remplacer ses officiers à volonté, a voulu déroger au droit ordinaire et la dispenser du congé dans l'intérêt public, afin que la corporation ne fût pas gênée dans son administration; autrement cette disposition de loi n'aurait pas sa raison d'être. Ce privilège de révocation à volonté est, pour ainsi dire, inhérent à toute autorité communale dans le pays où le système municipal se rapproche quelque peu du nôtre. (1 *Dillon, on Municipal Corporations, 4th ed., 250; Tiedeman, on Municipal Corporations, 83; Guillouard, Louage, 724; Cass., De Bovis vs Ville de Marseille, Sir., 80.1.464; De Narbonne-Lara, Sir., 81.3.36; D. P., 91.3.41; 46 U. C. Q. B., 289; 21 Ont. Rept., Q. B., 331; 25 Ont. Rept., C. P., 583).*"

2e point.—Cette même question a été jugée dans la cause de *Hall vs Wallace & The Montreal Construction Company.* L'on trouvera le rapport de cette cause, ainsi que mes notes de jurisprudence dans la *R. L., n. s., vol. XV, p. 442.*