

ally for a total of \$150 a month, or, if not, that a new contract for payment at this rate may be implied from continued employment under the new conditions arising at the beginning of September.

The plaintiff sued for his wages and board and \$81 travelling expenses, and on the 28th January recovered judgment against the Salvator Silver Mine Limited for \$1,202 debt and \$30.80 for costs; and issued execution for these sums. The writ of execution has been returned "nulla bona," and it is sworn by the Sheriff and the plaintiff that the money is not recoverable from the Salvator Silver Mine Limited, and that nothing has been paid. The recovery of judgment is not, of course, conclusive against the defendants. The plaintiff claims \$25 of the \$81 referred to and \$41.80 for costs in addition to such portion of the wages as the defendants are jointly or severally liable for. I cannot allow any portion of the \$81, and the costs must be reduced to \$35.80, as \$6 for the writ of execution was not claimed by the writ of summons in this action; and, in the absence of the defendants at the trial, an amendment increasing the amount claimed should not be allowed.

Under the statute referred to, the directors are jointly and severally liable for wages earned during the time they are directors. The defendant Wright was a director from the 5th April until the 3rd December, 1913. The defendant McLaren became a director on the 26th August, 1913, and thereafter continued to be a director while the plaintiff was employed.

The wages account for the purposes of this action may be treated as beginning on the 14th April, 1913, as payments sufficient to cover the wages indebtedness down to that date are shewn to have been made. The defendant Wright is, therefore, liable from the beginning but not quite down to the end of the service period. The other defendant is liable for the services rendered from the 26th August only.

The liability of the defendants respectively for wages and costs is as follows:—

1913. April 30. Wages at \$125 per month from	
April 14	\$ 70.00
July 31. Wages at \$125 per month from	
April 30	375.00
August 25. Wages at \$125 per month	
from July 31	104.16
Total wages before defendant McLaren	
became a director.....	\$549.16