

appeal, that the municipality was primarily liable for obligations incurred by the local board in connection with the suppression of contagious or infectious disease, with a remedy over against the patient or other person or persons liable for his support if able to respond.

An allegation in the statement of claim that plaintiff is a physician "duly registered," where not denied, is equivalent to an admission of registry.

Per Meagher, and Drysdale, JJ., that proof of inability on the part of the patient or those liable for his support to pay was a condition precedent to the right to recover against the municipality.

Appeal dismissed without costs.

O'Connor, K.C., for defendant, appellant. *Nem. con.*

Province of British Columbia

COURT OF APPEAL.

Full Court.]

[Nov. 5, 1912.

MURRAY v. COAST STEAMSHIP COMPANY.

Master and servant—Wages—Discharge for disobedience—Result as to wages not yet accrued—Sunday—Emergency—Meaning of word as applied to work on a ship—Lord's Day Act—Sunday work.

Held, 1. A contract for service contains an implied condition that if faithful service is not rendered the master may elect to determine the contract, and where that right is properly exercised by the master during the currency of the servant's salary, the servant has no remedy, that is to say, he cannot recover salary which is not due and payable at the time of his dismissal, but which is only to accrue due and become payable at some later date, and on condition that he had fulfilled his duty as a faithful servant down to that later date. (*Dictum per Irving, J.A.*).

2. As to "cases of emergency in connection with transportation," as applied to an able-bodied seaman at cargo work on a ship, the word "emergency" must be given an elastic and varying meaning according to the circumstances, especially in the case