

ruled by this circumstance. Judgment for the plaintiff for \$75 and the costs of the action on the Supreme Court scale. F. C. Kerby, for the plaintiff. F. D. Davis, for the defendants.

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CYR V. TOWN OF FORT FRANCES—LENNOX, J.—AUGUST 14.

*Contract—Municipal Corporation—Employment of Servant—Damages for Breach.*]—Action for damages for breach of a contract to employ the plaintiff. Trial without a jury at Fort Frances. The learned Judge finds that there was a contract of employment; and holds that, notwithstanding the strenuous provisions of the Municipal Act, both parties were bound by it. The defendants had sought the plaintiff's opinion as to the best method of organisation, and he had given it; it was for the defendants to adopt or reject the plaintiff's opinion, whether they engaged him or not. The plaintiff threw up profitable employment in order to enter the defendants' service; and it was neither prudent nor honest for the defendants to refuse to make him any compensation for the loss he incurred at their request. Judgment for the plaintiff for \$450 with costs. A. D. George, for the plaintiff. A. G. Murray, for the defendants.

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TRAVATO V. DOMINION CANNERS LIMITED—PATERSON, REGISTRAR  
—AUGUST 19.

*Writ of Summons—Failure to Serve—Negligence of Solicitors—Renewal after Expiry of Year—Power of Judge or Master in Chambers—Action under Workmen's Compensation for Injuries Act—Expiry of Statutory Period—Bar to New Action—Discretion.*]—Motion on behalf of the plaintiff for an order renewing the writ of summons and for leave to serve the defendants. The plaintiff, a minor, on the 6th September, 1913, whilst in the employment of the defendants, was injured. In the autumn of 1913, instructions were given on behalf of the plaintiff to a firm of solicitors to bring an action against the defendants to recover damages under the Workmen's Compensation for Injuries Act and at common law. For some reason, unexplained by the solicitors, they took no proceedings until the 4th March, 1914, when they caused the writ of summons by which this action was commenced to be issued from the local