Full Court.]   [Nov. 26, 1904.

LAMBERTON v. VANCOUVER TEMPERANCE HOTEL Co.

Master and servant—Manager of restaurant—Dismissal—Reasonable notice.

Held, allowing an appeal from the County Court and ordering a new trial:

A manager of a restaurant who is employed by the month is not entitled to a month's notice of dismissal.

In the absence of custom or special agreement the length of notice must only be reasonable.

In order to recover damages for dismissal without reasonable notice a plaintiff must shew an endeavour and failure to obtain other employment.

Brydone-Jack, for appellants. *Bowser,* K.C., for respondent.

North-West Territories.

SUPREME COURT.

Scott, J.]   ——   [Sept. 15, 1904.

TRUSTEES VIENNA SCHOOL DISTRICT v. ROSZKOZ.

School law—Taxes—Invalid striking of rate.

Action for arrears of taxes for the year 1903. The defence was that no rate had been struck by the trustees for that year. The minute book of the district, which had been kept by the Secretary, contained the only record of the proceedings of the Board. There was no entry in it containing any reference to the striking of a rate for that year. The Secretary, however, stated that a Court of Revision had been held though no minute was made or entered in the books; that an estimate had been made, and there had been some informal meetings in reference to the matter as to which there was no minutes.

Held, that as the fixing of the rate was one of the more important acts of the Board some record of it should have been made. It was doubted whether the mere verbal understanding arrived at by all the members of the Board that a certain rate should be struck, even if it had been arrived at during a regular or special meeting duly held, would be sufficient in the absence of a record; but the evidence being, that if a rate was agreed upon, it was not so agreed upon at a regular or special meeting, and therefore by c. 30 of 1901, s. 91, it was an invalid proceeding. Judgment for defendants with costs.

Biggar, for plaintiff. *MacDonald,* for defendant.