

Stock Companies Act to carry on a quarrying business will be liable for wrongful dismissal of a person employed to act as general foreman by the manager of the company, although the contract is not under its seal. *McEdwards v. Ogilvie*, 4 M.R., followed.

2. By the law of England and Canada, a general hiring, no time being specified, will be presumed to be for a year certain, especially if it is at a yearly salary. *Buckingham v. Surrey & Hants Canal Co.*, 46 L.T.N.S. 885; and *Rettinger v. McDougall*, 9 U.C.C.P. at p. 487, followed.

3. The onus is on the defendant seeking to shew, in reduction of damages for the wrongful dismissal of the plaintiff, that he might have obtained other employment by reasonable diligence, and a discharged workman is not bound to accept a less remunerative position or one of a lower grade even at the same wages, nor need he abandon home and place of residence and go to another province or country to seek employment. *Sedgwick on Damages*, 206; *Costigan v. Mohawk*, 2 Denio at p. 616; 26 Cyc. 1015, and *MacDonell on Master and Servant*, 159, followed.

4. The tribunal assessing the damages in such a case, whether a jury or a judge trying it without a jury, has to speculate on the chance of the servant getting a new place and arrive at the best conclusion it can in view of all the circumstances as to the probable time that will elapse before another similar employment can be obtained, bearing in mind that the law considers that employment in any ordinary branch of industry can be obtained by a person competent for the place. *Beckham v. Drake*, 2 H.L.C. at p. 666, and *Sowdon v. Mills*, 30 L.J.Q.B. 176, followed.

*Howell and Locke*, for plaintiff. *Hough*, K.C., and *A. C. Ferguson*, for defendants.

MacDonald, J.]

[January 6.

WINNIPEG v. TORONTO GENERAL TRUSTS CORPORATION.

*Municipality—Compensation for injury to land caused by exercise of municipal powers when no part of the land actually taken—Date from which time allowed for making claim is to be computed.*

Sec. 775 of the Winnipeg Charter, 1 & 2 Edw. VII. c. 77, provides that every claim for compensation for any damage