

accustomed to dismiss employees without notice, and that in any case such a dismissal was a breach of the agreement.

D. W. Saunders, for defendants, contra.

The Court (MEREDITH, C.J., TEETZEL, J., CLUTE, J.), held that no custom or notice of a custom was proved.

Appeal allowed with costs (fixed at \$20) and judgment to be entered for plaintiff for \$75 with costs on the Division Court scale and no set-off.

MEREDITH, J.

APRIL 3RD, 1905.

TRIAL.

REX v. BEARDSLEY.

Criminal Law—Arson—Evidence—Previous Fire.

Indictment for arson.

H. B. Morphy, Listowel, for the Crown.

E. F. B. Johnston, K.C., for the prisoner.

MEREDITH, J., against the objection of counsel for the prisoner, admitted evidence to shew that, 9 years before, a fire had occurred on other premises occupied by the prisoner, in suspicious circumstances, and that a fire inquest was held, and a settlement of the prisoner's claim upon an insurance company made for an amount less than the original claim.