

the plaintiff also sent in his resignation to take effect at that date.

*Held*, that sub-s. 4 of s. 81 of the Public Schools Act, 1901, applied to the agreement, and the plaintiff was entitled to be paid for the time which he served a sum bearing the same proportion to the amount of the yearly salary as the number of days served bore to the whole number of teaching days in the year in which the service was rendered.

*Held*, also, that the agreement expired, within the meaning of sub-sec. 6, either as the result of the giving of notice or by the resignation; and, the agreement having so expired, it immediately became the duty of the defendants to pay the amount due; having failed to pay the full amount, they became liable to the penalty imposed by sub-sec. 6, viz., that "the salary shall continue to run at the rate mentioned in the agreement until paid"; and that did not mean merely until action brought, but until actual payment or until judgment.

Judgment of 2nd Division Court, Elgin, affirmed.

*Crothers*, K.C., for plaintiff. *St. Clair Leitch*, for defendants.

Boyd, C.]

GUEST v. KNOWLES.

[Dec. 9, 1908.]

RE ROBERTSON.

*Contempt of court—Libellous publications pending trial of action for slander—Prejudice—Fair trial—Political controversy.*

Libellous language is not necessarily a contempt of court; the applicant for committal for contempt must shew that something has been published which either is clearly intended, or at least is calculated, to prejudice a trial which is pending.

A motion by the defendant in an action for slander to commit for contempt of court the editor of a newspaper for publishing articles, pending the action and before trial, commenting on the matters in question in the action, was dismissed, and with costs, where it did not appear from the evidence, and it was not fairly to be inferred from the articles, that there would be an interference or that there was any attempt to interfere, with the ordinary course of justice in the matter of a fair trial—the slanderous words alleged having been uttered and the articles published in the course of a contested parliamentary