

ment should be confirmed for the reasons stated by Mr. Justice Lamothe in the Court of Review.

I do not think it can be seriously contended that the respondent's engagement was otherwise than a yearly one. The Superior Court dismissed the action on the ground that respondent had accepted his *cong * on the 3rd of May 1914. He formally denies this in his evidence. The evidence of James D. Walters is not convincing in a contrary sense. It is true there is the circumstance that respondent applied to James, manager of the Shirley-Dedrich Company, for work about the first of June, but respondent explains this circumstance by saying that he was not at that time in the employ of the appellants and was not being paid by them, and he felt himself at liberty to take on other work during his two months vacation.

I do not find in this, sufficient to hold that his yearly engagement was terminated in May 1914. I would confirm the judgment of the Court of Review, and dismiss the appeal, with costs.

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#### MATLEY v. KINGSLEY.

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Sale--Trees--Growth--Nullity--C. C. arts. 1013, 1065.

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Archibald, Acting Chief Justice, Demers and Lamothe, JJ.--  
Court of Review.--No. 4344.--Montreal, November 9, 1918.--  
Decary and Decary, attorneys for plaintiff.--Blair, Laverty  
and Hale, attorneys for defendant.