

earned premium, and the seven days have expired, the legal presumption is that the notice and money have been received by the assured, and the contract is at an end.

Action dismissed without costs.

SUTHERLAND, J.

AUGUST 1ST, 1917.

*MACKELL v. OTTAWA SEPARATE SCHOOL TRUSTEES.

Evidence—Motion to Commit for Contempt of Court—Witnesses Examined on Motion—Refusal to Answer Questions—Apprehension of Criminal Prosecution—Privilege—Disobedience of Judgment—Separate School Board—Paying Salaries to Unqualified Teachers.

Motion by the plaintiffs for an order requiring Samuel M. Genest and others to attend again for examination as witnesses upon a pending motion and answer questions which they refused to answer upon their former examination, and other proper questions and to produce books, papers, and documents relating to the payment of salaries of teachers in the employment of the defendants the Ottawa Roman Catholic Separate Schools Board, and, in default, for the committal of Genest and the others to gaol.

The motion was heard in the Weekly Court at Toronto.

W. N. Tilley, K.C., for the plaintiffs.

A. C. McMaster, for Genest et al.

SUTHERLAND, J., in a written judgment, said that the motion upon which the respondents were examined as witnesses was one to commit Genest for contempt of Court in disobedience to the judgment of Lennox, J., of the 17th December, 1914 (32 O.L.R. 245, 261), restraining the defendant Board from continuing in its employment or paying salaries to teachers who do not possess the proper legal qualifications or who are not authorised to teach pursuant to the provisions of the Separate Schools Act or the regulations of the Department of Education of Ontario.

A motion by Genest to quash the motion to commit him for contempt was dismissed by Kelly, J.: *Mackell v. Ottawa Separate School Trustees* (1917), ante 265.

The plaintiffs sought to shew by the evidence of Genest that as chairman of the defendant Board he had to do with the pay-