

terial act, there was no necessity, in the absence of statutory requirement or other authority, for the direction to the police officers to be in writing.

4. The defendants had reasonable and probable cause to believe that they had the right to destroy the liquors in question, and no malice on their part was shewn.

5. The notice of action was sufficient, as the defendants, according to their own evidence, understood the nature of the complaint and when and where the act complained of happened.

6. In view of the provisions of R.S.O. 1897, c. 88, s. 22, the successful defendants could not be deprived of their costs of the action, and were entitled thereunder to costs as between solicitor and client.

*Arscott v. Lilley* (1887) 14 A.R. 289 followed; *Bostock v. Ramsey Urban District Council* [1900] 1 Q.B. 357, [190.] 2 Q.B. 616 distinguished.

*Faney*, K.C., for plaintiffs. *Fullerton*, K.C., and *MacKelcan*, for defendants.

Anglin, J., Clute, J., Riddell, J.]

[Nov. 11, 1908.]

GLIDDON v. YARMOUTH PUBLIC SCHOOL TRUSTEES.

*Public schools—Salary of teacher—Agreement—Validity—Meeting of Board of Trustees—Minutes—Period of service under agreement—Public Schools Act, 1901, s. 81, sub-ss. 4, 6—Expiration of agreement—Notice—Resignation—Penalty for non-payment—“Until paid.”*

An agreement between the plaintiff, a teacher, and the defendants was signed by all the trustees and the plaintiff, and the defendants' seal affixed, at one time, at the house of the secretary-treasurer of the defendants, but no minute thereof appeared in the minute book.

*Held*, that the agreement was valid and binding upon the defendants.

Under the agreement the plaintiff served as teacher for the year 1907 and during the months of January and February, 1908. The 4th paragraph of the agreement provided that it might be terminated by a month's notice, and the 5th, that until so terminated the agreement was to continue from year to year. The defendants gave the plaintiff a month's notice to terminate the agreement at the end of February, 1908, and