

RIDDELL, J.

JUNE 9TH, 1910.

## NOBLE v. GUNN LIMITED.

*Master and Servant—Contract of Hiring—Wrongful Dismissal—  
Engagement for One Year—Payment of Wages Weekly—  
Yearly Hiring—Scale of Costs—County Courts Act, 10 Edw.  
VII. ch. 30.*

The plaintiff sued the defendant companies, Gunn Limited and Gunn Langlois & Co. Limited, who had their headquarters at Toronto and Montreal respectively, for wrongful dismissal.

McGregor Young, K.C., for the plaintiff.

W. M. Douglas, K.C., for the defendants.

RIDDELL, J.:—At the trial before me at the non-jury sittings at Toronto, I found the following facts, upon the evidence, giving to the various witnesses the credit which I thought should be given, having seen them and observed their demeanour.

The plaintiff was in June, 1908, engaged for one year at the rate of \$15 per week and travelling, etc., expenses, with such bonus as his employers should see fit to give him. He was employed by the Montreal company and not by the Toronto company. His employers, being under the impression (apparently) that the hiring was only by the week and not for a stated time, discharged him on the 19th January, 1909; they had no ground of complaint against him in fact and no justification for the dismissal. The plaintiff did his best to get employment, and succeeded only after 18½ weeks' (130 days') loss of time, thereby sustaining a loss of \$278.57.

The defendants Gunn Langlois & Co. Limited contend that, notwithstanding the engagement for the stated time of one year, the employment was in reality a weekly hiring, and that they could discharge at a week's notice. Many cases are cited, but none of them has any real bearing upon the present case.

No doubt, the circumstances that payment of wages takes place weekly or monthly is strongly in favour of the view that a hiring is for a week or a month—and, if there be nothing more, this circumstance will be conclusive as to the duration of the contract; and many cases are of that kind. But, if the term be proved, there is nothing in the fact that the wages are paid weekly. "Yearly servants often stipulate for the payment of their wages at short intervals, and an arrangement to pay weekly