

Chap. 21,—any rural village or county municipality might pass a by-law ordering the macadamizing, stoning or gravelling of its roads.

By section 17 all the work shall be done by the municipality under the supervision and direction of an officer of the department.

The necessary cost is to be paid by the municipality out of the moneys it receives from the government by way of loan, sections 14, 18.

Having completed its arrangements to obtain a loan of \$24,500 the council on May 13th. and 20th. 1913,—at both of which meetings defendant was present—proceeded to fix the rates of pay for those who were to be employed on the construction of the roads. Laborers were to receive \$2.50 per day, and men with 2 horses, \$5.00 or \$6.00 per day according to the class of work.

The plaintiff was the first overseer appointed and so acted until June 29th when he was dismissed. The work began on May 7th.

As to the precise dates on which defendant worked with his two horses and, sometimes, with his junior son, the evidence is not at all complete.

The following statement is put together from different depositions;

Week ending 10	May	1913.....	5	hours
"	"	17 " "	.....	not working
"	"	23 " "	.....	7½ hours
"	"	30 " "	.....	not working
"	"	6 June	"	..... 2 hours
"	"	13 " "	.....	6 days
"	"	27 " "	.....	4 days 6 hours.