

REX v. JACK RALOTOANA AND FOUR
OTHERS.

1910. April 25. WARD, J.

Master and servant.—Disobedience.—Contract of service.—Notice.—Want of mutuality.

A contract of service binding the servant for three months, but giving the master the power to dispense with his services by giving one day's notice, is invalid for want of mutuality between the parties.

October and Others v. Rowe (15 S.C. 110) followed.

This case came up for review.

WARD, J.: The accused had been charged before the special justice of the peace, Theunissen, with contravening sub-sec. 5 of sec. 37 of Ordinance 7 of 1904, and convicted and each sentenced to pay a fine of 20s. or to one month's imprisonment with hard labour. In this case the contract of service provides that the accused are to be bound for three months, but their services can be dispensed with by the master by giving one day's notice. This is not a valid contract of service, there being a want of mutuality between the parties. The convictions and sentences are quashed, following the decision in *October and Others v. Rowe* (15 S.C. 110).
