

SECOND DIVISIONAL COURT.

OCTOBER 16TH, 1918.

GOUINLOCK v. MACLEAN.

Architect—Work and Services in Erection of Building—Contract—Remuneration—Work Taken out of Architect's Hands during Progress of Work—Recovery on Quantum Meruit Basis—Negligence and Incompetence—Counterclaim—Appeal—Costs.

Appeal by the defendant from the judgment of BRITTON, J., 14 O.W.N. 142.

The appeal was heard by MULLOCK, C.J. Ex., RIDDELL, SUTHERLAND, and KELLY, JJ.

A. McLean Macdonell, K.C., and J. S. Duggan, for the appellant.

R. S. Robertson, for the plaintiff, respondent.

THE COURT varied the judgment below by allowing the defendant \$101.07 on his counterclaim in respect of a sum paid by the defendant to the municipal authorities for damage to a water-pipe; this sum to be deducted from the sum awarded to the plaintiff by the judgment below. All the other items of the counterclaim disallowed, and, with this exception, the appeal dismissed with costs to the plaintiff, but from the plaintiff's costs \$50 to be deducted, success being divided.

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*RYAN v. WILLS.

Company—Directors—Personal Liability to "Labourers, Servants, and Apprentices"—Companies Act, R.S.O. 1914 ch. 178, sec. 98—Actress Employed by Theatrical Company.

An appeal by the plaintiff from the judgment of DENTON, Jun. Co. C.J., dismissing an action brought in the County Court of the County of York by an actress who was employed by the Canadian National Features Limited, an Ontario company, to recover from the defendants, as directors of the company, the amount of a judgment obtained by her against the company for wages: sec. 98 of the Ontario Companies Act.