

THE  
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No. 1

DEROCHE, Co. C.J.

DECEMBER 16TH, 1908.

COUNTY COURT OF HASTINGS.

HALLIWELL v. ZWICK.

*Limitation of Actions — Claims for Professional Services — Cross-accounts—Items More than 6 Years Old—Effect of Later Items — Statute of Frauds. — Promise to Pay for Services Rendered to Third Persons — Claim against Executor—Corroboration—Entries in Books—Evidence.*

Action by the executrix of John Earl Halliwell, a deceased solicitor, against a physician, to recover a balance alleged to be due for professional services rendered by the deceased to the defendant. The defence was payment by contra account and cash. The defendant\* also brought into Court the sum of \$45.49.

W. N. Ponton, K.C., for plaintiff.

F. E. O'Flynn, Belleville, and G. G. Thrasher, Stirling, for defendant.

DEROCHE, Co. C.J.:—In this action the plaintiff claims the sum of \$349.89 as fees and disbursements of her deceased husband against the defendant, the plaintiff bringing the action as executrix of the last will and testament of the late John Earl Halliwell, deceased. She, however, gives credit against this claim for \$192.75, being the amount of a bill for medical services rendered by the defendant to herself and her husband \$122.75, and also the sum of \$60 counsel fee charged by her late husband, but which had been adjusted in his lifetime, and the sum of \$10 for subsequent medical services. This leaves a balance of \$157.14, which the plaintiff as executrix claims against the defendant.