

defendants on his account. The defendants also claimed an interest in inventions made by the plaintiff with the aid of the defendants, and asked for an account of the plaintiff's earnings from other sources during the period when they were entitled exclusively to his professional services.

The action and counterclaim were tried without a jury at an Ottawa sittings.

G. F. Henderson, K.C., and Fleming, for the plaintiff.

A. G. Slaght and W. E. Wilson, for the defendants.

LATCHFORD, J., in a written judgment, discredited the plaintiff's evidence, because it was in some instances directly contradicted by authentic documents; and gave credence to the plaintiff only where his testimony was uncontradicted or corroborated. The testimony on the main issues was contradictory; especially the evidence of the plaintiff was opposed to that given by Goyette, the vice-president and general manager of the defendant company.

The learned Judge examined the items in dispute and found that there was due to the plaintiff \$1,254.50, but this was subject to deductions for board etc., which left the amount due to the plaintiff on account of salary and bonus \$160.85.

It was not shewn that the plaintiff had earned anything from outside sources during his term of employment.

From the plaintiff's claim of \$865.43 for travelling and sundry expenses, certain deductions must be made, reducing that amount to \$434.03.

Adding the \$434.03 to the \$160.85, the utmost sum which the plaintiff could rightly claim from the defendants was \$594.88, and judgment should be entered in his favour against the defendant company for that amount. Costs of the action should be reserved and proceedings upon the judgment stayed until the counterclaim had been disposed of after a report upon a reference.

Upon the question raised by the counterclaim as to inventions made by the plaintiff, the learned Judge was of opinion that Goyette was a joint inventor with the plaintiff, and that the defendant company and Goyette were together entitled to an equal interest with the plaintiff. The principle applicable is analogous to that which governs partnerships. When there is no evidence as to the amount of the separate interests of partners, they have an equal interest: *Lindley on Partnership*, 7th ed., p.384.

There should be judgment on the counterclaim declaring the defendant company and Goyette entitled to an undivided one half share or interest in the several applications and patents mentioned in the evidence; enjoining the plaintiff from dealing with such applications and patents otherwise than as to his undi-