

OUTHET v. THORNE.

**Architect -- Value of services -- Tariff—Evidence—  
Quantum meruit -- Custom— C. C., Arts. 1203,  
1204.**

A landscape architect, not a member of the Association of Architects of the Province of Quebec, whose services are required cannot base his account for his fees on the tariff of the above Association, which, as all the tariffs, does not strictly represent the intrinsic value of the work done, but must make proof of the *quantum meruit* of the services rendered.

Action by a landscape architect claiming \$240 for having prepared plans of a retaining wall in front of defendant's property. The plaintiff declares that it was agreed that he should be paid for his fee 10 p. c., of the cost of the work, which amounted to \$4,819. But, the City of Montreal having subsequently undertook to do the work itself by day labor, the plaintiff was discharged of the obligation of supervision, and for this reason he was reducing his claim to 5 p. c.

The plea is that the plaintiff is not a member of the Association of Architects, and that defendant had offered him \$75 which sum although sufficient to pay him, was refused.

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Mr. Justice Lamothe.—Superior Court.—No. 2028.—Montreal, March 1, 1916.—Heneker, Chauvin, Baker, Johnson, and Walker, attorneys for plaintiff.—Foster, Martin, Mann, Mackinnon, Hackett, and Mulvena, attorneys for defendants.