

fixing an amount or arriving at a like result by calculation or by examination of work done or of definite articles.

This much may be said here, that two persons without special skill and knowledge, according to Mr. Millar, were appointed to fix the amount proper to be paid to a tenant when the landlord was taking his buildings, so as to complete the contract engagement embodied in the leases and enable the tenant to recover that amount from the landlord. And if in doing this they could not inquire into the matters necessary to enable them to ascertain the proper amount, then they would be helpless, unable to take evidence, and yet debarred from obtaining as best they could the required information. The statement of the matter carries, as it seems to me, its own answer. The respondent's account of his statement to the valuers shews that he told them the amount he had originally paid, the amount of the repairs, the interest on the capital cost, his expenses in running up and down from Toronto, hotel bills, and general expenses connected therewith. The principal items in this were proper to be known to the valuers, and this is admitted by Mr. Millar.

In view, therefore, of the large latitude given to them, necessarily so under the circumstances, I am unable to find in the incident anything improper, and this applies as well to the statements made by the builders. I can see no difference between acquiring facts from a party himself, as in the case of the respondent, and getting it from an agent, as was done in the case of Smith when the appellant's agent sent him to Garland. And this indicates that Mr. Millar's view was the same as that of the valuers as to the sources from which information might be got.

It is hardly necessary to say that this experiment in valuation has resulted, as experiments generally do, in promoting rather than preventing litigation, and in illustrating how easy it is to cause trouble by departing from well-known methods.

A point very strongly urged was that the valuers had proceeded upon a wrong principle or had acted upon an erroneous impression of the facts in dealing with the valuation of number 134 King street west. It was taken in and treated as an entire building. It seems that the dividing line between the Ross estate's property and that of the Baldwin estate runs through this building; but it was contended that it could not be valued as one building, but must be considered as disjointed portions of a building, and each part estimated separately.

Two answers were made to this: first, that the method adopted is in itself correct; and, second, that the parties agreed that the valuers should proceed as they did.