

pended for protection of defendant's person and estate: see Pollock on Contracts, 7th ed., pp. 91, 92; Williams v. Wentworth, 5 Beav. 325; Jenkins v. Morris, 14 Ch. D. 674; MacDonald v. Grout, 16 Gr. 37.

Apart from the question of defendant's competency to contract, the facts seem to bring this case within the decision of *Re Rhodes*, 44 Ch. D. 94, to the extent at least of the proposition that "wherever necessities are supplied to a person who, by reason of disability, cannot himself contract, the law implies an obligation on the part of such a person to pay for such necessities out of his own property." But, if no competency to contract, or if competency and no contract, a further question presents itself. Defendant owned a farm; the income from it might be regarded as sufficient for his maintenance. If not in fact sufficient, was the deficiency provided in labour and food and raiment under circumstances from which an implied obligation would arise? . . . The care was a day-by-day service—an expenditure of time and money by plaintiff for defendant—which, I think, was necessary.

There is no way of computing or arriving at the value with anything like mathematical accuracy, but I think there is a way of doing so without injustice to defendant. I find that what plaintiff did was reasonably necessary, and no more than was reasonably necessary, for defendant's care—so plaintiff is entitled to recover in this action.

Plaintiff's statutory declaration furnished to the medical superintendent at Rockwood, to the effect that he, plaintiff, did what he did for defendant out of pity for him can hardly be urged against plaintiff. The declaration must be taken as a whole. Plaintiff claims in it \$1 a day, and I think plaintiff meant that he would not even for \$1 a day do what he did for defendant unless moved by pity so to do.

One dollar a day is an unreasonable amount, in the circumstances. The amount must in some way be considered according to defendant's means and station in life. The care of him was disagreeable work, no doubt, and it became increasingly so, but \$1 a day would soon absorb defendant's farm and put him upon the public. I think the supposed yearly value of defendant's property on 15th April, 1898, may be taken as a fair estimate of the amount to be paid to