

voluntarily and without the request of the defendant. Judgment for \$1,530 only.

*Held*, 1. The plaintiff was entitled to a verdict on a quantum meruit for the last six years of her services, but the claim for money expended was properly disallowed.

2. The promise of the defendant that he would not marry again was merely an expression of opinion. Any agreement to that effect would have been void: *Law v. Peers*, 4 Bur. 22-25; *Jones v. Jones*, 1 Q.B.D., p. 222.

*R. F. Sutherland*, K.C., for plaintiff. *A. H. Clarke*, K.C., for defendant.

Britton, J.]

*FELLY v. ROSS.*

[Oct. 29.

*Libel—Newspaper—Security for costs refused by Master in Chambers—Appeal.*

Action for libel. Application by the defendant for leave to appeal to a Divisional Court from the order of FALCONBRIDGE, C.J.K.B., in Chambers, dismissing an appeal from the order of the Master in Chambers, who dismissed a motion for security for costs made by the defendants in this action. R.S.O. c. 68, s. 15, provides that "an order made under s. 10 by a judge of the High Court granting or refusing security for costs in an action for libel contained in a newspaper shall be final, and shall not be subject to appeal; and when the order is made by a local judge the same may be appealed from to a judge of the High Court sitting in Chambers, whose order shall be final and shall not be subject to appeal." This section is re-enacted almost verbatim in s. 12, sub-s. 4, c. 40, 9 Edw. VII. (O.).

*Held*, 1. It is not merely an order granting security that can be appealed from, notwithstanding *Robinson v. Mills*, 19 O.L.R. 172, 173.

2. The Master in Chambers though not specifically referred to in the above section is covered by the words "a judge of the High Court" so that the statute does not give an appeal in this case.

*Mowat*, K.C., for defendant. *Wadsworth*, for plaintiff.