

For the appellant it was argued that the plaintiff, having admitted the receipt of the \$200, must be found to have failed to establish that it had been received in payment of a debt, unless his testimony as to the existence of a debt was corroborated, as required by sec. 12 of the Evidence Act, R.S.O. 1914 ch. 76.

The trial Judge believed the story of the plaintiff, and concluded that the facts and circumstances adduced in evidence in support of this item, and the other items of the plaintiff's claim and the defendant's counterclaim, and the nature of the transactions and relationship between the plaintiff and the deceased, disclosed by such facts and circumstances, were sufficient corroboration of the plaintiff's evidence: *Green v. McLeod* (1896), 23 A.R. 676.

The learned Judge was right: see *Mushol v. Benjamin* (1920), ante 175.

*Appeal dismissed with costs.*

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FIRST DIVISIONAL COURT.

JUNE 11TH, 1920.

YATES v. WRIGHT & CO.

*Contract—Builder—Preparation of Plans for Proposed Building—  
Project Abandoned—Payment for Plans—Implied Agreement  
—Evidence.*

Appeal by the plaintiff and cross-appeal by the defendants from the judgment of the Senior Judge of the County Court of the County of Wentworth in favour of the plaintiff in an action for the recovery of \$820 for preparing plans of a building which the defendants were contemplating putting up.

The action was tried without a jury. The judgment was for \$340 and costs.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and FERGUSON, J.J.A.

A. W. Langmuir, for the plaintiff.

R. C. H. Cassels, for the defendants.

MEREDITH, C.J.O., reading the judgment of the Court, said that the plaintiff was a builder and contractor and had draftsmen in his office staff. The defendants sent for the plaintiff's manager and told him that they thought of erecting an addition to their factory, told him what kind of an addition they wanted, and either asked him to prepare plans for it or acquiesced in his suggestion that he would prepare them. Plans were prepared by