

SIR EDWARD COKE—ARCHITECTS' FEES.

then by publick hostility. And this is the cause that we have mentioned the said ancient law for their punishment, they be lawfully banished from princes' courts, and subjects' houses.

Ut videat caeco sit simia præda leoni:
Rex cæcus cernit, cum sycophanta perit."

He justifies the cruel punishment for High Treason, the drawing, hanging, beheading, embowelling, &c., by reference to Holy Writ as follows: "Implied in this judgment is, first, the forfeiture of all manors, lands, tenements, and hereditaments in fee-simple, or fee-tail of whomsoever they be holden. Secondly, his wife to lose her dower. Thirdly, he shall lose his children (for they become base and ignoble.) Fourthly, he shall lose his posterity, for his blood is stained and corrupted, and they cannot inherit to him or any other auncestor. Fifthly, all his goods and chattels, &c. And reason is, that his body, lands, goods, posterity, &c., shall be torn, pulled asunder, and destroyed, that intended to tear, and destroy the majesty of government. And all these severall punishments are found for treason in Holy Scripture.

1 Reg. ii. 28, &c. *Joab tractus, &c.*

Esther, ii. 22, 23. *Bithan suspensus, &c.*

Acts, i. 18. *Judas suspensus crepuit medius, et diffusa sunt viscera ejus.*

2 Sam. xviii. 14, 15. *Infixit tres lanceas in corde Absolon cum adhuc palpitaret, &c.*

2 Sam. xx. 22. *Abscissum caput Sheba filii Bichri.*

2 Sam. iv. 11, 12. *Interfecerunt Baanan et Rechab, et supenderunt manus et pedes eorum super piscinam in Hebron.*

Corruption of blood, and that the children of a traitor should not inherit, appeareth also by Holy Scripture.

Psal. cix. 9, 10, 11, 12, 13. *Mutantes transferentur filii ejus, et mendicent, et*

ejiciantur de habitationibus suis, et diripient alieni labores ejus, et dispereat de terra memora ejus."

Thus much to prove Coke's fondness for indulging in Scripture words and citing scriptural authorities, and indulging in pious reflections.

(To be continued.)

SELECTIONS.

ARCHITECTS' FEES.

In the case of *Footner v. Joseph*, nearly twenty years ago, the Court of Queen's Bench held that an architect suing for a commission, though no express agreement be proved, may establish the value of his services and recover as for a *quantum meruit*. The Court may adopt a commission as a convenient mode of remuneration, but not because an architect is by law entitled to a commission on the outlay. The case was very clearly put by the late Mr. Justice Aylwin: "It would be dangerous," he said, "to suppose that architects could establish their own tariff of prices within their own guild, and thus tax their own bills. That could not be sustained, and if the Court now adopted the standard of 2½ per cent, it was not because there was no proper evidence to show what was the value of the plaintiff's services. It was, therefore, necessary to take the evidence given, which seemed to establish 2½ per cent. as a fair remuneration. But he did not subscribe to the doctrine, that because a building costs £20,000, the architect was to have a certain percentage on that sum, on account, perhaps, of the introduction of a number of foreign novelties and luxuries, which in no way increased his responsibility or labour. His business was to see that the house was properly constructed, and the mere expenditure could form no basis of the value of his services. He agreed with the judgment because it did not adopt that basis." (5 L. C. J. 226.) The case of *Roy v. Huot et al*, before Mr. Justice Torrance, noted in this issue, is very much like that of *Footner v. Joseph*, and was decided in accordance with the principle there laid down.—*Legal News*.