

reasons in the Saunders case appear to be directly in favour of the plaintiff. . . .

[Reference to Bowstead's Law of Agency, 3rd ed., p. 3; Fleuty v. Orr, 13 O.L.R. 59; Stephen v. Thurso Police Commissioners, 3 Ct. of Sess. Cas., 4th series, 542.]

Appeal dismissed with costs.

MORTON v. FORST—MASTER IN CHAMBERS.—DEC. 16.

Discovery—Action for Value of Services—Quantum Meruit—Better Affidavit on Production—Examination of Plaintiff—Particulars of Statement of Claim—Value Assigned to Services.]—Motion by the defendant for a further affidavit on production of documents by the plaintiff, to compel the plaintiff to attend for further examination for discovery and answer questions which he declined to answer, and for particulars of the prices assigned to the various items appearing in the statement of claim for which the total sum of \$1,200 was assigned. The action was, as upon a quantum meruit, for the value of services alleged to have been rendered by the plaintiff to the defendant, at the defendant's request, between the 16th March and the 10th June, 1910. In the statement of claim 45 items of services were set out, but no charges carried out for any of them. The defendant asked for these on the examination of the plaintiff, but the plaintiff said he was not able to affix a value to each specific service. Held, that, as the action was on a quantum meruit, it was not necessary for the plaintiff to comply with this demand. Reference to *Re Johnston*, 3 O.L.R. 1; *Re Solicitor*, 14 O.W.R. 2, 80, 707. It was conceded on the argument that the plaintiff must make a further affidavit and submit his diary for inspection. And held, that the plaintiff should attend for re-examination and answer questions 190 and 249, which were relevant, the first to the value of the plaintiff's services, and the other to the question whether he was interested in the Peterson Lake Mine so as to be anxious to effect the change in the management of that company for which he was now seeking to be paid. Reference to 4 Cyc. 994; *Re Johnston*, *supra*. Order made for a new affidavit and for further examination; costs of the motion to the defendant in the cause. A. McLean Macdonell, K.C., for the defendant. Harcourt Ferguson, for the plaintiff.