

evidence (in the main documentary) to support their contention that they did not owe the plaintiff any part of the claim for which the judgment was recovered, and the Master having exercised a discretion which ought not to be disturbed. Costs in the cause. W. E. Raney, K.C., for the plaintiff. Frank McCarthy, for the defendants.

VAN EVERY v. FORTIER—DIVISIONAL COURT—Nov. 19.

Principal and Agent—Commission.—Appeal by the defendant Fortier from the judgment of MULOCK, C.J.Ex.D., in favour of the plaintiff against the appellant; and cross-appeal by the plaintiff from the same judgment dismissing the action against the defendant company. The action was brought to recover commission on the purchase money of a mining property owned by the defendant company and sold to one Wallace. The plaintiff's agreement for commission was with the defendant Fortier, a shareholder in the company. The commission was to be paid partly in cash and partly in shares. A Divisional Court (MEREDITH, C.J.C.P., MACMAHON and TEETZEL, JJ.), varied the judgment of MULOCK, C.J., by reducing the sum of \$7,431 awarded to the plaintiff in money to \$5,000. The cross-appeal was dismissed. No costs of the appeal or cross-appeal to either party. H. H. Dewart, K.C., for the appellant. C. Millar, for the plaintiff.

LAMONT v. WENGER—FALCONBRIDGE, C.J.K.B.—Nov. 20.

Injunction—Debtor Disposing of Property — Status of Creditor.—After the order of MEREDITH, C.J.C.P., ante 177, in part affirming the report of a Master finding damages against the defendant, the plaintiffs moved for an injunction restraining the defendant from parting with or incumbering his property, pending the defendant's proposed appeal from the order of MEREDITH, C.J. The defendant's solicitor swore that it was the defendant's intention to carry the appeal to the Supreme Court of Canada, and that counsel advised that the plaintiffs were not entitled to any damages against the defendant. FALCONBRIDGE, C.J., said that the plaintiffs had no judgment and no right to execution, and were not entitled to an injunction: *Burdett v. Fader*, 6 O. L. R. 532, 7 O. L. R. 72; *Knapp v. Carley*, 2 O. W. R. 1186, 3 O. W. R. 187.