

as commission on the sale of farm lands of the defendants. That was at the rate of 5 per cent. on the purchase price. The defendant F. C. Humberstone retained the plaintiffs, assuming to do so on behalf of his co-defendants, as well as for himself. The judgment of the Court (MEREDITH, C.J.C.P., BRITTON and CLUTE, JJ.), was delivered by BRITTON, J., who said that there was such knowledge on the part of the other defendants of and acquiescence in what F. C. Humberstone had done as to warrant a finding against all the defendants. But, assuming that the plaintiffs acted in good-faith and expended some time and took some trouble in bringing the property to the notice of the public, they did not find, nor were they instrumental in finding, a purchaser, and were entitled, upon the evidence only to commission at the rate of $2\frac{1}{2}$ per cent. upon the purchase price. Appeal allowed to the extent of reducing the amount to \$618.75. Judgment to be entered for the plaintiffs for that sum with costs of action. No costs of appeal. Strachan Johnston, for the defendants. G. Grant, for the plaintiffs.

ONTARIO SEWER PIPE Co. v. MACDONALD—FALCONBRIDGE, C.J.
K.B.—APRIL 25.

Contract—Supply of Manufactured Articles—Defects—Damages.]—Action to recover \$774.26 for an alleged balance of the price of vitrified salt glazed culvert pipe supplied to the defendants by the plaintiffs to be used in the construction of railway culverts by the defendants on the Walkerton and Lucknow branch of the Canadian Pacific Railway. The defendants alleged that the pipe supplied was defective, that nearly 1,000 feet of pipe broke, whereby they suffered damages, for which they counterclaimed. The Chief Justice found the facts in favour of the defendants. Action dismissed with costs. Judgment for the defendants for \$1,141.14 on their counterclaim, with costs. J. A. Macintosh, for the plaintiffs. G. H. Kilmer, K.C., and J. A. McAndrew, for the defendants.

REID v. CITY OF TORONTO—DIVISIONAL COURT—APRIL 27.

Highway—Non-repair — Injury to Pedestrian — Liability of Municipal Corporation—Relief over against Contractor.]—An ap-