

made the deposit to his own credit without appropriating it to any special purpose. On refusal by the vendor to complete the bargain, the broker sued him for a commission or remuneration for the services rendered.

Held, reversing the judgment appealed from (1 Sask. L.R. 247), IDINGTON, J., dissenting, that there had not been such compliance with the terms of the instructions as would entitle the broker to recover commission or remuneration for his services in procuring a purchaser. Appeal allowed with costs.

Ewart, K.C., for appellant. *G. F. Henderson*, K.C., for respondent.

Province of Ontario.

HIGH COURT OF JUSTICE.

Meredith, C.J.C.P.] RE WILSON v. DURHAM. [April 28.

*Division Courts—Order for committal of judgment debtor—
Power to rescind—Mandamus.*

A judge of a Division Court has no power, under any of the provisions of the Division Courts Act, or otherwise, to rescind an order made by him under s. 247 of the Act committing a judgment debtor to gaol, on the ground that it appeared to the judge that the debtor had incurred the debt for which judgment had been recovered, by means of fraud. A mandamus to the judge to hear an application to rescind was refused.

Monahan, for judgment debtor. *C. A. Moss*, for plaintiff.

Meredith, C.J.C.P.] [April 28.

TWIN CITY OIL CO. v. CHRISTIE.

*Company — Shares — Application — Allotment — Directors —
Delegation of authority—Withdrawal of application—By-
laws—Number of directors.*

At a general meeting of the shareholders of the plaintiff company, incorporated under the Ontario Companies Act, it was resolved that a board of three directors should be elected to manage the affairs of the company, and three of the five provisional directors were elected as directors. The three directors