

with the owner of the adjoining lot, defendant proposed to the purchaser that the agreement of sale should be cancelled, and it was cancelled accordingly.

*Held*, following *McKenzie v. Champion*, 4 M.R. 158; *Wolf v. Tait*, 4 M.R. 59; *Brickett v. Badger*, 1 C.B.N.S. 296; *Roberts v. Barnard*, 1 C. & S. 336, and *Fuller v. Eames*, 8 T.L.R. 278, that plaintiffs had earned and were entitled to be paid a compensation for the services in finding a purchaser, not necessarily the amount agreed upon as commission, but a compensation as a quantum meruit, or by way of damages, and that, under the circumstances, it was competent for the trial judge to award compensation equivalent to the amount of the commission agreed on had the sale gone through.

*Held*, also, following *McKenzie v. Champion*, that plaintiffs were entitled to be paid, notwithstanding the fact that the plaintiffs had not procured the purchaser to execute a binding agreement of purchase.

*Munson*, K.C., and *Laird*, for plaintiffs. *Aikins*, K.C., and *Monkman*, for defendant.

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## Province of British Columbia.

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### SUPREME COURT.

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Full Court.] *HARRY v. PACKERS' STEAMSHIP CO.* [Jan. 25.]

*New trial—Misdirection—Judge's comments on evidence.*

It is not misdirection for the judge to tell the jury his own opinion on the evidence before them. In his charge to the jury the judge stated that he himself would pay very little attention to certain corroborative evidence adduced by defendants, but he also told them that the matter was entirely for them to decide.

*Held*, not misdirection. Appeal from judgment of IRVING, J., dismissed.

*Wilson*, K.C., Atty.-Gen., for appellant. *D. G. Macdonnell*, and *L. B. McLellan*, for respondents.

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Hunter, C.J.] *WILES v. TIMES PRINTING AND PUBLISHING CO.* [Jan. 29.]

*Practice—Notice of trial—Rule 340.*

Summons to dismiss action for want of prosecution. On Jan. 13 plaintiff's solicitors gave notice of trial at the July sittings to be held in Victoria, where, according to statute, sittings are also held in February, March, May, October and December. This was a libel action and the