

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

SEPTEMBER 12TH, 1918.

### PRINGLE v. WISCONSIN ELECTRIC CO.

*Principal and Agent—Agent's Commission on Sale of Goods—Commission on Basis of Difference between Sale-price to Agent and Price to Purchaser—Increase in Price to Agent—Application to Particular Sales—Evidence—Finding of Fact of Trial Judge—Appeal.*

An appeal by the plaintiffs from the judgment of ROSE, J., at the trial, in an action for commissions upon sales of grinders by the plaintiffs for the defendant company. The trial Judge overruled the contention of the plaintiffs that the bargain was that the price to them of each grinder should be \$32.50, and found in favour of the defendant company's contention that the price was \$36.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, JJ.A.

Gideon Grant, for the appellants.

Hamilton Cassels, K.C., for the defendant company, respondent.

MEREDITH, C.J.O., in a written judgment, said that the appellants were manufacturers' agents, and were employed by the respondent in that capacity to sell certain of the products of its manufacture. They were furnished with a list of the articles with the prices at which they were to be sold to jobbers and to retail dealers and the prices which were to be charged to the appellants for them, their remuneration being the difference between that price and the price at which the article was sold.