

The tenants of certain property not in the business of real estate agents having learned that the owner of the property was anxious to sell the same discussed the price and terms with the latter with the view of effecting a sale and as a result had on one occasion introduced to him a prospective purchaser when the owner agreed that if the sale went through the tenants should have a commission; but no general agency to sell was conferred upon them. A person passing by the property and thinking that it might be suitable for his purpose entered the tenants' place of business on it and inquired of one of them if the property was for sale and was told that it was, and this tenant telephoned the owner and told him he had a prospective purchaser and asked his best terms which the owner told him and agreed to pay the tenant a commission out of the price fixed. The tenant then quoted the price to the inquirer and sent him to the owner. The prospective purchaser met the owner upon the same evening and after some negotiations the sale was completed on the next day for a price somewhat less than that offered through the tenant. The purchaser did not mention the tenant's name to the owner and the owner testified that he did not connect the purchaser with his telephone conversation with the tenant. It was held that he was put upon inquiry when a prospective purchaser appeared a few hours after the conversation with the tenant; that he should have ascertained if such person was the one referred to by the tenant; and that upon the facts shewn he and his fellow-tenant were entitled to a commission on the price for which the property was sold: *Robertson v. Carstens*, 18 Man. L.R. 227.

An agent is entitled to a commission if he has found a purchaser ready, willing and able to carry out the purchase at the price set by the principal when employing the agent where the latter on obtaining a purchaser informed the principal and the principal then ignored the agent and sold the land to such purchaser at the price offered through the agent less the commission promised the agent: *Ross v. Matheson*, 18 Man. L.R. 350, 13 W.L.R. 490.

Owners of property which they wished to sell prepared a large number of identical statements describing the same in detail and containing the price and terms on which they would sell and distributed the same to many real estate agents in the city where the owners had their office. One of the agents entered into an arrangement with a provincial officer, who was, of course, not in the business of a real estate agent, to assist him in finding a purchaser, and the agent gave the officer several copies of the statement before mentioned. The latter gave one to a person who called at his office for the purpose of getting information as to homesteads after convincing him that it was better to buy an improved farm and gave him a card of introduction to the owners of the property in question without indicating in any way that he was an agent for the sale thereof. The inquirer then went to the owners' office but did not there shew the card of introduction to the owners' manager. The manager asked him if