

Upon the application of the defendants, the Master made an order directing payment into Court of the fund, less costs of the defendants (fixed at \$28), dismissing the action as against the defendants, and substituting C. S. as defendant, unless the plaintiff preferred an issue in which C. S. should be plaintiff. The plaintiff had a sufficient interest in the estate to relieve her from giving security for costs. Reference to *Re Ryan*, 32 O. R. 224, and cases there cited; *Payne v. Marshall*, 18 O. R. 488. Featherston Aylesworth, for the defendants. W. M. Douglas, K.C., for the plaintiff. H. J. Martin, for C. S.

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WILLIS v. COLVILLE—MACMAHON, J.—Nov. 24.

*Principal and Agent—Sale of Land—Commission.*—An action by an estate agent for commission on the sale of the defendant's farm. The trial Judge held that, as the plaintiff never saw or knew the purchaser of the farm until after it was sold, he could not successfully claim commission on the sale. Reference to *Locators v. Clough*, 17 Man. L. R. 665; *Rosenbaum v. Belson*, [1900] 2 Ch. 269; *Mackenzie v. Champion*, 12 S. C. R. 649. Action dismissed with costs. H. L. Drayton, K.C., for the plaintiff. G. H. Watson, K.C., for the defendant.

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