

**The**  
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No. 37

APPELLATE DIVISION.

MAY 19TH, 1913.

\*McBRAYNE v. IMPERIAL LOAN CO.

*Principal and Agent—Agent's Commission on Sale of Property  
—Sale Made "by or through" Agent—Purchaser Originally  
Introduced Interested in Sale Ultimately Made—  
Change in Form or Scope of Dealing—Causa Causans.*

Appeal by the defendants from the judgment of CLUTE, J., at the trial at Hamilton, awarding the plaintiff \$3,750 as a commission upon the sale of a property in Hamilton owned by the defendants or held by them under mortgage.

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

J. H. Moss, K.C., for the appellants.

S. F. Washington, K.C., for the respondent.

The judgment of the Court was delivered by HODGINS, J.A.:—The main objection urged against the judgment is, that the sale was not made to Gustave Schacht, whom the respondent introduced to the appellants. It is the fact that Mr. Schacht did not himself buy; but the respondent contends that the ultimate sale was due to his introduction of Schacht; and that he is, therefore, entitled to a commission. Mr. Schacht, in his depositions taken before the trial, says that his first interest in the matter was for a syndicate who were intending to invest in Clinton, Ontario, but who afterwards dropped out. He also states that during his correspondence with Mr. Muntz, the appellants' manager, and before the syndicate abandoned that

\*To be reported in the Ontario Law Reports.