

1925

\*June 1.  
\*June 18.

A. W. McLAUGHLIN & CO. v. BIRKS

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL SIDE,  
PROVINCE OF QUEBEC

*Principal and agent—Broker's commission—Negotiation of mortgage loan  
—Evidence.*

APPEAL from the decision of the Court of King's Bench, appeal side, province of Quebec, affirming the judgment of the Superior Court at Montreal and dismissing the appellant's action with costs.

The action is to recover \$5,000 as broker's commission on the negotiation of a mortgage loan on real estate, or in the alternative for damages for breach of the commission agreement.

The only question at issue was whether, upon the evidence, the respondent was liable to pay to the appellant such a commission.

On appeal to the Supreme Court of Canada, the court dismissed the appeal with costs.

*Appeal dismissed with costs.*

*Henderson K.C.* for the appellant.

*Montgomery K.C.* and *Tyndale K.C.* for the respondent.

\*PRESENT:—Anglin C.J.C. and Duff, Mignault, Newcombe and Rinfret JJ.