

1919

*Mar. 10

*Mar. 17.

ACKLES v. BEATTY.

ON APPEAL FROM THE SUPREME COURT OF NOVA
SCOTIA.*Principal and agent—Sale of land—Lapsed option—Commission—
Quantum meruit.*

APPEAL from a decision of the Supreme Court of Nova Scotia(1), reversing the judgment at the trial in favour of the plaintiff.

A. held an option for the sale of land, his remuneration to be the excess of the price obtained over \$29,000. After the option had lapsed he introduced to the owner a purchaser of the land at \$35,000, on terms different from those set out in the option and claimed the excess over \$29,000 as his commission. He brought action for this amount which he recovered at the trial, but the full court held that he could only recover *quantum meruit*.

The Supreme Court of Canada after hearing counsel reserved judgment and afterwards dismissed the appeal.

Appeal dismissed with costs.

Paton K.C. and *Burchell K.C.* for the appellant.

Milner K.C. for the respondent.

*PRESENT:—Sir Louis Davies C.J. and Idington, Anglin, Brodeur and Mignault JJ.

(1) 52 N.S. Rep. 134; 40 D.L.R. 130.