

1920

*Oct. 20, 21.

*Nov. 23.

RODGERS v. WILLIAMS.

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH
COLUMBIA.

*Principal and agent—Sale of property—Commission—Judgment against
other—Res judicata.*

APPEAL from the judgment of the Court of Appeal for British Columbia, (1) reversing the judgment of the trial judge, Murphy J., and maintaining the respondent's, plaintiff's, action.

The appellant and one H. owned all the shares of a mining company. The appellant made a contract with the respondent by which he undertook to pay respondent a commission of \$10,000 for the sale of the mining property. The respondent procured a purchaser. At the appellant's suggestion, the respondent brought action against H. and obtained judgment for \$10,000, which he could not enforce in New York, where H. resided. The respondent then sued the appellant for \$10,000.

The trial judge dismissed the action but the Court of Appeal allowed the appeal and directed judgment to be entered for the plaintiff.

The appeal to the Supreme Court of Canada was dismissed.

Appeal dismissed with costs.

Geo. F. Henderson K.C. and J. G. Gibson for the appellant.

J. J. Taylor K.C. for the respondent.

*PRESENT:—Idington, Duff, Anglin, Brodeur and Mignault JJ.

(1) [1920] 2 W.W.R. 944.