

The appeal to the Supreme Court of Ontario (Second Appellate Division), was heard by SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND, and HON. MR. JUSTICE LEITCH.

J. P. McGregor, for the plaintiffs, appellants.

J. Grayson Smith, for the defendant, respondent.

THEIR LORDSHIPS' judgment was delivered v. v., dismissing the appeal with costs.

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SUPREME COURT OF ONTARIO.

SECOND APPELLATE DIVISION.

SEPTEMBER 23RD, 1913.

PLAYFAIR v. CORMACK.

5 O. W. N. 35.

*Broker—Purchase of Stock through—Sale of Broker's Own Stock—Undisclosed Profit—Loss on Transaction—Third Party—Claim against—Costs.*

MIDDLETON, J., 24 O. W. R. 501, *held*, that where the plaintiffs' brokers were employed by defendant to purchase certain stock, and sold him stock owned by themselves upon which they made a profit without first disclosing the fact, they could not recover from defendant a loss sustained upon such stock, although they claimed that the sale in question was permitted by the rules of the exchange.

*Bentley v. Marshall*, 46 S. C. R. 477, followed.

SUP. CT. OF ONT. (2nd App. Div.), affirmed above judgment.

Appeal by the plaintiffs from a judgment of HON. MR. JUSTICE MIDDLETON, 24 O. W. R. 501; 4 O. W. N. 1195.

The appeal to the Supreme Court of Ontario (Second Appellate Division), was heard by SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE CLUTE, HON. MR. JUSTICE RIDDELL, and HON. MR. JUSTICE LEITCH.

W. N. Tilley, and Harcourt Ferguson, for the plaintiffs, appellants.

J. H. Gray, for the defendant Cormack.

W. C. McKay, for the defendant Steele.

THEIR LORDSHIPS' judgment was delivered v. v., dismissing the appeal with costs.