block, and if the plaintiff, knowing this, was willing to engage them.

The defendants claim a commission on sale, but are not entitled to it. They had no authority to sell. The plaintiff was entitled to the shares.

I am not sure that it should exceed $\frac{1}{8}$, but I will allow the defendants a total commission of $\frac{1}{4}$ of 1 per cent. This includes anything they have paid or may pay their agents. The plaintiff is liable to pay the defendants $\frac{1}{2}$ per cent. interest over and above the interest the defendants have to pay, but they get this for procuring the money; and, if they left it to their agents to procure the money, and they added a half per cent. in claims made upon the defendants and liquidated by the plaintiff, it must not be charged again.

I am of opinion that the plaintiff has paid the defendants the several sums of money he claims to have paid, amounting to $1,518.45; but, if the parties are still in dispute as to this, I will hear counsel upon this question.

At the time the defendants repudiated their liability and refused to deliver forty shares of the capital stock of the Rock Island Railroad Company to the plaintiff, the shares were worth $28 each, or a total sum of $1,120.

There will be judgment for the plaintiff for this sum, less such balance as may be owing to the defendants on the purchase-price of the three lots of shares in question, and for interest and commission on the basis aforesaid, after crediting all sums paid by the plaintiff; and there will be interest on the balance of $1,120 from the 14th October, 1912. The plaintiff will have costs.

In case differences arise as to the adjustment of the account, I may be spoken to, and will adjust the items in dispute or give directions as to how it is to be done.

Reference may be made to Clarke v. Baillie, 45 S.C.R. 50; Douglas v. Carpenter, 17 App. Div. N.Y. 329, at pp. 333-4; Rothschild v. Allen, 90 App. Div. N.Y. 233; Dos Passos on Stock Brokers, 2nd ed., pp. 260-7; Cox v. Sutherland, 24 Can. L.J. 55 (S.C. Can.); Carnegie v. Federal Bank, 5 O.R. 418; Gruman v. Smith, 81 N.Y. 25; Geen v. Johnson, 90 Pa. St. 38.