

The plaintiffs are accordingly entitled to possession, their action not being brought till May, 1912.

Judgment will go for possession with costs. If mesne profits or damages be sought, I may be spoken to again. I do not think any case is made for compensation—the defendant knew what his tenancy was.

RIDDELL, J.

NOVEMBER 4TH, 1912.

LONG v. SMILEY.

Brokers—Dealings with Customers—Purchase and Sale of Shares in Mining Companies—Connected Dealings by two Customers with Brokers—Agency—Transfer of Shares to one—Sufficient Compliance with Duty of Brokers—Contract—Keeping Speculative Shares Ready for Sale—Allotment of Particular Certificates in Brokers' Books—Sale by Brokers without Regard to Allotment—Conversion—Accounting for Moneys Intrusted to Brokers for Investment.

Three actions, two in a County Court, and one in the High Court, brought respectively by two sisters against a firm of brokers, to recover moneys intrusted to the defendants for investment in mining stocks.

The actions were (by consent) tried together before RIDDELL, J., without a jury.

A. J. Russell Snow, K.C., for the plaintiffs.

T. N. Phelan, for the defendants.

RIDDELL, J.:—Two sisters, Georgina and Kate Long, the former a nurse and the latter a saleswoman, lived together, except when the nurse was in employment. Hearing much of money made by speculating in mining stocks, they determined to try their luck. They knew McCausland, a member of the defendants' firm of brokers, and intrusted him and his firm with their business.

Not being satisfied with the outcome, Kate brought an action in the County Court of the County of York against McCausland for \$192.50, alleging that she had intrusted him with this sum for investment in mining stocks, and he had failed so to invest for her. She also brought an action in the same Court against the firm for two sums, \$152.50 and \$132.50, on a like claim.