

demanded payment. There were two subsequent calls, of which notices were also sent to the respondents, and these were authorized by resolutions of the directors.

Held, that there had been no allotment or appropriation of specific shares to the respondents; the entry of their names in the stock ledger was not conclusive; the resolutions authorizing the calls, dealing with stock which had been already allotted, could not be regarded as equivalent to an allotment; the fact that notices of calls were sent to the respondents amounted to nothing if the stock had not been already allotted to them by the directors; and they, therefore, never became shareholders, and were properly struck off the list of contributories in a winding-up.

Quaere, per OSLER, J.A., whether notice of a call can be regarded as equivalent to notice of allotment.

Semble, also, per OSLER, J.A., that on the evidence the respondents, as they had a right to do, withdrew their application, and that this came to the notice of the company on the day after the application was signed, which would be another answer to the liquidator's demand.

Order of Falconbridge, C.J.K.B., affirmed.

J. M. McEvoy, for appellant. *Middleton*, for respondents.

From Denison, P.M.]

[Nov. 3.

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 REX v. SAUNDERS.

Criminal law—Keeping common betting house—Betting booth on race course of incorporated association—Movable structure—"House, office, room or other place"—Criminal Code, ss. 197, 198, 204.

A wooden box or booth, moved about on castors from one part to another of the grounds of an incorporated racing association during the progress of a race meeting, and used by book-makers for the purpose of making and recording bets with the public, is an "office" or "place" within the meaning of s. 197 of the Criminal Code.

Shaw v. Morley (1868), L.R. 3 Ex. 137, followed.

Held, also, GARROW and MEREDITH, J.J.A., dissenting, that the provisions of sub-s. 2 of s. 204 of the Criminal Code do not apply to the offence of keeping a common betting house contrary to ss. 197 and 198, and a conviction may properly be made under these latter sections for keeping a common betting house upon