on with the work. If the trap-door had not been open the plaintiff could not have been injured.

The plaintiff brought action at common law and under the Mining Act, for damages, in which the jury found that the defendants were guilty of negligence for not providing a suitable pentice for the protection of workmen in the shaft (as required by sub-sec. 17 of sec. 164 of the Mining Act of Ontario); they negatived contributory negligence by the plaintiff, and assessed the damages at $2,500, for which judgment was entered for the plaintiff.

The Court of Appeal maintained this verdict and held that the defendants could not rely on the doctrine of common employment, as the accident was caused by breach of a statutory duty to which that doctrine does not apply.

The defendants appealed to the Supreme Court of Canada, and were heard by SIR CHARLES FITZPATRICK, C.J., and IDINGTON, DUFF, ANGLIN and BRODEUR, JJ.

H. E. Rose, K.C., for the appellants.

A. G. Slaght, for the respondents.

THEIR LORDSHIPS, without reserving judgment, dismissed the appeal with costs.

Appeal dismissed with costs.

JUNE 4TH, 1912.

BOECKH v. GOWGANDA QUEEN MINES.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO.

S. C. R.

Company—Subscription for Shares—Misrepresentations — Action for Calls—Charge to Jury—Misdirection—Objection—Pleading.

Appeal from a decision of the Court of Appeal for Ontario, 24 O. L. R. 293, affirming the judgment for the plaintiffs (respondents) at the trial.

The respondents brought action to recover calls upon shares of their capital stock claimed to have been subscribed for by appellant. The main defence was that the