

If, however, the plaintiff may be regarded as a servant of the company, then he has the right to invoke the benefit of sec. 3, sub-secs. 2 and 3, and sec. 4, of the Workmen's Compensation for Injuries Act; but, in my view of the case, he cannot be regarded as a servant of the company, and does not require to call in the aid of the Act.

The appeal should, I think, be dismissed with costs.

MULOCK, C.J., SUTHERLAND and LEITCH, JJ., concurred.

RIDDELL, J., for reasons stated in writing, agreed that McCormick's appeal should be dismissed; but was of opinion that the appeal of the railway company should be allowed, and as against them the action dismissed.

*Appeal dismissed; RIDDELL, J., dissenting in part.*

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SEPTEMBER 23RD, 1913.

PLAYFAIR v. CORMACK.

*Brokers—Employment to Purchase Shares for Customer—Sale of Agents' own Shares—Non-disclosure to Principal—Stock Exchange Rules—Undisclosed Principal—Evidence.*

Appeal by the plaintiffs from the judgment of MIDDLETON, J., 4 O.W.N. 1195.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, and LEITCH, JJ.

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

J. J. Gray, for the defendant Cormack.

W. C. MacKay, for the defendant Steele.

THE COURT dismissed the appeal with costs.