

doing the work in so safe a way as it could be done without danger to the man below.

This case is different from *Davies v. Badger Mines Limited*, 2 O.W.N. 559.

Here the duty of this "hooker" was much more than that of signalling the engineer. He had put upon him the superintendence of the men doing the shovelling—the control of the motor to the extent of indicating the place where and the time when the chain or crane was to be lowered with the empty buckets and hoisted with the full buckets.

There should be judgment for the plaintiff.

The plaintiff was injured very badly. The wound will probably not cause permanent injury to him. He has, however, suffered great pain and lost considerable time, and he is not well yet. He finds a difficulty in stooping and lifting heavy weights, and that interferes partly with his work as a shoveller. I assess the damages at \$600.

There will be judgment for the plaintiff for \$600 with costs.

DIVISIONAL COURT.

DECEMBER 15TH, 1911.

*CHANDLER & MASSEY LIMITED v. IRISH.

Company—Illegal Disposition of Assets—Acquisition by Shareholder of Shares in Another Company—Breach of Trust—Winding-up of Company—Right of Liquidator to Follow Assets—Estoppel—Form of Judgment.

Appeal by the defendant from the judgment of *Boyd, C.*, 24 O.L.R. 513, ante 61.

The appeal was heard by *MULOCK, C.J.Ex.D.*, *CLUTE* and *SUTHERLAND, JJ.*

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

A. C. Master, for the plaintiffs.

The judgment of the Court was delivered by *MULOCK, C.J.*:—
This is an appeal from the judgment of the Chancellor, who held that the plaintiffs, here represented by *Osler Wade*, their liquidator, were entitled to ten shares of stock in the *Chandler Ingram & Bell Company*, standing in the name of the defendant *Irish*.

*To be reported in the Ontario Law Reports.