

toll to be paid for the use by anyone but the owner of his improvements in the stream, but it does not give him power to determine whether or not the rate fixed by him shall apply to the past or to the future. That is a question solely for the Court to determine when it arises in an action.

(2) Parties entitled to such tolls are not confined to the statutory remedy by distress proceedings (section 19), but may bring an action, nor is such action confined within one month, the period within which by section 19 the seizure must be made.

*Per* MEREDITH, J.A.—That which the plaintiffs were entitled to was a toll when fixed in the manner prescribed by the Act, until which time the common right to use the stream continued unburdened.

*Riddell*, K.C., and *Hodgins*, K.C., for plaintiffs, appellants.  
*Aylesworth*, K.C., and *A. G. F. Lawrence*, for respondents.

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HIGH COURT OF JUSTICE.

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Meredith, C.J.C.P.]

[April 19.

IN RE WIARTON BEET SUGAR CO.  
FREEMAN'S CASE.

*Company—Winding-up—Bonus shares—Transfer of—Contributory—Directors—Breach of trust—Winding-up Act.*

A man to whom bonus shares in a company have been issued as fully paid up and who has transferred them previously to winding-up order to bonâ fide purchasers for value without notice, is not liable to be placed on the list of contributories for the amounts which ought to have been paid on them as between the company and himself—there being nothing in the Winding-up Act, R.S.C. c. 129, which creates any such liability on the part of a past member of a company, where he is not subjected to such a liability by the Act under which the company was created or some Act relating thereto.

But the alleged contributory in this case having been a director of the company where the bonus shares were allotted to