

should appear as creditors in the schedules, but he is not empowered to adjudicate upon the question whether they had been guilty of such conduct as deprived them of their right to claim as creditors.

The Master has also power to settle schedules of contributories, but is not empowered to adjudicate upon the question whether they had been guilty of such a breach of duty as made them liable for any loss by reason of their breach of duty. All such matters can only be determined by action.

W. D. McPherson for Hessin.

E. Sidney Smith, Q.C., for Barnsdale and Robertson.

J. M. Clark for Baker.

J. H. Loscombe for the directors.

J. P. Mabee for the certificate-holders.

G. G. McPherson for the receivers.

John Idington, Q.C., for the infants.

STREET, J.]

[Sept. 28.

BROUN v. BUSHEY ET AL.

Highway—Closing of—Adjoining owner—Rights of mortgagee—Con. Mun. Act, 1892, s. 550, s-s. 9.

A mortgagee of land adjoining a highway is one of the persons in whom the ownership of it is vested for the purposes of s-s. 9, s. 550, of The Consolidated Municipal Act, 1892.

Where a part of a highway was being closed up,

Held, that the plaintiff as mortgagee of the adjoining land was entitled to insist upon a right to have the part closed up sold to her as mortgagee, subject to the rights of the mortgagor to redeem it along with her mortgage, or to have it sold to the mortgagors, subject to her mortgage, if the mortgagors so preferred.

G. M. Macdonell, Q.C., for the plaintiff.

Dr. Smyth, Q.C., for the defendant McIver.

No one for the other defendants.

ROSE, J.]

[Sept. 28.

HART v. THE ONTARIO EXPRESS AND TRANSPORTATION CO.
THE DIRECTORS' CASE.

Company—Appointment of directors as officers—Their right to salaries.

Held, on appeal from the Master in Ordinary, that where a director of a company is appointed an officer of the company he does not hold such appointment as director, and therefore, where an Act of Incorporation enacted that no by-law for the payment of the president or any director should be valid or acted upon until the same had been confirmed at a general meeting of the shareholders, this applied only to the payment of money for the services of a director *qua* director, and of the services of the president as presiding officer of the board of directors, but that the company having appointed the directors to various sal-