

and assessed if the land is improved thereby, so are structures on mineral lands to be valued and assessed. The scheme of the Act is to put mineral lands and buildings on the footing of farming lands and buildings, but not to give mineral lands any further benefit.

A. Weir, for plaintiff. Towers, for defendant.

Boyd, C.]

DRIFFIL V. OUGH.

[Nov. 1.

*Creditors' suits—Settlement of plaintiff's debt—Addition of new creditor as co-plaintiff—Con. Rules 206, 313.*

A simple contract creditor who had brought this action on behalf of himself and all other simple contract creditors to avoid a transfer of property alleged to be in fraud of creditors, had been settled with as to his debt, but not as to his costs, and was willing that the action should proceed with another unpaid creditor added as co-plaintiff, and this motion was made accordingly.

Motion dismissed, the proper course being for the present action to be settled as between the parties, and for the creditor now seeking to intervene, to begin an independent action. Con. Rules 206, 313, as to the substitution and addition of parties do not cover such an application as the present one.

Middleton, for plaintiff. Scanlon, for defendant.

Mulock, C.J. Ex.D., Anglin, J., Clute, J.]

[Nov. 12.

SOVEREEN MITT, GLOVE AND ROBE CO. v. WHITESIDE.

*Company—Directors—Filling vacancies in Board—Quorum—Special meeting of shareholders.*

Where the by-laws of a company provide that there shall be seven directors, and that four shall be a quorum, if, on account of four of them ceasing to be directors by reason of their selling and transferring their shares, only three are left, those three have not the power, under s. 43 (3) of the Ontario Companies Act, R.S.O. 1897, c. 191, to fill the vacancies, notwithstanding that by s. 40 the board might consist of only three; and the directors not having the power, and therefore failing, to fill the vacancies, the shareholders can do so at a special meeting called for the purpose.