

is, to confine the liability of the defendants to the amount remaining due on these three executions.

I cannot assent to this, because it is clear that it is held that the Temiskaming Lumber Company never became in fact a *bonâ fide* purchaser—that its whole claim was fraudulent—and, therefore, I think it should be held that it was invalid as to all the executions which became entitled to share under the interpleader order.

The bond provides for payment of the full \$10,000 or a less amount thereof, according to the directions of any order of the Court or Judge to be made in the matter of the interpleader. I drew the attention of counsel to this, and they consented to my dealing with the matter upon the theory that such an application had been made. I think that the amount should be reduced so as to cover the costs due to McPherson and any further balance outside of the instalments of the purchase-money of the mill. As I understand the case, the first judgment covers more than the first instalment.

In the result, I think that the Booth execution and the other executions placed in the Sheriff's hands, so far as they are not wiped out by the declaration I have made, are entitled to share. If the parties cannot agree upon the amount, I may be spoken to.

As the defendants did not pay into Court anything upon the bond, I think that they should pay the costs of the action, and that McPherson should pay the costs of the issue.

MEREDITH, C.J.C.P.

JULY 2ND, 1914.

***RE TOWNSHIP OF HARWICH AND COUNTY OF KENT
AND CITY OF CHATHAM.**

Municipal Corporations—Land in Township Acquired by City Corporation for Cemetery—Municipal Institutions Act, 29 & 30 Vict. ch. 51, sec. 269, sub-sec. 3—Road Bordering on Cemetery—“Boundary-line between County and City”—Municipal Act, R.S.O. 1914 ch. 192, sec. 452—Municipal Institutions Act, 36 Vict. ch. 48, sec. 379, sub-sec. 7—Obligation to Erect and Maintain Bridges over Streams Crossing Highway.

Motion by the Corporation of the Township of Harwich, upon originating notice, under sec. 465 of the Municipal Act, for

*To be reported in the Ontario Law Reports.