

lough. The present motion is on behalf of all these creditors (except one, whose execution is against McCullough only) for an order for payment out to them. . . .

It was still contended that this money belonged to the firm of Croil & McCullough and should go to the creditors of the partnership only. But this is no longer an open question, so far as I can see.

The Creditors' Relief Act was passed in 1880. Its effect on money in Court against which execution creditors have lodged stop orders was first considered in *Dawson v. Moffatt*, 11 O. R. 484. There a Divisional Court decided that such money should be applied in accordance with the Act. They, however, directed distribution to be made by the local Master, and not by the sheriff.

In consequence, as it would seem, of this decision, the Act was amended by the addition of what is now sec. 24 of the Act as found in the last revision: see 49 Vict. ch. 16, sec. 37 (O.)

The effect of the Act itself on the rights of creditors was dealt with by the Court of Appeal in *Re McDonagh v. Jephson*, 16 A. R. 107.

It would seem clear that the proper order to make is that the money in question be paid out forthwith to the sheriff of Stormont, Dundas, and Glengarry, and be deemed to be money levied under execution against defendant McCullough and be dealt with as the Act provides.

As a motion was necessary to get the money out of Court, the costs of all parties may be added to their claims.

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MAGEE, J.

JUNE 18TH, 1906.

CHAMBERS.

MURPHY v. CORRY.

*Costs—Taxation—Stenographer's Fees—Evidence on Reference—Rule 1143—Consent—Certificate of Master.*

Appeal by defendant from taxation of plaintiff's costs.

J. R. Code, for defendant.

R. McKay, for plaintiff.