

question. The appellants were quite within their rights in objecting when and as they did to the . . . municipality . . . assuming to act upon a by-law which was passed without due regard to the provisions of the statute.

On the whole we think that, in the exercise of our discretion, the costs of the appeals should be awarded to the appellants.

OSLER, J.A., gave reasons in writing for the same conclusion.

GARROW, J.A., also concurred.

CARTWRIGHT, MASTER.

JUNE 18TH, 1906.

CHAMBERS.

CAMPBELL v. CROIL.

Money in Court — Ownership of — Partnership — Judgment Creditors—Stop Orders—Creditors' Relief Act—Payment out to Sheriff for Distribution.

Motion by creditors of the firm of Croil & McCullough for payment out of Court of \$530 standing to the credit of defendant McCullough.

G. A. Stiles, Cornwall, for the applicants.

Grayson Smith, for defendant McCullough.

W. E. Middleton, for an opposing creditor.

THE MASTER:—The facts of this case appear from the reports to be found in 6 O. W. R. 933, 7 O. W. R. 379, 475.

There is still in Court \$530, which is standing to the credit of defendant McCullough, and was virtually determined to be his separate property by the report of the local Master, as well as by the order of 15th December last, affirmed as above. The Divisional Court did not in any way vary the disposition of the fund.

Against this there have been lodged 6 stop orders by creditors either of defendant McCullough or of Croil & McCul-