

garnishee proceedings only: Creditors Relief Act, sec. 5(2); *Dales v. Byrne* (1916), 35 O.L.R. 495, 9 O.W.N. 419.

But, as the motion had been made, and, apparently, all persons at present directly concerned in the moneys, except the sheriff, were represented on the motion, it would be better to deal with the question of payment out now than to increase costs and delay by waiting until another motion should be made; and, in the view of the learned Chief Justice, that could be safely done without waiting to have the sheriff made a party to this motion.

The provisions of the Act, dealing directly with the moneys and their disposition, should prevail over those of the Rules, dealing generally with the subject of garnishee proceedings, in any case of conflict between them. The Act makes all necessary provisions for the disposition of the money, including payment to the attaching creditors of their costs of the garnishee proceedings in priority to creditors' claims: so that payment into Court and out again to the sheriff seemed a quite needless, round-about course, for no useful purpose, besides delaying the distribution of the fund, under the Act, as proceedings for that purpose begin only after the moneys come to the hands of the sheriff.

The applicants' motion should therefore be dismissed with costs: but the sheriff might take an order for payment to him of the whole of the moneys in Court, to be dealt with by him in accordance with the provisions of the Creditors Relief Act.