The writing was in no sense a contract between the parties. It was merely a direction to the bank on a printed general form, prepared and supplied by the bank for its protection only. See Southby v. Southby (1917), 40 O.L.R. 429, per Meredith, C.J.C.P., at p. 432.

Some of the evidence for the plaintiff seemed to point to the purpose of the father being to make a gift to the plaintiff in its nature testamentary, which he could not effectually do except by an instrument executed as a will: Hill v. Hill (1904), 8 O.L.R. 710.

As the result of all the cases, the plaintiff could not succeed.

Reference to Halsbury's Laws of England, vol. 22, para. 823; Re Ryan (1900), 32 O.R. 224; Schwent v. Roetter (1910), 21 O.L.R. 112; Everly v. Dunkley (1912), 27 O.L.R. 414.

The plaintiff had presented what he believed to be an honest claim; the costs of all the parties should be paid out of the estate.

The plaintiff's legacy will suffer proportionately, if there should be a deficiency.

Meredith, C.J.C.P., in Chambers.　　　　　May 16th, 1918.

IMPERIAL BANK OF CANADA v. BOYD.

Attachment of Debts—Payment into Court by Garnishee—Payment out to Sheriff for Distribution—Creditors Relief Act, R.S.O. 1914 ch. 81, sec. 5 (2)—Rule 594—Form 79—Practice.

Motion by the plaintiffs, judgment creditors, for payment out of Court to them of moneys attached in the hands of the Brandon Shell Company, garnishees, and paid into Court by the liquidator of that company.

M. L. Gordon, for the plaintiffs.
G. F. Rooney, for the defendant.
W. J. Beaton, for the Molsons Bank.

Meredith, C.J.C.P., in a written judgment, said that the fact that the Creditors Relief Act, R.S.O. 1914 ch. 81, sec. 5(2), requires payment to a sheriff of moneys attached in garnishee proceedings, whilst Rule 594 requires payment into Court—see also form 79—was plainly no ground for this application, which was not for payment of them to the proper person, but for payment of them to the judgment creditors who attached them, and who were entitled to priority over other creditors for their costs of the