

1849.

Crooks
v.
Crooks

tered in this suit has been sold, or contracted for, through the instrumentality of Mr. *Turner*, without the authority of the court; and that he has received portions of the purchase money on these sales, amounting in the aggregate to £1184 6s. 10d.

Mr. *Turner* swears that it was his intention to have obtained the sanction of the Master to all these sales, so soon as the proper time should have arrived, (namely, so soon as the Master should have signed his report). He states that up to a recent period he was led to believe that the estate would be amply sufficient to meet all demands; and he claims to be allowed his payments to *Ramsay Crooks* and *William Crooks*, and a lien on the balance for his costs.

It is material to be observed, however, that no proposal in regard to any of these sales was ever brought into the Master's office, and that up to this time even the judgment creditors in the first suit remain unpaid.

Judgment. The prayer of the petition is "That *Henry John Boulton* and *Robert John Turner* may be directed to answer the matter of the said affidavit, and that it may be referred to the Master to enquire into and report the facts specially; and also, whether it be advantageous to the estate that any of the sales so made be confirmed, and if so, then that it may be ordered that the proper parties do forthwith pay into the Commercial Bank to the credit of the above causes the purchase moneys of such sales, or that such other order be made as the facts may require.

The learned counsel for the petitioner did not suggest to the court any other relief than that specially prayed.

Now, one cannot help observing, that very much both of allegation and proof is wanting to warrant the court *in even entering upon* some of the topics introduced in the argument of the petition, or to decide others then raised. No objection was urged against the form of these proceedings. But, upon the assumption that it was competent to the petitioner to have combined the different objects embraced in this application, one cannot but feel how much that is most material has been omitted. What is the present position of this cause in the Master's office? What has been the

result
been
likely
the ca
arisen
quence
the cha
and in
clear a
credito
rently,
selves.
Why h
Some
in the c
for the
be reg
ceeding
explicit
warrant
the mot
in the c
growing
mary ju
But it n
the prot
and deli
whom t
care th
explicit
proceedi
suffering
sight of
to the r
betrayed
placed, b
intention
sity of fi
case inte