debt of another and did not need to be in writing; that it was sufficiently proved; and that the evidence of the plaintiff's solicitor in the former action was corroborated (R.S.O. 1914, ch. 76. sec. 12), by that of the solicitor for the defendants.

Per Anglin, J.:—The solicitor was not an interested party and corroboration was not required for that reason; if required for any other it was furnished.

The original agreement transferring the salt business to R. was executed by the three brothers "as representing the estate of M., deceased." The action which was settled was brought by the same three persons. After the settlement letters of administration to M's estate were taken out.

Held, that the present action was properly brought in the name of the administrator but, if necessary for defendant's protection, his two brothers might be added as plaintiffs.

Appeal allowed with costs.

Garrow, for appellant. *Weir*, for respondent.

EXCHEQUER COURT.

Audette, J.]   [Dec. 30, 1916.

LA COMPAGNIE GENERALE D'ENTREPRISES PUBLIQUES V. THE KING.

Collision--King's ship—The Exchequer Court Act, sec. 20 (c)-- "Public work"—Negligence.

Except under special authority the Crown cannot be impleaded in the Courts, nor will an action in tort lie against it.

2. The Crown is not responsible in damages for collision with a King's ship in the absence of any statutory provision therefor.

3. A collision occurred on the River St. Lawrence between Levis and Quebec wherein the suppliant's scow-derrick was injured by a ship belonging to the Crown.

Held, that the suppliant could not recover under sub-sec. (c) of sec. 20 of *The Exchequer Court Act* as the accident did not happen on a public work.

A. Marchand, for suppliant.

F. E. Meredith, K.C., and *J. Gosselin*, for respondent.

Audette, J.]   JACOB V. THE KING.   [January 8.

Death resulting from negligence—Crown's servant Sub-sec. (f) sec. 20 The Exchequer Court Act—"Upon, in or about."

In the course of a shift of a gang of men from one bunker to another in the hatchway of a collier, being unloaded by means