

Meredith, C.J.C.P., MacMahon, J., Teetzel, J.]

[Oct. 3.

SECOND v. MOWAT.

Creditors' Relief Act—Filing sheriff's certificate—Necessity for.

Where a prior creditor has filed a sheriff's certificate under s. 7 of the Creditors' Relief Act, it is not necessary for subsequent creditors to do so.

Semble, that the provisions of s. 7 as to filing a sheriff's certificate are directory only, and not imperative.

Arnoldi, K.C., for claimant. *Snow*, for a disputing creditor.

Province of New Brunswick.

SUPREME COURT.

Barker, J.]

IN RE MCGIVERY.

[June 25.

Lunatic—Repairs to estate—Collection of rents—Agent.

Committee of the estate of a lunatic empowered to make needed repairs to the estate and to employ an agent at a fixed salary to collect rents.

Mullin, K.C., for petitioner.

Barker, J.]

BEATON v. WILBUR.

[Aug. 24.

Mortgage—Absolute conveyance—Mortgage or deed.

Land of the plaintiff worth \$1,500, subject to a mortgage for \$900 and other charges for \$300, was conveyed to the defendant in consideration of his paying \$140 due for instalments under the mortgage, for the recovery of which an action had been brought. The costs of the action were paid by the plaintiff. The Court finding under the evidence that the deed though absolute in form was intended as a mortgage, allowed the plaintiff to redeem.

Teed, K.C., and *Hewson*, for plaintiff. *Chandler*, K.C., for defendant.