

complaining riparian proprietor must be shewn before the Court of Equity will grant relief to him.

A mandatory injunction will not be granted except where extreme or very serious damage will ensue if the remedy is withheld.

A. B. Connell, K.C., and *Slipp*, for plaintiff. *Allen*, K.C., for defendants.

ST. JOHN PROBATE COURT.

Trueman, J.] RE WILL OF JOHN SWEENEY. [July 16.

Will — Construction — Appointment of executor — Corporate or private capacity.

By his will the testator demised his real and personal estate to the Roman Catholic Bishop of St. John, and appointed "the Roman Catholic Bishop of St. John and Rev. Thomas Cornally, executors."

Held, that the Roman Catholic Bishop of St. John took as executor under the will in his personal and not in his corporate capacity, and that letters of the will should be granted to him.

J. L. Carleton, K.C., for executors. *Pugsley*, K.C.. A.G., for next of kin.

ST. JOHN COUNTY COURT.

Forbes, Co. J.] NORTHROP v. PERKINS. [August 13.

Review—Affidavit—Before whom sworn.

An affidavit on review from a justice's court may be sworn before a commissioner who acted as attorney for the appellant in the court below.

E. P. Raymond, for defendant. *R. L. B. Tweedie*, for plaintiff.

Province of Manitoba.

KING'S BENCH.

Full Court.] NEWTON v. BERGMAN. [June 24.

Attachment of goods — Affidavit to obtain order — Disclosure of relevant facts — Application to set aside order — Additional evidence to support order — King's Bench Act — Rule 811.

Application to *RICHARDS*, J., to set aside an order for attachment of defendant's personal property granted by him ex parte under Rule 811 of the King's Bench Act.