

the Master might think best ; and payment of the judgment 1849.
creditors, according to priority.

Crooks
v.
Crooks

In the month of July, 1841, a second suit was instituted by the same plaintiff against the personal representatives of *William Crooks*, deceased ; and one *Notman*, who, having obtained judgment since the institution of the first suit, had placed an execution in the hands of the sheriff. The prayer of this bill was similar to that of the former, save that it asked for the general administration of the estate of the deceased. A special injunction was applied for and granted in this suit also ; and by the decree pronounced on the 4th day of June, 1845, the two suits were consolidated ; an account and application of the personalty in payment of *all* the creditors of the deceased, according to priority ; and a sale of the realty in case of deficiency ordered.

I have not stated the proceedings in these suits with as much particularity as I should have desired, because in this as in several other respects the affidavits laid before us are wanting in that clear and orderly statement which would have been desirable ; and I have been obliged to supply some particulars from my notes of the admissions of the learned counsel in the course of the argument. I apprehend, however, that the statement will be found sufficient for the decision of the application.

Judgment.

In both of these suits, and up to the close of 1848, Mr. *Boulton*, one of the respondents, was solicitor for the plaintiff, as also in several other suits subsequently instituted ; and Mr. *Turner*, another respondent, was the agent of Mr. *Boulton*, and also of Messrs. *Smith & Crooks*, the solicitors of *Mary Crooks*, *James Crooks*, and *Ramsay Crooks*, three of the defendants in the first named suit, and of *Mary Crooks* and *James Crooks*, the personal representatives of *William Crooks*, deceased, defendants in the second suit.

It would appear that no money was paid into court by the personal representatives of Mr. *Crooks* ; and that (with the exception of a sum of £50 paid to *Street*) no payment has as yet been made to any of the creditors.