

In Equity. Barker, J.] TRITES v. HUMPHREY.

[Sept. 19.

*Injunction suit—Bill—Affidavit—53 Vict., c. 4, s. 23—Administration suit—Parties—Administrator—Assets limited to land.*

It is not a ground of demurrer to a bill in an injunction suit that it is not sworn to or supported by affidavit. The Act 53 Vict., c. 4, s. 23, only requires that the bill shall be sworn to by affidavit where application for an injunction is made before the hearing.

In a suit by creditors of a deceased intestate to set aside conveyances of real estate as fraudulent, and to administer the debtor's estate, it is necessary that an administrator of the intestate's estate be made a party to the suit, though there is no personal estate of the deceased. The Probate Court has jurisdiction to grant letters of administration where the intestate dies indebted possessed of no personal estate, but having an interest in lands.

*M. G. Teed* for plaintiff. *White, A.-G., and Allison* for defendant.

In Equity. Barker, J.]

[Oct. 17.

ATTORNEY-GENERAL v. MILLER.

*Office—Irregular appointment—Injunction—Quo warranto.*

In an injunction suit to restrain pilots appointed by the Pilot Commissioners of the District of Miramichi from acting, on the ground that their appointment was irregularly and illegally made, in that they were not appointed by bye-law confirmed by the Governor-General in Council, as required by the Pilotage Act, c. 80, R.S.C., and in that they were not examined as to their competency, as required by regulation of the Commissioners.

*Held*, that the remedy by injunction was misconceived, and that the application should be by information in the nature of a quo warranto.

*Pugsley, Q.C., and Tweedie, Q.C.,* for Attorney-General. *Curry, Q.C., and Lawlor, Q.C.,* for defendants.

In Equity. Barker, J.] MCGREGOR v. ALEXANDER.

[Oct. 17.

*Crown land license—Agreement—Writing—Statute of Frauds.*

An agreement with respect to a Crown land lumber license is not an agreement relating to an interest in land within the meaning of the Statute of Frauds, and need not be in writing.

*Stockton, Q.C., and Watt* for plaintiff. *Curry, Q.C., and Montgomery* for defendant.