

IN THE GOODS OF WHIFFEN (1783).

Hyde's Notes, Mar. 27th, 1783.

When the petitioner applied as a 'friend,' the Court were of opinion that they might consider his general character.

THIS was a petition by one Bodell, as a friend of the deceased, and a caveat was entered by James Savage.

The Court (*Impey, C. J.* and *Hyde, J.*) agreed, that in cases where the application for administration is as a friend to the deceased, the Court have a right to consider their own private knowledge of the general character of the man who applies, (b) and in this case their Lordships knew that Bodell had been in prison, and was not a man of general good character, and they considered that he was not a proper person to have the administration. Savage seemed to be a more proper person, but his petition was not before the Court.

*Caveat allowed. (c)***[11] IN THE GOODS OF MARTIN (1785).***Chamber's Notes, Nov. 10th, 1785.*

Administration granted to the greater of two bond creditors, upon executing an average bond to the other.

LIEUT. D. Macleod, a bond creditor for Rs. 5,000 petitioned for administration, and a caveat was entered by Patrick Cantwell, another bond creditor, for a debt of smaller amount (Rs. 1,000).

The Court determined that the administration should be granted to Macleod, provided he would enter into an average bond (a) to Cantwell, to pay him *pro rata* as he should pay himself.

Davies, A. G. as advocate for Macleod, assented to this; and accordingly administration was

Granted.

IN THE GOODS OF EATON (1786).

Chamber's Notes, June 29th, 1786.

A creditor preferred to the grand-father of the orphans of the deceased.

WM. LEDLIE, an attorney, petitioned as a friend and creditor of the deceased, who was also an attorney, and it was proved that for the last year and half the business of the deceased was chiefly managed by Ledlie.

[10] (b) This seems a doubtful proposition.

(c) By the 39th and 40 Geo. III, c. 79, s. 21, reciting that great inconveniences had arisen from the practice of granting letters of administration by the Supreme Court in cases where the next of kin, or any of the creditors of the deceased do not apply for the same, to persons calling themselves friends of the deceased, it is enacted that **[11]** letters *ad colligenda* or of administration shall in such cases be granted to the Registrar of the Court. Administration, therefore, is never granted now to 'friends' of the deceased. *Seyble*: the enactment is compulsory upon the Registrar, and upon the Court, *In the goods of Shelton*, *Montrieu's Rep.* 167.

[11] (a) See *Toller's Executors*, p. 106.