

PALMER *v.* SORIVEN AND ANOTHER,
RECEIVERS, ETC.¹

Circuit Court, S. D. Georgia. April 26, 1884.

ACTION AGAINST RECEIVERS.

When based upon consent to sue, on petition to equity court, can only be entertained by that court.

Common-law Action for Personal Injury. Motion to dismiss for want of jurisdiction.

Denmark & Adams, for plaintiffs.

Chisholm & Erwin, for defendants.

PARDEE, J., (*orally.*) Permission to sue must be given by the equity court. Such permission cannot confer jurisdiction upon any other court, *ratione materice* or *ratione persona*. In this case, the permission being obtained from the court of equity, this suit was permitted only to be brought in that court. There is no permission to sue 355 in this court on the law side. This court, as a court of law, is without jurisdiction, so far as the record shows, by reason of the citizenship of the parties, and consequently has no jurisdiction in the case. Motion granted.

LOCKE, J., concurs.

¹ Reported by W. B. Hill, Esq., of the Macon bar.