

\$98,631.10, with interest on \$61,672.95 from the 31st May, 1918. The judgment as against the executors of deceased directors should be limited to the respective estates in their hands to be administered.

LENNOX, J., IN CHAMBERS.

JANUARY 22ND, 1919.

BLATCHFORD v. WILLIS.

Executors and Administrators—Action to Set aside Will—Survival of Cause of Action without Aid of Trustee Act.

The action was to set aside the will of William Dayman, deceased, on the ground that it was not duly executed, and, alternatively, that execution was obtained by undue influence. The original plaintiff, who had died, was a sister and heiress-at-law of the deceased, and entitled to share in his estate if he had died intestate. William Blatchford was a son of the plaintiff and administrator of her estate; he was her sole heir-at-law and entitled to the share his mother would have taken, if any, in the estate of the deceased William Dayman. An order was made reviving the action in the name of William Blatchford as plaintiff. The defendants moved before the Local Judge at Goderich to set aside the order. The motion was dismissed, and the defendants appealed.

W. LAWY, for the defendants.

William Proudfoot, K.C., for the plaintiff.

LENNOX, J., in a written judgment, said that it might be that the provisions of the Trustee Act as to continuing actions in the name of the personal representative had no application to this action. But, notwithstanding the well-presented argument of counsel for the defendants, the learned Judge was of opinion that the cause of action alleged here survived without the aid of any statutory enactment.

Appeal dismissed with costs.