The plaintiff urges that the action should be allowed to proceed, being stayed if necessary until he attains his majority, when he will take out letters of administration. I would have no hesitation in allowing any necessary delay if I thought it would help the plaintiff. The difficulty is that the defendants are only liable to an action by an administrator. They have been sued by one who is not and who does not claim to be an administrator, and who is not the person *prima facie* entitled to the grant.

In *Chard* v. *Rae*, 18 O. R. 371, the Chancellor apparently takes the view that this benevolent fiction by which the administration is related back has no application as against a statutory limitation, even when the plaintiff purports to sue as administrator. *A fortiori*, I cannot here allow the plaintiff to clothe himself with a title he does not now possess, and then permit an amendment in assertion of a title which he does not now assert, so as to deprive the defendants of the protection which the statutory limitation has afforded them.

The same reasoning answers the suggestion made by the plaintiff that he should now be at liberty to remodel his action by substituting his parents for himself as plaintiff. This could only be done on terms that the action should be deemed to be brought as of the date of the amendment; so that the plaintiff would not be helped.

Costs will probably not be asked.