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HON MR. JUSTICE BRITTON.

DECEMBER 9TH, 1913.

MCARTHUR v. McLEAN.

5 O. W. N. 447.

Contract—Agreement to Leave Property by Will—Enforcement by Beneficiaries not Parties to Agreement—Death of Promisor Intestate—Evidence — Corroboration — Interest—Costs—Infants.

BRITTON, J., *held*, that an agreement for valuable consideration with A to leave A's children certain property by will was capable of enforcement by the said children against the estate of the promisor.

Action brought on behalf of infants by their next friend to recover the sum of \$4,500 in the circumstances mentioned in the judgment, tried at Walkerton without a jury.

D. Robertson, K.C., for plaintiffs.

C. J. Mickle, for defendant, McLean.

Arthur Collins, for defendant McArthur.

HON. MR. JUSTICE BRITTON:—The plaintiffs are the infant children of John Alexander McArthur, and Christina McArthur, and Christina McArthur was the daughter of the late Alexander McLean who died on March 15th, 1911. Christina was the only surviving child of Alexander McLean, and letters of administration to his estate were granted to her on April 26th, 1911. Alexander McLean left him surviving (besides his daughter) one sister, viz., Sarah McLean, and two brothers John and Neil. Sarah died suddenly, intestate, and the defendant John McLean took out letters of administration to her estate. She was about 60 years of age at the time of her death. The wife of Alexander McLean died in 1876, or 1877, and at his request his sister Sarah went to his home and continued there as his housekeeper until his death. She was not well