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## *RENEWAL OF WRITS IN NAMES OF DECEASED SUITORS.*

It appears to us that the profession will be well advised if they act upon the presumption that the correctness of the decision of the Second Appellate Division of the Supreme Court of Ontario in the recent case of *Mahaffy* v. *Bastedo* is open to grave doubt. The question was whether an execution could be renewed after the death of a sole plaintiff without first obtaining an order to continue the proceedings as provided by Rule 300, or obtaining leave under Rule 566, and whether a sale under a writ renewed without such preliminary proceedings is valid. The Court decided these questions in the affirmative. Meredith, C.J.C.P., dissenting. We venture to question the view expressed by Mr. Justice Riddell as reported in the Weekly Notes (11 O.W.N. 150). If the writ were in the sheriff's hands in full force at the time of the plaintiff's death it undoubtedly might be executed notwithstanding his death and that is all the authorities cited by the learned Judge can possibly establish; but writs of execution have, as is well known, a limited duration, and if not kept renewed they expire. Now the renewal of a writ is a proceeding which must be taken by a suitor in esse who is before the Court, there is no authority cited by the learned Judge which establishes that proceedings can be taken in the name of a deceased person, or that a stranger to an action may intervene therein and take proceedings unless in some way authorized to to so by the Court, in which case he ceases to be a stranger. A man walking along Queen St. has no right to step into Osgoode Hall and take proceedings in any action he pleases, unless he is acting either in person as a litigant in the action, or is the duly authorized agent of some one who is a party. That is a proposition which, but for the decision in question, we should have thought to be so plain and indisputable as not to be even arguable.