

and was pledged to them for it, and so continued down to the time of the impeached conveyance.

*Held*, that the action should be dismissed because this was not a case where the necessary consequence of what the deceased did was to defeat or delay his creditors within the meaning of the Statute of Elizabeth, nor was there any evidence of actual intent so to do.

*W. K. Cameron*, for plaintiffs. *J. M. Glenn*, for defendants.

Idington, J.]

DINI v. FAUQUIER BROS.

[June 16.

*Administrator—Right of action—Action before letters granted—Lord Campbell's Act.*

This action was brought by the plaintiff as administrator of a workman who died in the service of the defendants, in consequence as alleged, of their negligence. It appeared that the fiat of the Surrogate Court Judge directing letters to issue to the plaintiff was signed on the same day that the writ in this action issued, but that letters were not actually issued until two days later. The plaintiff never had any personal right or interest in the subject matter of the litigation.

*Held*, that the action must be dismissed, but without prejudice to the plaintiff bringing another action.

*Boulton*, for plaintiff. *Hearst*, for defendants.

Trial—Britton, J.]

DELEHANTY v. MICHIGAN CENTRAL R. W. CO.

[June 16.

*Railways—Negligence—Ejection of drunken passenger—Lord Campbell's Act.*

The deceased was a passenger on defendants' train from Detroit to Buffalo. Between Detroit and Bridgeburg he drank heavily and when near Bridgeburg began to annoy passengers and the conductor compelled him to leave the train at the latter station. This was 700 feet from the northerly end of the International Railway bridge over the Niagara River; and the deceased who was not given into the charge of the station agent or any other person, being intoxicated, strayed after the train, on which his luggage remained, and fell over the bridge and was drowned. There would have been no difficulty in taking care of the deceased and preventing him interfering with the passengers. The train was only five minutes run from the city of Black Rock and only twenty minutes run from Buffalo, its destination.

*Held*, that the defendants were liable for damages, inasmuch as the act of the deceased was such as it might reasonably be expected that a