

THE
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RIDDELL, J.

NOVEMBER 18TH, 1907.

TRIAL.

WILLISON v. GOURLAY.

Executors—Legacy—Inoperative Direction to Invest Principal—Action for Legacy—Costs—Confinement to Costs of Summary Application—Executors Relying on Advice of Solicitor—Personal Liability of Executors—No Recourse against Estate.

Action by Barbara Willison against the executors of her deceased mother, Jane Gourlay, to recover the amount of a legacy, \$600, less \$50 paid.

W. J. Elliott, for plaintiff.

J. B. Clarke, K.C., and C. Swabey, for defendants.*

RIDDELL, J.:— . . . The late Jane Gourlay, by her will, bequeathed (among other bequests) to her daughter Barbara, the plaintiff, the sum of \$600, and added: "I direct that all money coming to my daughter Barbara be invested by my executors, and the interest only and \$5 yearly be paid to her." This was modified by a codicil whereby it was directed that the plaintiff should receive \$50 the first year and \$15 of the principal yearly thereafter. Of course, if

* The counsel for the defendants at the trial should not (by inference) be identified with the solicitor who advised the defendants before action, nor with the solicitor on the record. The two solicitors referred to were not in any way connected with the counsel.