

BURKETT v. OTT—BRITTON, J.—JUNE 15.

Gift—Moneys on Deposit in Bank—Direction to Bank to Hold for Benefit of Depositor and Wife and Daughter and Survivor—Agreement for Maintenance—Validity and Effect of Direction—Mental Competence—Absence of Fraud or Duress.]—Action by Emma Burkett, one of the two daughters of Joseph Arber Ott, deceased, against her mother, Catherine Ott, her sister, Minerva Barrick, and the Bank of Hamilton, for a declaration that a sum of money now in the possession of the said bank was the property of the personal representative of the deceased, and for other relief. The money had belonged to the deceased; but, by a written memorandum signed by him, in a form prepared by the bank, he directed the bank to hold the money for the benefit of himself, his wife, and his daughter Minerva, and the survivor of them. The action was tried without a jury at Cayuga. BRITTON, J., in a written judgment, found that Joseph Ott, at the time of signing the direction to the bank, was mentally competent, and that there was no duress or fraud; also that the direction was sufficient to pass the money to the defendants the mother and daughter. There was an agreement by the defendant Minerva Barrick and her husband to support the deceased and his wife, which could not be called an improvident one. Action dismissed without costs. R. S. Colter, for the plaintiff. W. M. German, K.C., for the defendants.

MOWAT v. MOWAT—FALCONBRIDGE, C.J.K.B.—JUNE 16.

Sale of Land—Disposition of Proceeds—Allowances for Maintenance—Costs.]—In an action tried at Cornwall, FALCONBRIDGE, C.J.K.B., gave judgment for the sale of the lands in question, with a reference to the Master at Cornwall. After consideration, he fixed the allowances to the plaintiffs at \$25 per month each, with leave to move after one year before the Chief Justice or any Judge in Chambers to increase this amount. Costs to all parties out of the proceeds of sale as follows: to the plaintiffs, \$100 *plus* actual disbursements out of pocket; to the Official Guardian, \$25, which includes disbursements; to the defendant Catherine Mowat, \$40, which includes disbursements. G. A. Stiles, for the plaintiffs. R. Smith, K.C., for the defendant Catherine Mowat. A. L. Smith, for the Official Guardian.