

he was trustee. He also shortly before his bankruptcy deposited certificates of shares in a box accompanied with memoranda to the effect that they were deposited as securities for moneys due to several specified estates, of which he was trustee. Neither the deed, nor the deposit of the shares, were communicated to the beneficiaries. Both transactions were attacked as being fraudulent preferences, but the attack was unsuccessful. Williams, J., holding, and the Court of Appeal (Lord Esher, M.R., and Smith and Chitty, L.J.J.) agreeing with him, that the deed created the relation of trustee and cestui que trust, as between the grantor and the persons interested in the trust estates, and was consequently not a revocable mandate; and that the deposit of the shares with the memoranda constituted a good declaration of trust in favour of the beneficiaries of the trust estate; and that neither transaction could be regarded as a fraudulent preference. The deposit of shares being covered by the case of *Middleton v. Pollock*, 2 Ch. D. 104, the accuracy of which was attempted to be impeached. The Court of Appeal points out that the question of fraudulent preference is one depending on the motive of the grantor, and although a man must be held to intend the natural consequence of his own acts, at the same time where his object is plainly to make good a breach of trust, that cannot be deemed to involve an intention to prefer the cestui que trust, as a creditor, but rather a desire to save himself from, or to avert, the consequences of his own wrong doing.

ACTION, CAUSE OF.—NERVOUS SHOCK—PRACTICAL JOKE CAUSING SHOCK—REMOTE-
NESS OF DAMAGE.

Wilkinson v. Downton (1897), 2 Q.B. 57, may be regarded as a unique case, and as Wright, J., declares, without a precedent, and ought to be a warning to practical jokers. The action arose out of a false representation made by the defendant to the plaintiff, a married woman, to the effect that her husband had met with a serious accident whereby both his legs were broken,—the defendant knowing the statement to be false, but intending the plaintiff should believe it to be true—