

foreclose. The defendant, Mrs. Rice, a married woman, was the owner subject to a charge in favour of a bank for £450, on a deposit of the title deeds. The plaintiff was applied to by Mr. Rice, the husband of the owner, to advance money to pay off the charge and he thinking the husband was the owner agreed to do so on the understanding that a mortgage was to be executed for £300, and a guarantee given by Rice and his wife for £150, and that in the meantime the solicitor for Mr. and Mrs. Rice was to hold the title deeds for the plaintiff. The money was accordingly advanced and the bank's charge paid off and the title deeds handed to the solicitor, but Mrs. Rice then refused to execute the mortgage and claimed that Mr. Rice owed her £450 and she had never authorized him to make any such arrangement with the plaintiff. Warrington, J., came to the conclusion that this was a mere scheme on the part of husband and wife to cheat the plaintiff, which, however, he held to be unsuccessful on the ground that it must be presumed in the circumstances that the plaintiff intended to keep the bank's charge alive, and was entitled to be subrogated to their rights as chargees. One little point in the question of costs may be noted. The husband was made a defendant, but no relief was asked against him, he, however, put in a defence setting up certain allegations in support of his wife's claim and though the learned Judge thought him an unnecessary party he refused to give him any costs.

DONATIO MORTIS CAUSA—SUBSEQUENT GIFT BY WILL—REVOCATION—SATISFACTION.

*Hudson v. Spencer* (1910) 2 Ch. 285. In this case a testator had made a gift to his housekeeper of deposit notes aggregating in value £2,000 in circumstances which made the gift a valid donatio mortis causa. Two days later he made his will whereby he bequeathed to his housekeeper a legacy of £2,000. The question was whether the will was a revocation of the gift, or whether the legacy was to be deemed a satisfaction of the donation. Warrington, J., answered the question in the negative there being no circumstances shewn from which the court could properly infer the contrary.