

an officer of defendants, and, therefore, not liable to be so examined. Appeal allowed. Costs in cause. D. L. McCarthy for defendants. R. McKay for plaintiff.

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MORTON v. MANNING.

[MACMAHON, J.—17TH JANUARY.

Judgment in action tried without a jury at Toronto, having been adjourned from Brampton. Action by James A. Morton against the executors of the late James Robinson to recover \$1,200 upon the following document,

signed by deceased: "Brampton, December 24th, 1894. Good to Mr. James Morton for the sum of twelve hundred dollars, payable after my death." He died on the 29th of September, 1895, not having paid the \$1,200. The plaintiff was a nephew of the deceased. The learned Judge holds that there was no consideration for the promise; that there was not a good donatio motis causa; and that the plaintiff cannot recover upon the instrument without proving a consideration. Action dismissed with costs. Beynon, Q.C., for plaintiff. Justin (Brampton), for defendants.