

C. A. Skinner, K.C., for plaintiff. A. O. Earle, K.C., and J. R. Armstrong, K.C., for defendant.

Barker, J.]

[Oct. 20, 1905.]

EASTERN TRUST CO. v. JACKSON.

Donatio mortis causa—Evidence—Delivery for safe-keeping.

A person on his death-bed handed to his wife out of a satchel which he kept in a closet of his bedroom \$2,000 in bonds and \$1,550 in cash, telling her to "take them and put them away; wrap them up and lock them up in your trunk." At the same time he handed to her a pocket book containing \$150, saying that it was for present expenses. A few minutes later he handed to his business partner remaining contents of satchel, consisting of \$1,000 belonging to the firm. Subsequently he made a will bequeathing to his wife \$3,000, a horse, two carriages, and all his household effects; to his partner his interest in partnership property; to two grand-nephews \$500 each; and to nieces and nephews the residue of his estate. His private estate was worth about \$8,000. When giving directions for the drafting of his will, on the amount of the legacies to his wife and grand-nephews being counted up, he said, "there is more than that."

Held, that there was not a donatio mortis causa to the wife, she deceased intending no more than a delivery for safe-keeping.

J. A. Belyea, K.C., for plaintiff. A. O. Earle, K.C., for legatees. A. J. Gregory, K.C., for Mrs. Jackson.

Barker, J.]

EVANS v. EVANS.

[Dec. 19, 1905.]

Husband and wife—Purchase in wife's name—Gift.

Where property purchased by a husband as a home for himself and wife was by his direction conveyed to her, so that the title might be in her in case of his death, it was held that a gift was intended, to take effect upon his death if she should survive him.

A. J. Trueman, K.C., and W. H. Trueman, for plaintiff. W. B. Wallace, K.C., and E. S. Ritchie, for defendant.