Barker, J.] LAWTON LAW CO., *v.* MACHUM. [Dec. 18, 1900.

Partnership—Loss of capital—Depreciation in machinery—Referee's report —Exceptions—Costs.

Where under a partnership agreement a partner gave to the partnership business his time and skill, and the use of, but not the property in, certain machinery, in consideration of a weekly salary, and one half of the net profits of the business, it was held that he was not entitled to an allowance for the depreciation in the value of the machinery arising from ordinary wear and tear on the taking of the partnership accounts, as a loss to him of capital put into the business.

Where exceptions to a Referee's report were allowed in part, costs to either party were refused.

A. J. Trueman, Q.C., and *E. R. Chapman*, in support of exceptions. *J. D. Hazen*, Q.C., contra.

THORNE *v.* PERRY. [Dec. 18, 1900.

Donatio mortis causa—Savings bank deposit book—Trust.

A deceased person in her last illness, and shortly before her death, handed to the defendant a government savings bank pass book in which was credited in the names of the defendant and the deceased a sum of money deposited in their names, and at the same time told the defendant to pay to the plaintiff $400 out of the bank, pay some debts owing by the deceased, and her funeral expenses, to which the defendant assented. The money on deposit belonged to deceased, but could be withdrawn by the defendant on delivery up of the pass book, whether before or after the deceased's death.

Held, 1. The pass book was a good subject of a donatio mortis causa.

2. There was a valid donatio mortis causa constituted by trust, and enforceable in equity, in favour of the plaintiff.

W. B. Wallace, Q.C., and *G. H. V. Belyea*, for plaintiff. *J. D. Hazen*, Q.C., and *E. P. Reymond*, for defendant.

Province of British Columbia.

SUPREME COURT.

Walkem, J.] KETTLE RIVER MINES v. BLEASDEL. [Dec. 2, 1900.

Joint Stock Companies—Shares purporting to be fully paid—Whether purchaser liable for calls.

Action tried at Rossland. On the formation of a joint stock company with 1,200,000 shares, 165,000 shares were alloted to L., one of the three