

that was within the powers of the company and not fraudulent. See *Earle v. Burland*, [1902] A. C. 83, and cases there cited. . . . It is enough to say that a possible ground of defence is thereby indicated, of which defendants cannot be now summarily deprived. . . . *McAvity v. Morrison*, 1 O. W. R. 632.

Motion dismissed. Costs to defendant John T. Moore in the cause.

STREET, J.

OCTOBER 30TH, 1903.

CHAMBERS.

RE REID.

Gift—Donatio Mortis Causa—Evidence—Corroboration—Interested Witness—Intention—Gift of Bank Pass Book.

Motion by executors of Henry Reid for payment of money out of Court. The deceased, an Irishman by birth, lived for many years in Ontario, and accumulated by day labour about \$1,500, which lay at his credit in the savings bank department of the Standard Bank of Canada at Har-riston, Ontario. He was unmarried, and early in 1901 he went to Ireland to see his relatives there. Before doing so he had made a will dividing his money equally amongst certain cousins in Ireland. He stayed in Ireland with his cousin George Armstrong, a married man, from May until November, when he went to stay with his cousin John Armstrong, George's brother, also a married man, who lived a few miles from George. On 30th December, 1901, he was taken very ill at John's house, and a physician was called in who told him he had only a few hours to live and should settle his affairs at once. The doctor then left. In the house at the time with Henry Reid were only John Armstrong and his wife and their young children. John and his wife said that after the doctor left Reid told the wife to bring him his coat, and that upon her doing so he took from the pocket of it the saving bank book of the Standard Bank, in which his deposits were shewn, and handed it to her husband, telling him at the same time that he was giving him the money mentioned in it. Thereupon one of the children was sent out for Owen McCabe, the nearest neighbour, a farmer, who came in, and who said that the book was again formally delivered to John Armstrong by Reid in his presence, and that of Mrs. John Armstrong, with the statement that with this book John could draw the money it represented from any bank in Ireland. The same afternoon John went to the