

reading over and signing of the deposition not being in the opinion of the Court any bar to the proving of the admission by other means.

DONATIO MORTIS CAUSA—GIFT OF CHATTEL ALREADY IN POSSESSION OF DONEE—
DELIVERY OF GIFT MORTIS CAUSA.

Cain v. Moon, (1896) 2 Q.B. 283, raises an interesting point on the law relating to gifts mortis causa. The deceased was entitled to a deposit note for £50 standing to her credit in a London bank. The deposit had been made in 1890. In 1893 the deceased had an illness, and after her recovery in June of that year the deceased handed the deposit note to the defendant, saying that it was for defendant's kindness during her illness, and from that day the note remained in the defendant's possession. On Sept. 30, 1895, the deceased was seriously ill, and defendant paid her a visit and the deceased said, "everything I possess and the bank note is for you, if I die." The deceased died in the following October, and it was held by Lord Russell, C.J., and Wills, J., that the Judge of the County Court who tried the action was right in his conclusion that there had been a valid gift of the deposit note as a donatio mortis causa. The principal ground relied on was that antecedent delivery of the note to the defendant was insufficient to support the gift. Lord Russell, however, says, "I concede that there must be a delivery to the person to be benefited of the subject of the donatio mortis causa; but in my judgment, there is no reason why an antecedent delivery should not be effective." The case is unique, as there appears to have been no previous decision on the point.

PRACTICE—DISCOVERY—LIABILITY TO PENALTY—PRIVILEGE.

Re County Council Derbyshire v. Derby, (1896) 2 Q.B. 297, involves a point of practice. The plaintiffs instituted the proceeding to obtain an order restraining the defendants from permitting sewage to flow into a certain river, and in aid of their proceedings sought to examine the defendants for discovery. By the Acts under which the plaintiffs were proceeding it was provided that any person disobeying an order made thereunder should be liable to a penalty of £50 a day