

I think the evidence of defendant receives from that of Richardson sufficient corroboration to comply with the Evidence Act. Deceased told him what her object was in sending defendant to Toronto for her money, viz., to give it to defendant, with the exception of what she needed for herself; the transaction appears to have been in contemplation of the approach of death, for she makes provision for her funeral expenses and masses for her soul. The intention with which she handed the money to defendant would have been ambiguous had it not been for the previous clearly expressed intention to give it to defendant.

On the whole, it appears to me that the gift was a good donatio mortis causa; the fact that the gift was coupled with a trust does not interfere with its taking effect in that way: see *Hills v. Hills*, 8 M. & W. 401.

Appeal dismissed with costs.

BRITTON, J., gave reasons in writing for the same conclusion.

FALCONBRIDGE, C.J., concurred.

TEETZEL, J.

JANUARY 5TH, 1905.

CHAMBERS.

RE CRAWFORD.

*Will—Construction—Annuities—Shrinkage in Rate of Interest—Encroachment on Corpus—Remaindermen—Vested Estates—Right to Devise.*

Motion by executor under Rule 938 for an order determining certain questions arising under the will of the late Honourable George Crawford, Senator, who died in 1870.

Testator, after a devise of land to one son and a bequest of bank shares to another, made an elaborate provision for 4 annuities of \$800 each to his widow and 3 daughters.

Two of the daughters were still alive, and the fund retained by the trustees to provide their annuities having failed, on account of a reduction in the rates of interest, to provide sufficient revenue to pay the annuities in full, the chief question was, whether the annuitants must suffer a reduction or whether the shortage should be made good out of the corpus of the estate.

J. E. Jones, for the executor and the two annuitants, and for certain residuary legatees.

C. A. Moss, for a residuary legatee.

M. A. Secord, Galt, for other residuary legatees.