

the time of the accident he assumed the whole blame and had no thought of making any claim, thinking that he was, under the circumstances, well treated by being paid full wages, etc. Recently he was discharged for stealing money, and in revenge brings this action.

Mr. Lech, a shareholder of the company, was general manager, and the only person occupying a superior position in the shop. He confined himself mostly to office work and general direction of the business, leaving the care of the staff and premises very largely in the plaintiff's hands.

The master, the company, did provide a safe place for the employees to work, and, if the place became unsafe, as it did, this was, I think, the plaintiff's own fault. At most it was the fault of a fellow-servant. Mr. Morton cannot, at this late date, successfully attack the well-settled law that the relative positions which the servants occupy in the undertaking makes no difference in the application of the fellow-servant doctrine, which, as is pointed out in Halsbury's Laws of England, vol. 20, p. 133, in the case of corporations, resulted in this defence nearly always succeeding, for the corporation itself could scarcely ever be convicted of negligence.

In this case the claim is quite without merit, and I do not experience the regret I generally entertain when this rule prevents a recovery; for the fault here was, I think, with the plaintiff himself.

*Action dismissed.*

LATCHFORD, J.

APRIL 14TH, 1914.

ATTORNEY-GENERAL FOR ONTARIO v. PAGE.

*Gift—Donatio Mortis Causa—Evidence to Establish—Corroboration—Contemplation of Death—Delivery of Subject of Gift—Key of Trunk—Bank Pass-books—Policy of Insurance.*

Action by the Attorney-General, as administrator of the estate of the late Frederick Hales, a messenger at the time of his death at the Provincial Lunatic Asylum at Mimico, against the defendant, at one time a nurse in the asylum, to recover certain property of the deceased in the possession of the defendant;