

Contents

Preface	vii
Table of Cases	ix
Introduction	1
1 Historical Survey	5
1.1 Roman Law origins 1.2 The origins of <i>donatio mortis causa</i> in English law 1.3 The modern doctrine of <i>donatio</i> 1.4 Extending the doctrine 1.5 Revisiting Rome	
2 The Nature of <i>Donatio Mortis Causa</i>	25
2.1 A hybrid form of gift 2.2 Similarities with <i>inter vivos</i> gifts 2.3 Similarities with testamentary gifts	
3 The Basic Requirements	37
3.1 The three conditions 3.2 Proving the conditions: the evidence required	
4 Contemplation of Death	45
4.1 Meaning of 'contemplation' 4.2 Need the donor be <i>in extremis</i> ? 4.3 Suicide 4.4 Dying from another cause	

Contents

5	Gift Conditional on Donor's Death	55
5.1	Introduction	
5.2	Inferred condition	
5.3	Gift revocable before death	
5.4	Condition precedent or subsequent?	
6	Delivery	63
6.1	Introduction	
6.2	The requirement of delivery	
6.3	The time of delivery	
6.4	Parties to the delivery	
6.5	Types of delivery	
6.6	Parting with dominion	
7	The Property Passing by <i>Donatio</i>	83
7.1	Introduction	
7.2	Delivery of chattels	
7.3	Delivery of choses in action	
7.4	<i>Donatio</i> of particular assets	
8	The Effect of a <i>Donatio Mortis Causa</i>	105
8.1	Introduction	
8.2	Effects of a <i>donatio</i> following delivery	
8.3	Effects of a <i>donatio</i> following death	
	Summary of Cases	113
	Index	177