

daughter should continue to live with testator's wife during widowhood such daughter should receive a share of the residuary estate on the distribution of the same consequent upon the death or marriage of testator's wife equally with his named sons.

The Court held—(i) That each of the testator's daughters was entitled to a unit of fifty shares absolutely for her separate use, but subject to a restraint against anticipation during coverture; (ii) that the condition attached to the bequest to the daughter referred to of a share of the residuary estate was valid.

(2) *Public Trustee v. H.* (1926 N.Z.L.R. 189; 1926 G.L.R. 39).—In this case the Supreme Court decided that on the death intestate of an unmarried male illegitimate whose mother had other illegitimate but no legitimate children and afterwards married their father, who outlived her but predeceased the intestate, the mother's other illegitimate children and their issue were the persons entitled to succeed to the intestate's estate.

(3) *Re Robertson* (1926 G.L.R. 59).—Where evidence as to the death of a missing person was merely circumstantial, the Court, on the application of the Public Trustee, granted to the Public Trustee leave to swear to the death. The application was unsuccessfully opposed by the Government Life Insurance Department, upon whom service was required to be made by the Rules of Court, and in the circumstances the Department was allowed its costs of appearance.

(4) *Public Trustee v. Smith* (1926 G.L.R. 244; 1926 N.Z.L.R. 835).—A testator gave his residuary estate to his trustees upon trust after the death of his wife to divide the income between his two daughters, with a provision that the share of any daughter dying leaving children should be appropriated to the benefit or advancement of such children, and upon the youngest attaining twenty-one years should be divided, with the capital producing the same, equally among such children. The will continued, "Should one daughter predecease the other leaving no children or leaving children should they all die before attaining the age of twenty-one years I direct that the share in the income of such deceased daughter or her issue shall be paid to the surviving daughter for her life and after death or if she be dead I direct that the whole of the capital and accumulated income shall be divided equally among the children of such survivor on their attaining the age of twenty-one years as hereinbefore recited. In the event of there being no children living to become entitled to payment the residue of my estate shall be distributed as if I had died intestate in respect thereof."

It was held by the Court of Appeal (reversing the judgment of the Supreme Court) that on the death of the surviving daughter childless the moiety of the estate in respect of which she had previously enjoyed a life interest passed to the children of the daughter who first died, the Court construing the words "predecease the other" as meaning "died" simply, and the word "survivor" as meaning "other."

(5) *Dix v. The Public Trustee* (1926 G.L.R. 260; 1926 N.Z.L.R. 610).—A testatrix bequeathed certain legacies, amongst them being a gift of her "personal" effects. These legacies were followed by a gift of the residuary estate. The Court rejected the contention that the gift of personal effects passed the residuary estate.

(6) *Re Milsom, deceased* (1926 G.L.R. 322).—A testator by his will gave his landed property to his daughter for her sole use and benefit, and directed that, in case she should marry, his executors should so order that her husband should have no power or right to sell, dispose of, or mortgage the property, but that it should be for his daughter's use and for her children's, but should she die without issue he willed that another named person should inherit the property or his heirs. The testator had but one daughter, who was born before the date of the will and who married in her father's lifetime. It was held that the testator's daughter took an estate in fee-simple in the property.

(7) *Public Trustee v. Waihi Gold Mining Co., Ltd.* (1926 G.L.R. 325).—A workman employed by the defendants was killed by being struck by a beam which accidentally fell from the roof of a smithy in which he used to work. He worked