

according to the amount of the mortgage. The prospect of a claim arising under this liability is very remote, and so the requirement to take out these policies usually seemed to the borrowers to be incomprehensible and unnecessary. I understand that there have been few, if any, such claims ever put forward, and, in any case, nearly every one nowadays has his workers insured against accident. Mortgagees felt aggrieved at the annual charges to which they were subjected, and the question of affording them relief from them had been raised on numerous occasions. Accordingly the amending Act was passed totally abolishing mortgagees' indemnity policies. In terms of this amendment a mortgagees' indemnity fee of 1s. is to be charged on all mortgages, and the proceeds paid to the Land Assurance Fund Account. Where any mortgagee suffers loss by reason of a charge against his security for compensation or damages he may claim against this Assurance Fund Account in respect of such loss.

PROPERTY LAW AMENDMENT ACT, 1927.

Two amendments to the Property Law Act, 1908, are effected by this statute. One of these amendments affects the creation and acquisition of easements of light and air, and remedied a defect in the existing legislation. Under English law there are such easements, but in New Zealand, since the coming into operation of the Light and Air Act, 1894, the effect of which was to do away with the prescriptive right to the access of air and light to buildings, no matter how uninterrupted the enjoyment of such access may have been, no legal right to it has been secured. The only means of acquiring such a right as between neighbours since 1894 has been by deed duly executed, and even then the benefit thereof did not enure for a longer period than twenty-one years. Modern conditions, the erection of numerous and extensive concrete structures, and the length of life which it is anticipated will attach to them, rendered it essential that, under proper safeguards, there should be legal power as between adjoining property-owners to create a permanent easement as to light and air, and not only a right of such a limited duration as twenty-one years.

The other amendment deals with a difficult question which has arisen more in modern times than in previous days, viz., the doctrine of commorientes—i.e., where persons perish together as in a shipwreck or other accident. The old presumption of our law, in effect, treated the deaths of two or more persons dying as the result of a common calamity to have occurred simultaneously unless there was some evidence to the contrary. Under the present-day conditions of locomotion by automobile, aerial machines, &c., accidents causing the deaths of two or more persons are unfortunately extremely common, and it is often impossible to determine the order of survivorship of the persons involved. Obviously, for the purpose of deciding the succession to and rights of property, the question is often one of vital importance. For example, under the laws governing the distribution of intestate estates in the case of a husband and wife, in the absence of lineal descendants, it makes a world of difference to the destination of their property whether husband or wife died first. The amendment follows the English precedent, and provides that the younger shall be deemed to have survived the elder for purposes relating to the succession to property.

THE HOWARD ESTATE AMENDMENT ACT, 1927.

The Public Trustee is the administrator of the estate of Josiah Howard, late of Tikokino, Hawke's Bay, sheep-farmer, who by his will devised all his real and personal property to His Majesty the King without restrictions or limitations, in confidence, however, that the Government of New Zealand would use the property as a foundation or endowment for the purposes of agricultural education. The Howard Estate Act, 1919, was passed in order to give legal effect to the testator's wishes by defining the objects for which the estate is to be applied, and setting out certain powers of management in connection with the Public Trustee's administration.

Some slight amendments were made to this Act by the Howard Estate Amendment Act, 1926, and the Amendment Act of 1927 provides for the establishment of an Estate Advisory Board, to be known as The Howard Estate Advisory Board. This Board is to consist of five members, to be appointed from time to time by the Governor-General on the recommendation of certain bodies specified