

principle that the management and administration of the affairs and property of a patient undertaken by the Public Trustee is in the interests of the patient, and not for the benefit of his creditors, his presumptive next-of-kin or his heirs, and care must be taken to ensure that he will be provided in his helpless condition with sufficient maintenance.

(7) *Public Trustee v. Higgins and Others* (1927 G.L.R. 334).—In an action brought in terms of the Death by Accidents Act, 1908, and the Workers' Compensation Act, 1922, for damages in respect of the death of a mill hand who was killed while operating a fiddling-saw, the jury found upon the evidence that the defendants had committed a breach of their statutory duty, that the defendants were guilty of negligence, that such negligence was the real cause of the accident, that the working of the fiddling-saw was not within the scope of the deceased's employment, and that the deceased was not guilty of negligence, and awarded damages to the plaintiff.

It was held by the Court upon motion for nonsuit, or, alternatively, for judgment for the defendants, that the defendants were not liable either under the Death by Accidents Act, 1908, or under the Workers' Compensation Act, 1922, to make compensation to the plaintiff.

(8) *McKibbin v. McKibbin and Others* (1927 G.L.R. 343). Where a testator gave the income from his estate during the period of twenty-one years from the date of his death and therefrom to such person as should from time to time during the said term of twenty-one years be the eldest of his next-of-kin—meaning by next-of-kin the nearest in proximity of blood—who should answer a certain description, and left the corpus undisposed of, and there was at the time of the action no person answering to the description in the will, the Court held that there was an intestacy as to the income meanwhile, and that it was distributable as on an intestacy; and, further, that there was an intestacy as regards the whole estate at the expiration of twenty-one years if no person had qualified during that term, or if during such term some person or persons had become entitled, then upon the death of the last of such persons.

(9) *Collins and Others v. The Public Trustee and Another* (1927 G.L.R. 390; 1927 N.Z. L.R. 746).—Where a claim under the provisions of the Family Protection Act, 1908, was made by a wife asking that almost the whole of the estate be vested in her, the Court pointed out that these claims entirely ignored the principles upon which the jurisdiction conferred upon the Courts by the Family Protection Act is exercised, and accordingly could not be acceded to, but that the Court was justified in taking a liberal view of what was required for the adequate maintenance of the widow and children. An order in favour of the widow and children was made accordingly.

(10) *Brown and Another v. The Public Trustee and Others* (1927 G.L.R. 456). A testator bequeathed £1,000 to the Public Trustee upon certain trusts for the benefit of B, but by a codicil to his will revoked the bequest and in place thereof he gave B a section of land and £700 to be applied in the building of a dwelling. He also devised and bequeathed to the Methodist Church, Shirley, for the building of a tower to the said church certain shares in his residuary estate. It was held—(a) That the codicil entirely revoked the gift to the Public Trustee, so that the gifts to B were absolute; and (b) that the trustees of the Methodist Church were entitled to receive payment of the share in the residuary estate without giving any assurance that the moneys would be wholly devoted to the purpose specified by the testator.

(11) *Preston v. The Public Trustee and Others* (1927 G.L.R. 494; 1927 N.Z. L.R. 731).—Upon an application being made in terms of the Family Protection Act, 1908, by a person domiciled and resident out of New Zealand, the Supreme Court held that the New Zealand Courts had power to exercise the jurisdiction given by the Act over the whole estate of a testator domiciled in New Zealand at his death, and the fact that the applicant was domiciled and resident out of New Zealand did not prevent the exercise of that power.

(12) *Mortleman v. The Public Trustee* (1927 G.L.R. 505; 1927 N.Z. L.R. 642).—The plaintiff and others gave to the defendant a mortgage over their property, and later, having sold, consented to a memorandum entered into by the defendant with the purchasers extending the term and varying the rate of interest and