

- (8.) Where a plaintiff commences an action in the Magistrate's Court³ but subsequently discontinues the same before trial, the costs to which the defendant is entitled are limited to prescribed fees in respect of matters prior to discontinuance.—*Raffol v. The Public Trustee* (1924 G.L.R. 444).
- (9.) A testator directed his estate to be converted into money, and bequeathed out of the proceeds £1,000 to each named grandchild. The will then provided that each of the legacies should not be paid to the respective legatees if the said legatees did not attain the age of twenty-one years. Held, that the legacies were vested subject to being divested in the case of a grandson dying before attaining twenty-one, and that each legacy carried interest until a grandchild attained twenty-one or sooner died.—*The Public Trustee v. Pearce* (1924 G.L.R. 460).
- (10.) A testator devised all his estate to two sons, whom he appointed his executors, upon trust to pay all his debts, death-bed, funeral, and testamentary expenses. The will said nothing further as to the destination of the trust funds. Held, having regard to the terms of the will and to the state of the testator's family, that upon the true interpretation of the instrument the named sons were beneficially entitled to the whole estate.—*Hunter v. The Public Trustee* (1924 G.L.R. 544).
- (11.) A donor intending to make a gift to his wife agreed to purchase certain land. The whole purchase-money was paid in cash on the date of completion, but at the purchaser's request a transfer was taken in the name of his wife. The purchaser received the transfer and registered it. The value of the land itself (according to the Government valuation) was considerably less than the amount paid. The Commissioner of Stamps claimed that the duty was payable on the whole of the purchase-money. Held, that the gift was a gift of land, and that therefore duty was calculated on the value thereof, and not upon the amount of the purchase-money.—*The Public Trustee v. The Commissioner of Stamp Duties* (1924 G.L.R. 558).
- (12.) Where an order was made under the Family Protection Act more than three years from the date of payment of death duty it was held that a claim for a refund was not barred by the Death Duties Act, 1924, and a reassessment was ordered.—*The Public Trustee v. The Minister of Stamp Duties* (1924 G.L.R. 569).
- (13.) A farmer possessed of a farm, cattle, sheep, farm-implements, and also twenty-one bales of wool, by his will bequeathed all his furniture and other household and personal effects, and all his live and dead stock, to his widow, but gave the rest of his estate to his widow for life, with remainder to his children. The question was raised whether the bales of wool passed under the bequest of live and dead stock, and it was decided that it did.—*Re Bowick* (1924 G.L.R. 462).

84. In addition to contentious Supreme Court matters there were numerous applications to the Supreme Court made *ex parte* seeking the sanction or approval of the Court on various matters. The following are the figures for the year ending 31st March last, together with the corresponding totals for the previous year:—

	1924.	1925.
Applications to the Supreme Court for grant of probate.. .. .	550	566
Applications to the Supreme Court for grant of order to administer	244	216
Foreign grants of probate or administration resealed in the Supreme Court of New Zealand	23	20
Total <i>ex parte</i> applications respecting probate or administration	817	802
Other uncontested applications to the Supreme Court by way of motion or petition seeking the approval of the Supreme Court to selling, leasing, mortgaging, and the like	105	101
Totals	922	903