

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Louise Lesage (legal representative of Octave Ribault deceased) v. Scicluna from the Court of Appeal of the Island of Malta; delivered the 16th May 1901.

Present at the hearing:

LORD MACNAGHTEN.

LORD DAVEY.

LORD ROBERTSON.

LORD LINDLEY.

SIR FORD NORTH.

[*Delivered by Lord Macnaghten.*]

THE question in this case lies in the narrowest possible compass. There is a bequest made by the testator in these words:—
“ I bequeath under title of legacy to my most
“ beloved wife, Margherita, the sum of £600 a
“ year, payable in six monthly instalments in
“ advance, and free of any expense, and at the
“ place where she will be residing.” Now, if that stood alone the gift would undoubtedly be a gift for life only. The question is, is there a sufficient context to displace that presumption? The only context to be referred to is, first, a right given to the wife of enrolling an Inscription of Hypothec over all the testator’s property for what was given to her under the marriage settlement and by the Will. That seems to be almost colourless. It would be as useful in the one case as it would be in the other. Then there are certain gifts of 1s. a day to two servants which are expressly made payable during life only. That goes a little way in one

direction, but the provision that the legacy due to the wife was to be paid free of all expense, and at the place where she would be residing, seems to go quite as far in the other direction, and the one may be set off against the other. On the whole their Lordships are of opinion that this is a gift for life only, and they will therefore humbly recommend His Majesty that the Appeal should be dismissed.

The Appellant is to pay the costs of the Appeal.