

be inferable from the wording of such a provision that it was intended to embrace only a particular portion of the servants who should be in the testator's employment at the time of his decease. Thus it has been held in two cases that, where a testator specifically gives a "year's wages," he should be understood to mean, that he gives to those whom he has hired at yearly wages(*f*). In other cases claims have been disallowed on the ground that the servant was not "continuously and exclusively employed" by the testator(*g*). But the mere fact that a ser-

wages up to the end of the year, which did not expire till after the death of the testator:—*Held*, that she was not entitled to the legacy. *Venes v. Marriott* (1862) 31 L.J. Ch. 519, following the case last cited.

The testatrix bequeathed to her servant M.B. a legacy of £300 to be paid within twelve months after her death, provided the said M.B. remained in her service until her death. Subsequently the testatrix was removed to a lunatic asylum, and M.B. was dismissed by a relative who was managing the affairs of the testatrix. A month later an order was made in lunacy, that the effects of the testatrix should be sold, and the proceeds paid into court. It was held that after the date of the order the service of M.B. was at an end, subject to such rights as she had in respect to notice and that she was not entitled to the legacy. *Re Hartley's Trusts* (1878) 47 L.J. Ch. 610, 26 W.R. 590.

(*f*) In *Booth v. Dean* (1833) 1 Mylne & K. 560 it was held that a man who had worked for several years as under-gardener at weekly wages, and another man who had served the testator as cowboy, also at weekly wages, were not entitled to take as legatees under a clause of this term.

This case was followed in one where a gardener, employed at weekly wages (although paid at irregular intervals), was declared not to be entitled to the benefit of the bequest. *Blackwell v. Penant* (1852) 9 Hare, 511; 16 Jur. 420. Here the words of the bequest were "each of the servants living *with me* at the time of my decease," but it was considered by the Vice-Chancellor that, although the evidence shewed that there were servants who lived in the house, and also servants who lived in the cottages and lodges about the grounds, as was the case with the plaintiff, no certain conclusion could be drawn from that fact, as to whether the testator intended this disposition to extend to one only, or to both of those classes.