

1925

THE PUBLIC  
TRUSTEE  
*v.*  
RUUDOLF  
WILHELM  
VOLLMER  
AND OTHERS.

Question 2.—On this finding the question in 2 does not arise.

3. In answer to question 3 I find that the share of Letila Lupe Meresene Vollmer did not lapse on her death and that the Public Trustee should retain her share until the trust is put an end to in accordance with the provisions of the will.

The Public Trustee allowed costs out of estate as between solicitor and client.

1925.  
July 7.

## [CIVIL JURISDICTION.]

[ACTION No. 21, 1925.]

SUN HING TIY & Co. *v.* EMMA FUKAYAMA.

Payment of a sum of £300 by husband to wife—declaration sought that such payment was void as against the husband's creditors on the ground that it was without valuable consideration and with the intention of defrauding the creditors (13 Eliz. c. 5)—the alienation took place on the marriage of the parties.

*Held*, there being no evidence in support of the contention that the wife knew at the time of the transfer of the £300 that the gift was in fraud of her husband's creditors or to show that she was a party to any such fraud that the marriage constituted "good consideration"—plaintiffs' claim dismissed.

*Quaere*, whether action properly brought inasmuch as the plaintiffs were not judgment creditors?

Sir ALFRED YOUNG, C.J.

(Judgment not printed.)