

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Spencer and others v. Langdon, from the Supreme Court of Western Australia, delivered the 19th June, 1906.*

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Present:

THE EARL OF HALSBURY.

LORD DAVEY.

SIR ARTHUR WILSON.

SIR ALFRED WILLS.

*[Delivered by the Earl of Halsbury.]*

It seems to their Lordships that there is no question here really of doubt. There is the clear gift, about which no question can arise, and indeed it has been frankly admitted no question can arise if the words stopped there.

The only question that is suggested to arise is that then there is a provision that if there should be but one child surviving, that child should take the whole. That event never occurred.

Their Lordships have not been able to follow the exact proposition which is involved in its being only one gift. At all events their Lordships are of opinion that the provision for a case which did not arise does not interfere, and cannot interfere, with the plain, unambiguous gift which is made, and in respect of which it is perfectly clear that the construction adopted by the learned Judges below was correct.

Their Lordships will therefore humbly advise His Majesty that the Appeal should be dismissed.

