

legal work, and support its decentralization instead of its aggregation at Wellington.

We recommend—(1.) That the office Solicitor and his staff should be confined to the indoor work of the office. (2.) That third parties and others requiring legal advice should not be allowed to seek it from the office staff at the expense of the Common Fund. (3.) The office Solicitor's appearance in Court should be confined to *ex parte* matters originating in the office, and for these an adequate fee should be charged to the estate to which the matter belongs; otherwise the work is being done for that estate at the expense of the beneficiaries as a whole through the Common Fund. (4.) That the legal work should be decentralized instead of being more and more concentrated at Wellington. This will obviously be necessary as a matter of convenience in those cases where a Deputy Trustee is to have sole control.

Preparation of Wills.

This is a matter of considerable importance.

It is announced in the office pamphlet published in 1910 that the office undertakes the revision of draft wills, and will do so without charge. Whatever the practice was then, the practice now is not merely to revise drafts, but to prepare the wills, including the drafts, without charge. A set of questions has been framed, the answers to which are to be filled in by the intending testator or by the person taking the instructions. This is to be done when the will is to be prepared at Head Office. These instructions appear to us to be defective. They give no hint on the important question of the guardianship of children, and no advice as to the incidence of death duties. It is not only at Head Office, where legal aid is available, that wills are prepared, but District Managers and Agents in up-country places likewise undertake such work. It is told to us in evidence that Head Office legal staff frequently has to alter wills so prepared. No instructions are sent to guide the legal staff in making these alterations. They can only infer the ill-expressed intention from the contents of the will as prepared. This experience appears to us to show the impropriety of untrained or incompetent persons undertaking the preparation of wills. Further, with regard to those which are made at Head Office on the basis of the printed form of instructions, a serious drawback in most cases is experienced by the staff for want of a personal interview. This, however, they seek, where possible, with the intending testator. The Public Trustee and the legal staff admit that the practice of preparing and revising wills without an interview is open to objection. We consider it is open to very serious objection, and recommend that if the preparation of wills by the office staff is to be continued it should be confined practically to those cases where a personal interview is had.

The Public Trustee supports the practice on the ground that it brings business to the office, and that if wills were prepared elsewhere the office would not be chosen as trustee. The necessity for the office seeking business in this way is not manifest; nor, if it is, does it seem proper to justify the practice at the risk of erroneous wills and the consequent trouble. The pamphlet would certainly lead any one to suppose that a competent hand was available to prepare the will, which, except at Head Office, and possibly at District Offices, is not the case. How wills are made by one agent considered as especially competent to draw wills is thus described to us by a witness: "In my experience of him, he never consulted precedents of any kind; he acted on his own initiative."

The Public Trustee says that he is not aware of any trouble having arisen from office-drawn wills. As against that is to be set his acknowledgment that the interpretation of the will is with them unless it should be challenged from outside.

The foregoing observations do not apply to simple wills, such as where a man leaves everything to his wife.