

common fund and be invested as such, but the whole interest obtained was credited *pro rata* to the individual funds making up the Common Fund. Under the new provision the Common Fund remained; but the interest accruing from the investments became part of it, interest being allowed on the moneys forming part of the fund at a rate to be fixed from time to time by the Governor, any surplus interest being the property of the Crown. Any reduction in the rate of interest payable to the various estates was compensated for by giving the fund the absolute guarantee of the State. This had been the original intention when the establishment of the Office was first considered. The view of the late Hon. Mr. Stevens, as expressed by himself in the course of the debate in 1891, was that the chief object aimed at was not high profits, but the certainty that any one desiring to make provision for his family might have the satisfaction of knowing that he left upon absolute security the money he possessed at the time of his death, without any possibility of its being made away with by fraudulent trustees, by malversation, or by improper treatment in any direction. In short, absolute security was the main point, and moderate interest with a State guarantee the object in view. Moneys the investment of which outside the Common Fund was specially directed by the trust instrument did not form part of the Common Fund and were not afforded the protection of the State guarantee. Beyond the guarantee, the estates concerned forming part of the Common Fund received this further advantage that interest was payable immediately the moneys were paid into the fund whether the latter was invested or not.

The class of securities in which the Public Trustee was authorized to invest trust-moneys was enlarged to include debentures issued by local authorities, mortgages of real estate, and fixed deposits with approved banks.

In 1892 the Unclaimed Lands Act amplified considerably the provisions of the Public Trust Office Act, 1876, with regard to the Public Trustee's powers of administering unclaimed lands, and still further provisions in the same direction were contained in the Unclaimed Lands Act, 1894, now embodied in the Public Trust Office Act (Consolidated), 1908.

The next change in the law affecting the Office was contained in the Public Trust Office Acts Amendment Act, 1893. Under the Act of 1876 power had been given to the Public Trustee to advance out of his account moneys required for the payment of administration expenses, but the new Act authorized him in cases where any property was to the credit of an estate, but there was not sufficient money in the estate available for payment to beneficiaries or otherwise, to advance and pay out of his account, up to the value of the estate, any moneys required for these purposes, the payment of such moneys being a charge against the estate and carrying interest at not more than 6 per cent. He was further authorized to apply the income and up to one-half of the capital of the share to which an infant was entitled for its maintenance and education.

As previously indicated, the Public Trustee had power to administer without a grant of administration any intestate estate the value of which did not exceed £250, but no judicial record of his authority in any particular estate had been required. Now, however, it was provided that in such cases he should file in the Supreme Court an election to administer the estate, and publish in the *Gazette* a notice that he had done so.

In the ordinary course production of the probate or letters of administration is necessary in proof of an administrator's title, but the Public Trustee was relieved from such production by a provision that a certificate under his hand and seal setting out particulars of his authority should be accepted by all Courts, officers, and other persons as proof of his right to administer.

The power conferred upon the Public Trustee in 1891 of closing and distributing an intestate estate after the insertion of the necessary advertisements regarding the claims of creditors and others was extended to apply also to testate estates.

In cases where no application for probate or letters of administration had been made within three months after the death of a deceased person the Public Trustee was given the right to apply for a grant of administration to himself.

In 1894 the whole of the existing Acts were consolidated with certain additions and modifications. The Public Trustee already had power to administer estates the estimated value of which did not exceed £250 on filing an election to administer; but if he subsequently found that the value actually exceeded that amount he had to apply for administration in the ordinary way. The new Act, while retaining the limit of £250 as the estimated value, provided that if an election had been filed an ordinary grant was not required unless the actual value proved to be more than £400. Protection was also afforded to the Public Trustee in respect of any acts done by him under administration granted to him in error.

The power to apply an infant's share for the maintenance, education, and advancement of the infant was extended to apply not only to shares in which the infant had a vested interest, but also where his share was contingent, or where the infant was one of a class the ultimate members of which were not yet ascertained.

The general powers of the Public Trustee in the administration of an estate were elaborated, and now included powers of selling, leasing, exchanging, purchasing and mortgaging (all with the previous consent of the Supreme Court unless there was express authority in the trust instrument), repairing and insuring property, paying outgoings, exercising powers of appointment, granting powers of attorney, instituting legal proceedings, and generally doing all things and executing all instruments necessary to carry into effect the powers and authorities conferred upon him. He was also expressly empowered to accept appointment as an attorney, thus restoring the provision in the 1870 Bill which had been deleted in 1872 in deference to the criticism previously referred to. He was also empowered to submit any questions of law arising in the course of his administration to a Judge, and to take the latter's opinion thereon.

An amending Act of 1895 provided that the consent of the Supreme Court to sell, lease, purchase, exchange, or mortgage should not be necessary where the value of the property to be dealt with or the amount to be borrowed did not exceed £500, and in 1901 this amount was extended in respect of leases, exchanges, purchases, and mortgages to £2,000.