

84. The foregoing matters represent contested applications in the Supreme Court. There were, in addition, numerous applications under the Family Protection Act, and a large volume of *ex parte* matters in the Supreme Court engaging the attention of the Legal Division.

This branch of the work shows an increase over that of the previous year. The following are the figures for the year ended 31st March last, as compared with the totals for the previous year :—

Applications to the Supreme Court for grant of probate	1923. 449	1924. 550
Applications to the Supreme Court for grant of order to administer	196	244
Foreign grants of probate or administration re-sealed in Supreme Court of New Zealand ..	19	23
Total of <i>ex parte</i> applications respecting probate or administration ..	664	817
Other <i>ex parte</i> applications to the Supreme Court not included in the foregoing	115	105
Grand total	779	922

85. As has been pointed out on previous occasions, the Legislature has empowered the Public Trustee in the case of estates not exceeding £400 in value to file an election to administer in lieu of adopting the more formal and expensive method of applying for probate or administration. On the filing of the election the Public Trustee is to be deemed to be executor or administrator in all respects as if probate or letters of administration had been granted in the ordinary way by the Supreme Court. The procedure is applicable whether the deceased dies testate or intestate. During the year the number of estates in respect of which elections to administer were filed totalled 625. The corresponding figures for the previous year were 557.

86. In the course of the year under review an important ruling was given by the Supreme Court which affected to a considerable degree the position of the Public Trustee as mortgagee in cases where a mortgagor had sold his equity of redemption and fresh arrangements had been made with the transferee for repayment of the moneys secured. The Court laid down that the effect of a mortgagee's agreeing with the purchaser to extend the term of the loan was in law to discharge the original mortgagor from his obligations towards the mortgagee. The Court held that in such circumstances the original mortgagor after the sale was virtually in the position of a surety only : *Robertson v. White and Death* (1923, G.L.R. 251).

As a very large proportion of the funds of this Department are invested in first mortgages of freehold lands, the Public Trustee took the advice of senior counsel in respect of several questions which arose out of the foregoing case. Acting on the advice tendered to him, the Public Trustee has now adopted the procedure of requiring every transferee of an equity of redemption who desires a renewal of his loan to enter into and execute a fresh mortgage to the Public Trustee, the old security being thereupon discharged.

87. Amongst the responsible duties carried out by the legal officers of the Department is the preparation of wills of living persons.

In view of the facilities which are placed at the disposal of intending testators it is regrettable to find that some still pursue the risky and dangerous expedient of attempting to frame and draft their own wills without the aid of their solicitor, or without availing themselves of the services of the Public Trust Office. In most cases the attempt to construct a home-drawn will involves the estate of the testator in trouble and expenses when the will comes to be construed and acted upon.