

ADMINISTRATION OF ASSETS ABROAD.

52. The numerous estates reported to the Public Trustee for administration include many assets situated outside the Dominion, and in these cases it becomes necessary for the Public Trustee to appoint a suitable delegate in the country concerned to act as his representative for the purpose of the administration duties required there, and to convert the assets into cash, or transfer them to the beneficiaries entitled, or otherwise administer them as the circumstances of the estate may require.

In countries, such as the various States of Australia, where State officials undertake fiduciary business, these officials are generally approached to take the necessary steps, though where reputable practitioners have acted for the deceased person during his or her lifetime the work is frequently entrusted to them if the beneficiaries so desire, or if it is deemed that a saving of time and expense will be effected by doing so.

In England the High Commissioner usually acts as the Public Trustee's agent where it is legally possible for him to conduct all the action necessitated there, though in many cases where the employment of a reputable legal firm is, by reason of its previous connection with the particular English assets, likely to result in economy and saving of time to the beneficiaries its appointment is considered. Where the High Commissioner is not able to act the services of the Public Trustee are usually availed of.

By reason of his wide experience in regard to the administration of foreign assets the Public Trustee has acquired a large fund of knowledge as to the requirements of the Courts and revenue authorities of British and foreign countries, and his consequent ability to anticipate these requirements assists greatly in the speedier completion of the administration of the estates.

DESTITUTE PERSONS ACT, 1910.

53. By section 30 of the Destitute Persons Act, 1910, a person against whom a maintenance order is made may be required to give security for due compliance with the order. The security ordered may be either a cash deposit not exceeding £200 with the Public Trustee, or a bond to the Public Trustee, with one or more sureties approved by the presiding Magistrate, in a sum not exceeding £200. If default occurs during the currency of the order, the person in whose favour it is made may apply either to have action taken in respect to the security given or to have the arrears paid by the Public Trustee out of the deposit, according to the circumstances. If no default occurs, the deposit lodged with the Public Trustee is refunded upon the expiry of the order or the bond released.

Again, a Magistrate is empowered to charge any real or personal property belonging to the defendant in such proceedings with the payment of the sum provided in the order, and for this purpose may either at the same time or subsequently appoint the Public Trustee or some other person receiver of the rents, profits, and income of the property. The duties of the receiver are to take possession of the property, collect the rents and profits, and, firstly, apply the net income in satisfying the amounts payable under the maintenance order, and then pay the balance to the person who would be entitled if the receiving-order were not in force.

The Public Trustee is very frequently called upon to act in the various capacities detailed above, and in doing so performs a public service which the special facilities provided by the Office administration enable him to undertake with economy and satisfaction to all parties concerned.

FAMILY PROTECTION ACT, 1908.

54. The provisions of the Family Protection Act, 1908, and the amending Act passed in 1921 are important in the administration of the estates of deceased persons. Where a testator has not made adequate provision for some dependant within the meaning of the Act (*i.e.*, wife, husband, or children), such dependant may make application to the Court for further provision out of the estate. The Act allows applicants who desire to avail themselves of this provision a period of twelve