

months from the date of the grant in New Zealand of probate of the will to bring an action for further benefit out of the estate, and the Court may in its discretion extend the prescribed period at any time prior to the final distribution of the estate.

Whenever, therefore, it is brought to the Public Trustee's notice that an application will be made by a relative under the provisions of the Act, the distribution of the estate must necessarily be delayed pending the disposal of the application. It is sometimes found that notice is given of intention to make an application, but the application is not pursued with reasonable diligence. In cases of this nature the practice has been adopted of giving the relatives notice that unless the proceedings are definitely initiated by a prescribed date a distribution will be effected disregarding the proposed application. In this way the interests of the beneficiaries under the will are protected from any undue delay occasioned by threatened proceedings under the Act which it is not intended seriously to proceed with, while the rights conferred upon relatives by the statute are not prejudiced.

Section 7 of the Mental Defectives Amendment Act, 1921, provides that the Public Trustee may make a claim under the Family Protection Act on behalf of a mentally defective person who is eligible, irrespective of whether that person is or is not possessed of any estate. Wherever in the administration of the estate of a mentally defective person there appears to be justification for prosecuting a claim under the Act the position is carefully investigated, and in appropriate cases proceedings are instituted.

Provision is also contained in the Family Protection Act, 1908, that an executor may apply to the Court on behalf of any person entitled to apply who was an infant at the date of the testator's death or was of unsound mind, or may seek the Court's directions as to whether he should make an application. The practice of the Office in cases of this nature, where it seems desirable that some provision should have been made for a relative, is to approach the Court for directions as to whether an application should be made. This is considered the better course of procedure, as it avoids any imputation of the departure by the Public Trustee from the attitude of impartiality which a trustee must adopt.

CLAIMS UNDER THE WORKERS' COMPENSATION ACT, 1922.

55. An important branch of the Office work arises out of claims under the Workers' Compensation Act, 1922. The Public Trustee's interest in claims under this Act is sixfold, and may arise in the following circumstances :—

- (1) Where he is an employer within the meaning of the Act liable to pay compensation :
- (2) Where he is the representative of a deceased employer similarly liable :
- (3) Where he is the representative of a deceased worker :
- (4) Where he is the statutory administrator under the Mental Defectives Act, 1911, of a mental patient's estate and the condition of the patient is the result of causes which create a valid claim for compensation :
- (5) Where he is the custodian of compensation-moneys payable to a person who is under the age of twenty-one years, or who is of unsound mind, or who is subject to any other legal disability :
- (6) Where he is the statutory custodian of compensation-moneys payable in respect of the death of a worker.

Under the Workers' Compensation Amendment Act of 1926 the maximum amount payable in the event of a worker's death was increased from £750 to £1,000, and the percentage amount payable in respect of total incapability was increased from 58 per cent. to 66½ per cent. The rates of compensation now payable thus bear favourable comparison with the rates given in any other part of the world.

During the period under review the number of applications made to the Arbitration Court for the apportionment of compensation-moneys was sixty-one, and a number of applications were also made by private solicitors, in which cases a report on such application was also filed by the Public Trustee.