

(12) *Henderson v. Henderson* (1926 G.L.R. 550).—A testator by his will gave a life estate, and subject thereto, *inter alia*, bequeathed 300 shares in a certain company to a legatee. At his death he owned 3,032 shares in the company. After his death and during the lifetime of the life tenant the company capitalized certain of its profits and distributed the same as a bonus on the basis of one fully paid up £1 share for every two shares held by a member.

Held that the legatee of the shares was entitled to the bonus-shares allotted in respect of the 300 shares bequeathed, and that such bonus shares were not to be treated as income.

(13) *Knubley v. Collins (No. 1)* (1926 G.L.R. 484) and *Knubley v. Collins (No. 2)* (1926 G.L.R. 487).—These were two cases in which questions were submitted to the Supreme Court respecting the interpretation of certain deeds of trust, and in both instances the Court after argument directed the trustees as to the meaning and effect of the instruments.

67. There has been the usual heavy volume of *ex parte* applications to the Supreme Court in respect to various matters arising out of the work of the Office. A large number of petitions were addressed to the Court during the past year, prominent among such applications being proceedings instituted by the Public Trustee under section 25 of the Public Trust Office Amendment Act, 1913. This section is designed to afford a simple and inexpensive procedure for obtaining the directions of the Court in regard to the shares of missing beneficiaries. Where a legatee or devisee cannot, after full inquiry, be traced, and it is unknown whether such person is living or dead, the whole of the relevant facts are placed before a Judge, and the Court is asked to direct the course to be followed. When the Court has given its directions by ordering advertisements to be inserted in appropriate newspapers the Public Trustee acts on the Court's instructions and finally brings the matter again before the Court to say whether, in the event of no trace of the missing person having been obtained, such share should be distributed to the other beneficiaries on the basis that the missing person is dead. It frequently happens that the advertisements directed by the Court succeed in locating the missing beneficiary, and in these cases the share is accounted for to such legatee forthwith.

Experience has shown that this statutory provision has been of immense service to the Office and to the beneficiaries in estates under its administration. It provides an expeditious and inexpensive means of giving effect to the directions of a testator with respect to the devolution of his property, whilst at the same time affording full safeguards to any beneficiary whose existence and whereabouts cannot be revealed by the ordinary channels of inquiry. In the remote case of a legatee whose share has been distributed subsequently appearing, the statute expressly saves his right to recover his share from the person or persons to whom payment was made under the directions of the Court on the assumption that the missing legatee was dead.

In the absence of authority conferred in the trust instrument or by statute it is necessary to approach the Court for authority in respect to various matters arising out of the administration and management of estates. Thus where it is desired to sell, lease, mortgage, purchase, or exchange land, to carry on a business, to effect necessary improvements to trust properties, and the like, where power is not conferred on the Public Trustee either by a trust instrument or by statute, the consent of the Supreme Court must be obtained. It is pleasing to note, however, that testators generally show their confidence in the ability and integrity of the Office by clothing the Public Trustee with the fullest powers of management and administration, to the intent that the Public Trustee will not be hampered in following whatever course appears to him to be in the best interests of the estate.

The number of applications to the Supreme Court for probate or administration is shown by the following figures, the corresponding totals for last year being given in parenthesis: Applications for grant of probate, 716 (569); applications for grant of orders to administer, 247 (234).

It is not necessary in all cases for the Public Trustee to apply to a Judge for a grant of administration. In the case of small estates of or under £400 in value the Public Trustee may file in the Supreme Court an election to administer such estate, whether the deceased left a will or died intestate. Upon the filing of the election the Public Trustee has all the powers of an executor or administrator, as