

applying the moneys. Full inquiry is made in regard to the dependants—their circumstances, age, state of health, earning-power, and generally any matters that will be of assistance to the Court in arriving at a decision regarding the apportionment and application of the moneys. During the period under review the number of applications made to the Arbitration Court by the Public Trustee for the apportionment of compensation moneys was fifty-two, and a number of applications was also made by private solicitors on behalf of dependants in which cases reports on the applications were filed by the Public Trustee.

80. In the administration of the funds in terms of the apportionment orders, payments for maintenance have to be made, in many cases over long periods of years, on account of dependants resident in various parts of New Zealand and elsewhere. Periodical reviews of these allowances, according to the varying circumstances of the dependant, have to be conducted. At times the purchase of a home for the widow and family has to be arranged. A purchase in a case such as this is usually financed under Court authority by applying the widow's share as a cash payment and making up the balance of the purchase-money out of the share of the infant children. Their interests are protected by treating this payment as an advance to the widow, and securing it by taking a mortgage from her for the amount involved. This mortgage contains a provision that so long as the widow maintains the children to the satisfaction of the Public Trustee no interest shall be charged.

Interest is allowed by the Public Trustee on the compensation moneys from the date of receipt, and continues uninterruptedly whilst any portion of the moneys is held by the Public Trustee. At the present time the rate of interest allowed is $5\frac{1}{4}$ per cent. per annum.

CLAIMS FOR DAMAGES FOR PERSONAL INJURY OR DEATH.

81. The Public Trustee's interest in claims for damages under the Deaths by Accidents Compensation Act, 1908, usually arises in his capacity—

- (1) As legal representative of a person whose death has been caused by the wrongful act, neglect, or default of some other person; or
- (2) As the personal representative of a person who while employed in or about a mine has been killed owing to the non-observance in such mine of any of the provisions of the Mining Act, 1926; or
- (3) As the personal representative of a person who while employed in or about a coal-mine is killed owing to the non-observance in such mine of any of the provisions of the Coal-mines Act, 1925; or
- (4) Under section 13 of the Public Trust Office Amendment Act, 1913, in any cause or matter in any Court where damages are awarded to an infant or a person of unsound mind; or
- (5) As the statutory administrator of a mentally defective person who has suffered injury through the tortious act of another.

Where a claim exists under both the Workers' Compensation Act, 1922, and the Deaths by Accidents Compensation Act, 1908, it is usual to enforce the claim which will result in the greater benefit. Compensation and damages cannot both be recovered, but the dependants are entitled to whichever amount is the greater. The Public Trustee is not, as he is in the case of compensation moneys, the statutory custodian of moneys awarded or paid as compensation for damages, except in the case of moneys or damages recovered or awarded in any case or matter on behalf of an infant or person of unsound mind.

SECTION 75, LIFE INSURANCE ACT, 1908.

82. This statutory provision, as amended by section 4 of the Life Insurance Amendment Act, 1920, enables a minor of or over the age of fifteen years to surrender, give a discharge for, dispose of by will, or otherwise deal with a policy of insurance on his life as if he were of full age. Minors who for various reasons find it necessary to deal with their policies have recourse to this provision to enable them to do so, and during the year the consents granted numbered 166, made up as follows: Surrenders, 73; loans, 60; transfers and assignments, 21; making of wills disposing of life-policy moneys, 7; completion of discharge on maturity of policy, 2; conversion into policy under a different table, 2; reduction in amount of policy, 1. A number of applications was declined, after consideration, as not being in the best interests of the minors concerned.