

## LEGAL DIVISION

During the year steps have been taken to effect a further decentralization of the legal work of the Public Trust Office. Where the gross value of any estate of a deceased person does not exceed £400, the Public Trustee is empowered by statute to file in a Registry of the Supreme Court an election to administer, which has the same effect in law as a grant of administration, testate or intestate, as the case may be. It was formerly the practice to file all such elections in the Wellington Registry of the Supreme Court, but during the year district officers were instructed to prepare and file such elections in local Registries of the Court in their respective districts.

In the case of estates where the gross value of the assets is in excess of £400, applications for grant of probate or letters of administration have in the past been prepared by the Legal Division at Head Office and filed in the Wellington Registry. During the year district legal officers were instructed to prepare the main papers in connection with these applications and to forward the same to Head Office for completion and filing. The knowledge and experience gained by district officers as a result now make it possible for a further delegation of legal work to be made in respect of these applications, and at the present time arrangements are on foot to delegate to certain District Public Trustees in the larger centres authority to prepare and file in the local Registries of the Supreme Court applications for grant of probate and letters of administration in estates administered in their districts. Where exemplifications of the New Zealand grant of administration are required for realization of assets abroad, these are also now prepared at the district offices and forwarded to Head Office for filing, except where the grant has been obtained in a Registry other than the Wellington one.

Apart from applications to the Supreme Court for the initial grants of administration, whether testate or intestate, other applications have to be made on matters arising out of the actual administration of estates or trusts where it is necessary to obtain the Court's directions or authority. The Court papers in regard to these applications are now, in the main, being drafted by the legal staffs at district offices and forwarded to the Legal Division at Head Office for approval or revision. The applications in regard to these matters are, however, still being filed in the Wellington Registry of the Supreme Court where, in practice, hearings are obtainable at shorter intervals than in other centres.

Legal questions of difficulty or importance which arise in the administration of estates are dealt with at Head Office by the Office Solicitor and his staff, consisting of the Assistant Office Solicitor, Assistant Solicitors, and Legal Clerks. An important portion of the work handled by the Office Solicitor and his staff consists of applications and reports to the Compensation Court in connection with the apportionment of compensation moneys paid under the Workers' Compensation Act, 1922, and to the Supreme Court in regard to the apportionment of damages recovered under the Deaths by Accidents Compensation Act, 1908. The determination of the next-of-kin in intestate estates and of beneficiaries under wills (except where the estate is small and no difficult problems are involved) is also dealt with by the Office Solicitor and his staff. All wills prepared at district offices, except simple ones, are independently checked in Head Office by members of the Office Solicitor's staff. The purpose of this check is to ensure that the trusts and provisions of wills do not reveal any defects.

The legal staff at district offices undertakes the preparation and revision of wills and attends generally to the conveyancing and other legal work of the district offices. This work includes the preparation of mortgage and other securities in regard to loans from Office or estate funds, except in cases where private solicitors are instrumental in arranging the loans, in which case such mortgages and securities are prepared by them. District legal officers also attend to the conduct of proceedings in the Magistrates' Court