

estates under his control. Unlike an absolute owner, the duty of a trustee is to those for whom he acts. As a general rule, an owner of property may, in the exercise of his right of ownership, handle it as he thinks best, subject, of course, to the limitations of the law contained in the well-known legal maxim, *Sic utere tuo ut alienum non lædas*—so use your own property as not to injure that of another person. On the other hand, a person acting in a fiduciary capacity is of necessity restricted in the manner in which he can deal with trust property. An owner can make to his tenants what concessions he deems advisable, but a trustee is administering the trust estate for the benefit of beneficiaries who are often wholly dependent upon the income which it produces and whose wishes must as far as possible be given effect to where the revenue to which they are entitled is concerned.

These beneficiaries are often unable to permit much to be spent in improvements, and so long as the earning-power is not permitted to deteriorate they cannot be induced to incur additional expenditure, even though it may eventually bring them a greater return. Quite apart from legal restrictions, concessions to tenants for desirable improvements are thus frequently not possible.

As to the extending of the period for granting leases to enable a lessee to recoup himself for expenditure of the nature already referred to, this also is often not possible, and it is usually inadvisable to burden trust property with leases for a long period. It is conceded that unless some encouragement is offered tenants will do no more than is absolutely necessary, so that in the long-run the trust property may suffer. Each individual case is considered on its merits and the surrounding facts and circumstances carefully scrutinized, so that wherever it is possible and justifiable for any of the foregoing suggestions to be given effect to proper action is taken.

*Town Properties.*—Valuable residential and business properties are also dealt with in large numbers. These present a series of problems more or less peculiar to themselves and largely differing from those affecting rural holdings. In the principal centres the Public Trustee has employed Property Inspectors to assist him in the management of these properties. These Inspectors are qualified to give reliable information as to valuations, letting-values, and the like; to supervise tenancies and repairs, conduct inspections, and generally to see that the properties dealt with are receiving proper attention. The question of repairs receives most careful consideration to ensure that not only is the expenditure kept to a minimum consistent with proper preservation, but that fair value is obtained for the outlay.

*Repairs.*—In order to remove a misunderstanding which is found to exist from time to time it is necessary to refer to one matter in connection with the management of property—namely, that of repairs. It is frequently alleged against the Public Trustee as well as other trustees that insufficient is spent on repairs. As I have already pointed out, a trustee is bound to administer a trust property for the benefit of the beneficiaries to whom he owes his first duty in the management of such property. He should see that the best return possible is obtained from it, and in doing so must necessarily arrange that the outlay in repairs, upkeep, &c., is kept at a minimum consistent with the maintenance of the property. It is true that a number of properties in an unsatisfactory condition pass through the Public Trustee's hands from time to time, but in carrying on a large trust business this is only to be expected. There would be no justification, even in cases where he could do so, for his refusing to act merely because properties were in an unsatisfactory state of repair or poor condition, and, furthermore, if he did not administer, some one else would have to do so. In a large number of cases such as mental patient and convict estates the Public Trustee is bound to act. He can deal with properties only as he finds them and as the circumstances of each particular estate will permit. Tenants and those who make representations on their behalf too often see only the tenants' side of the case and fail to grasp the position in which the Public Trustee, or, indeed, any trustee in like circumstances, finds himself. Often a trustee has under his control properties which if he were the absolute owner thereof he would dispose of or extensively improve or renovate. It is, however, a different case where he is acting in a fiduciary capacity—he must faithfully carry out the trust he has undertaken.