67. As I have already pointed out in this report and on previous occasions, a number of the intestate estates are of small value, and often present complications which render their administration difficult out of proportion to the value involved. To minimize the cost of administration, and to save expense to those to whom frequently every penny is of moment, a useful and necessary power is vested in the Public Trustee to file elections to administer in estates not exceeding £400 in value, in lieu of having to go through the formalities and the consequent expense of obtaining letters of administration. Such an election has all the force and effect of an ordinary grant of administration, and the only expense involved is the small fee of 3s. The same beneficial power now applies to wills estates up to £400 in value, so that in these cases an election to administer with will annexed may be similarly filed, instead of applying for an order to administer *cum testamento annexo* as would otherwise be required.

It is worthy of note that the experience in regard to the disproportionate cost of handling small estates is by no means limited to New Zealand. The Committee of Inquiry which investigated the work of the English Public Trustee's Office in 1919 reported that the administration of these estates "could not be rendered remunerative except by the imposition of fees which would in effect be prohibitive," and suggested that power be given to the Public Trustee to have direct access to the Court without the intervention of counsel and solicitors in cases where the value of the estate was under £1,000. The same problem from time to time exercises the minds of those who consider questions pertaining to the administration of estates in the United States of America. I have noticed recently reference to the prohibitive cost involved in handling in that country estates under £1,000 in value. It is significant to record that by means of a questionnaire directed some years ago to a group of representative American trust concerns it was elicited that, though the acceptance of estates of small size was agreed to as a matter of professional duty, less than 30 per cent. of them desired or sought estates of under £1,000 in value, and that in some instances the smallest amount invited was £10,000. In commenting upon the need for devising some form of administration agency adapted to the smaller estates, and affording the advantages of efficient service to people who stand in most need of such protection, an American critic stated that "in England, New Zealand, and other countries the problem of dealing with small estates has been in a large measure solved by the establishment of Public Trustee Offices under Government tutelage and guarantee."

68. Interesting and intricate points of law arise in connection with the establishment of the next-of-kin of intestate estates. To assist in proving or disproving claims to participate the law takes cognizance of certain presumptions, and in some instances, where these have been found inadequate or liable to create undue difficulty, suitable amending or supplementary legislation has been passed in recent years. For example, this has been the case in regard to the doctrine of *co-morientes—i.e.*, where two or more persons perish together, as in shipwreck or other accident. In effect, the presumption of law was that where two or more persons died as the result of a common calamity the deaths occurred simultaneously, unless there was some evidence to the contrary. Nowadays, with the radical change in the means of locomotion by automobile, aerial transport, &c., there has been an enormous increase in the accidents in which two or more persons lose their lives under such circumstances that it is impossible to determine the order of their survivorship. Obviously, for the purpose of deciding the succession to and the rights of property the question is often one of vital importance, and, unfortunately, it is one that is constantly arising through transport accidents, which feature so largely in civilized countries in modern times. To overcome the difficulty it is provided by section 6 of the Property Law Amendment Act, 1927, that in all cases where, after the passing of that Act, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall (subject to any order of the Court), for all purposes affecting the title to property, be presumed to have occurred in order of seniority, and accordingly the younger shall be deemed to have survived the elder.

69. Reference may also be made to those cases where a beneficiary has not been heard of for a number of years, and it is not known whether he is alive or