

39. Should the funds at the disposal of a Postmaster be insufficient to meet a withdrawal by telegraph at a place where there is no agency of the bank at which the Government account is kept, the Postmaster-General may direct that payment be made by cheque, and shall not be liable for or entertain any claim for exchange charge on such cheque if negotiated at any place, or at any bank other than that upon which it is drawn.

#### ALTERATION IN TITLE OF TRUST ACCOUNT.

40. (1.) Where deposits have been made in the name of one or more persons as trustee or trustees for another person whose name is also entered in the title of the account, upon the application of such last-named person the Postmaster-General may, in case he should think it just or expedient so to do, remove the name of the trustee or names of the trustees, if there be more than one, from the title of the account, and may substitute the name or names of another or others in the place thereof, or may enter the account in the name of the person on whose behalf the deposits were made.

(2.) Where the name of a new trustee or names of new trustees, if there are more than one, is or are substituted, such trustee or trustees or the person on whose behalf the deposits were made, if the account is to remain open in the name of that person solely, shall make the declaration required upon the making of a first deposit.

(3.) In any case provided for by this regulation the receipt of the persons named in the title of the account, as altered in manner provided by this regulation, shall be a good discharge to the Postmaster-General for any sums standing to the credit of the account.

#### PAYMENT OF DEPOSITS OF DECEASED DEPOSITORS.

41. The Postmaster-General may require proof to his satisfaction of the decease of a depositor.

42. (1.) Where the whole amount due to a depositor at the time of his decease does not exceed one hundred pounds (exclusive of interest for the current year), and probate of the will of such depositor, or letters of administration of his estate and effects, is or are not produced within such time as the Postmaster-General thinks reasonable, the Postmaster-General may, without requiring probate of the will or letters of administration of the estate and effects of the deceased depositor, in his discretion pay or distribute the amount so due as aforesaid to or among any of the persons hereinafter described or indicated, that is to say:—

- (a.) Any person who has paid the funeral expenses of the depositor;
- (b.) Creditors of the depositor;
- (c.) The widow or widower of the depositor;
- (d.) The persons entitled to the effects of the depositor according to the statutes of distribution;
- (e.) The person entitled to take out probate or letters of administration;
- (f.) Any person undertaking to maintain the children of the depositor;
- (g.) The Public Trustee.

(2.) In making such payment and distribution as aforesaid, the Postmaster-General shall have regard to the rules of law regulating the distribution of the estate of intestates, but he may, nevertheless, when he considers that injustice, hardship, or inconvenience would result from adherence to such rules, make such payment and distribution otherwise than in accordance with such rules.

(3.) The receipt of any of the persons mentioned in this regulation shall be a good discharge to the Postmaster-General for the sum paid, and any such receipt may be signed by any widow, widower, or next-of-kin above the age of sixteen years, notwithstanding that she or he has not attained the age of twenty-one years.

43. (1.) Subject to the provisions of the succeeding subclause (2), in case any depositor dies leaving any sum of money in the Post-Office Savings-Bank which (exclusive of interest for the current year) exceeds the sum of one hundred pounds, the same shall only be paid to the executor or administrator on the production of the probate of the will or letters of administration to the Chief Postmaster of the postal district, who, after satisfying himself as to their authenticity, will forward either the original document or an attested copy or extract to the Controller of the Post-Office Savings-Bank at Wellington for the decision of the Postmaster-General. But in any case within the terms of this and the last two preceding regulations, the Postmaster-General may require such additional evidence as to death or identity of the deceased depositor or next of kin or otherwise as he shall be advised or require.

(2.) Where the Public Trustee is executor or administrator, or is by law authorized to administer the estate of any deceased depositor under the Public Trust Office Act, 1908, or any amendment thereof, payment of the deposit and interest thereon (if any) may be made to the Public Trustee upon production to the Controller of the Post-Office Savings-Bank of a certificate under the hand of the Public Trustee and sealed with his corporate seal, certifying that he has taken out probate or letters of administration or is authorized to administer, and stating the date when such probate or letters of administration were granted, or when and how he became authorized to administer, and the name, residence, and occupation of the deceased depositor.

44. (1.) Subject to the provisions of these regulations, a depositor of the age of twenty-one years or upwards may nominate any person to receive any sum due to such depositor at his decease: Provided that the depositor in a trust account or a joint account, or the trustee, treasurer, or other officer of a friendly, provident, charitable, or other non-mercantile society, or of a trade-union, may not nominate any person to receive the whole or any portion of the sum at credit of an account open in the name of such society or trade-union, or in the joint names of a trustee or another person or persons at the time of his decease.

(2.) Every such nomination shall be in writing, and shall be signed by the depositor in the presence of a witness, and shall be sent by post or otherwise to the Controller of the Post-Office Savings-Bank during the lifetime of the depositor.

(3.) Every such nomination shall be in the authorized form, which may be obtained from the Chief Postmaster, or in some other form to be approved by the Postmaster-General.

(4.) Every such nomination shall be registered by the Postmaster-General and returned to the depositor.

(5.) (a.) Any such nomination may be revoked by the depositor by writing under his hand, signed in the presence of a witness.

(b.) Any such revocation shall be sent by post or otherwise to the Controller of the Post-Office Savings-Bank during the lifetime of the depositor, and shall be registered by the Postmaster-General in like manner as in the case of a nomination.