

No. 9.

THE ATTORNEY-GENERAL TO THE CHIEF JUSTICE.

Attorney-General's Office,
Wellington, 15th June, 1865.

SIR,—

With reference to the following passage in your Honor's letter of the 19th May last, viz. :—
“The Debtors and Creditors Act assumed to create an Insolvent Estates Fund by a commission of five per cent., but I felt it to be my duty to allow the Official Assignee eight per cent. by the higher scale allowed by the Supreme Court Rules to Official Administrators. Consequently, there never could be any Insolvent Estates Fund.”

The Debtors and Creditors Act directs that a commission of five per cent. shall be paid to the Insolvent Estates Fund to provide for the expenses of working the Act. This appears to me a commission independent of that which would be allowed to a Trustee whose duty it is to collect and realise the Estate, and which would come under the head of “costs, charges, and expenses incurred under order of the Court.” The amount of per centage to be allowed to a Trustee for collecting and realising the Estate would be a matter for the direction of the Court, and it may be, would vary in different cases.

The five per cent. commission for the Insolvent Estates Fund is evidently intended to cover the general expenses of working the Estate through the Court. I venture to draw your Honor's attention to this point in order that the commission payable out of Insolvent Estates, to form a Court Fund may be duly provided and accounted for.

I have, &c.,

His Honor Sir G. A. Arney,
Chief Justice.

HENRY SEWELL.

No. 10.

THE ATTORNEY-GENERAL TO THE CHIEF JUSTICE.

Attorney-General's Office,
Wellington, 15th June, 1865.

SIR,—

I have the honor to acknowledge the receipt of your Honor's letter of the 19th ultimo (received yesterday) in reply to mine of the 8th March last, on the best means of improving the Administration of Intestate Estates. Your Honor has favored me with some practical suggestions corresponding substantially with those made by me in my letter of the above date, and I have to thank you for the consideration you have given to the subject. At the same time the Government cannot refrain from expressing its deep regret that your Honor should have made the consideration of this important question, an occasion for conveying both in direct terms and also indirectly, a variety of imputations of culpable indifference to a neglect of their duties against the present and former Executive Governments in this Colony, and for accusing the General Assembly, of which you are a member, of “folly or wickedness.”

Your Honor's observations in this respect do not appear, so far as the Government is able to collect their meaning, relevant to the point in question. Their tone is extremely offensive, and calculated to be seriously prejudicial to the public service. I shall feel it my duty to address your Honor separately upon some points referred to in your letter, but respect for your high office induces me to abstain from entering further into controversy with your Honor, even for the sake of rebutting groundless imputations.

I have, &c.,

His Honor Sir G. A. Arney,
Chief Justice.

HENRY SEWELL.

No. 11.

THE ATTORNEY-GENERAL TO THE CHIEF JUSTICE.

No. 190.

Attorney-General's Office,
Wellington, 10th July, 1865.

SIR,—

With reference to your Honor's letter of the 19th May last, I have the honor to forward herewith a copy of a letter addressed by me to the Honorable the Colonial Treasurer and of his answer thereto.

I have, &c.,

His Honor Sir G. A. Arney,
Chief Justice.

HENRY SEWELL.