

requested, you simply injure the persons on whose behalf you were trustee, and you will compel me, however reluctantly, to apply to the Court, and take such other steps as I may be advised, to compel obedience to the Court order, that I may do my duty to those interested. Unless I hear satisfactorily on or before the 31st instant, I will immediately thereafter instruct my solicitor to proceed against you." It is true that £167 was paid to Mr. G. D. Hamerton, solicitor, at Patea, who is the brother of the Public Trustee. His bills of costs were not paid until after certificate by the Registrar of the Supreme Court, as is usual in bills of costs from solicitors.

64. Could litigation have been avoided by having had an interview with Byrne or with Mrs. Burke, do you think?—I am very glad you have asked that question. I made a special visit to Patea, announcing to each party, Mrs. Burke, Mr. Byrne, Mr. Ball, the agent at Patea, and the solicitor, Mr. Hamerton, that I should be at Patea on a certain day, and wished to see all of them. I arrived at Patea on the day arranged. Mr. Ball, the solicitor, and the agent were present, and they informed me that the other two declined to meet me. But I will go further. When I found they would not meet me at Patea, I said, "Where are these people to be found?" They did not know. I asked, "Where is their solicitor?" "At Hawera." I took the train to Hawera, waited on the solicitor, Mr. Barton, could not arrive at any satisfactory understanding with him, and gave it up. No effort has been spared to endeavour to get that estate to work properly, and it would have worked properly but for Byrne's persistent opposition.

65. *Mr. Macdonald.*] What is being done with the estate now?—Mrs. Burke has a life-interest in the estate. She is being paid the annual income from it, and she has been paid her legacy under the will. She refused it at first. I sent a cheque for the legacy to her. It was refused. She said she would have nothing to do with me. I made a minute, "Let it be invested in order that some revenue be obtained for the widow." It was invested until eventually the acceptance of it was forced on her through the action of the Bank of New South Wales, to whom an assignment of the legacy had been made on account of advances made to her on the security of the legacy, and who claimed it from me, and I was obliged to pay them. Now, Mr. Chairman, I want to bring before the Commissioners some matters in relation to the Audit Department. And I submit that there is delay forced upon the Public Trust Office by the action of the Audit Department, which delay conduces to unpopularity; and, further, that there has been what I may term without offence an interference with the duties cast upon the Public Trustee by law, which interference, if legal, should be terminated. I maintain, and shall show you, that the Public Trustee is answerable by law for all payments which he makes, for all business intrusted to him, and that in matters of disbursements out of estates the action of the Audit Department has conduced to delay and great inconvenience. In the estate of J. Parminter, Rowe and Fennell complain of delay in payment. Rowe and Fennell were employed in the collection of the book-debts owing to Parminter, who was a carrier at Woodville. The books were in a very bad state—they had not been properly kept—and the commission which I arranged to pay Rowe and Fennell was heavier than usual—I believe about 15 per cent., but I speak without the record before me. This claim was sent to the Audit on the 10th May, 1887. It was queried. Further action was taken. It was sent to the Audit on the 23rd July to settle, more than two months afterwards. It was sent again on the 19th October, 1887. It was sent again on the 24th October, 1887. It passed Audit on the 25th October, 1887, and was paid on the 28th October, 1887, by the Public Trustee. The claim was not reduced one sixpence, and therefore there was no reason why it should not have been paid on the 10th May, 1887, when it was first sent to the Audit. Five months and fifteen days elapsed before it was finally passed by the Audit. I must not be supposed to insinuate that the claim was in the Audit Office all this time—far from it; but that the Audit queries occasioned the delay which took place. The next account that I shall bring before you is under the Rating Act of 1876. Mr. John Macfarlane asks for a refund of the proceeds of sale of certain lands sold at Clyde, Wairoa, in which, I may explain, the Public Trustee acts as banker. The claim was made out for the proceeds—£53 5s.—to which was added interest, 4 per cent., from the 1st July, 1882, to the 30th September, 1887, under the regulations, £12 2s. 3d.: total claim, £65 7s. 3d., from which was deducted the then proper amount of 1½ per cent.: net claim, £64 7s. 8d. This was sent to the Audit on the 31st October, 1887; again on the 1st November, 1887; again on the 11th November, 1887, when it was passed without reduction. There the Commissioners will notice there was an unnecessary delay of eleven days. It might have been paid on the day it was first sent to the Audit. The next is not a case of delay. It is a case of difference of opinion existing between the Controller-General and myself as to my duties. The Controller and Auditor-General maintains that the Public Trust Office is subject not only to audit, but to control; that all moneys are issued not only by the Public Trustee, but by him (the Auditor-General); and that before permitting the issue of any money it is the duty of the Auditor-General to be satisfied that the claim is correct in every particular. He then goes on to say "that in respect of the present claim I think it may be admitted, notwithstanding the contradictory statements. The declarations, it is true, are all but one by interested parties, but that of T. W. Stilburn gives weight to all the others; I have therefore passed the voucher." My reply to the Auditor-General's contention is, that as administrator of an estate I am in law the responsible man for all disbursements, and that I ought not to be subject to interference from any power except the Supreme Court. As long as the Audit Department has the power of delaying payment of claims, it is quite impossible that the Public Trustee can be blamable for any delays which may take place. This is an important matter. It arises out of solicitors' bills of costs. The old practice was, that a solicitor sent in a bill of costs against an estate for services rendered, and if I individually thought there were any overcharges I used to see the solicitor, and say, "I think that you might reduce this by" whatever I thought fair, representing the poverty of the estate or otherwise; the solicitor used to meet me, and reduce his bill of costs without a word. Then the practice obtained by the requirement of the Audit that the