83. But if, as you are aware, creditors know that that Act exists that allows individuals to insure their lives in that form they give credit to persons regardless of any hope of participating under any such provision that a man might make for his family?—No doubt.

84. That is to say, creditors are not taken by surprise?—No. I have one case here of J. Bradford. The balance of unprotected portion of estate for division amongst the creditors for the payment of preferential claims was £13 11s. 3d., which enabled a dividend of 10s. in the pound to be paid. The policy money in the hands of the Public Trustee amounts to £182 9s. 1d. The deceased left no known relatives, and, from information, it seems highly improbable that any claims for this money will ever turn up. This case formed the subject of a Bill which was introduced into Parliament the last session but one, but did not go beyond its first reading. Another case is that of J. A. B. Fisher. The unprotected portion of the estate paid a dividend of 6s. 10d. in the pound. The proceeds of the life policy amounted to £200. There are no relatives known. The consequence is that the creditors get a dividend of 6s. 10d. in the pound, and £200, part of the estate, goes to the Consolidated Fund.

85. Never to be seen, or even heard of, again?—No. Respecting the liability of the Public Trustee for funeral expenses, the law, as I am advised, prohibits the Public Trustee from erecting a tombstone over the grave of any deceased person—that is to say, that it is not a proper charge against the estate. This has given rise to much dissatisfaction from the relatives or friends of persons over whose graves they have asked me to erect tombstones. There is one remarkable case I have before me. A man named John Hensley died near Napier. His brother went up from Canterbury to see to his burial and his effects. He came to my office in Wellington to ask me to put a rough fence around the grave and an inexpensive headstone. I replied that it was not a proper charge against the estate, and I was afraid I should be unable to do it. He said, "In this case it is necessary, because the grave will be disturbed by wild cattle and wild pigs," and he said it would be an enormity to allow such a state of things. I said that under those circumstances I would order it to be done, and report the matter to his father, who was, of course, the heir-at-law, and who was residing at Whitehaven, in England. The amount of £10 was expended in this fence and in an inexpensive headstone. When remitting the residue to the father, after proofs obtained, this was explained to him. His solicitor, or the father, I do not know which, took exception to this item of expenditure, and virtually called upon me for a refund. I pointed out the necessity of the expenditure to the father's solicitor, and declined to make the refund without an order of a Court of competent jurisdiction. I have not since had further communication. The point that I want particularly to bring before the Commission is the state of the law which prevents my erecting headstones over the graves of persons whose estates I am administering, and to suggest that some greater latitude should be allowed to the Public Trustee in these matters. There was another case—that of T. Birch, of Dunedin—which gave very great dissatisfaction to the Dunedin people. He appears to have been a man very much esteemed in his life. There was a small residue after paying all expenses, and the Dunedin people naturally enough asked that this might be expended in or towards the erection of a tombstone, but I could not do it as the law stood.

86. I presume you had at the time quite sufficient money in hand to have spent a moderate amount in doing so?—Yes. I am citing these cases in order to show the Commissioners how the Public Trustee's hands are tied behind his back, and he cannot move, and that the dissatisfaction which has existed, and does exist, is occasioned by the state of the law and not by any act of the Public Trustee, and does not properly belong to the Public Trustee. Now, as regards the transfer of trusts from trustees who from various causes are desirous of relinquishing their trusteeships, that is a class of business which is increasing in the office; but there is one very great drawback to it, and this drawback prevents many trusts from coming into the office which otherwise would come in. I refer to the cost of placing a trust in the office under those circumstances. This, I may remark, is entirely distinct from assuming the executorship of an estate. I refer to that class of estate which has been administered by private trustees for months or years. They for some reason wish to transfer their liability or get rid of it, and apply to have it taken over by the office. Their application goes in due course before the Public Trust Office Board, and in the majority of cases—almost invariably—the trusts are accepted. It then becomes the duty of the retiring trustees to obtain the usual order of Court under the Public Trust Office Act of 1876, section 3. It is the cost of obtaining such an order which militates against a very large expanse of this class of business. I do not wish to be understood for one moment as asserting that the charges made by the profession in these cases are at all too large; not for a moment; but I do say that when I receive a bill of costs amounting to £24 14s. 11d. from a firm which I know well as being a very highly respectable firm, I say that something should be done to render unnecessary such a large cost in the bringing into the office of any trust. The value of the trust in question was about £2,600, and the bill of costs for transferring that trust amounted to £24 14s. 11d. I do not, as I said before, assert that that is one farthing too much, but I do say that steps ought to be taken to render such a state of things unnecessary. Section 3 of the Public Trust Office Act of 1876 reads thus:—

> Any trustee or trustees may place in the Public Trust Office any property vested in such trustee or trustees, or within his or their lawful custody or control. But such property shall only be placed in the Public Trust Office with the consent of the Board, and after it shall have been shown to the satisfaction of a Judge—(1) That such of the *cestuis que* trust as are under no disability and are in New Zealand consent to an order under this Act; (2) That where the *cestuis que* trust are absent from New Zealand, or are under disability, it will be for the advantage of the property to be so placed in the Public Trust Office. The Judge may make such order as he thinks fit in respect of the matters herein provided for, and if he makes an order that the property shall be vested in the Public Trustee, then from and after the date of any such order the property therein mentioned shall vest in the Public Trustee, subject to the trusts attaching thereto.

Well, I would suggest for the consideration of the Commissioners whether they think that the consent or the order of a Judge is absolutely necessary, and whether trustees should not have the power, with the consent of the beneficiaries, to place by letter or by a simple deed the transfer