

Notwithstanding this, the work to me continues much too onerous; and, with such a continuous and never-ending strain, it may perhaps be found that there are sometimes questions of importance which do not receive the close attention which their gravity demands, and which, under the plan about to be proposed, will, I hope, be insured.

The Board of the office is appointed by statute, and its duty consists in (1) controlling the investments of the office, (2) sealing all deeds, (3) approving the admission of all wills and trusts prior to the Public Trustee entering upon their administration. It meets weekly, every Wednesday afternoon, and the average duration of its meetings is, perhaps, an hour and a half.

It not infrequently happens that deeds arrive from remote parts of the colony on the Thursday or Friday, with a request for speedy execution—a request which under present arrangements cannot be complied with, as the officers comprising the Board have manifold and important claims upon their time, and are unable to devote more attention to the business of this office than the weekly meeting compels. Hence the office suffers greatly, and the charge of procrastination and dilatoriness is freely levelled at it.

I am very strongly of opinion that the time has come when, with the exception of the control of investments, every other duty should be relegated to a permanent daily Board, analogous to a directory, consisting of three principal officers to be called Public Trustees, of whom two shall be a quorum, one of whom should be called the Chief Trustee; and their constitution should follow as near as may be that of the Railway Commissioners.

Each of these Trustees should take a co-ordinate part, to be arranged by them, in the management and guidance of the office, including all that is now done by the office Solicitor, and consulting with each other continually on all matters other than ordinary routine.

Under present circumstances, by reason of the existing office statutes, for me to leave Wellington is to virtually paralyse business until my return. Under the proposal now made provision would be possible for the despatch of one of the Trustees when required, to investigate any complicated matter or important estate. Again, to inspect and report upon the securities upon which moneys have been advanced, and trust estates. This aspect of the matter is becoming of the highest importance, and, for the various reasons I have advanced, I would urge upon the Government the paramount necessity of proposing suitable legislation upon the earliest possible occasion, for which purpose I attach hereto a Bill which has been prepared in this behalf, and trust that there may be no delay in its introduction into Parliament.

A radical alteration is also needed in the present system of auditing the books and accounts of the office. The duties of the Audit Department should be confined to checking claims and ascertaining that the estates against which the claims are made are in funds. It should be clearly understood that the Trustees, and not the Audit, are responsible for all payments made out of the funds of the various estates, as it is of the greatest importance that the office should be enabled to liquidate claims with greater promptitude than is possible under present conditions—viz., the inquiry by the Audit before payment. My contention is that, as the Trustees will be liable in law for all moneys they pay out of an estate, the interference of the Audit is both unnecessary and mischievous in so far as it tends to delay payments to creditors.

Another point which I venture to submit is the anomalous position occupied by the Public Trustee as regards his personal liability. The case now occupying the attention of the Supreme Court shows that the Public Trustee was sued both in his public and private capacities. He is the only officer of the Government who is so liable; and this strange state of things follows: that, whilst the country annually benefits by the profits made by the labours of himself and his staff—and rightly so—to the extent of £3,000 or £4,000, in the case of loss by a mistake or error of judgment on his part he could—in law—be made to pay it, and his family be turned into the streets homeless and penniless. I do not for one moment assert that the Government has in the past held me strictly to this liability—quite the reverse; all that I am desirous of pointing out is that as a question of law it might be so, and that it would be proper to amend the law so as to put him on the same footing as other heads of departments, or that his salary be placed at a sum adequate to the measure of his responsibility.

11th July, 1890.

R. C. HAMERTON.

704. *Mr. Macdonald.*] Did you receive any answer to that?—No. This memorandum was placed on it to-day: “Mr. A. Willis, Secretary to Cabinet, said that he found this paper in the Premier’s office, and handed it to the Public Trustee there, but has no recollection of the date on which he did so. He distinctly remembered having seen the paper before.—J. C. SMALL, 14th April, 1891.”

705. *Mr. Loughrey.*] Did you send that to the Premier or to the Colonial Treasurer?—I addressed it to the Premier.

706. Before the discussion in the House?—Yes.

707. *Mr. Macdonald.*] Mr. Hamerton, we will now resume the examination of the Mortgage Register. In mortgage 91/256 we have an advance of £70 on a property-tax valuation of £150?—Yes. The property-tax valuation at the time of the mortgage was £425.

708. And now it is reduced to £150?—Yes. I have been trying to sell the security for months, and have not been successful so far.

709. *Mr. Loughrey.*] How do you account for its depreciation?—All the lands in the Town of Tauranga have undergone a tremendous depreciation.

710. *Mr. Macdonald.*] Then, look at 91/481. Have you noticed the fact that the property-tax value is £10,289, and the advance is £8,000? Has there been a great depreciation of the security?—Of course, I am unable to answer for the property-tax valuation; but this money was lent on a valuation of two valuers. One valuation was £16,280, and the other was £14,177.

711. Did you have your attention called to the property-tax valuation at the time?—Yes; but the property-tax valuation is unreliable, inasmuch as improvements are made, buildings erected,