

2330. Well, would be allowed ; it is the same thing ?—It comes very much under the maxim that the law does not trouble itself about trifles. Of course, the principle is wrong, but there are many principles right in themselves, and which never lead to any wrong in small infractions. For instance, I never for a moment thought of a wrong in what I have mentioned personally. It had never entered my head that it could be considered as a wrong act.

2331. Do you think that a person can be buyer and seller, and yet do justice to the estate with which he has to deal ?—If a man comes into an auction-room, and it is plain he is both buyer and seller, he could not do justice ; but if a man having no direct interest—and the Public Trustee only has an interest in this case—goes to another person and says, “I would like so-and-so,” and that person does not appear, and the bidding is fair and open, I cannot see where the wrong comes in.

2332. You cannot from a professional point of view ?—No, in this class of cases.

2333. Where did you first see that watch and that binocular glass you bought ?—In the Public Trust Office.

2334. Therefore you had the first look at them ? The gentlemen in the office had the first inspection ?—Of necessity.

2335. Well, in your own mind, you appraised the value of the articles ?—No. I did not appraise anything, for the simple reason that I am not conversant with values.

2336. Well, at any rate, you made up your mind what you would give ?—I simply said, “About.”

2337. Then, whom did you tell to buy for you ?—The clerk of the auctioneer.

2338. Is it not likely that the clerk of the auctioneer, seeing that the firm in which he was engaged had been favoured continually with this class of sales from the Public Trust Office, is it not likely that he would be disposed to favour your bid, or the bid of any officer in the Public Trust Office, rather than the bid of an outsider ?—I do not know.

2339. I do not say that he would. I am merely putting the question hypothetically, as a man of the world ?—I do not know. I neither spoke to the auctioneer, nor did the auctioneer, as far as I know, know anything about it.

2340. Is it not probable that you having spoken to the auctioneer's clerk, the clerk would give a hint to the auctioneer that you, an officer in the Public Trust Office, wished to buy at a price ?—I did not ask him to.

2341. I am disposed to think that you would not. I do not suppose it occurred to you. But, looking at it as a man of the world, do you think it unlikely that the auctioneer would not get such a hint ?—I could not give an answer ; that is the honest truth. I may go to an auction-room once in three months, but I know nothing about the things as a rule.

2342. I will put it this way : Do you think it right or proper, either legally or morally, for you or any officer in the service of the Public Trust Office to purchase any article forming part of the assets of any estate which the Public Trust Office has to administer ?—It may be an act of imprudence ; but still, if done in full and open auction by a person not appearing to be in any peculiar position, then I think the highest bidder gets it, according to the ordinary rule of auction-sales.

2343. Then, supposing an estate was of large value, and you, as knowing the law, wish to make sure of your title in the event of your buying the estate, would you not advise that the consent of the Court must first be got before any one connected with the Public Trust Office could be allowed to buy ?—It might depend upon the class of property.

2344. Does not the Court watch most jealously any matters relegated to a trust to administer ?—Yes ; but then the distinction in my mind is this—of course it is no defence in fact—that although you apply the same law to a pin as to a valuable estate, yet, with the application of the law, it is like taking a steam-hammer to crush a nut.

2345. That may be ; but still, would the administrators of the law make any distinction whether the property was the value of a pin or whether it was the value of a potato ?—Not in theory, undoubtedly.

2346. Nor in practice ?—Small matters never do come into practice.

2347. How can you rely upon the just administration of the law if such an opinion ruled ?—In theory, I say, there is no difference.

2348. In practice is there any difference ?—Small matters never do, as a rule, lead to any question.

2349. But these matters, although in your estimation small, are likely to lead to a considerable number of questions. Now, supposing you, as Solicitor in the Public Trust Office, had advised the officers who desired from time to time to become purchasers of certain assets that had taken their fancy to get the consent of a Judge of the Supreme Court here, what do you think the Judge would have said ?—Well, in the first place, I am not aware of any clerk making any purchase. It is quite possible that I have no knowledge. I never was asked any question upon the subject, and I never gave it a thought, because in the only instances I do know as a fact I was not aware of any wrong. No one ever said to me they had done such a thing, or wished to do such a thing, and, therefore, in my own case I never gave it a thought.

2350. Having brought the circumstance under your notice, and knowing the law on the subject, and the peculiar relationship which an estate bears to a trustee, what would you advise in the event of any future case of that kind coming under your notice ? Would you be inclined to repeat the operation so far as you yourself were concerned ?—No ; because now I see. Before, being a very trifling thing in itself, I never thought of the application of the law to the matter.

2351. Do you not see that my view of the case, although only a layman, is a correct one ?—Undoubtedly. I said so before, that in theory your views were correct.

2352. You are not aware that other officers have made purchases under similar circumstances as yourself ?—I am not.